STATE OPENING AND FIRST MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON FRIDAY, 24TH FEBRUARY, 1984

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG, CVO - PRESIDENT.

GOVERNMENT MEMBERS

HON. D. H. FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. T. C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. JOHN B. McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON. TRUMAN M. BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON. JAMES M. BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. J. CARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. D. DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BENSON O. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. W. NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT. MABRY S. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

* Absent in the afternoon.

ORDERS OF THE DAY

FRIDAY, 24th FEBRUARY, 1984

1. PRESENTATION OF PAPERS AND REPORTS OF SELECT AND STANDING COMMITTEES

(a) REPORT OF THE FINANCE COMMITTEE MEETING HELD ON 19th DECEMBER, 1983, by Chairman- The Honourable T. C. JEFFERSON, Financial Secretary

(b) REPORT OF THE BUSINESS COMMITTEE, MEETING HELD ON 15th FEBRUARY, 1984, by Chairman- Capt. Charles L. Fitzgerald

2. QUESTIONS - (SUSPENSION OF STANDING ORDER 24 (7) - TO BE MOVED BY CONSTITUENCY FIRST ORDINARY MEMBER TO ENABLE QUESTIONS TO BE ASKED AFTER 11 A.M.)

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST ORDINARY MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 1- Will the Member state what plans there are for enhancement to work on the roads by Government prisoners?

NO. 2- What is the daily maintenance cost per prisoner sent from these Islands to Jamaica?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 3: Will the Member state:
(a) How many girls are there in the Prospect Garden Girls' Home; and
(b) Have any girls been sent to approved schools in Jamaica since the opening of the Home?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 4: What programme is set to assist youths and others to obtain work, etc. at the end of their time in Probation, Community Homes or prisons?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 5: Will the Member state the amount if any, of fees due to the Government Hospital for the year 1983?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 6: What was the gate index of the ANU Jan?

THE OTHER ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 7: In any amount of travel tax outstanding at the end of January, 1984, and if so what is the figure and by when is this owed

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCIAL AND EXTERNAL AFFAIRS

NO. 8: What was the cost of the three investigations carried out during 1983?

NO. 9: Did any of these reports show that any Civil Servants were corrupt?

3. GOVERNMENT BUSINESS -

BILLS:-

(i) The Public Holidays (Amendment) Bill, 1984 - FIRST & SECOND READINGS
(ii) The Oaths (Amendment) Bill, 1984 - FIRST & SECOND READINGS
(iii) The Companies (Amendment) Bill, 1984 - FIRST & SECOND READINGS
(iv) The Penal Code (Amendment) Bill, 1984 - FIRST & SECOND READINGS
(v) The Partnership (Amendment) Bill, 1984 - FIRST & SECOND READINGS

(i) The Public Holidays (Amendment) Bill, 1984 - COMMITTEE STAGE
(ii) The Oaths (Amendment) Bill, 1984 - COMMITTEE STAGE
(iii) The Companies (Amendment) Bill, 1984 - COMMITTEE STAGE
(iv) The Penal Code (Amendment) Bill, 1984 - COMMITTEE STAGE
(v) The Partnership (Amendment) Bill 1984 - COMMITTEE STAGE

(i) The Public Holidays (Amendment) Bill, 1984 - REPORT STAGE
(ii) The Oaths (Amendment) Bill, 1984 - REPORT STAGE
(iii) The Companies (Amendment) Bill, 1984 - REPORT STAGE
(iv) The Penal Code (Amendment) Bill, 1984 - REPORT STAGE
(v) The Partnership (Amendment) Bill, 1984 - REPORT STAGE

GOVERNMENT MOTIONS: -

GOVERNMENT MOTION NO. 1/84 - ELECTION OF MEMBERS TO THE CINEMATOGRAPHIC AUTHORITY

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER

GOVERNMENT MOTION NO. 2/84 - BROADCASTING OF LEGISLATIVE ASSEMBLY PROCEEDINGS

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER

TABLE OF CONTENTS

	PAGE
Prayers	1
Proclamation No. 2 of 1984	1
His Excellency the Governor's Throne Speech	2
Report of Finance Committee Meeting held on 19th December, 1984 - Laid on the Table	15
Report of Business Committee Meeting held on 15th February, 1984 - Laid on the Table	15
Questions	16
The Public Holidays (Amendment) Bill, 1984 - First and Second Readings	23
The Oaths (Amendment) Bill, 1984 - Withdrawn	26
The Companies (Amendment) Bill, 1984 - First and Second Readings	28
The Penal Code (Amendment) Bill, 1984 - First and Second Readings	32
The Partnership (Amendment) Bill, 1984 - First and Second Readings	35
The Public Holidays (Amendment) Bill, 1984 - Committee Thereon	36
The Companies (Amendment) Bill, 1984 - Committee Thereon	36
The Penal Code (Amendment) Bill, 1984 - Committee Thereon	37
The Partnership Bill, 1984 - Committee Thereon	41
The Public Holidays (Amendment) Bill, 1984 - Report Thereon	41
The Companies (Amendment) Bill, 1984 - Report Thereon	41
The Penal Code (Amendment) Bill, 1984 - Report Thereon	42
The Partnership Bill, 1984 - Report Thereon	42
Government Motion No. 1/1984 - Election of Members to the Cinematographic Authority	42
Government Motion No. 2/1984 - Broadcasting of Legislative Assembly Proceedings	42
Adjournment	43

FRIDAY 24TH FEBRUARY, 1984

10:00 A.M.

H.E. THE GOVERNOR: The Assembly is in session. I will invite the Reverend Edgar Ogston to say prayers.

REV. EDGAR OGSTON: Let us pray.

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

Bless our Sovereign Lady, Queen Elizabeth, the Queen's Mother, Philip, Duke of Edinburgh, Charles, Prince of Wales, Diana, Princess of Wales, and all the Royal Family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established amongst us.

Especially we pray for the Governor of our Islands, the Members of Executive Council and Members of the Legislative Assembly, that they may be enabled faithfully to perform the responsible duties of their high office, and all this we ask for Thy great name's sake.

The Lord's prayer:-

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

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

H.E. THE GOVERNOR: Please be seated.

CLERK:

PROCLAMATION NO. 2 OF 1984
BY HIS EXCELLENCY GEORGE PETER LLOYD, COMPANION OF THE MOST DISTINGUISHED ORDER OF ST MICHAEL AND ST GEORGE, COMMANDER OF THE VICTORIAN ORDER, GOVERNOR OF THE CAYMAN ISLANDS.

WHEREAS, by subsection (1) of Section 4C of Schedule 2 of the Cayman Islands (Constitution) Order, 1972, it is provided that the sessions of the Legislative Assembly shall be held at such time and place as the Governor may from time to time by Proclamation appoint:

NOW THEREFORE, under and by virtue of the powers vested in me by the aforesaid Order, I, GEORGE PETER LLOYD, Companion of the Most Distinguished Order of St Michael and St George, Commander of the Victorian Order, Governor of the Cayman Islands, DO HEREBY PROCLAIM AND MAKE KNOWN THAT A SESSION OF THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS shall be held at the Legislative Assembly Building in George Town, Island of Grand Cayman, at 10:00 a.m. on Friday the 24th February, One Thousand Nine Hundred and Eighty-four.

Given under my hand and the Public Seal of the Cayman Islands at George Town on the Island of Grand Cayman this Seventeenth day of January in the year of Our Lord One Thousand Nine Hundred and Eighty-Four in the Thirty-Third year of the Reign of Her Majesty Queen Elizabeth II.

GOD SAVE THE QUEEN.

HIS EXCELLENCY THE GOVERNOR:

HONOURABLE MEMBERS OF THE LEGISLATIVE ASSEMBLY.

The Throne Speech always marks the opening of a new Session. The 1983 Session was, of course, opened by Her Majesty The Queen in person, just over a year ago. We shall all remember that occasion, which gave such general joy. Today we revert to our more usual practice - and so I shall be reviewing at rather greater length some of the events of the past twelve months and looking forward to plans for 1984.

Internal and External Affairs

Prisons

A Caymanian was appointed Director of Prisons in January, 1983 and all seconded staff had returned to the United Kingdom by the end of April.

Phase II of the Prison - an accommodation block - was opened in March. Part of this block is being temporarily used for female prisoners.

A multipurpose building, which includes medical facilities, two classrooms and a workshop, was opened in July. Most of the construction work was done by prisoners, under CWD supervision.

The prisoners' work programme was further expanded to include clearing litter from road verges in certain areas, though there were constraints on the number of prisoners doing such work.

The prison population rose significantly during the year despite the transfer of twenty-five prisoners to Jamaica.

Funds have been provided in 1984 to start building Phase III, accommodation and a compound for female prisoners.

Immigration

Arrival and departure records were computerised during 1983. Despite teething problems, significant benefits have already resulted. Plans are now being made to extend the system to cover data on gainful occupation licences, company licences and business licences.

The need for foreign labour continues to be a fact of life in this land of general over-employment and opportunity. It is nevertheless unfortunate that many visitors overstay and obtain work unlawfully. Neither legislation nor enforcement action can solve this problem without cooperation from businesses and employers. Indeed, there has to be a commitment by the general population to safeguard the future of their own country.

Broadcasting

Over the past year, the station's revenue has covered its recurrent and capital expenditure. It should continue to cover operating expenses.

Training for staff personnel has been an on-going process with the assistance from UNESCO. Plans for 1984 are to have 2 officers attend overseas courses in broadcast journalism, with others going on overseas attachments to radio stations in the Caribbean and the United States.

Plans have been made to upgrade the FM broadcast system to give more adequate coverage to the Islands.

District Administration

Progress in Cayman Brac and Little Cayman during 1983 was high-lighted by two significant steps forward. The first was the official opening of the new Government Administration building in Cayman Brac on 1st March. The second was the inauguration of Cayman Airways Boeing 727 jet aircraft into Gerrard Smith Airport on Cayman Brac on 16th December.

In the private sector the largest project during 1983 has been the start of another hotel for Cayman Brac. Scheduled for opening in mid-1984, the third hotel is expected to add an additional 40 rooms to the 65 rooms now available in the two existing hotels.

It is hoped that tourism will increase in the Sister Islands as a result of improved air services.

Police

A major development has been in the opening of the Licensing Department with the Vehicle Inspection Centre attached and a completely revised system of inspection and registration, which has stream-lined the organisation to cut down on delays.

The new fleet of cars for the Traffic Department has proved invaluable in enforcing traffic laws particularly in relation to drink and driving, and speeding offences.

The Marine Section has proved most successful with enforcement patrols and with sea rescues, some ranging many miles from the Cayman Islands.

The Force has continued its fight against drug trafficking and record seizures have been made with sea-going vessels forfeited to the Crown. We have been considerably assisted by the United States Drug Enforcement Agency with whom we have a most professional relation and the United States Customs Service which has been active in training both Police and Customs Officers in the training centre at the Central Police Station. The United States Federal Bureau of Investigation continues to liaise most effectively with enquiries we may have in the United States.

The training of Police Officers has been a priority and will continue to be so, with the local Police Training Department supplementing specialist courses overseas.

The Civilian Special Constabulary with numbers equalling the regular Police have proved a most valuable asset to the community with services ranging from crime patrols to a variety of duties at national events. Their enthusiasm and efficiency were amply shown during the Royal Visit of 1983 when they worked alongside the regular Police, ensuring a most successful and happy occasion.

In recognising the many roles played by the Police in the Cayman Islands, the Government has given them every possible support to provide firm stability based on good law and order.

Finance

The year 1983 began with a balanced budget of $62.6 million, an estimated surplus of $23,236, a General Reserve balance of $11.03 million, a surplus account negative balance of $883,000 and a Public Debt of $8.5 million.

Preliminary unaudited revenue figures for the year show loan receipts of $1.2 million and ordinary revenue collected of $47.9 million against the revised ordinary revenue estimate of $48.7 million. They also show recurrent expenditure at $37.7 million against a revised estimate of $39.4 million and total (including capital) expenditure at 47.1 million against a revised estimated expenditure figure of

50.0 million, despite the additional unbudgeted expenditure of $1.25 million to purchase the Cayman Turtle Farm.

This result was achieved by prudent spending and the tenacious control of expenditure by the Finance and Development department. Based on preliminary figures the surplus for 1983 was, therefore, $2.0 million. After taking into account the 1982 deficit of $880,000 the surplus account balance at the end of the year should be about $1.1 million.

Although a drawdown on the General Reserve account was necessary during the year, the balance at the end of it was $10.15 million giving an overall surplus and General Reserve total of $11.25 million. The Public Debt balance was $9.5 million.

As indicated by the Financial Secretary in his Budget Speech in November last the Training Officer for the Customs department arrived last month and the first group of Officers completed their course on 17th February 1984 under the guidance of Mr. D.J. Whitty, a retired UK Training Officer recruited through the British Executive Services Overseas. The training will end in April, 1984.

Agriculture, Lands and Natural Resources

The Agriculture, Lands and Natural Resources Portfolio and departments are responsible for the physical development of our natural resources. Economic growth has led to greater demands for their services.

The popularity of the Cayman Islands as a diving resort is based on underwater gardens which have been rated as some of the best in the world. Their preservation is of paramount importance. During 1983, the Portfolio concentrated on finalising preparations for a marine parks system which meets the requirements of the Marine Conservation Board. It is anticipated that in 1984, marine parks will be established around Grand Cayman and possibly the Sister Islands.

The Turtle Farm was purchased by the Government during 1983, to ensure its continuity. The owners at that time intended closing down operations which would have resulted in the loss of employment, of one of our more popular tourist attractions and of a unique research centre for studying the sea turtle. Talks are continuing in Washington with the Department of the Interior in an ongoing effort to have US domestic legislation relaxed in respect of farmed turtle products from Cayman Turtle Farm to allow the farm to trade with the US again. Government is preparing a proposal for the UK CITES Management Authority to present to the CITES Technical Committee in Brussels.

Department of Agriculture

The Cayman Islands Department of Agriculture continues to be very active in improving and increasing local food production. The production of certain vegetables like tomatoes is highly encouraging.

Government continues its commitment to farmers by providing duty-free equipment and other materials for agricultural purposes. Negotiations were carried out with a local heavy equipment company for preparation of land for agricultural use at marginal expense to the farmers. In addition, two other private enterprises have made similar offers of assistance.

Experimental projects to study various tropical fruit trees, types of propagation and varieties of crops and vegetables are being carried out at the Government Demonstration Farm

at Lower Valley. The Smith Road nursery is being converted to a banana plantation. Techniques used there will eventually be passed on to local farmers, along with planting materials.

Self-sufficiency in local meat production is our new target. Encouraging progress was made. The 52 Aberdeen Angus cattle imported into the Islands from Baldwin Angus Ranch in Florida were distributed throughout the Islands to various cattle owners. These cattle have satisfactorily adapted to island conditions with only 8 percent mortality. The Department has an artificial insemination programme in operation. Beef cattle are on the increase with a number of larger cattle owners establishing herd health and breeding programmes.

In East End, an agricultural road has been opened to service interior farmlands.

In Cayman Brac, the agricultural office was renovated and will be adequately equipped to meet present demands in Cayman Brac and Little Cayman. In 1984, services offered by the Department will be improved by the purchase of a truck for transporting spraying equipment and agricultural supplies.

The Agricultural and Industrial Development Board

The Agricultural and Industrial Development Board continued a positive growth during the year 1983. As was hoped, loans were extended to areas such as industry, tourism, farming and agro-industry.

Mosquito Research and Control Unit

1983 was characterised in Grand Cayman by no fewer than 19 broods of the black salt marsh mosquito, Aedes taeniorhynchus; however, the small size of many of these emergences represented a decreased mosquito problem from the previous year's 13 broods. Owing to irregular tide and rainfall patterns a higher proportion than usual of control operations have had to be carried out in the winter months.

Satisfactory control levels were achieved by 237 aircraft sprays, and 250 vehicle fogging nights covering 6,935 miles. Insecticides used were Naled (Dibrom) and Permethrin.

Redigging of silted mosquito control canals in the West Bay Peninsula has continued with the reconstruction of 48,507 feet of wider canal.

New canalisation in the Lower Valley region has caused whilst possible effects on fresh water resources are investigated. All physical control operations were halted during January and February whilst construction of a seaward canal from Batabano was undertaken.

In the Sister Islands control was achieved by 113 fogging nights in Cayman Brac (3,019 miles) and 153 fogging nights in Little Cayman (1,791 miles).

The Natural Resources Laboratory continued its involvement with oil pollution control, representing Government at two international meetings and undertaking clean-up of small crude oil spill impacting South Sound. Scientists from Canada and USA utilised NR facilities in studies on limestone geology, freshwater turtles and sponges parasitic on coral.

Planning Department

The development of the Cayman Islands, in both the private and Government sectors, continued strongly during 1983. The value of fully approved development for 1983 totalled $81,002,777, an increase of 14.09 percent over the 1982 figure of $70,996,533. A total of

770 applications were determined by the Central Planning Authority during 1983, compared with 596 for 1982, an increase of 30.5 percent.

A comprehensive review of the Development and Planning Regulations 1977 has also been completed, and proposed revisions will be considered during 1984.

Land Registry

There was a drop in the number of instruments presented for registration from 6492 in 1982 to 5518 in 1983. The biggest drop was in transfers of property, the figure for 1983 being only 781 against 1323 in 1982. In spite of this, the value of land transferred in 1983 increased to CI$59.8 million against CI$56.5 million. There was more borrowing in 1983, the debt secured on charges (mortgages) being CI$60.7 million against CI$46.6 million in 1982. The stamp duty collected, which largely depends on the Transfers and Charges, showed a corresponding increase, and rose to CI$5.8 million.

Health, Education and Social Services

Health

The Health Services Department maintained an emphasis on primary care and prevention in 1983. The treatment of patients in their own homes is much more economical than hospital treatment and most people are happier in the company of their family. This form of practice will therefore be pursued in 1984. A start was made earlier this year with the periodical visiting of geriatric patients in the community and this will be extended and a paper is being prepared on the provisions for those who might be cared for at home, those at the Pines and those in George Town Hospital.

There will also be modest expansion of the mental health service in 1984 coordinated with the Education Department and Social Services. There will be three psychiatrists, one resident on Grand Cayman, providing part-time services. The service will concentrate in particular on the needs of children and on the treatment of drug and alcohol abuse. Workshops will be arranged in connection with the latter and a special clinic is opening shortly. A part-time psychiatric social worker has been engaged this year to work with the full-time medical social worker.

Standards in the acute sector will be maintained and where possible extended. Where overseas treatment is sought the principle is to deal with hospitals with which a material discount has been negotiated. By extension of specialists' visits to the Cayman Islands the standard of service is increased, references are reduced and economy promoted. Nevertheless much modern medical technology is still available only overseas; its cost increases inexorably and the patient population who could benefit from the treatment also increases. At George Town Hospital, ultra-sound equipment has recently been installed and training in its use commenced. Expansion of the laboratory and X-ray facilities at Faith Hospital will be completed this year. The new laundry has been completed and work on a new kitchen and meeting room has begun. Renovations of the Dental Clinic and the District Clinics will commence shortly.

The technology of medicine continues to expand. It is essential for doctors, nurses and para-medical workers of all disciplines to be kept up to date if standards are to be maintained and improved. As in 1983, effort will be put into training staff in new procedures and equipment. The opportunities for training extended by PAHO, CARICOM and CAREC are greatly appreciated. The technique of bringing training teams to the Cayman Islands rather than sending individuals overseas will be further explored. Every encouragement will be given to Caymanians to

take advantage of training opportunities: they are invariably given priority over staff from overseas for places on courses.

The screening programme mounted in 1983 for hypertension and diabetes and - in association with the Cayman Islands Medical and Dental Society - for colon cancer proved rewarding. In association with the same Society a screening programme for breast cancer will be conducted in May and later in the year there will probably be a second colon cancer programme.

Family Health counselling will be continued and investigations into genetically-determined diseases promoted. There will be visits by specialists from overseas in that connection and genetic diseases associated with disorders of the eye will be a particular object of study.

In the environmental health field there were general improvements in solid waste management during 1983 and the water quality monitoring programme was intensified in association with the newly-formed Water Authority. Special efforts were made to upgrade food sanitation and hygene practices in restaurants and bars. Rodent control operations also grew. Plans for the construction of a central abbatoir facility are in the design stage with works scheduled to begin this year. Attention will be given to building development control. The sanitarian staff will continue improving refuse collection and disposal practices, and further efforts will also be made to control littering.

In occupational health, certain high risk occupations will be examined.

In developing its policies the Health Services Department balances costs against the likely benefits on health or health care. Priorities are then established. Given the resources available the aim is to have as healthy a population as possible in these Islands.

Education

The major occurence in the field of education was the replacement of the 1968 Law by a new Education Law.

The revision of teachers salaries based on the UK Burnham model, will provide greater opportunities and incentives for teachers to progress within the system.

An entirely new system of registration was instituted to help determine statistical data and process new students.

The Cayman Islands Teachers' Centre was reopened in January 1983. The main aim of the Centre is to provide in-service education for serving teachers and to promote professional growth at all levels.

The Primary System

1,146 students were enrolled in the nine primary schools and the Lighthouse School for Special Education in September 1983. The total staff in primary schools was 54, including some teachers aides.

The Lighthouse School restructured its programmes to accommodate 35 students. This includes a vocational programme for older students. In addition, services in speech and language are offered to the public through weekly clinics.

A training programme for school leavers was instituted which will hopefully result in six students entering teacher training in September.

A major physical expansion programme was completed in nearly all Government schools. Where new construction was not done, extensive renovation and upgrading of facilities were carried out.

The Middle and Secondary System

The Cayman Islands Middle School with 510 students and 46 staff is finding it difficult to cope with the increasing numbers of children who wish to enroll. The school was originally designed for 750 pupils and a limit has to be set in order to preserve the quality of education.

The new block which includes workshop and art rooms will ease pressure on the existing plant.

The Cayman Islands High School with 870 students and 62 staff has improved upon its examination results. Seventeen students were graded as "Honour Students" (obtaining seven or more good 'O" Level passes) and students sat 671 CSE papers.

The Isley Conolly Hall was completed by the addition of a new floor; the school compound was black topped; and the fencing of the whole compound, and a further phase of the covered walkways, were completed. The building of the new agricultural complex will do much to establish the importance of agriculture in the curriculum.

The Development Plan submitted in 1982 by the Principal of the Cayman Brac High School has resulted in real progress, with an improved academic climate and the expansion of the physical plant. The number of students presented for examinations has increased and the steady but sure improvement in the results demonstrates that the students are responding well to the care bestowed on them.

The Community College

The Community College continues to grow with 633 adults registering for classes in September. Over 100 others were turned away because the demand for some courses far exceeded the facilities offered.

When the College opened, it offered three classes. This year forty courses are being offered including "A" Level Law which is being run for the first time.

In November, Dr. Hallett, President of the Bermuda College was invited by Government to make a feasibility report on extending the College to include technical and vocational courses under the umbrella of a college of further education.

Projections for 1984

Secondary and Middle Levels

The computer department at Cayman Islands High School will shortly begin a series of lectures and workshops on the use of computers in education which is geared specifically for teachers. The Middle School intends to introduce computers in a limited setting to their older students.

At the Brac High School there is to be a major thrust in Science with particular emphasis on physics and chemistry.

Plans are in hand for the establishment of a structured programme for personal and social development to be carried out across the total spectrum of academic ability.

Initial plans have been drawn up for a large auditorium at Cayman Islands Middle School.

Tertiary Education

With Dr. Hallett's report to hand, and the continued development of the Community College, Government is considering the establishment of a tertiary education college.

Primary Level

A programme to identify academically gifted students and to provide them with extension courses has started and will shortly go into effect. Classes will be held at the Lighthouse School after the normal school day.

The Social Studies curriculum currently being developed is due to be completed in the Spring. Research in this area has led to a Social Studies textbook for Cayman primary schools which is being written by teachers and is to be published by Mac Millan in the Summer.

Schools will be working on a standard discipline manual, on an individual prospectus for each school and continuing work already begun on school self evaluation.

There will be a continuation of the policy to improve the physical plant in primary schools, and to create principals offices, staff rooms, sick bays, libraries, and art and craft rooms in each school. The major building emphasis is to be placed on the John A. Cumber Primary School in West Bay and the West End Primary School in Cayman Brac.

General

A 3 unit course on children with learning and emotional disabilities is to begin in May under the auspices of the University of Miami.

Negotiations continue for the introduction of a two-year in-service B.Ed. to be offered by a UK institution.

A full-time School Liaison Officer will soon be employed to carry out attendance orders on all schools under the new Education Law.

Social Services Department

In 1983 the Social Services Department took a major stride forward with the establishment of the Post of Director of Social Services. Close cooperation between it and the various service clubs and voluntary organisations will continue.

Probation and Welfare services have again grown, with Poor Relief Assistance increasing 38% over 1982. Child Care Assistance is maintaining a steady position and a decrease of 8% in juvenile coming before the Court was registered. This decrease reflects the increased amount of preventative work being done by officers on an informal basis.

An officer responsible for Pre-school Supervision was appointed, and plans are now afoot to review pre-school services offered within the Islands, determining what further assistance may be needed.

The National Council of Social Services' major project was the completion of "The Pines" Retirement Home which was officially opened by Her Majesty The Queen. Several worthy donations have been made both to the Pines by benevolent citizens and to the hospital by the NCSS Pink Ladies Volunteer Corps.

The Frances Bodden Girls Home, a project of the Rotary Club of Grand Cayman was completed and officially handed over to Government at year end. Five girls were in residence. With a capacity for fifteen girls Frances Bodden Girls Home is a caring home for girls ages six through sixteen who are placed there by the Juvenile Court. The home is managed similarly to the boys home - Bonaventure House.

Bonaventure House for Boys had a record high number of boys placed back into their natural homes during the year. A place of safety adjoining the home is being constructed and should be ready in early February 1984.

The arrival of a new Librarian, and the acquisition of a modern reader-printer for cataloguing, were among the year's highlights at the Public Library. Registered borrowers totalled 2,873, an increase of 132 over the previous year. The Library now serves more than 400 people in an average week and its annual budget has been increased 95% over 1982 to $30,170.

Sports

Government has continued to take a keen interest in the further development of recreational activities for these Islands.

The major undertaking, a joint venture between Government and the Cayman Islands Football Association, has resulted in a first class field in George Town. Similar ventures will soon be initiated in West Bay and East End. Hardcourts have been established in North Side and Bodden Town, a double court at the Middle School, a new court at George Town Primary, a single court at West Bay with room for expansion at a future date.

Technical assistance for the Sports Complex is forthcoming as a result of negotiations with Dade County, under the Twin Cities Programme.

The Lions Club have received approval to proceed with the construction of their Half-Olympic size swimming pool, to be situated at the eastern side of the Middle School.

Complementing these activities have been the consistent sporting events sponsored by local clubs and businesses.

Low Income Housing

During the latter half of 1983, ongoing discussions were held with a view to define more clearly the problem of housing for poor families. To this end the Department has put forward plans for work to be done in the Watler Road area as a pilot project. Renovations will be carried out to existing structures where possible, and where necessary adequate housing provided on Crown land as near as possible to the present houses.

Tourism, Aviation and Trade

Tourism

The tourist industry here has weathered a difficult year in 1983. Although final figures are still incomplete, it appears arrivals by air increased by 10% and cruise ship passengers by 11.9%.

The outlook for 1984 is good but the strength of the US Dollar has made Europe, Mexico and other Caribbean destinations an attractive buy. Our price structure must be carefully watched if we are to continue our success in a highly competitive market. Our biggest selling point is still the continued stability of these Islands and our reputation in the travel market place as a safe and friendly place to visit. We must carefully protect and nurture this justifiable reputation.

The overseas offices of the Department of Tourism continue a very active promotional programme with great emphasis on consumer advertising and promotion. Earnings to our economy from tourism during 1983 reached between 65-75 million US dollars, again an all time record.

Civil Aviation

In January 1983, the Civil Aviation Department became responsible for all aviation matters in Cayman Brac. The entire administrative section of the Department moved to new offices. The area of responsibility of Air Traffic Control has been greatly increased and now stretches from 20 nautical miles east of Cayman Brac to 40 nautical miles west of Grand Cayman at a total width of some 80 nautical miles. The vertical distance is from the surface to 19,000 feet.

In 1983 a total of 347,714 passengers travelled through Owen Roberts Airport and 32,241 passengers travelled through Gerrand Smith Airport in Cayman Brac.

By far the most significant move during 1983 was the commencement of the construction of a new Grand Cayman Terminal Building, Parking Apron, taxiways, roads and car parks. This should be completed late 1984.

Fire Service

The year 1983 saw a 54% reduction in the number of Fire Calls received and attended by the Department, a trend we hope will continue. An Airport Fire Fighting and Rescue Unit was established in Little Cayman and the Staff at Cayman Brac Airport were given an intensive three weeks Fire Fighting and Rescue Course.

In 1984 a new Fire Station at Frank Sound will be completed which will provide a much improved Fire and Rescue Service for the residents of the outlying districts as well as Hotels and Condominiums in that area.

Water supply for Fire Fighting has been a major concern for many years and efforts are being made this year to drill special Fire Wells at various locations on the Island. If they prove successful, it will be an important step forward in our fight against fire.

Vocational and Technical Training Schools

The Hotel School, Marine Training School and Building and Trade School offered a great variety of courses during 1983. In 1984 a wide range of courses will again be available. We encourage young Caymanians to take advantage of the training offered. Successful completion of some courses could mean further training overseas at no extra cost to the student.

Labour Office

Numerous complaints and disputes have been handled by the Labour Officer in consultation with the Portfolio and most of them have been resolved informally. A Youth Opportunity Programme was set up after a meeting called by the Caymanian Protection Board, to discuss the question of jobs for school leavers. The Labour Office and Chamber of Commerce invited school leavers to register with the Business Enterprises also registering their job vacancies. As a result, all school leavers who registered have been placed in jobs by the Labour Office. It is hoped that in 1984 this programme can be repeated.

It is hoped that Labour legislation will be introduced to this honourable House in the June Sitting.

Cayman Airways Limited

In 1983, Cayman Airways continued to provide a high level of air services between the Cayman Islands and Houston, Miami and Kingston, and inaugurated jet service between Cayman Brac and Miami. This will provide a solid foundation on which a viable tourism industry can be built in Cayman Brac and Little Cayman. The National Airline also inaugurated a service to the Turks and Caicos Islands from Miami and Kingston.

Additionally, a charter programme was initiated between Grand Cayman and New York on a weekly basis.

The Airline continues to experience cash-flow problems caused primarily by the limited route structure that is available to it under the terms of the UK/US Air Service Agreement. Nevertheless, negotiations are presently underway to develop a strong charter programme during 1984 from key cities in the USA to the Cayman Islands. These charters will give the Airline more utilisation on the B727s and will undoubtedly improve the cash position.

Housing

In August 1983 a General Manager was appointed to the Housing Development Corporation. Since that time negotiations have been held with the financial community in efforts to raise funds for low cost housing. These negotiations are on-going and Government is hopeful that they will be satisfactorily concluded in the very near future. Caymanians will benefit from these results in the form of low interest mortgage being available.

Communications and Works

Public Works Department

The Chief Engineer retired in 1983, and was succeeded by a Caymanian.

The exemplary performance of the Department made possible the official opening of the new road linking North Side and East End by Her Majesty The Queen during Her visit in February 1983.

A Capital Works Programme costing 4.28 million dollars was carried out in 1983. The principal projects undertaken are mentioned elsewhere in this speech.

Projected Projects for 1984 are:

Roads

Three-quarter mile hot-mix paving in North Side, East End and North Sound Road.

New construction on Smith Road, Barkers Road, Rush Pond Road and John McLean Drive.

Construction of sidewalks on Milkers Road and West Bay Road.

Signalisation and upgrading of intersections at both ends of Eastern Avenue.

Airports

Continuation of Owen Roberts and Gerrad Smith Airports improvement projects.

Other

Construction of the East End Civic Centre will commence during the first half of 1984.

Postal Department

The General Post Office at George Town was air-conditioned at a cost of approximately $40,000. This contributed greatly to present general satisfaction of staff. Minor amendments were made to the Postal Regulations including a change in postal rates. An Architects

Brief was prepared by the British Postal Consultancy Service for the construction of a New Post Office.

One local officer was trained in Philatelic Management by the Crown Agents in London.

Staff changes will be made in 1984 when the present Postmaster-General completes his contract and is succeeded by a Caymanian.

Water Authority

In May 1983, the Water Authority was established under the Chairmanship of the Honourable Member, Communications and Works.

The Lower Valley Wellfield and Reservoir was officially opened in November 1983 and is present utilised by all the local water trucking companies. Up to 90,000 gallons have been bought in one day, at a cost of $5.50 per thousand gallons.

A development plan for island-wide water and sewerage has been prepared and approval was granted for the sewering of West Bay Beach and a sewerage treatment works.

A comprehensive water testing laboratory was completed and water testing surveys were carried out in George Town and Cayman Brac.

Work will continue on the project during 1984.

Port Authority

There was a slight increase in ships arrivals in 1983 compared to the previous year. Imports also increased with the largest percentage of goods being imported from the United States.

Revenue generated from port activities enabled the Authority to meet its financial obligations with an approximate surplus of $196,000. There was a forty-two percent short-fall in the estimated earnings for 1983 at the Cayman Brac port but additional expenditure was subsidised by earnings of equipment owned by the Port Authority, Grand Cayman.

Approval was granted in 1983 for the construction of a building to temporarily house the Port Authority and Customs Department while the Port Authority/Customs Building, which is projected for 1984, is under construction. The building for which approval has been granted will be converted for facilities for dock workers when the Port Authority/Customs Building is completed.

Legal

The Attorney General's Chambers continued in 1983 to advise and assist Government and all its departments and agencies on legal matters, and appeared on behalf of the Crown in civil and criminal proceedings. The volume of work dealt with by the Attorney General's Chambers increased dramatically due principally to two factors: the numerous drug-related prosecutions and other matters involving the Confidential Relationships (Preservation) Law.

Some forty laws drafted by Chambers were enacted by the Legislative Assembly. Of these, the more important were The Elections Law, The Education Law, The Partnership Law and The Succession (Amendment) Law. In addition a considerable number of items and subsidiary legislation prepared by the department became law during the year.

The Government will introduce a Bill providing for Elected Members of the Assembly to receive pensions. This will be based on comparable legislation elsewhere.

Our present Clerk is due to retire within a few weeks. This is the last meeting at which she will officiate. So, before concluding, I should like to pay tribute to a record of service remarkable both for duration and for devotion.

Few, if any, Clerks can have been responsible for advising Commonwealth Legislatures for longer than she has advised ours. Her knowledge of Parliamentarians, and her experience of parliamentary affairs, have been invaluable. I am confident that I shall be reflecting the feelings of all Members when I express sincere gratitude for so much thoughtful past help - and offer warm good wishes for a happy future in retirement.

May I also offer greetings to the Clerk-designate, whom we all welcome here. And may I add a welcome to the Rev. Edgar Ogston, the new Minister at Elmelia Memorial Church, who opened our Session with prayers.

In this speech I have concentrated on the performance and plans of Government portfolios and departments. That is inevitable. It is proper, too, given the responsibilities of this Legislature. May I, nevertheless, pay tribute to the valuable contribution made by the private sector: by the international business community, on whom our economy so depends; by all who provide services of various kinds to our visitors; by the Churches, who play such an important part in local life; by the many voluntary organisations which sponsor cultural activities, promote sport or help those in need; by the Service Clubs, whose imaginative projects are everywhere in evidence. The list could be almost endless. And we are indeed fortunate that so many citizens do so much for the community.

May I, finally, thank you, the Members of this House, for all your patient guidance throughout the past year - and look forward to your continuing help in the months to come, during a time when we shall be preoccupied with preparations for the general election due in November.

I pray that Almighty God may bless and guide us throughout the present Session.

MR. CRADDOCK EBANKS: Your Excellency, I would like to move the following resolution:-

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

BE IT FURTHER RESOLVED THAT DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY BE DEFERRED UNTIL TUESDAY THE 28TH OF FEBRUARY, 1984.

SECONDED BY: CAPT. CHARLES L. KIRKCONNELL.

H.E. THE GOVERNOR: The question is that the debate on the Throne Speech be deferred until Tuesday the 28th of February, 1984. Unless any Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: We will commence business. Reports.

REPORT OF FINANCE COMMITTEE MEETING HELD ON 19TH DECEMBER, 1984 - LAID ON THE TABLE

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Finance Committee Report for a meeting held on the 19th of December, 1983.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, the total supplementary expenditure approved on the 19th of December was $622,576.00, and a break down of that sum is a follows:-

1. Internal and External Affairs Head 2 Sub-head 7 - Royal Visit, a sum of $151,000 was approved to pay expenditures during 1983 to deal with Royal Visit.

2. Legislative Department Head 5 Sub-head 2 - A sum of $7,000.00 was approved to cover the substantial amount of Meetings held during 1983. The $7,000.00 covers subsistence and travelling.

3. Legislative Department again, Mr. President, under Head 5 a sum of $2,000.00 was approved to cover office expenses for the Fourth Meeting of the House.

4. Sub-head 8 - still on Legislative Department, Mr. President, $4,000. to cover the printing on copies of the Laws.

5. Judicial Department - A sum of $2,000.00 was approved to cover office cleaning expenses for the year.

6. Under Personal Health, Head 16 Sub-head 1 Personal Emoluments, a sum of $325,000.00 was approved to cover Personal Emoluments. The majority of this sum, Mr. President, dealt with the clean-up campaign in preparation for Her Majesty's Visit in February of 1983.

7. Communications and Works Head 40 sub-head 1 - A sum of $12,000.00 was approved to provide additional furniture and equipment for Government Staff Houses.

8. Prisons - Head 6 Sub-head 7 - $7,800.00 was approved to cover the cost of surveying the Prison property. This work was done by Lands and Survey.

Approval was also given, Mr. President, for the charging off advances for Sir Geoffrey Briggs' visit; the inspection team, Brownlee and others; and Superintendent Gibson, and also a sum of $10,390.00 to deal with expenses incurred while dealing with the cocaine case during July of 1983.

That is the end of my Report, Mr. President.

MR. PRESIDENT: In accordance with the provisions of Standing Order 67(4) the House is deemed to have agreed to the motion. Report of the Business Committee.

REPORT OF THE BUSINESS COMMITTEE MEETING HELD ON 15th FEBRUARY, 1984 - LAID ON THE TABLE

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Business Committee held on Wednesday the 15th of February, 1984.

MR. PRESIDENT: The motion before the House is that the Report of the Business Committee be adopted.

It may be helpful to the House if I say, my understanding is, that there is a Government Motion set down for

MR. PRESIDENT (CONTINUING): consideration at the end of today's Order Paper, the effect of which, if adopted, would be to implement the principal proposal made in the Business Committee's Report in respect to the present session, with the single exception that - well, the Business Committee suggested that broadcast should include, and I quote "any other matters of local interest that has not been covered in the Government Motion, because it was thought best that the House should be specific about precisely what it wanted to have broadcast".

Having said that, may I ask whether anybody wish to speak on the motion. If not I will put the question that the motion be adopted.

QUESTION PUT: AGREED. THE REPORT WAS ADOPTED.

MR. PRESIDENT: Questions.

HON. D.H. FOSTER: Mr. President, I move the suspension of Standing Order 23(7) to enable question to be asked after 11 o'clock, Sir.

MR. PRESIDENT: The motion before the House is that Standing Order 23(7) should be suspended to enable questions to be asked after 11:00 a.m. Unless any Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 23(7) WAS SUSPENDED.

MR. PRESIDENT: In that case, questions. Question No.1 - the Member for North Side.

QUESTIONS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 1 Will the Member state what plans there are for prisoners to work on the roads or Government properties?

ANSWER:

A plan for prisoners to work on the roads and on Government properties was implemented on the 6th October, 1982.

The programme has continued ever since.

SUPPLEMENTARY:

MR. CRADDOCK EBANKS: A supplementary, Mr. President. Could the Member say at this time how many prisoners are in the Northward Prison?

MR. PRESIDENT: I did not quite hear. How many prisoners .....

MR. CRADDOCK EBANKS: are now in the Northward Prison.

MR. PRESIDENT: How many prisoners they are?

MR. CRADDOCK EBANKS: Yes, Sir.

MR. PRESIDENT: I do not truly think that is really a supplementary. It is a perfect to fair question, but the Member must put it down as a substantive question, because really it is not a supplementary to this.

MR. CRADDOCK EBANKS: Alright, I will abide Sir by your ruling. Will the Member then say why or what is the problem, why they are not more prisoners working on the road, because I do not know that I have seen any, if I saw any I did not recognised that they were prisoners?.

MR. PRESIDENT: I do not really think even that is a supplementary, because you say, why they are not more but you have not yet asked how many they are or been told how many they are: If you want to know how many have worked on the road, then I think you must put down a substantive question about that which would be perfectly acceptable, or I would be prepared to allow you to ask how many have worked on the road so far during the period, but just to state that why more have not without knowing how many seems to me to be inappropriate. If you would like to ask how many have worked on the road, that would be in order.

MR. CRADDOCK EBANKS: I accept that, Mr. President.

HON. D.H. FOSTER: It would appear that they have been working, Sir, sometimes the gangs comprise of four prisoners, three, seven, six and five, they never make a gang too very big because there is only one warden only that can go with the gang, and if you make the gang too big one warden could not control.

There are other constraints sometimes that make it impossible for gangs to be working. Many days wardens have to take people to Court and stay there, sometimes to the Hospital and various other things come up that they cannot spare the staff to supervise gangs at different places or more than one gang, and somtimes not even one gang, but efforts are continuing to be made to work the people on the roads as much as possible and as much as staff will permit it, Sir.

MR. PRESIDENT: Unless there is any further supplementary question I will invite the Member to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS:

NO.2. What is the daily maintenance cost per prisoner sent from these Islands to Jamaica?

ANSWER:

The current agreed rate per day is JA$7.26.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Could I ask the Member if this is less or more as the value of the Cayman dollar?

MR. PRESIDENT: I am not sure I understand - less or more than the value of the Cayman dollar?

MR. CRADDOCK EBANKS: Jamaica dollar then. What is the parity between the Cayman dollar and the Jamaican dollar.

MR. PRESIDENT: Oh, I see.

HON. D.H. FOSTER: Mr. President, as far as I know, Sir, I think the exchange is somewhere around three Jamaican dollars to one US, so it would be a little over three JA dollars to one CI.

CAPT. CHARLES L. KIRKCONNELL: A supplementary, Mr. President. Is the cost to the Government of maintaining prisoners in Jamaica less than what it is costing us to maintain them in the Northward Prison here?

HON. D.H. FOSTER: Mr. President, at this exchange on this last agreed price, right off-hand, I would say, yes.

MR. PRESIDENT: Unless any Member has a further supplementary, I will invite the Member to ask his next question. Question Number 3. I am sorry, her question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.3. Will the Member state -

(a) How many girls are there in the Frances Bodden Girls's Home: and

(b) Have any girls been sent to approved schools in Jamaica since the opening of the Home?

ANSWER:

(a) There are at present four (4) girls in the Frances Bodden Girls' Home.

(b) No girls have been sent to approved schools in Jamaica since the opening of the Home.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: Mr. President, Sir, with your permission I should like to ask a supplementary question. Have any girls been sent from the Cayman Islands to Jamaica approved schools?

MR. PRESIDENT: I think that has been answered, has not it? It does not seem to be any different to part (b) of the question you have already asked.

MISS ANNIE H. BODDEN: Well, it is actually no difference but they have to be quite different from what I heard.

MR. CRADDOCK EBANKS: A supplementary, Mr. President. Would the Member say where these girls are continuing their schooling? In it at the Home or one of the other schools?

MR. PRESIDENT: I am not sure that is strictly a supplementary, because it does not really arise out of the answer and the Member might well not have the information available. If he wants to answer it, I am happy for him to do so, but I do not truly think it is a proper supplementary.

MR. BENSON O. EBANKS: Mr. President, ...

MR. PRESIDENT: Just a moment, the Member wants to answer I think.

HON. TRUMAN M. BODDEN: Mr. President, they continue in their normal schools.

MR. BENSON O. EBANKS: Mr. President, with your permission, a supplementary. Are there any girls from the Cayman Islands presently at approved schools in Jamaica? In other words, girls whose order might have been given before the establishment, whether they have been returned home or whether they are none in Jamaica?

HON. TRUMAN M. BODDEN: Mr. President, I would think that under Standing Order 23(2) perhaps you would find that that is not relevant. It seems not to be relevant to either of the two part questions that has been put before.

MR. PRESIDENT: I think it is probably true that the question does not arise straight out of the answers given, and that technically if a Member wants to get that particular information a specific question should be asked. If the Member answering wants to give the information now rather than wait for another question to be put down I will be quite happy for him to give it, but I think it is quite true that it is not really a proper supplementary.

MISS ANNIE H. BODDEN: Mr. President, Sir, with your permission I should like to ask if any have been returned to Jamaica who were there before the invention of the Frances Bodden's Home?

MR. PRESIDENT: Do you mean, have any who were in Jamaica and who came here on a visit have ever been sent back?

MISS ANNIE H. BODDEN: Have they been sent back, please?

HON. TRUMAN M. BODDEN: Mr. President, if the Lady Member will tell me who has been returned after the meeting I would endeavour to get that information, but I do not think it is a supplementary, Sir.

MR. PRESIDENT: Well, I think that one is more like a supplementary, because the second part of the question was "Have any girls been sent to approved schools in Jamaica since the opening of the Home", and some girls could have been sent for the first time other girls could have been sent returned. Do you follow me? If you have only available to you information for about girls who were sent for the first time perhaps you would like to undertake to provide the Member in writing with the information about any who have been returned.

HON. TRUMAN M. BODDEN: I would undertake that, Sir.

MR. PRESIDENT: I think that is a reasonable compromise so the Member or both Members, because both Members perhaps were - all Members may be, could be circulated with information on whether any girls have been returned to approved schools in Jamaica after visits here after since the opening of the Home.

Unless there is any further supplementary I will invite the Second Elected Member for West Bay to answer the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.4. What programme is set to assist youths and others to obtain work, etc., at the end of their time in probation, correction Homes or Prisons?

ANSWER:

The Department has endeavoured since its inception to assist in the integration of prisoners as much as possible through funds voted for: prisoner rehabilitation. Efforts are made to provide clothing, glasses, food and job assistance. Additionally,

ANSWER TO QUESTION NO.4 (CONTINUING):

an officer visits the Prison each week and discusses any problems or issues in the home environment which may be brought on due to the individual being in Prison.

With respect to children on probation or in caring homes, all of these individuals are within school age thus our efforts are geared to keep them in school as well as work with their families and relatives to improve their living and social conditions.

MR. PRESIDENT: Unless any Member wishes to ask a supplementary question, I will invite the Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.5. Will the Member state the amount, if any, of fees due to the Government Hospital for the year 1993?

ANSWER:

One hundred and eighty thousand, eight hundred and sixteen dollars and eight cents. (CI$180,816.08)

SUPPLEMENTARIES:

CAPT. C.L. KIRKCONNELL: A supplementary, Mr. President. Does the $180,816.08 represents an increase or a decrease in the amount of fees due to the Government Hospital over 1992.

MR. PRESIDENT: I am bound to admit that I do not know that the Member will necessarily have the necessary information to answer that, if he does and wishes to answer he may, but otherwise perhaps again he might care to undertake to provide the information in writing later.

HON. TRUMAN M. BODDEN: Mr. President, with the supplementaries that I have been getting today, I think we need an extension of the computer terminal into the Legislative Assembly.

I would undertake to provide it to the Honourable Member in due course.

MR. PRESIDENT: I think that is fair.

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Would the Member state if the sum quoted includes fees due at the Faith Hospital in Cayman Brac?

HON. TRUMAN M. BODDEN: The answer is no.

MR. CHADDOCK EBANKS: Mr. President, a supplementary. Could the Member say then if efforts have been made for collection of these outstanding fees?

HON. TRUMAN M. BODDEN: Yes, Mr. President, efforts are being made at the request of all Members of the Legislature either formally or informally. I have been instructed to press to get these fees, and unless there is any change of mind we are moving towards that and we hope to collect such of those fees as are reasonably collectable, Sir.

MR. PRESIDENT: If there is no further supplementary question I will invite the First Elected Member for the Lesser Islands to ask the next question.

FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.6. What was the sale price of the AVRO 748?

ANSWER:

The sale price of the AVRO 748 owned by Cayman Airways Limited was US$580,000.00.

SUPPLEMENTARIES:

CAPT. C.L. KIRKCONNELL: A supplementary, Mr. President. Did the sale price included the spare parts?

HON. JAMES M. BODDEN: No, there were separate.

MR. CRADDOCK EBANKS: A supplementary, Mr. President. Could the Member say what might be the estimated value of the spare parts?

HON. JAMES M. BODDEN: After depreciation, approximately $300,000.00.

CAPT C. L. KIRKCONNELL: A supplementary, Mr. President. Will the Member state the net loss suffered by the company as a result of this sale?

MR. PRESIDENT: If the Member wants to he can .....

HON. JAMES M. BODDEN: After depreciation of the plane, probably somewhere in the neighbourhood of between $60 and $70 thousand US, that is after the use of it for two years approximately.

MR. PRESIDENT: I think perhaps it might be helpful to Members generally if I did indicate that if Members are really seeking particular information they should frame their questions in such a way as to get it, in other words, for instance, if the Member who asked the last question was really interested in knowing the loss it would have been best to ask that in the first place because the Member answering might well not have had that information, and a supplementary really does not strictly arise. If you ask for the sale price of the plane, it is not quite a supplementary to say how much loss was there?

If there is no further supplementary, I will invite the Third Elected Member for Goerge Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO.7. Is any amount of travel tax outstanding at the end of January, 1984 and if so what is the figure and by whom is this owed?

ANSWER:

On the 21st June, 1983, my answer to a similar question was "No". Mr. President, it is still No.

As a result of a supplementary from the Thrid Elected Member from the district of West Bay I elaborated to say that there was no outstanding travel tax at that moment and that the system of travel tax for airline purposes is that the Treasury issued ticket books to various airlines to collect travel tax for the Treasury Department, and on the 1st June, 1983, I instituted a system where an officer from the Treasury attends the Airport and collects the travel tax on a daily basis, therefore, there is no outstanding travel tax at this moment as well.

MR. PRESIDENT: Unless any Honourable Member wish to ask a supplementary question I will invite the First Elected Member for West Bay to ask the next question.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.8. What was the cost of the three investigations carried out during 1983?

ANSWER:

The full cost of the three investigations is not yet known. Bills paid as of the 31st December, 1983, was as follows:-

(1) Scotland Yard Detectives - CI$15,083.73

(2) Inspection Team - CI$12,739.97

(3) Sir Geoffrey Brigge - CI$ 1,286.68

MR. PRESIDENT: Unless there is any supplementary, I will invite the First Elected Member for West Bay to ask the next question.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.9. Did any of these Reports prove that any Civil Servants were corrupt?

ANSWER:

The Reports did not prove that there was any evidence whatsoever to substantiate allegations that any Government Member, Civil Servant or Police Officer was corrupt.

Such allegations were unfounded.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: A supplementary, Mr. President. I presume question number 9 refers to the three reports questioned in question number 7.

MR. PRESIDENT: I had assumed that ....

HON. D.H. FOSTER: That is what I presume too, Sir.

MR. BENSON O. EBANKS: Mr. President, if that be correct then, Sir, could the Member state under what terms of reference were these investigations suppose to reveal corruption within the Civil Service?

MR. PRESIDENT: I do not really think that that is a supplementary.

HON. D.H. FOSTER: Mr. President, the Member knows the terms of reference just as well as me, Sir, he who helped make them.

MR. BENSON O. EBANKS: The question pre-supposes, Mr. President, that the terms of reference would prove or disprove corruption. And the question that I am asking is whether Sir Geoffrey Briggs, the Scotland Yard Investigation or the Brownlow Inspection were designed to pin point corruption within the service or of the branches at the service?

MR. PRESIDENT: In my view the question may imply - (that is question number 9, not the supplementary) - may have implied that the investigations might have revealed corruption, but it does not say so. And I think if the Member wants by supplementary - wants to ask whether any of the investigations were intended to enquire into corruptions in the Civil Service, then he should put down a substantive question on the point.

We are, as I was saying earlier, straying in supplementaries rather far from the answers given.

MR. BENSON O. EBANKS: I bow to your ruling, Mr. President, but the question on the answer I think lend itself to the supplementary which I have asked.

MR. PRESIDENT: I can see how you think it lends itself, but I do not think really the supplementary arises directly out of the answer given, and as I have said, I think really a substantive question should be put down. It could quite probably be put down and can be taken on another day.

MR. GARSTON J. SMITH: Mr. President, with your permission I would like to ask another supplementary. Could the Member say who prompted these investigations?

MR. PRESIDENT: I do not think that arises really from question number 9, it could conceivably have arisen as a supplementary from the answer to question number 8 but you missed out, you are too late to ask this as a supplementary to question number 8.

MR. GARSTON J. SMITH: I bow to your ruling, Sir.

MR. PRESIDENT: Is there any other supplementary any Member would wish to ask? In that case, that is the end of questions. Item number 4 is Government Business.

Unless Members indicate to me otherwise, I will assume that perhaps they would like to continue sitting for another quarter of an hour or twenty minutes, so we make a start on Bills. I guess we could probably get a little bit of a way.

Item 4 - Government Business, Bills.

THE PUBLIC HOLIDAYS (AMENDMENT) BILL, 1984

FIRST READING

CLERK: The Public Holidays (Amendment) Bill, 1984.

MR. PRESIDENT: The Public Holidays (Amendment) Bill, 1984 is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: The Public Holidays (Amendment) Bill, 1984.

HON. D.M. FOSTER: Mr. President, I move the Second Reading of a Bill for a Law to Amend the Public Holidays Law Revised.

Mr. President, this short Bill seeks to provide that the date upon which a Poll is held in respect to a General Election within the Islands shall be a Public Holiday.

Mr. President, when the committee was deliberating on Amendments to the Elections Law they decided and recommended

HON. D.H. FOSTER (CONTINUING): that the day on which a Poll is being held should be a Public Holiday to enable working people and others to come out and vote. As a result of their recommendation the Bill is now before the House, and I commend it to the House, Sir.

MR. PRESIDENT: The motion before the House is, that a Bill entitled "The Public Holidays (Amendment) Bill, 1984" be given a Second Reading. Does any Honourable Member wish to speak?

CAPT. C.L. KIRKCONNELL: Mr. President, when a Law to amend the public holidays was discussed in the committee I was one of the Members who did not agree with it then and I do not agree with it now, Sir. I said then and I will repeat, many members of the public have indicated that there were too many holidays now. I also think, Mr. President, that we are going to lose too many man hours in Government and in other businesses. I think the financial loss will be too great for the country, and I do not see anything to be gained because employers are forced by Law to give their employees time to go to the Polls. I believe that instead of people going to the Polls as we had hoped or we still hope this holiday would cause, I believe, Sir, we will find that people will take it for a holiday and go off to the beaches or somewhere else and forget the Polls.

I do not agree with it, Sir, and I will not support this Bill.

MISS ANNIE R. RODDEN: Mr. President, Sir, I rise to support this Bill.

The last election in 1980 the old Town Hall over next door, there were crowds of people in that place who never had the opportunity to vote, because when 6 o'clock came the voting time was over and that was it. Now I feel, Sir, that we give holidays for far less important things than this and I certainly do hope that a holiday be given.

I have heard people say that they are so disgusted with our behaviour they might not even come out to vote, and if we put it so that they will not have an opportunity that will make matters still worse. I support it, Sir, and I feel that we should encourage people at this crucial time to come out and cast their votes. About costing money, anything that is any good cost money, anything that is cheap is no good. Thank you, Sir.

MR. BENSON O. EBANKS: Mr. President, I too was one who did not agree with the date or the day on which Poll is held for a general election should be a public holiday.

I am well aware of the problem which the last speaker spoke, where at the last general election a number of people both in George Town and West Bay were unable to cast their vote because of the large number of people at the end of the day. However, steps were taken within the Law to make other amendments which should prevent the recurrence of such events. For example, provision has been made that in George Town and West Bay up to three polling stations will be in operation on that day, and therefore no undue time should be lost in casting the vote.

As has been pointed out employers are bound by Law to give their employees time off to vote, and I do not see where any hardship could accrue to voters as a result of not having a holiday. On the contrary, Mr. President, at election time emotions are highly charged and I believe that any thing or any effort or any act which would tend to create one do or encourage the gathering of crowds might lend itself to unpleasant occurences.

Now I am well aware of the fact that the crowds cannot take place within 100 yards or whatever of the Polling Station, but the people nevertheless congregate within the legal limits of the

MR. BENSON O. EBANKS(CONTINUING): Polling Station. And as I said, with the other amendments which were made in the Law to provide for a larger number of Polling Stations within the Districts, other suggestions to help with the speed up of the processing at the Polling Stations which are contained in the new Law, I feel that it is a bit of extravagance to require that that day be a public holiday.

HON. G. HAIG BODDEN: Mr. President, the amendment before us will provide, if passed, for a public holiday once every four years or once every general election, if that should be shorter, it cannot be longer because of the constraints in the Constitution.

The arguments against not having a holiday are very feeble indeed. I cannot accept that business will suffer because of the man hours lost. If this holiday occurs only once every four years, and if the normal working time is eight hours per day it will mean that the businesses will suffer a two hour loss per year, which if divided into three hundred and sixty-five days will amount to a few seconds or a few minutes per day, so this is not an argument for not having a holiday.

One other suggestion was made that because the new Elections Law makes provision for the establishment and the use of more Polling Stations in each district than has existed in the past, that you would have no long queues with people waiting to vote. What the Members have over-looked is that if you were to establish ten times as many Polling Stations you could not help the condition that now exist, where people have to move from one district to the other to vote on election day. For example, many of our daily workers in the Public Works Department come from East End and start work at seven o'clock in the morning, this is the time the Poll would open. These men have to leave East End six-thirty or might even be earlier in the morning before the Polls have opened, on the other hand in the afternoon they would barely arrive home in time to catch the Polls open. So even if you had twenty Polling Stations in East End you could not avoid having a queue from workers who would line up at seven o'clock in the morning to vote before going to work. So if one looks at the impracticality of voting on a working day when one's job takes him into another district other than his own electoral district one can see that it would help the election process on election day if it were a public holiday. And I think even if every person was fortunate enough to be able to work in his own electoral district the use of a public holiday would help to impress upon the public the great importance of the event which is perhaps the most important event in the history of any country, and one that should not be taken lightly.

We have probably about eight holidays each year and some of them are important some of them are not. We have a holiday in May, nobody knows why we have it; this holiday use to be Queen Victoria's Birthday, at one time it was called Empire Day, then it was called Commonwealth Day, then it was called Armour Day and Tree Planting Day, and since all of this has long passed into history it is now called Discovery Day, because Christopher Columbus is suppose to have discovered Cayman sometime in May. Nobody objects to such a holiday being kept, and in fact I will say that Legislators in the past and perhaps the Civil Service and the business community must have all gone out of their way and worked very hard to preserve this day in May as a public holiday, because we keep it and we have no reason for keeping it.

On the other hand election day is an event which affects for good or evil the lives of all the individuals in the Islands. It has been a long established precedent from the beginning of the history of mankind to have public holidays on special days. At the creation of the world the Sabbath was set aside, it was the feast of the passover and I could go on and list hundreds of holidays, the Chinese's New Year and all sort of things I am hearing about now.

HON. G. HAIG BODDEN(CONTINUING): So it is an established custom, and the reason for it is that a day is set aside as in some instances, as a Holy Day, as a Sacred Day or as an honoured day to mark the special event. It is not intended that the holiday will be given for by-elections if by-elections should occur during the four year interval from one general election to another. So this is a holiday that will occur once every four years, and it is a holiday which I think will enable people to come out and vote without being under any duress or strain.

It is true that the Elections Law says that the employer must allow the employee such time as is necessary to cast his vote, and that no one should be prevented from voting because of his particular occupation. However, the establishment of a holiday for general elections should give a new meaning to the importance of a general election. It is my understanding that there are some countries that do not have a public holiday,(I do not know the statistics on this),there are some countries that do not have public holidays for the general elections, but I think here we are different. And I believe that if the public elects another general election as they seemed to have done over all the years in the past in the Cayman Islands the right people business will not suffer because they lose two hours per year.

MR. LALMAIN D. EBANKS: Mr. President, I cast my vote against this amendment in the committee meeting,and I still have to do it now.

The reasons for it is that amendments are made for additional Polling Stations in the larger districts, and I think that is adequate enough to help the people get their votes in. With more Polling Stations the people would be able to get in to vote without the usual crowds and return to work, and it would not be necessary to have a holiday. The Law states that the employer has to give the employees time off from work I feel still that that is sufficient time.

MR. CARSTON J. SMITH: Mr. President, I have no problems at all, Sir, in supporting the amendment before us.

As it has been rightly said by previous speakers, the employer has a responsibility to their electorate or to their employees and I find it Sir, that as recent as the last election I have been told that people was deprived of voting because theiremployer would not give them time off. What I am saying, Sir, is that I think the people needs to be given a privilege where they can come and cast their vote in satisfaction and not fearing that when they get back to their job they find out that they have not job at all. Many times, as the Fourth Elected Member for Executive Council stated, these people have to travel from district to district and many times they do not have their own transportation, and again, Mr. President, this creates a hardship on them getting to wherever Polling Stations they need to get to.

Mr. President, I support this amendment before us. I thank you.

HON. TRUMAN M. BODDEN: Mr. President, it is not the hand that signs the Laws that holds the destiny of the Cayman Islands it is the hand that cast the ballot. That is adapted from a quotation of the former President of the United States, Harry S. Truman.

The most important and integral right within any democracy is the right to vote. It goes beyond money, considerations for employment and other matters, it is exercised once in every four years with the exception of a by-election. Therefore I would hope that Members of this House would discard the argument that there should be no holiday on the basis of a loss of money through the loss of one day's employment.

In any event, Mr. President, there is the argument put forward by the Fourth Elected Member that persons in other districts will need to travel to their own electoral district and they

HON. TRUMAN M. BODDEN(CONTINUING): should be given this right. I accept that Section 57 of the Elections Law does provide that employers should give time to employees, but on a balance of probabilities I believe that they will be some who will not uphold that law and who will never be found out. I think that it is better that one employer or several employers should lose some monitory gain on that day than to have one person in this country who is entitled to vote to be deprived of that not of his own free will.

The argument therefore, Mr. President, seems to me to be one of what is the most important to this House and we must remember that we guarantee the freedom to vote and the freedoms generally of this country, and I would ask that when considering that you would find that the giving of a holiday once in four years is a very small gift to the people who have put us in this House.

I supported the motion there, I am bound by collective responsibility and I support it here, and I would ask Members here to see it in the light of what is more important between the two arguments that have been put up here today and ask that they vote for it.

HON. JAMES M. BODDEN: Mr. President, I really did not intend to have to speak on this, but over the period of time many millions of people have given their life for the privilege to be able to vote democratically and if we are not doing anything else but upholding that tradition and giving it to our people then I think it is worth the little bit of money that some people may lose in order to give our people that opportunity.

Now may be it might be a better idea if we had two holidays, the day before as well as the day of election, because with the number of candidates that I am hearing about for this year it may take a day before for them to sort out their minds which one to vote for the next day.

HON. MICHAEL J. BRADLEY: Mr. President, I had like the previous speaker not intended to speak to this debate. I had intended to make a point of information during the speech of the Honourable the Third Elected Member for West Bay,but such is the lucidity and brevity of his speach that he had sat down before I had got chapter and verse together.

I would just like to point out to the House in case it feels misled unintentionally, that under the Elections Law, 1983 that was passed by this Honourable House last year, it is not that there may be up to three Polling Stations in West Bay and in George Town. The provision is contained in Section 22 sub-section (1) of that Law which says, "that there shall be such number of Polling Stations as the Supervisor of Elections shall determine, provided that there shall not be less than three Polling Stations in the First and Second Electoral District and not less than two Polling Stations in the Third and Fourth Electoral Districts.

I am sure that my Honourable Third Elected Member would be grateful to have his mind drawn to that, I would hate to think that on polling day with the hundreds of friends that he has that he would not have Polling Agents at all the Stations. Thank you.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak I will put the question. The question then is that a Bill entitled "The Public Holidays (Amendment) Bill, 1994" be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: I would suggest perhaps now it would be a convenient time to break, and I will therefore suspend proceedings I suggest until half past two, if it is convenient for Members.

HOUSE SUSPENDED AT 12:40 P.M.

HOUSE RESUMED AT 5:30 P.M.

MR. PRESIDENT: Proceedings are resumed. Bills.

THE OATHS (AMENDMENT) BILL, 1984

HON. MICHAEL J. BRADLEY: Mr. President, Sir, as the first item is Bills that has not yet dealt with - is the Oaths (Amendment) Bill, 1984. May I in accordance with Standing Order 58, as the Member in charge of the Bill shortly entitled "The Oaths (Amendment) Bill, 1984", move for its withdrawal before the commencement of Government Business in accordance with that section for which no notice is necessary for motions under the provisions of Standing Order 24 sub-order (9) paragraph III. I would propose after you to give a short explanatory statement.

MR. PRESIDENT: The motion certainly may be admitted.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, the motion that I have put to the House under Standing Order 58 is as I have stated, for the withdrawal of a Bill set down for First, Second and subsequent stages today.

The situation is that endeavouring as we always do to give Members adequate notice of legislation, that this Bill was drafted once it was determined that Her Majesty in Council would be requested to make a change to the Cayman Islands Constitution by providing for our own Court of Appeal. At that time it was thought that the amending clauses in the proposed order in Council would not make any reference to the oaths that such Judges of Appeal would take. Accordingly, this small Bill was drafted and was published as early as last year, since then the form of the Constitution Amendment Order in Council, (which I understand is due for assent by Her Majesty this present month, if it has not already been done) - has included in it provisions which make the present Bill superfluous. Accordingly, this is the reason why I seek leave to withdraw in accordance with this motion.

MR. PRESIDENT: The motion is that The Oaths (Amendment) Bill, 1984 be now withdrawn under the provisions of Standing Order 58. Does any Honourable Member wish to speak to this motion? If not, I will put the question.

QUESTION PUT: AGREED. THE OATHS (AMENDMENT) BILL, 1984 WAS WITHDRAWN.

THE COMPANIES (AMENDMENT) BILL, 1984

FIRST READING

CLERK. The Companies (Amendment) Bill, 1984.

MR. PRESIDENT: A Bill entitled "The Companies (Amendment) Bill, 1984" is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Companies (Amendment) Bill, 1984.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move the Second Reading of a Bill shortly entitled "The .....

MR. PRESIDENT: I thought perhaps you had agreed between yourselves that you were taking it for the other Member.

HON. MICHAEL J. BRADLEY: Perhaps with my Honourable colleague's permission, the misunderstanding rose because I was thinking of a situation, Mr. President, Sir, which has arisen.

The three Bills still on the Order Paper have been given timeously to Members in accordance with Standing Orders. The Gazette which was due for publication on Monday last containing these Bills, I have not had sight of yet. I contacted the Printers and was assured that it had been published and copies were being sent to the House for distribution to Members, they have not been received, I was wondering perhaps whether in respect of these three Bills whether it be the wish of the House to presume that it has been published even without sight of it, or whether they would wish either to adjourn the matters to Tuesday or to ask for safety sake for a Standing Order to be suspended in respect of gazetting. I am sure my colleague is in the House's hands.

MR. PRESIDENT: If we did not suspend Standing Orders and it subsequently turned out that the gazettement had not taken place before now, would it cast doubt on the propriety of the action the House took and therefore on the validity of the Bill? In that case I think perhaps subject to the views of Members it would be wise to assume that the Gazette has been published, and sensible if Members are content to proceed today with the matter - sensible to suspend Standing Orders. Perhaps I can invite the Member to move a motion about the suspension of Standing Orders and Members will then have an opportunity to express their views one way or the other as to whether they favour suspension.

HON. T.C. JEFFERSON: Mr. President, I move that Standing Order 46(1) and (2) be suspended in accordance with Standing Order 82.

MR. PRESIDENT: For the purpose of enabling the remaining three Bills on the Order Paper to be read, I think.

HON. T.C. JEFFERSON: Yes, Mr. President.

MR. PRESIDENT: The motion before the House is that Standing Orders .....

HON. T.C. JEFFERSON: 46, Mr. President.

MR. PRESIDENT: I think it is 46, yes. Standing Order 46 (1) and (2) should be suspended in accordance with the provisions of Standing Order 82 to enable The Companies(Amendment) Bill, 1984, The Penal Code (Amendment) Bill, 1984 and The Partnership (Amendment) Bill, 1984 to be read a First and Second time.

Does any Honourable Member wish to speak? If not I will put the question.

MR. BENSON O. EBANKS: Mr. President, my view is Sir, that may be these Bills ought to be held until it is established that they have been gazetted. I think we are getting in the habit of suspending Standing Orders far too often to accommodate this type of thing, and the Bills are not lengthy and I do not think would impose very much of the time on Tuesday. I frankly, Sir, do not like dealing with typewritten copies of Bills before the House, I prefer to get the green copy as gazetted.

HON. TRUMAN M. BODDEN: Mr. President, I wonder if I may ask the Clerk if we could be advised as to when the copies did go to the Printers, and if we can attempt to find out the position there because this is not the first time, and I would not like the public to believe that the Executive Council did not deal with these Bills in time, because they did a very long time ago, and if she could perhaps enlighten us, please.

MR. PRESIDENT: Yes, I would be grateful, perhaps the Clerk may be able to help us.

HON. D.H. FOSTER: Mr. President, while she is thinking about that there, Sir, getting her papers together, I think the Second Official Member said that the Printer told him it had been gazetted and the Gazette had been published, it is just a matter that the green copies have not been sent down here as yet.

MR. PRESIDENT: Yes, but I think he was not quite certain whether the Printer was accurate. I think that was the Member's point.

HON. MICHAEL J. BRADLEY: I felt it was my duty, Sir, to bring the matter to the attention of the House on the doubting Thomas principal that until I had naturally received a copy into my hand - which I am about to do now, Sir, if those are what I suspect they are.

MR. PRESIDENT: I understand that they are in fact here now, so we can distribute them now.

HON. G. HAIG BODDEN: Mr. President, it seems to me like the question is as to whether we suspend the Standing Order is still open and I claim my right to make a few comments as other Members have debated it.

I would just like to say that it seems to me that some Members regard the suspension of a Standing Order as some criminal act, and I cannot agree to that view because I noticed this very morning we suspended the Standing Orders to allow question time to continue after eleven o'clock and no Member objected to that, because perhaps it suited a particular purpose to have questions asked since this is a short session, have them asked on every day.

The Standing Orders have explicit provisions for suspension of Standing Orders, and once the majority of the House agrees it is perfectly valid, and I maintain the view that any time the majority of the Members want the Standing Orders suspended they should be suspended because there is a Standing Order here that makes specific provision for it, and I do not feel guilty any time we have to suspend the Standing Orders. Parliament has a right to regulate its own proceedings, and if it is good in the early morning session to suspend Standing Orders to allow question time when we would have had no question time, then it must be right in the afternoon to allow suspension of Standing Orders.

Finally, I would like to know, Sir, if the House could be given information as to when the Bills were sent out to be gazetted and as to when they were returned.

CAPT. C.L. KIRKCONNELL: Mr. President, I do not wish to prolong the proceedings here, Sir, but I cannot see how the previous speaker could talk about a criminal act to suspend Standing Orders, I do not think that is what came into this at all. I think what the Third Elected Member for West Bay was saying, too often have we been suspending the Standing Orders of this House to pass Bills and it has come to the attention of many a persons outside of our Legislative Assembly Building, and it is not what we think or feel but it is Parliamentary Procedure that we are talking about here. I know that Standing Orders permit it, but every time we come to this House the Standing Orders have to be used, and what we are saying is that we feel that the green Bills should be received, gazetted and properly circulated before they are being introduced into this House: I thank you, Sir.

MR. PRESIDENT: I have not got the green copies yet, because I have not been brought one, but have other Members got the green copies of all three Bills? May I please have copies.

MR. PRESIDENT (CONTINUING): If I have understood the Standing Orders correctly no suspension will now be necessary. I think that Members had copies of the Bills seven days ago, we now know they have been gazetted and therefore suspension becomes un-necessary. I do not know whether under the circumstances the Member who moved the motion for the suspension of Standing Orders would wish to withdraw the motion.

HON. T.C. JEFFERSON: Mr. President, as there is no need now to suspend Standing Orders I therefore withdraw the motion.

MR. PRESIDENT: I take it I am right, there is no need to suspend Standing Orders.

HON. MICHAEL J. BRADLEY: Under the Interpretation Law, Mr. President, when a Gazette is published it is deemed to be published on the midnight immediately proceeding, so therefore this is now been published fifteen hours under the Interpretation Law.

MR. PRESIDENT: Yes, but under Standing Orders it simply has to be gazetted before we read it, Members have to have copies a week ahead but if they have got typescript copies that is good enough I think. So the Member .....

HON. TRUMAN M. BODDEN: Mr. President, since the question of the none-gazetting of these laws at an early date is an issue I would be grateful if my question in relation to when these Bills were received by the Legislative Assembly and when they were passed on to the Printers of the Gazette could be answered, because there is an impression that the fault for this lies on the Executive Council Members, and I would like, Sir, if you could give us those dates please.

MR. PRESIDENT: I will certainly ask the Clerk to ascertain all the dates in question and to circulate to Members. I have got some of the dates but I have not as I understand it got them all yet. I think what we need - my understanding is that most, perhaps all of the Bills were sent to the Printers on the 15th of February. I am not absolutely certain that they all went the same day, and I do not know at all when they came back, although clearly they are back by now, so I will ask the Clerk just to do a brief note which could be circulated to all Members giving the dates.

Meanwhile the Member concerned has asked to withdraw his motion, and subject to the wishes of the House I will grant leave for him to do so. Unless any Member wishes to speak further I will invite the Member who was going to move the Second Reading of the Bill to do so now.

HON T.C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled A Bill for a Law to amend the Companies Amendment) Law, 1983 (Law 34 of 1983).

The reason for the Bill, Mr. President, is to make it abundantly clear that the Amendment of 1983 dealing with the prohibition of land holding in respect of a company which has power to issue bearer shares, this amendment relates to the holding of land within the Cayman Islands only. This is the basic reason for this amendment, Mr. President, and I do not think that there is a great need for elaboration as we dealt with the amendment a short time ago.

MR. PRESIDENT: The motion before the House is that a Bill entitled "The Companies (Amendment) Bill, 1984" be given a Second Reading. The motion is open for debate.

MR. PRESIDENT (CONTINUING): If no honourable Member wishes to speak I shall put the question. The question then is that a Bill entitled "The Companies (Amendment) Bill, 1984" be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE PENAL CODE (AMENDMENT) BILL, 1984

FIRST READING

CLERK: The Penal Code (Amendment) Bill, 1984.

MR. PRESIDENT: The Bill entitled "The Penal Code (Amendment) Bill, 1984" is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: The Penal Code (Amendment) Bill, 1984.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled "The Penal Code (Amendment) Bill, 1984" be read a Second time.

Mr. President, Sir, during 1983 there came to light a number of matters which need to be dealt with by various uncommitted amendments to the Penal Code. The first of these is, that whereas in the United Kingdom and other places there are comprehensive provisions in the law regarding how, when and to what extent a suspended sentence takes effect and the event of a subsequent conviction, in the Cayman Islands, there are none.

In fact, Mr. President, Sir, when the Penal Code was promulgated by this Honourable House in 1975, Section 23 of that Code which provided for sentences of imprisonment made no provision then for the power to give suspended sentences. This was introduced in a very short form in 1979 by the Penal Code (Amendment) Law (Law 19 of 1979) which added to Section 23 of the Penal Code a fourth sub-section which said "that a Court which passes a sentence of imprisonment for a term not exceeding two years may order that the sentence shall not take effect unless within a period of two years from the date of sentence if the offender commits in the Cayman Islands another offence punishable with imprisonment".

What that short amendment and addition did not do, Mr. President, Sir, was to spell out in any detail what the procedure should be when another offence is committed within that time what Court should deal with the sentence which was previously suspended and what the powers of the Court were to deal with it.

Clause 2 of the Bill presently before this House proposes to add to the Penal Code three new substantive sections, Section 23A, 23B and 23C which will deal with the powers of the Courts to deal with suspended sentences, the Courts by which a suspended sentence may be dealt with and the procedure where a suspended sentence is not dealt with. These three sections have been drafted in consultation with the Judicial Department and the Judicial Department are in agreement with the provisions contained therein and are in agreement that it is desirable to have such extensive spelling out provisions in our Law.

The second matter with which this Bill before the Legislative Assembly deals relates to the provision in Clause 3, which seeks to amend Section 138 of the Penal Code dealing with the offence of bigamy. Again, Mr. President, Sir, the history of this matter is that before the Penal Code was brought into force in 1975 the law relating to bigamy was contained in The Offences Against the Person Law (Cap.155) which was repealed by the Penal Code. And Cap.155, The Offences Against the Person Law, at Section 58 it provided for the offence of bigamy

HON. MICHAEL J. BRADLEY(CONTINUING): and specifically said, "whoever being married shall marry any other person during the life of the former husband or wife whether the second marriage shall have taken place in the Islands or elsewhere, shall be guilty of felony", and then it goes on.

When a redrafted form came before this Honourable House under Section 138 of the Penal Code it simply stated, "whosoever dishonestly or with fraudulent intent go through the ceremony of marriage knowing that he is not thereby lawfully married is guilty of an offence and is liable to imprisonment for a term not exceeding five years.

Several years ago the question was raised as to whether a second propertad marriage which took place outside of our jurisdiction, out side of the Cayman Islands could be considered as coming within the terms of the offence of bigamy as stated in Section 138 of the Penal Code by virtue of the fact that there was no explicit provision as to the ceremony of marriage taking place within the Islands or elsewhere. In view of that doubt it is sought to make this short amendment so that if this short amendment in Clause 3 were passed Section 138 would provide for an offence to be created if a second marriage took place anywhere.

Mr. President, Sir, the third matter in the Penal Code which it is sought to amend is contained in Section 146, which deals with idle and disorderly persons. At present under Section 146 the maximum penalty which is imposable by way of a fine is $20.00. This has remained unchanged for a great number of years and is in the opinion of my Chambers and of Government grossly inadequate. Clause 4 of the Bill presently before the House proposes to increase such maximum fine from $20.00 to $500.00.

The fourth and final amendment sought to be achieved by this Bill presently before the Assembly,is that under Section 318 of the Penal Code where a person who commits a theft is guilty of an offence and liable to imprisonment for a term not exceeding ten years. It is thought, Mr. President, Sir, that a distinction should be drawn in the theft offence having regard to the value of the stolen property, and Clause 5 of the Bill seeks to provide that where the value of the property stolen is six thousand dollars or less the maximum penalty imposable is five years and if it is over six thousand dollars the maximum penalty would be ten years.

I may say, Mr. President, Sir, that this propose change is intended to come into operation contemporaneously with a parallel position in an amendment which will come before this House to the Criminal Procedure Code at its next sitting, and that will provide that for the greater offence of theft to the value of more than six thousand dollars that it is trivial only by indictment in the Grand Court, but that in respect of the lesser offence where the value of the property is six thousand dollars or less that by consent of the prosecution and of the accused it may be tried summarily in the Magistrate's Court, and in that case the penalty would be - (whether it is tried in the Grand Court or the Magistrate's Court) - the maximum penalty would be five years.

In view of the feelings of the House with regards to the bringing of Bills at short notice, I consider it undesirable that the Criminal Procedure Code (Amendment) Bill be brought at this time necessitating the suspension of Standing Orders. I will move a short committee stage amendment with the leave of the Chair to provide that Clause 3 of this Bill, if passed, will come into force on such time as by proclamation may be appointed thus enabling it to come in on the same date as the parallel provision in the Criminal Procedure Code.

Mr. President, Sir, with these few short words I beg to move this Bill.

MR. PRESIDENT: Before any Member speaks I wonder whether the other Members are making the point I was going to.

I suspect that either a Clause has been missed out of the Bill, and it was missed out of the typescript too in my copy. That is the Clause 4 which was to have dealt - (according to the

MR. PRESIDENT (CONTINUING): Memorandum of Objects and Reasons) - with idle and disorderly persons' fines simply is not there, nor was it there in the typescript copy. I do not know whether it is intentionally dropped or whether we just have wrong copies.

HON. MICHAEL J. BRADLEY: There appears to be a defective copy. May I amend it, Sir, by saying, I will at committee stage propose two amendments. The effect of one will be to increase the maximum penalty and the second will be as previously stated.

If Members wish - there is no great urgency about this increase in the fine for idle and disorderly persons, I am quite content to have it wait until a future occasion.

MR. PRESIDENT: My point - (I am not sure whether you have taken it) - is that the typescript copy that went round to Members a week ago does not appear to have had that Clause in either, so I do not whether that Clause exists anywhere even.

MR. BENSON O. EBANKS: Mr. President, may be while the Member is looking at that he could also check the third wording in the new Section 23A (1), where the copy says "Where an officer".

MR. PRESIDENT: Well that is perhaps something he will look at but might be dealt with at the committee stage.

MR. BENSON O. EBANKS: I have a feeling it is intended to be "offender".

MR. PRESIDENT: I would suspect the same.

Subject to the views of the mover I would myself tend to think that we should proceed on the basis of the Bill we have before us as printed and as circulated in typescript and simply ignore that part of the movers speech which dealt with the finding of disorderly and idle persons, in other words, we ignore or at least we recognise that the Memorandum of Objects and Reasons printed in the Bill is itself misleading, and that the portion of the Memorandum of Objects and Reasons dealing with the fines of idle and disorderly persons should be struck out and that the portion mentioning Clause 5 and saying Clause 5 seeks to substitute a new Section 218, should in fact read "Clause 4".

Is the Mover content with that?

HON. MICHAEL J. BRADLEY: Mr. President, Sir, there is no urgency whatsoever about the increase in the fine for idle and disorderly persons. I feel sure within the next year or so that we may well have another amendment coming up that would find to be necessary. I am quite happy to fall in with your suggestion.

MR. PRESIDENT: I think that may be convenient for the House, because otherwise we shall be debating something that nobody has seen. Well, having clarified that point may I now invite any Honourable Member who wishes to speak.

The motion is that the Bill entitled "The Penal Code (Amendment) Bill, 1984" be given a Second Reading, and the motion is now open for debate. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE PARTNERSHIP (AMENDMENT) BILL, 1984

FIRST READING

CLERK: The Partnership (Amendment) Bill, 1984.

MR. PRESIDENT: The Bill entitled "The Partnership (Amendment) Bill, 1984" is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: The Partnership (Amendment) Bill, 1984.

HON. MICHAEL J. BRADLEY: I apologise for the delay, Mr. President, Sir, I was hastily looking at the published green copy before I spoke in this respect.

Mr. President, Sir, Members will recall that at the September sitting of the Legislative Assembly a new comprehensive Partnership Law was, after consideration by this House, passed. That law was deliberately phrased so that it would not come into force for a period of time and it would be brought into force by proclamation by the Governor. It has not yet been brought into force, and the value of not bringing it into force is shown. Since the passing of that Law it has been drawn to my attention that whereas there is in the Companies Law provision for a certificate of incorporation which deems all preliminary matters to be completed when the certificate is issued, but there is no similar provision contained in our newly enacted Partnership Law, 1983 as regards the issue of certificates of Limited Partnership.

I agree that similar provisions should be made in our Partnership Law, and accordingly to remedy this gap the short amending Bill which is presently before this House seeks to provide for such certificates of registration by a small addition to Section 50 of the Partnership Law. It is intended Mr. President, Sir, that once, if and when, this amending law comes into force that Your Excellency will be asked to issue a Proclamation bringing the substantive law into force at the same time. I commend this short Bill to the House.

MR. PRESIDENT: The question is that a Bill entitled "The Partnership (Amendment) Bill, 1984" be given a Second Reading. The motion is open for debate. If no Honourable Member wishes to speak I will put the question, which is that a Bill entitled "The Partnership (Amendment) Bill, 1984" be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: That concludes Second Readings. It may be before we go into committee convenient perhaps to take a short break, and I will suspend proceedings for approximately fifteen minutes.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: I think the House will go straight into committee to consider the Bill entitled "The Public Holidays (Amendment) Bill and other Bills".

Please be seated. The House is now into committee. A Bill for a Law to amend the Public Holidays Law Revised.

THE PUBLIC HOLIDAYS (AMENDMENT) LAW, 1984

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SCHEDULE TO LAW.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE PUBLIC HOLIDAYS LAW (REVISED).

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings on a Bill entitled A Bill for a Law to Amend the Public Holidays Law. Next is a Bill for a Law to Amend the Companies (Amendment) Law.

THE COMPANIES (AMENDMENT) BILL, 1984

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE AND DATE OF COMMENCEMENT.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I wonder - for the assistance of Members whether you would indicate that we are in committee stage on the circulated stencilled copies or in the green published Gazette copies.

MR. CHAIRMAN: I thought the green published Gazette copies; I think probably that is what Members prefer to use because there are changes.

HON. MICHAEL J. BRADLEY: Yes.

MR. CHAIRMAN: And we have got as far as Clause 1 in the Bill for A Law to Amend the Companies (Amendment) Bill. If there is no debate I will put the question.

MR. BENSON O. EBANKS: Just for a matter of clarification, Mr. Chairman. I presume that both this or the - what we are referring to now as the Companies (Amendment) Law, 1983 and the Partnership Law, 1983, they are both been assented to but not brought into force, and therefore to refer to them as a Law is not .....

MR. CHAIRMAN: Not strictly so, no, there are different positions. The Partnership Bill was assented to but has to be brought into force by Proclamation as was said earlier this afternoon, the Companies (Amendment) Law, 1983 has not in fact been assented to. It was brought to my notice that quite serious difficulties might arise if it was assented to and brought into force. It does not contain a clause stating that it shall be brought into force on a day to be settled by Proclamation, it comes into force as soon as it is assented, and it was brought to my notice that problems might arise and difficulties be caused if I assented to it before todays amending Bill had been passed, so I delayed assenting. I do not know whether that makes it clear to you.

MR. BENSON O. EBANKS: So the amendment we are proposing here will come in simultaneously with the Bill?

MR. CHAIRMAN: Yes.
If no other Member wishes to speak on Clause 1, I will put the question that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 1 OF LAW 34 OF 1983.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 3.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE COMPANIES (AMENDMENT) LAW, 1985.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: Next, A Bill for A Law to Amend the Penal Code.

THE PENAL CODE (AMENDMENT) BILL, 1984

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INSERTION OF NEW SECTIONS 23A, 23B AND 23C TO LAW 12 OF 1975.

MR. CHAIRMAN: I think a correction was mentioned earlier, it should be "Where an offender" at the beginning of 23A (1).

HON. MICHAEL J. BRADLEY: I suspect that we may still be thinking of the Civil Service, it should be "an offender" not "an officer".

MR. BENSON O. EBANKS: I wonder if they did this when they were doing the answer to the questions, Sir?

MR. CHAIRMAN: Subject to that one correction, if there is no further debate I will put the question that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 13B.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I ask for the leave of the Chair in accordance with Standing Order 53 (2) to move a committee stage of amendment of which two days notice has not been given.

MR. CHAIRMAN: May I ask, is this the amendment which has been circulated earlier today or is this another new amendment.

HON. MICHAEL J. BRADLEY: It is another new amendment, Mr. Chairman.

MR. CHAIRMAN: My understanding is that Members may feel that since there were some sort of printing or other mechanical error as a result of which a Clause which should have been included in this Bill was omitted, that is the Clause dealing with increases in the fines which may be imposed on idle and disorderly persons. My understanding is that Members may feel it would be desirable to consider re-including this, and I think therefore it would be fair to give the House an opportunity to discuss the matter, and I will allow the Motion.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, in accordance with Standing Order 52(2) I beg to move the following committee stage amendment, that the Bill be amended by the addition immediately following Clause 3 of the following new Clause:-

"Amendment of Section 146. 4. Section 146 of the Code is amended by the substitution of "five hundred dollars" for "$20" in the penultimate line.";

And if further amended by renumbering the present Clause 4 to Clause 5.".

If Mr. President, Sir, I could explain a little further to Members. In the Bill that was approved by the Governor in Council there was a similar Clause, through a typographical error the entire Clause was omitted in the copy that was sent by my Chambers to the Clerk of the House, and the responsibility for the omission is entirely that of my Chambers and no fault lies in the Clerk's hands. Having said that, Sir, I consider that this is an amendment which could commend itself to the House.

Section 146 of the Penal Code deals with idle and disorderly persons, and says:-

"Whoever -

(a) wanders abroad or places himself in any public road for the purpose of gathering alms, or who causes any child so to do;

(b) being a common prostitute behaves in a disorderly or indecent manner in a public place;

(c) pretends to deal in obeah, myalism, duppy catching or witchcraft or to tell fortunes by palmistry or like superstitious means intending to deceive or impose on people;

(d) publicly does any indecent act;

(e) in any public place conducts himself in a manner likely to cause a breach of the peace;

(f) solicits for immoral purposes in any public place;

(g) in any public place plays any game or pretended game of chance for money's worth; or

(h) endeavours to obtain or actually obtains charitable contributions of any kind unless authorised in that behalf by the Governor,

shall be deemed an idle and disorderly person and shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding $20 or both".

HON. MICHAEL J. BRADLEY (CONTINUING): It is considered by me and by Members of my Chambers to prosecute, that the fine of $20.00 is totally inadequate in the present circumstances of these Islands and the amendment is to increase the maximum penalty for those offences to $500.00.

MR. CHAIRMAN: One very minor point if I may? Am I right in thinking that the closure, (and I am now referring to the copies that have just been circulated) - the closure of the inverted commas after the words "penultimate line" is mistaken and should not appear there.

HON. MICHAEL J. BRADLEY: No, Sir. There should be an extra set of opening inverted commas before the word "Amendment" as a margin note.

MR. CHAIRMAN: Before the word -

HON. MICHAEL J. BRADLEY: Amendment.

MR. CHAIRMAN: Oh!

HON. MICHAEL J. BRADLEY: There is one set of opening quotation marks before the word "that" which finish at the end, there is a second set within that which constitutes the new proposed Clause 4.

MR. CHAIRMAN: Well, I knew there was either some missing or some extra. The question then is that ---

HON. MICHAEL J. BRADLEY: I think the Honourable Third .....

MR. CHAIRMAN: I am not putting the question yet, I am just putting the question for debate.

The question for debate is that a new Clause 4 be substituted for the previous Clause 4.

MR. BENSON O. EBANKS: I am just wondering, Mr. Chairman, if the mover is satisfied with the term of imprisonment. I am not proposing a change but I believe that the term of imprisonment and the amount of the fine should bear relationship, and it is either that it was out of step previously or it should be changed now. I am not making a proposal to change it, I just want to know what the legal mind thinks of it.

MR. CHAIRMAN: I would think perhaps $500 and three months equate reasonably these days.

HON. MICHAEL J. BRADLEY: As a rule of thumb, Mr. Chairman, in putting in penalty clauses we have been equating in non-drug offences, a year's imprisonment with either a thousand dollar fine or two thousand dollar fine. It is more commonly, I think, been a thousand dollar fine, and on that basis if we were having the $500.00 here, the Honourable Member is correct that it would be more appropriate to make it six months instead of three. The other alternative would be to reduce the fine to $250, but I really would fear for a $500 fine for some reason as such.

If Members wish I shall put a further amendment to the amendment increasing it to six months.

MR. BENSON O. EBANKS: I am not proposing it, I am only if it is ...

HON. C. RAIC HODDEN: Mr. Chairman, I was going to say that you can leave it because only last night I was reading a joke in a magazine about fines, and the man was fined five hundred dollars or three months and he asked his wife what he should do, she said "do not be a fool, do not waste the money". (LAUGHTER) But I believe you can leave the time, because anybody would pay the fine now or serve three months, there is no need to change it unless you are putting the fine higher.

HON. MICHAEL J. BRADLEY: Unless Members feel otherwise, I am content to leave it for the present.

MR. CHAIRMAN: I think unless any Member is going to propose a specific amendment - and I see nobody is. If there is no further debate I will put the question that the amendment moved by the Second Official Member should be adopted.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: I will put that the next question is that the new Clause 4, that is the Clause 4 which has been substituted by the amendment should be adopted. If there is no debate on that I will put that question.

QUESTION PUT: AGREED. NEW CLAUSE 4 PASSED.

CLERK: CLAUSE 4 NOW RENUMBERED CLAUSE 5. SUBSTITUTION OF SECTION 218.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, in accordance with Standing Order 53(2) I ask leave of the Chair to move an amendment of which two days notice has not been given but which has I understand been circulated to Honourable Members.

MR. CHAIRMAN: Leave is granted.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I beg to move that the newly numbered Clause 5 of the Bill be renumbered as sub-clause (1) of Clause 5 and that there be added immediately following the newly renumbered Clause 5(1) the following sub-clause -

> "(2) the provisions of this section shall come into force on such day as the Governor, by proclamation published in the Gazette, shall appoint".

Mr. Chairman, Sir, as I indicated in my second reading speech in proposing this amending Bill, the intention of this committee stage amendment is that the changes to Section 218 of the Penal Code be brought in contemporaneously with the change that is proposed to the Criminal Procedure Code whereby the jurisdiction in respect of large thefts would be solely that of the Grand Court and in respect of smaller thefts could, with the consent of the accused and Crown be heard in the Magistrate's Court. It is a tidying up provision so that they both will come in together.

MR. CHAIRMAN: On a point of clarification for Members. The notice of committee stage amendment which was circulated mentioned Clause 4 of the Bill, but should in fact now be mentioning Clause 5 because we have adopted the new Clause 4, otherwise the substance is exactly as has been explained by the Second Official Member.

So the proposed amendment is that Clause 5 of the Bill be amended as explained essentially by adding a new sub-clause to it. Does any Honourable Member wish to speak to the amendment? If not I will put the question that Clause 5 be amended as proposed.

QUESTION PUT: AGREED. CLAUSE 5 AMENDED.

MR. CHAIRMAN: I will put the further question that Clause 5 as amended do stand part of the Bill. Does any Member wish to speak to that?

QUESTION PUT: AGREED. CLAUSE 5 AS AMENDED PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE PENAL CODE.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: A Bill for a Law to amend the Partnership Law, 1983.

THE PARTNERSHIP BILL, 1984

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 50 OF LAW 26 OF 1983.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE PARTNERSHIP LAW, 1983.

MR. CHAIRMAN: On the Title, I think the word "Partnership" the spelling has gone wrong, but subject to correcting it, the question is that the Title do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on a Bill entitled "A Bill for a Law to Amend the Public Holidays Law Revised and other Bills. The House will therefore resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.
Reports. The Public Holidays (Amendment) Bill.

THE PUBLIC HOLIDAYS (AMENDMENT) BILL, 1984

REPORT THEREON

HON. D.H. FOSTER: Mr. President, I beg to report that a Bill for a Law to Amend the Public Holidays Law Revised was considered by a committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. A Bill for a Law to Amend the Companies (Amendment) Law.

THE COMPANIES (AMENDMENT) BILL, 1984

REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled "A Bill for a Law to Amend the Companies (Amendment) Law, 1983 (Law 34 of 1983)" was considered by a committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. A Bill for a Law to Amend the Penal Code.

THE PENAL CODE (AMENDMENT) BILL, 1984

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled "The Penal Code (Amendment) Bill, 1984" was considered by a committee of the whole House and passed with three amendments, namely that in Clause 2 thereof the typographical error contained in the first line of the proposed new section 23(a) was corrected; that a new Clause 4 which increased substantially the fine for being an idle and disorderly person in accordance with section 198 of the Code was inserted and that an additional sub-clause (2) was added to Clause 5 of the Bill so as to provide that this Clause shall come into force by proclamation on an appointed day.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. A Bill for A Law to Amend the Partnership Law, 1983.

THE PARTNERSHIP BILL, 1984

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled "The Partnership (Amendment) Bill, 1984" was considered by a committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. Government Motions. Government Motion No.1 of 1984.

GOVERNMENT MOTION NO.1 OF 1984
ELECTION OF MEMBERS TO THE CINEMATOGRAPHIC AUTHORITY

HON. D.H. FOSTER: Mr. President, I beg to move Government Motion No.1 of 1984 standing in my name, which reads as follows:-

> WHEREAS under Section 3 of the Cinematographic Law, Cap. 19, provision is made for the establishment of an Authority consisting of the Governor, three Elected Members of the Legislative Assembly and one member nominated annually by the Governor to carry out the stipulation of the above-cited Law and Rules made thereunder.
>
> BE IT FURTHER 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 24th day of February, 1984 -
>
> Mr. Craddock Ebanks, OBE., JP.
>
> Mr. D. Dalmain Ebanks
>
> Mr. J. Garston Smith.

MR. PRESIDENT: Government Motion No.1 of 1984 is now open for debate. Does any Honourable Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED. THE MOTION WAS PASSED.

MR. PRESIDENT: Government Motion No.2.

GOVERNMENT MOTION NO.2 OF 1984
BROADCASTING OF LEGISLATIVE ASSEMBLY PROCEEDINGS

HON. D.H. FOSTER: Mr. President, I beg to move Government Motion No.2 standing in my name. Before reading it, Sir, in accordance with Standing Order 22 I would like to move the suspension of Standing Order 24(5) to enable me to go ahead in the moving of the motion, Sir.

MR. PRESIDENT: The motion initially before the House is that in accordance with the provisions of Standing Order 82, Standing Order 24(5) should be suspended in order to enable Government Motion No.2 to be introduced.

I know that there have been comments today about the suspension of Standing Orders when that is done frequently, but my understanding is that a committee of the House expressed the wish that certain proceedings of the House should be broadcast - certain proceedings of this meeting, and that agreement was reached recently as yesterday by Members on precisely what should be broadcast. It was not therefore possible to frame a motion before then, but if the broadcasts are to go ahead during the next two or three days then it is desirable that the motion should have been passed first. I say all that simply to explain why on this occasion I believe it may be in accordance with Members wishes that Standing Orders should be suspended.

If any Member wishes to speak to the motion about the suspension of Standing Orders, he may do so. If not I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 24(5) WAS SUSPENDED.

HON. D.H. FOSTER: Mr. President, the motion is as follows:-

> In accordance with the immunities, powers and privileges conferred upon the Legislative Assembly of the Cayman Islands by the Cayman Islands (Constitution) Order, 1972, the Legislative Assembly (Immunities, Powers and Privileges) Law (Revised), and all other written laws, be it hereby resolved that Radio Cayman, being a broadcasting station operated from within the Cayman Islands by the Government of the Cayman Islands, is hereby authorised to broadcast recordings of the proceedings of the Legislative Assembly as are hereafter named -
>
> 1. The Throne Speech and debate thereon
> 2. Question Time.
> 3. Presentation of Papers (Reports on Committees) - Speeches thereon.
> 4. Debate on Second Reading of -
>
> (i) The Public Holidays (Amendment) Bill, 1984
> (ii) The Companies (Amendment) Bill, 1984
> (iii) The Penal Code (Amendment) Bill, 1984
> (iv) The Partnership (Amendment) Bill, 1984
>
> 5. Debate, if any, on Government Motions.

MR. PRESIDENT: The question is that Government Motion Number 2 should be passed. Does any Honourable Member wish to speak? If not I will put the question.

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

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER.

QUESTION PUT: AGREED. AT 4:20 P.M THE HOUSE ADJOURNED UNTIL 10:00 A.M. TUESDAY THE 28TH FEBRUARY, 1984.

STATE OPENING AND FIRST MEETING OF THE (1984) SESSION
OF THE LEGISLATIVE ASSEMBLY
HELD ON TUESDAY, 28TH FEBRUARY, 1984
SECOND DAY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG, CVO - PRESIDENT.

GOVERNMENT MEMBERS

HON. D. E. FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. T. C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. JOHN B. McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON. TRUMAN M. BODDEN	MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. JAMES M. BODDEN	MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. J. GARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. D. DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BENSON O. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. W. NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HUDLAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT. MABRY S. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CHADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

SECOND DAY

TUESDAY, 28TH FEBRUARY, 1984

1. QUESTIONS -

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.10. Will the Member state what steps are being taken to enforce the provisions of the Public Health Law and Regulations where owners of private homes do not put out garbage for collection?

NO.11. Will the Member state the period of residence required after which garbage fees become payable?

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.12. What progress has been made in the consideration of the assurance given by the Honourable Member regarding the provision of adequate facilities and care of elderly persons in these Islands?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.13. Has a Probation Officer from the Probation Department been sent to serve in Cayman Brac and has a replacement been found for this officer in Grand Cayman?

NO.14. Will Security Guards be stationed at the George Town Hospital during the late hours of the night and/or the very early morning hours for the protection of the premises and employees?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.15. Will the renovation of the George Town Town Hall include airconditioning?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.16. Would the Member state whether the Government Warehouse has been declared a health hazzard and if so what plans are there to correct this situation?

NO.17. Will consideration be given to an amendment to the law to require trucks hauling rocks, sand, etc. to be covered?

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

NO.18. Is a duplicate copy of all Government papers maintained in a safe strong-hold so that in the event of a fire in any Government office the records can be maintained?

THE MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.19. Are all the posts in the Courts Office filled?

2. *GOVERNMENT BUSINESS:-*

(a) BILLS

(i) The Public Holidays (Amendment) Bill, 1984 - THIRD READING

(ii) The Companies (Amendment) Bill, 1984 - THIRD READING

(iii) The Penal Code (Amendment) Bill, 1984 - THIRD READING

(iv) The Partnership (Amendment) Bill, 1984 - THIRD READING

(b) GOVERNMENT MOTION

Government Motion No.3 - RE-APPOINTMENT OF SELECT COMMITTEES
To be moved by the Honourable Second Official Member

3. *DEBATE ON THE THRONE SPEECH*

TABLE OF CONTENTS

	PAGE
QUESTIONS	1
THE PUBLIC HOLIDAYS (AMENDMENT) BILL, 1984 - THIRD READING	7
THE COMPANIES (AMENDMENT) BILL, 1984 - THIRD READING	8
THE PENAL CODE (AMENDMENT) BILL, 1984 - THIRD READING	8
THE PARTNERSHIP (AMENDMENT) BILL, 1984 - THIRD READING	8
GOVERNMENT MOTION NO. 3 OF 1984 - RE-APPOINTMENT OF SELECT COMMITTEES	8
DEBATE ON THE THRONE SPEECH	
MR. NORMAN W. BODDEN	10
MISS ANNIE R. BODDEN	16
MR. CRADDOCK EBANKS	21
ADJOURNMENT	33

TUESDAY

28TH FEBRUARY, 1984

10:00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Questions. The Elected Member for North Side.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 10: Will the Member state what steps are being taken to enforce the provisions of the Public Health Law and Regulations where owners of private homes do not put out garbage for collection?

ANSWER: The Chief Environmental Health Officer is examining ways and means of improving local refuse collection and disposal operations. Increased educational efforts and the invocation of the requirements for covered dustbins are being considered. Community containers have been supplied, free of cost, in several problematic areas.

A routine house-to-house inspection service would facilitate the reduction of poor public health practices. However, inadequate staff exists to undertake all the responsibilities laid down in the Public Health Law. Therefore, certain priorities have been set: food sanitation and hygiene, building development control, derelict housing, water quality monitoring, litter collection, derelict vehicle removal, rodent control and communicable disease epidemiology.

SUPPLEMENTARY:

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Would the Member state if efforts are being made to recruit more staff for the service?

HON. TRUMAN M. BODDEN: Mr. President, we have been given one additional officer which post will be filled as quickly as we can and will assist with this. However, it is an age-old problem. If the Finance Committee decides that expenditure must be cut, then I cannot naturally produce miracles and put people in there without the money. If I can get the money I can increase the staff and therefore increase the competency of that Department, Sir.

MR. PRESIDENT: Unless there are any further supplementary questions I will invite the Elected Member for North Side to ask the next question on the Order Paper.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 11: Will the Member state the period of residence required after which garbage fees become payable?

ANSWER: No residency period is required. Garbage fees are payable for every residence, apartment, condominium, hotel, bar, restaurant, office, etc., in accordance with the Public Health (Garbage and Disposal) (Amendment) Regulations, 1981.

MR. PRESIDENT: Unless there is any supplementary question, I will invite the First Elected Member for George Town to ask the next question on the Order Paper.

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 12: What progress has been made in the consideration of the assurance given by the Honourable Member regarding the provision of adequate facilities and care of elderly persons in these Islands?

ANSWER: Some progress has been made. Attention is being focused on assisting the elderly in their own homes as much as possible. A programme of home visits by medical personnel has been commenced and will be extended. Indigent cases are sympathetically dealt with and all resources are faithfully applied. Plans are well advanced for the provision of sanitary conveniences to as many elderly persons as possible. Progress has also been made towards the utilising of the medical wing at "The Pines". Acute care will continue to be provided at the Hospital.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Mr. President, with your permission a supplementary, Sir. Could the Member say whether the progress being made towards the utilising of the medical wing at The Pines is under the auspicies of Government or the National Council of Social Services?

HON. TRUMAN M. BODDEN: Mr. President, the negotiations with The Pines have not been finally concluded, but what has been put forward by Government is that the wing would be in the exclusive possession of the Government and under its substantial control throughout a period of time in consideration for payments to be made to The Pines.

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Would the Member state if a similar programme is being instituted in Cayman Brac and Little Cayman for the elderly?

HON. TRUMAN M. BODDEN: Mr. President, not at this time. The position will be looked at as soon as the matter with The Pines can be more clearly ironed out so that we can see somewhat better what shape that negotiation is going to take. But I do appreciate that it is a problem there as well and I undertake to press on with that.

MR. PRESIDENT: Is there any further supplementary? If not I will invite the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 13: *Has a probation officer from the Probation Department been sent to serve in Cayman Brac and has a replacement been found for this officer in Grand Cayman?*

ANSWER: *Yes, an officer has been sent to the Brac and no, the officer has not been replaced.*

SUPPLEMENTARY:

MISS ANNIE EULOAH BODDEN: *Mr. President, Sir, a supplementary question. Is there any possibility that this officer will be replaced in the near future?*

HON. TRUMAN M. BODDEN: *Mr. President, I really do not know because under the Constitution I am afraid that that decision will probably be one of the Public Service Commission. It is a non-political decision and it is one which is in Your Excellency's discretion, acting in another capacity and I am really not in a position to answer it at all. Like I said, it is a non-political decision for the Public Service Commission to advise His Excellency in due course.*

MR. PRESIDENT: *If wearing another hat, I could comment. I think the selection of a particular individual is a non-political process which is handled by the Public Service Commission on whose recommendation I reach a decision, but the action to initiate recruitment is taken by the Department concerned in consultation with Personnel and it is only after they have advertised and found a number of candidates and so on that the matter can get to the Public Service Commission at all. It might be that one of your staff can advise you whether the process of advertising has been initiated?*

HON. TRUMAN M. BODDEN: *Mr. President, I have been advised that we are advertising for an officer to be sent to Cayman Brac, but not to replace this officer. She would be then transferred back to Grand Cayman. I think that is what .....*

MR. PRESIDENT: *It will be a numerical replacement in that respect?*

HON. TRUMAN M. BODDEN: *Yes, Sir.*

MR. PRESIDENT: *If there is no further supplementary I will invite the Third Elected Member for George Town to ask the next question.*

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 14: *Will security guards be stationed at the George Town Hospital during the late hours of the night and/or the very early morning hours for the protection of the premises and employees?*

ANSWER: *I will be happy to station security guards at the Hospital if you and other Members of the Legislative Assembly will vote the money for them.*

SUPPLEMENTARIES:

MISS ARNIE BULDAH BODDEN: Mr. President, Sir, this is not perhaps a question, but a statement. If all the other Legislators are of like mind as I am, they will vote the money.

HON. TRUMAN M. BODDEN: In which case .....

MR. PRESIDENT: Order! Order! (Laughter)

HON. TRUMAN M. BODDEN: In which case, Mr. President, we will have the security guards that I have been asking for for a very long time.

MR. PRESIDENT: I think we are straying slightly from question. If there is a supplementary rather than a statement, I will be prepared to allow it.

MR. BENSON O. EBANKS: Could I ask a supplementary, Mr. President?

Could the Member state whether a policy decision has been reached to place security guards at the hospital and the reason why they are not there is because funds were refused by the Finance Committee?

HON. TRUMAN M. BODDEN: Mr. President, the Portfolio would wish very much to put security guards there. The Finance Committee has very generously given me the money and the fence has been completed which was the first aspect of the security; and the answer to the second part is yes. If Finance Committee will give me the money I will put the security guards in the Hospital.

The aspect of this, Mr. President, is the Finance Committee is eight Elected Members and the four Members from Executive Council plus the Honourable Financial Secretary as the Chairman, and therefore really the Member knows he can really alter or put forward these matters at that time which is the very appropriate time, or rather appropriate the funds when I ask for them and it would avoid this mid-term supplementary application to the Finance Committee.

MR. BENSON O. EBANKS: Mr. President, the supplementary was whether a request has been made, or had been made to Finance Committee and refused?

HON. TRUMAN M. BODDEN: Mr. President, the Member is a Member of Finance Committee and that, without the approval of the Finance Committee itself, I cannot disclose. But he knows the answer to that question very well.

MR. W. NORMAN BODDEN: Could the Member state whether he has any idea what the cost of posting these security guards at these places would be?

HON. TRUMAN M. BODDEN: Mr. President, I cannot give the exact cost. As I mentioned on Friday, one good day we will have a computer terminal within the Legislature and perhaps I can get details. But it would have been two more security guards and I would think we are looking at probably another $20,000 (plus) per annum, Sir.

MR. CRADDOCK EBANKS: Mr. President, if I may ask a supplementary to the Member? Are there no other members of staff around the Hospital

MR. CRADDOCK EBANKS (CONTINUING): at night other than the ambulance drivers?

HON. TRUMAN M. BODDEN: Mr. President, we have the ambulance drivers as well as the male nurses - if you are talking about male personnal there, because I am sure that some of the lady nurses are also fairly competent to deal with matters even though they do become very difficult at times and if it is late at night I think the guards are very necessary to have there.

MR. CRADDOCK EBANKS: Mr. President, I was not after killing the efforts with regards to persons being there, I was just enquiring as to whether there were any other staff other than the ambulance staff around the Hospital who could assist?

MR. PRESIDENT: Does any Member wish to ask a further supplementary? If not I will invite the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 15: Will the renovation of the George Town Town Hall include airconditioning?

ANSWER: No.

SUPPLEMENTARIES:

MISS ANNIE HULDAH BODDEN: Mr. President, Sir, if I may be permitted to ask a supplementary question? Is the problem lack of money again, please?

HON. G. HAIG BODDEN: The renovation of the Town Hall was included in the Budget in November, 1983. No funds were appropriated at that time for airconditioning. I would say as an after-thought that had Members of Finance Committee seen fit to include money for airconditioning in November, 1983 when they dealt with the funds for the renovation of not only the George Town Town Hall, but other Town Halls in the districts, airconditioning would have been included.

To raise the question so near to election time rather than at budget time seems out of order, but if Members feel that priority should be given to airconditioning the Town Hall in George Town it is simply up to Finance Committee Members to appropriate the money.

MR. CRADDOCK EBANKS: Mr. President, I hope that the Member realises that if Finance Committee recommends airconditioning in George Town, I am in North Side too, Sir.

MR. PRESIDENT: Order! Order! If the Member is not asking a supplementary, he must not speak.

HON. G. HAIG BODDEN: Mr. President, if you will allow me, I think it is the whole crux of the matter; if there is to be a policy decision to aircondition one Town Hall well we want airconditioning up in Breakers too.

MR. BENSON O. EBANKS: A supplementary, Mr. President. Could I ask the Member whether it would be his wish to see the Town Hall an

MR. BENSON O. EBANKS [CONTINUING]: a policy matter, circumstances.

HON. G. HAIG BODDEN: Absolutely no, Sir.

MR. PRESIDENT: I think we have probably strayed far enough from the answer and I take it there are no further proper supplementaries, so I will invite the Second Elected Member for West Bay to ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 16: Would the Member state whether the Government warehouse has been declared a health hazard and if so what plans are there to correct the situation?

ANSWER: It has not been declared a health hazard.

SUPPLEMENTARY:

MR. D. DALMAIN EBANKS: A supplementary, Sir. Could the Member say whether there is need for any renovation of that building?

HON. G. HAIG BODDEN: The answer is no.

MR. PRESIDENT: If there is no further supplementary, I will invite the Second Elected Member for West Bay to ask question number 17.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 17: Will consideration be given to an amendment to the Law to require trucks hauling rocks, sand, etc., to be covered?

ANSWER: Government has recently approved the establishment of a committee to draft a new Traffic Law. The amendments referred to by the Member will be considered at that time.

MR. PRESIDENT: Unless any Member wishes to ask a supplementary question, I will ask the Second Elected Member for West Bay to ask the next question.

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

NO. 18: Is a duplicate copy of all Government papers maintained in a safe strong-hold so that in the event of a fire in any Government office the records can be maintained?

ANSWER: It would be very expensive to duplicate all Government papers, but the more important ones are kept in one of the four vaults in the Government Administration Building. Other Departments outside the Administration Building have their own vaults and safes.

SUPPLEMENTARY:

MR. D. DALMAIN EBANKS: A supplementary, Mr. President. Could the Member say whether he knows those vaults and safes are fireproof?

HON. D. H. FOSTER: Mr. President, those in the Administration Building, to the best of my knowledge, are. The one in the Courts is and I think the one in Lands and Survey is also fireproof, Sir.

MR. PRESIDENT: Unless any Member has a further supplementary, I will ask the Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 19: Are all the posts in the Courts Office filled?

ANSWER: No.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Would the Member be able to say how many vacancies exist in the Courts Office?

HON. D. H. FOSTER: Mr. President, there is one puisne judge and two clerical officer's posts vacant at present, Sir.

MR. CRADDOCK EBANKS: A further supplementary, Mr. President. Would the Member say then if efforts are being taken to fill these posts so that there could be a more efficient service carried out daily in the Courts?

HON. D. H. FOSTER: Mr. President, I am sure Personnel is making efforts to fill the two clerical posts, Sir. I am not sure if that is where the inefficiency is or not, but effort is being made to fill those two posts.

MR. PRESIDENT: Does any Honourable Member wish to ask a further supplementary? If not that concludes question time and we can turn now to item 2 on today's Order Paper - Government Business, Bills.

GOVERNMENT BUSINESS
BILLS

THIRD READINGS

CLERK: THE PUBLIC HOLIDAYS (AMENDMENT) BILL, 1984;
THE COMPANIES (AMENDMENT) BILL, 1984;
THE PENAL CODE (AMENDMENT) BILL, 1984;
THE PARTNERSHIP (AMENDMENT) BILL, 1984.

THE PUBLIC HOLIDAYS (AMENDMENT) BILL, 1984

HON. D. H. FOSTER: Mr. President, I move that a Bill for A Law to Amend the Public Holidays Law (Revised), be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill for A Law

MR. PRESIDENT (CONTINUING): to Amend the Public Holidays Law (Revised) be now given a third reading and passed?

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

THE COMPANIES (AMENDMENT) BILL, 1984

HON. T. C. JEFFERSON: Mr. President, I move that a Bill entitled A Bill for A Law to Amend the Companies (Amendment) Law, 1983 (Law 34 of 1983), be given a third reading and passed.

MR. PRESIDENT: The question that a Bill entitled A Bill for A Law to Amend the Companies (Amendment) Law, 1983 (Law 34 of 1983), be now given a third reading and passed?

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

THE PENAL CODE (AMENDMENT) BILL, 1984

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled The Penal Code (Amendment) Bill, 1984, be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Penal Code (Amendment) Bill, 1984, be given a third reading, and passed?

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

THE PARTNERSHIP (AMENDMENT) BILL, 1984

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled The Partnership (Amendment) Bill, 1984, be given a third reading and passed..

MR. PRESIDENT: The question is that a Bill shortly entitled The Partnership (Amendment) Bill, 1984, be given a third reading and passed?

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

MR. PRESIDENT: That concludes the Bills and we pass on to the next item, item 2(b) on today's Order Paper - Government Motion. The Honourable Second Official Member.

GOVERNMENT MOTION NO. 3/1984
RE-APPOINTMENT OF SELECT COMMITTEES

HON. MICHAEL J. BRADLEY: Mr. President, Sir, in accordance with the provisions of Standing Orders 24(1) and 69(1), it is moved that the House do appoint a Select Committee consisting of both Elected and Official Members to consider such amendments as may be necessary or desirable to the Caymanian Protection Law following the coming into effect in the United Kingdom on the 1st day of January, 1983 of the British Nationality Act, 1981, and also to make such other recommendations

HON. MICHAEL J. BRADLEY (CONTINUING): as it thinks fit on all matters contained in the Caymanian Protection Law or which relate to Caymanian Status, Gainful Occupation Licences, Immigration and Deportation, and that the Select Committee so appointed do incorporate and deem to be part of their proceedings, the minutes, recommendations and other business transacted by the Select Committee on the same subject, appointed during the previous 1983 Session of the Legislative Assembly;

And further, that this House do constitute, in accordance with Government Motion No.6 of 1983 and Standing Orders 24(1) and 69(1), a Select Committee consisting of both Elected and Official Members to consider and report upon the Law relating to Limited Liability Companies at present in force in the Islands and to make recommendations concerning what, if any, changes are necessary and desirable to such legislation in order more effectively to assist the financial and corporate infrastructure, and that the Select Committee so appointed do incorporate and deem to be part of their proceedings the minutes, recommendations and other business transacted by the Select Committee on the same subject, appointed during the previous 1983 Session of the Legislative Assembly;

And further, that this House do constitute, in accordance with Government Motion No.7 of 1983 and Standing Orders 24(1) and 69(1), a Select Committee consisting of both Elected and Official Members to consider and report upon the activities of persons engaged in the business of providing in, or from within, the Islands management services for companies and to make recommendations as to whether any legislation is necessary or desirable to control and regulate such activities and, if it is so considered, to make recommendations as to what forms of control and regulation are appropriate, and that the Select Committee so appointed do incorporate and deem to be part of their proceedings the minutes, recommendations and other business transacted by the Select Committee on the same subject, appointed during the previous 1983 Session of the Legislative Assembly.

Mr. President, Sir, if I may briefly go on with several words of explanation?

You, yourself, Sir, and Honourable Members will have noticed (if they have been comparing the Motion which was printed and circulated to Members) that I have omitted several words from it - the words in all three paragraphs being, "with the Attorney-General as Chairman". Whilst the Attorney-General had the honour to be Chairman of all three previous Select Committees on these subjects, it is not within the competence of this House, but rather within the competence of yourself under Standing Order 69(2) to nominate a Chairman of a Select Committee or failing such nomination for the Committee itself to do it. It is in view of that I have changed the wording slightly and ask the House to accept the amended wording.

Secondly, Mr. President, Sir, may I briefly say to Members that the wordings of the three paragraphs are similar to the wordings of the paragraphs of the Motions which established the three separate Select Committees at the 1983 Session of the House. The business of all three Committees are still not finished. Because it is a new Session of the House it is necessary to reappoint all Select Committees. It is hoped with the wordings that are contained here, that the Select Committee on the British Nationality Act, the Select Committee on Management Companies and the Select Committee on the Companies Law will be able to continue and incorporate the work previously done by the previous Select Committees and to report later this year to this Honourable House.

I ask Honourable Members to support the Motion.

MR. PRESIDENT: The Motion before the House is Government

MR. PRESIDENT (CONTINUING): Motion No. 3. I do not propose to read it through again because it is somewhat lengthy and has just been read to the House. Members will have noted the point made by the Honourable Second Official Member when speaking to it that a few words, being the words "with the Attorney-General as Chairman", have been omitted from each of the three paragraphs contained in the Motion as originally circulated.

Does any Honourable Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 3/1984 PASSED.

MR. PRESIDENT: For the record, I would add that I think it would probably be the wish of the House and convenient for all if I invite the Attorney-General to continue acting as Chairman or continue Chairing each of the three Select Committees.

That concludes the Government Business on today's Order Paper and we now turn to item number 3 - Debate on the Throne Speech. Does any Honourable Member wish to speak? The First Elected Member for George Town.

DEBATE ON THE THRONE SPEECH

MR. W. NORMAN BODDEN: Mr. President, for some reason or another there always seems to be a reluctance for Members to stand up and commence the debate, either on the Throne Speech or the Budget Address. Perhaps being a bit inexperienced I usually elect to venture out first. I always maintain, as I have said before, that he who gets in the first blow faire as well as he who laughs last.

And so with that, Mr. President, I would take this opportunity to formally thank you for the lucid and comprehensive Throne Speech which you delivered to this Honourable House last Friday.

As you rightly recalled, the 1983 Session was opened only last February by Her Majesty the Queen in person. That occasion, Sir, will long be remembered in the hearts of Caymanians and has strengthened in no small measure our determination to remain a Crown Colony on which the continued stability of this territory so heavily depends.

The Throne Speech, Sir, is looked forward to each year with keen anticipation by all residents of this country.

As I listened to you outline past accomplishments, ongoing projects and future plans of the various Government Portfolios, I could not help but think just how much we have to be thankful for from a materialistic point of view. There is no denying that many improvements have been made in facilities and services presently available to the general public.

In your address, Sir, one quickly gets the picture of a successful country. Indeed we are most fortunate to have the economic strength and means to provide most, if not all, of our needs. However, in spite of all this, it must be kept in mind that Caymanians (and by this I refer to all those who reside permanently in these Islands with Caymanian Status as of right or through grant) are paying and will continue to pay a price for this good lifestyle we have and all enjoy. When I say a price I am referring to the high pressures and heavy demands of rapid development in a small country to which we must all learn to adjust and accept without resentment which does not always come easy.

It has been said, and I accept this,

MR. W. NORMAN DONDEN (CONTINUING): that one must take the bad with the good. However, having reached the point that we are at today, having attained this level of success, we must be bold enough to acknowledge the impact that rapid development over the past ten years has brought with it to our society and while we want progress to continue, our planning and future development should be spread over a longer period of time so that we do not fill our pockets today and leave nothing for the children of tomorrow. We can control just how far and how fast we move forward without stifling progress. Other countries have successfully combined this process and so can we. I realise of course that this calls for a delicate and perhaps complex balancing of our priorities, but in my opinion therein lies the key to our continued success.

Prisons. With regards to Prisons I am pleased to see that a qualified Caymanian fills the position of our Director of Prisons and without meaning to sound over-nationalistic, I look forward to the time (as most people do) when more and more key positions, both in the Government as well as the private sector, will be filled by Caymanians. It must of course be accepted that this has to be a gradual process.

There are jobs out there that demand top quality performance and productivity which is keyed to the success of our business community. People who do business here pay good money and rightly expect fair value in return for this money. It would do, I believe, many of our young people who are aspiring to reach the top a lot of good to talk to men like Mr. Conolly, our Director of Prisons, and find out for themselves the years of hard work and determination that it has taken him to reach the position he now holds.

Mr. President, to use your own words and I quote, "The prison population rose significantly during the year". I believe that this strengthens my point on the high price of rapid development. These are some of the casualties of a changing society. They naturally have to be provided for and the expansion programme for prisons has been outlined.

I understand that the rules for visitors to Northward Prison have been changed which will undoubtedly reduce the number of visitors. Nevertheless, as I said before on another occasion, I would expect that a visitors' reception area and some form of outside covering can eventually be provided as these facilities appear to be very badly needed. I realise that Government spending on capital projects and improvements in this election year is running very high, but surely this can be done at a nominal cost.

Apart from the physical structure of prisons there is also the social aspect to consider. We need more community involvement in assisting discharged prisoners in finding their way back and becoming useful citizens. There is a natural tendency for society to frown on those with prison records and to adopt the attitude that once a man is down he should be kept down. But it is in our own interest to give these new hope, new opportunity and help whenever and wherever possible.

Immigration. The fact that we are so heavily dependent on foreign labour to fill positions that Caymanians will not or cannot fill has, as been stated, given rise to the situation of the illegal immigrant. Many employers are either unwilling to go through the red-tape of applying through the proper channels or rightly or wrongly feel that even if they did apply their application would be turned down anyway because the quota is closed or for some other reason. And so they resort to the illegal worker or their businesses would suffer; and this is a fact and has been accepted as that.

MR. W. NORMAN BODDEN (CONTINUING): I have heard from more than one employer that, "I have been penalised because I only try to do things right". This is the general impression. However, regardless of the reasons behind all this, a dangerous situation is developing because of these illegal workers and I believe that this problem is growing daily.

Computerisation of immigration records will eventually identify over-stayers, but then finding them, even in a country as small as ours, can be a mammoth task requiring much time, man-power and money.

I believe, Sir, that some means must be devised whereby employers can be encouraged to come forward with the names and categories of persons they have employed illegally with the assurance that once they can justify the need, they will be granted a work permit. Likewise, a general demand should be made for all illegal workers to register with the Immigration Department by a specific date providing the names of their employers and again with the assurance that if they have a genuine case their permits will be granted.

I realise that there is the legal aspect and I am by no means encouraging the breaking or by-passing of the law, but once we do in fact accept that this situation exists as it does then it certainly needs to be regularised.

Closing our eyes to this ugly situation will not make it go away. Legalize the illegal workers and then we will at least know where they are, who is responsible for them and Government will collect revenue that it is now losing. Whoever is left over from this exercise should be deported and placed on the list of prohibited immigrants. People running loose and unattached mean no good to this country and can only contribute to crime as they have nothing to lose. Something has to be done and I believe it should be done quickly.

I fully agree with your words, Mr. President, that there has to be a commitment by the general public to safe-guard the future of their own country. Our future is at stake unless the situation, I have mentioned, is swiftly brought under control.

Yes, this is our land. We hold the means of making it what we want it to become and we must strive to make it the best.

Radio Cayman - broadcasting. Regardless of what criticisms can be lanced at Radio Cayman, it is finally paying its way and providing an informative service to the people of this country, thereby fulfilling the reasons for which it was started.

District Administration. The improvement in air services through the introduction of the 727 jet aircraft into Cayman Brac is, I am sure, highly welcomed by both residents and visitors alike. I am pleased, Sir, to see that this long awaited service has finally become a reality. The people of Cayman Brac deserve no less than the best and I trust that this new operation will continue to grow from strength to strength.

Police. I realise that the Police Force may be lacking sufficient manpower to place a policeman on every street corner, but with the new fleet of cars that have been mentioned I would hope that the traffic department will be in a position to increase patrols on our mainstreets more frequently, especially for speeders. Residents of areas like Walkers Road, North and Church Streets and especially the West Bay Road complain about this. I am sure that it takes place and I am sure that there are other areas as well, and while no one expects impossibility, I would appreciate if some consideration could be given to this.

MR. W. NORMAN BODDEN (CONTINUING): The Police Force, Sir, is to be commended for its continuing fight to stamp out drug trafficking in our country which has always proven to be an uphill battle. I firmly believe that drug dealers are finally getting the message, at least some of them, and are now having second thoughts before using the Cayman Islands for their illegal activities.

The help from the United States Drug Enforcement Agency has, I am sure, proven most valuable and the United States Coast Guard I believe will also provide any needed assistance in patrolling our waters.

I have the faith that we can rid our country entirely of this evil and it is good to know that what we lack locally it readily available from outside sources. I think it is time that we let it be known, in no uncertain terms, that we will not let this country become a playground for crooks. We can and must maintain our image for decency, law and order if we are to continue on the right course and this can only be accomplished through a strong police force that is supported by the community they serve.

Agriculture, Lands and Natural Resources. Mr. President, the many obvious improvements in agriculture over the past three years could only be brought about by total dedication and without resorting to flattery, I must offer my sincere congratulations to the Honourable First Elected Member of Executive Council, Mr. John Mclean, and his staff for the fine job they are doing which is producing good benefits for all concerned.

Mosquito Research and Control Unit. The statistics on performance and activities of this unit were quite impressive and of particular interest. This Unit, in my opinion, Mr. President, was the best investment ever made by Government because in spite of swift modern transportation, good hotels and fine beaches, nothing that we have today would have been possible without the effective control of the nuisance mosquito.

The name "Dr. Giglioli" is not the household word that it once was in the beginning when he first started his work here. But it goes without saying that this country is greatly indebted to him and his staff for their many years of hard work which has enabled us to live in peace and long may it continue.

Health, Education and Social Services. It is encouraging, Mr. President, to note the consideration that is being given to the care of the elderly and I look forward to the programme being developed which will provide care for those who cannot help themselves.

The special clinic for treatment of drug and alcohol abuse will I am sure prove a godsend to those unfortunate persons and families who have to contend with this problem.

Mr. President, I am a great believer in rendering unto Caesar the things that are Caesar's and unto God the things that are God's. I have had, over the past months, occasion to use the medical services provided by the George Town Hospital. It is true enough that other larger hospitals in larger countries are better equipped, but I do not believe that there is any community of 18,000 people who have any better health care than we have here in the Cayman Islands for the cost involved. And this is also true in the field of education when we compare standards with cost and the results.

I am happy to see that a programme is being established for academically gifted students for when we speak of Caymanians filling key positions this must be the source of our supply. This is our investment in the future.

It was again interesting to note that through the job opportunity programme all students who registered were placed in jobs as each year this seems to be a source of concern

MR. V. NORMAN BODDEN (CONTINUING): and I can only hope that we will be as successful in the future with this programme.

Sports. It is encouraging to see the large number of our young people who are developing such a keen and determined interest in the field of sports. Many times the young person who is caught with a stick of ganga is highlighted, but let those other young people who are excelling in sports be placed on the front page more often too. They have to make sacrifices, they have to be well disciplined and determined and the least we can do is to offer encouragement and the facilities needed to practise the sports of their choice.

Recognition also needs to be given to the many community minded individuals who are constantly working with these young people and giving freely of their time, money and efforts.

The Sports Complex which has been planned for such a long time will no doubt one day become a reality. I know this is the expectation of many of them and their leaders and I know that this facility will be most welcome for these young people and those who follow after them.

Low Income Housing. I am pleased, Mr. President, especially to hear of the plans for work to be done in the Watler Road area and since they now have a good healthy water supply I want to be around, not only to hear but to see these plans become a reality. There are other Watler Roads springing up around our Islands for whom the quality of life needs to be raised. I hope that in due course these will receive much needed attention.

Every effort must be made to prevent breeding grounds of suffering and resentment which are potential trouble spots that can only place the future of this country in jeopardy.

Tourism. There has to be a continuous awareness of the importance of tourism to our economy and it must be accepted that all those who live and work here have a responsibility of selling the Cayman Islands, and I hope that they are not sold short. I still believe that our people are our best asset.

As is well known by all concerned, tourism has become a highly competitive business strongly affected by a cost conscious market and the fluctuation of foreign currencies. To achieve a 10% increase in traffic under these conditions speaks well for the efficiency and performance of this Department.

Civil Aviation. This is another Department efficiently operated by a qualified Caymanian of whom we can be justly proud. The new air terminal is long overdue as the volume of traffic which you outlined that is being handled is bound to create a strain on all those who man the present airport facilities, apart from creating considerable inconvenience to air travellers.

Fire Service. It was encouraging to learn of the reduction in the number of fire calls in 1983 and I hope that we are not only having less fires, but that the number of irresponsible and expensive hoax calls that this Department had been receiving in the past have been stopped.

As I mentioned before at another time and another occasion, I certainly look forward to the day when we can also afford to build a Fire Station that will serve north George Town, the Seven Mile Beach and West Bay areas and hope that this will be borne in mind whenever future planning is made for fire coverage for highly populated areas.

Port Authority and Customs. The Departments which are responsible for such a large portion of the country's revenue are certainly worthy of improvement in the conditions under

MR. W. NORMAN BODDEN (CONTINUING): which they have to work and the new building that will eventually be built will, I am sure, be most welcomed by those who work there daily.

I am also pleased to note that dock workers will be provided with some facilities which are undoubtedly badly needed.

Legal Department. Mr. President, in my view if the Honourable Attorney-General had only to serve as Chairman of the various Select Committees on which he has been appointed, he would have a fulltime job. I feel that in the past since he has been here he and his staff are to be commended and I think we are fortunate to have a man of his calibre.

The future, Mr. President, depends on each and every one of us to help make this country what we want it to become. It has recently been said by one journalist, Cayman has the potential to become one of the model countries of the world. I do not believe that we must necessarily accept situations and incidents detrimental to our country simply because they also happened in other places. We are three small Islands, far from being over-populated. We are still in the development stages and surely we can exercise more effective controls and find better solutions to our problems, mainly because of our size. Sometimes it is an advantage to be small in size, particularly in speaking of countries.

We should maintain a close guard to the gate-ways of our country - our Immigration, and become more and more selective of those we choose to share our country with. Surely we must continue to progress, but I advocate a more orderly pace with which we can cope.

Again, I believe that we have reached the point in our development when we should pause long enough to truly evaluate our present position and establish where we are really heading.

Mr. President, I too would like to add my word of thanks and appreciation to the Clerk of this Legislature, Mrs. Sybil McLaughlin, who will be retiring shortly. As a new Member in this Honourable House I very often found her help and advice most valuable and I thank her most sincerely for her guidance and I wish her every success in whatever she chooses to do during her years of retirement. I am confident that there will always be a place in our society for a lady of her calibre and experience.

I also offer my congratulations to the Clerk Designate, Mrs. Gay Jackson, whom I am pleased to see being groomed for this position. I am sure that she will find her new job a challenge, but one which she will meet with the same determination and efficiency that has caused her to be appointed to this post in the first instance.

In conclusion, Mr. President, I do not mean to end on a sour note because I realise that a person's remarks, especially on a public forum, can often be so easily misunderstood, but whether we like it or not, whether we wish to accept it or reject it, there is a definite feeling creeping into our midst that we are fast becoming a society of favours. And I have heard this mentioned in many circles at all different levels. Necessary steps need to be taken to counteract this or prove to the constructive critics if this does not in fact exist.

In this election year it can still be said that we have many material things. Much money is being spent on buildings, roads and other impressive improvements. Reasonable financial reserves are still in hand. That we have done well and have prospered is evident in most areas; of this there can be no doubt, but the man on the street (the little man) and I am not

MR. W. NORMAN BODDEN (CONTINUING): reforming here to the unemployables as some are called, still asks, "What is in all of this for me? Is my life really better because of it?". I have even heard children ask, "Really what future do I have here?". These are questions that need to be realistically addressed.

The little man wants to know that he can expect a fair deal, that justice, fair play and equal opportunity are still his in this changing society and land of plenty. These to my mind, Mr. President, are the primedpossessions that we can offer our people in confidence and trust for the continuing well-being and success of these beautiful Islands we call home.

Thank you, Mr. President.

MR. PRESIDENT: I think it may be convenient for Members if I now suspend proceedings for approximately fifteen minutes.

AT 11:31 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:53 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. Debate on the Throne Speech. Does any other Honourable Member wish to speak? If nobody does I shall be obliged to put the vote.

The Third Elected Member for George Town.

MISS ANNIE EULEAN BODDEN: Mr. President, Sir, I had planned not to speak until this afternoon or maybe tomorrow, but I cannot let the opportunity go by with you declaring that the debate is closed. I must have my little bit to day.

First of all, Sir, I would like to say that I am very happy that on the last occasion Her Majesty the Queen was here to read and to open the Session. It was to the Cayman Islands a great event and one that will go down in history as being the greatest moment for Caymanians in all the history of our being a British Crown Colony. I can only say, Sir, that it was a great pleasure to me and it was the one speech that I made where I was never criticised because far and near I have been congratulated on the few words that I spoke to Her Majesty and these came from my heart, not from paper, but from my heart.

The next thing I would like to say, Sir, is that I thank you for preparing such a speech which outlined our position as a British Crown Colony and all of the many accomplishments that we have made during the year.

I would like to say before I go any further how grateful I am that we have a Clerk like the present holder, Mrs. McLaughlin. I advocate, Sir, that women, when they are dedicated to their jobs, do a far better job than the men and I can say this of Mrs. McLaughlin that she has dedicated her whole life to the working of this Assembly. She has been very helpful to one and all and I personally am sorry to know that she has reached the stage where she will not continue. But I am very sure, Sir, that Mrs. Jackson, being taught by her I would say, too when she has accomplished as many years in our Assembly will be quite as efficient as the present holder. I wish for her God's speed and in whatever she does I wish her success and above all good health.

Now, Mr. President, while some people

MISS ANNIE HULDAH BODDEN (CONTINUING): criticise the way we spend money I feel, Sir, that we are providing the necessities that we need.

The Prison. I am very pleased with this. I go there quite regularly and when I see the landscaping and the way that the place is kept I feel, Sir, that the prisoners are not so bad after all. They are unfortunate and with the grace of God we might all be charged, not as they are charged, but we have all sinned and come short. I feel that we should treat them as human beings and give them a good place in which to spend some of their days and prosper. When they return back to society I feel that each and every one of we should give a helping hand and try to point out to the people that they have done wrong and encourage them to do better.

I think, Sir, that we should be proud of our Prison - the way in which it is built, they way that it is kept and as it is going fairly well. We have a Caymanian as the Director and while he is doing a good job to the best of my knowledge I feel, Sir, that it is a very hard job on him. He is criticised as every one of us seems to be, but nevertheless he is doing his best and I congratulate him on the efforts that he has put in during his lifetime to obtain such a position.

Now I must say that I agree with the remarks made by the First Elected Member for George Town regarding Immigration. We do have a problem and it is up to us to try to solve it in the best way we can. Let us be realistic about it. Caymanians in these present days do not want to do the menial jobs that they did when money was not this plentiful.

We do have to have imported labour, but as has been said I feel that there is a way that we can correct the situation and make some consideration to give work permits to people who are actually needed. We must all consider that at one stage in our lives we were dependent on sending the men abroad to seek employment. Now that the cards have turned I think we should not be selfish, but there should be some proper way where these immigrants can have the proper set of papers that they will not become a menace to our society.

Now, Mr. President, I was one who advocated the broadcasting system of ours and I feel that it is has helped tremendously. People who are shut in and not able to get out can hear what is going on. Some are even blind and old and cannot read the papers, but at least they can hear.

One thing that I disagree with with the broadcasting station is that they do not read enough local news. Sometimes when I sit down and have to hear some of the happenings, they give you about two lines and then they divert to foreign news and I feel, Sir, that they should send their staff or correspondents out to get the news to put on the air to make it more interesting.

I am glad for the progress made in the Lesser Islands. I have always advocated that they are our younger sisters and brothers and that we should do all we can to assist them. I must say that this present Government has really put a lot of effort into helping Cayman Brac and Little Cayman. Although they might not have a representative in Executive Council I feel that the Honourable Chief Secretary is doing a good job when he goes and takes over the lead to help them out.

The Police Department. They get a lot of criticism and I myself have criticised them. Sometimes when I feel that investigations are being held up and not very successful, I feel that it is the police's fault. On other occasions when they investigate cases and they are taken before the Court and the accused are sometimes acquitted, I feel that it is not their fault and they must be discouraged when they have worked and put a lot of effort into it and their work comes to nought.

MISS ANNIE HULDAH BODDEN (CONTINUING): I must congratulate them on their fight against the drug trafficking. Mr. President, it is a very serious thing and I feel that our Courts although they might have these highly qualified legal experts defending the accused they should take justice into consideration; and this I am very glad to say is being dealt with. Prisoners should be made of those who deal with the drug trafficking. It is a sin, a shame and a crime that our youngsters should be left to go to prison with that much ganja and the big dealers (because they can employ high-faluting lawyers who plead their cases so successfully) escape. I feel that we must cut down the tree, not just the leaves, but the tree and that is what is being done now I hope.

It is very gratifying to know that we still have some assets to our good and, Mr. President, while I have heard it said on many occasion, any fool can make money; but only sensible people save it. Well there is no use in saving money and doing without things. I feel, Sir, that it is our responsibility to finance this Government where necessities are well taken care of. There is no use having millions in the bank with streets that you cannot walk on and buildings neglected. I feel that we must spend our money, but we must spend it wisely and try to preserve what we have now.

I must say that I offer my sincere congratulations to the Department of Agriculture, Lands and Natural Resources. We are getting back to the old times. Produce is being raised so that we will not have to take all our money to spend abroad to get food to eat. We can easily feed ourselves if we would just take the task seriously. Just suppose that there was ever to be another world war and we had to depend on the United States of America and other countries to feed us. In six weeks we would be dead unless we have proper agriculture facilities going.

I think the rearing of cattle and ground produce will add greatly to our economy and will help us not only to save money, but it will help the people to understand that if they help themselves God will help us.

Now I cannot speak too highly of the Mosquito Research programme. If we had mosquitoes like we had in the past I would decide to leave Grand Cayman. I could never endure them again. I feel that Dr. Giglioli and his staff have done a wonderful job. My great grief is to hear that he is so ill and I pray every morning for his recovery because I feel that he is a good man, he has done a good service to the country and I am sure it was not all for his benefit in the privises that he received, but the good and welfare of the country that he had at heart.

The Planning Department. I feel that we should plan and plan wisely. I have always advocated, Sir, that we were going ahead at too fast a speed. We should have stretched our development over a certain period and there would not be any shortage. However, we rushed it to fast and now we hear people complaining that they cannot get work, but I feel now that we have learned a lesson that we must consider that development should be carefully planned and gone into.

Land Registry. I might as well admit, Sir, that I was one of the great opponents to the Land planning, but it has worked miraculously and now a good job is being done by that Department.

Health, Education and Social Services. I must congratulate the Honourable Truman Bodden on his efforts because I have had friends who were born in that Hospital and they have come back with not one word of complaint. They have spoken very highly of the staff, the food and the general behaviour at the Hospital. They

MISS ANNIE BULDAH BODDEN (CONTINUING): say there is none better anywhere else in the world. We do not have all the equipment that we could have in our small facilities, but nevertheless I feel, according to the reports that I have heard, that everything is going on in a most orderly manner there.

I offer my congratulations to this Member who at least has tried so hard, but like all of us he does not get much appreciation. Nevertheless, he is continuing on.

Now in the field of education. When I think of the hardships that we as children endured - walking to school sometimes by foot - sometimes having to break a piece off our slates to write on the other part of it - and with all the facilities that are now being offered I think that we should be a more thankful and happy people for all that our Government has provided for us.

We are able now to have children trained, if they have the ambition, to take jobs after they have finished their training in any Department of our Government, save, I will never say that we should have a Caymanian permanently as a Governor because we are too closely inter-mingled. But, nevertheless any other job, in my opinion, can be held by a Caymanian.

All the schools, the Middle School, Elementary and Secondary Schools seem to be doing good work and they are helping us to get what we sadly lacked in the past and that was a proper education.

The Social Services in these Islands have improved thanks to the many service clubs that have rendered all the assistance that I think is humanly possible to be done. They have gone out of their way and those who are in better circumstances have tried to help the less fortunate.

The Frances Bodden Girls' Home, Sir. I feel that we should, if possible and if the girls are not too far gone, bring home all those who are abroad and put them in the home where at least they can have the facilities of being in their own country. I hope that this will be investigated and in the not too distant future we will have all Caymanian girls who are now abroad brought back and sent there.

I am sure that the Government has taken great interest in sports and everything is being done that will help the younger generation to prove themselves competent to take care of tomorrow's needs.

It is a good thing to know that the Low Income Housing is being established. There are settlements in this Island that need to be improved. I saw some pictures in one of the newspapers that were absolutely shocking and I feel that the Health Department should investigate and try to get this cleaned up.

Tourism I am glad to see is on the advance, but we cannot solely depend on tourism. We must try to get other outlets and we must not outcry the facilities that we have to offer. And above all, Sir, I have heard it mooted that there is a proposition now being put up to introduce gambling in the Cayman Islands and forget about tourism. Well, Sir, I hope and pray and trust that not one of our leaders will ever, ever, ever think of such a thing being introduced.

Long ago it was mooted and we had some good offers, but we said, "Keep your money - we will keep our Islands clean.".

As has been said I would like to see more Fire Stations established in these Islands and I feel that when we can ably do so financially, that will become a reality. As

MISS ANNIE HULDAH BODDEN (CONTINUING): it is now the Fire Service seems to be doing a fairly good job and I am glad to know that people have become so educated that they will not give false alarms.

Cayman Airways Limited. I will still say that that is a service that we cannot do without, but my contention is that we should get proper accounts to find our exactly how much we need to operate the airline and that the Government should be asked to subsidise and do what is necessary to keep the airline going.

I have had various complaints that some of the staff are not paying proper attention to the Cayman employees. The rises in salaries seem to be going to other people who have the top jobs. I feel that justice must prevail and all people should be treated equally according to the jobs they fill.

Mr. President, we as Legislators voted the money to take care of the additional salaries to the Civil Service, but the public seem to believe that we were the ones who decided on the rates, which is not correct. I feel, Sir, that a statement should be issued that we as Legislators were not responsible because we have been blamed for the action.

Roads. There are certain roads that need some fixing. I have just referred to the Honourable Member responsible for roads a request that I have had from some people to fill in some swamp holes in the roads and I feel, Sir, that we should look after this.

I am very proud of the airport facilities, but there is one thing that I have a complaint about and that is that not many Caymanians, ordinary labourers, have been employed. I do not know if that was the reference that was made prior to my speech that ordinary people do not have much chance. I feel, Sir, that when there is a job by Government, labour should be spread over to those who will work.

Postal Department. I am sure that that is being operated at a great advantage. I have never heard any complaints or too many about the Post Office and I feel that as one of our big income earners we should keep that properly staffed and growing.

The water leases that have been cleared in the Lower Valley area are, I feel, of great importance. I am sure that eventually that service will attend to George Town and onwards.

I feel, Sir, that the housing facilities for the Port Authority and Customs should have some renovation in the near future. After all the greater part of our revenue comes from Customs and they should be given a proper place that is at least safe for their staff.

I notice here, Sir, that it is Government's intention to introduce a Bill providing for Elected Members of the Legislative Assembly to receive pensions. I personally, Sir, feel that serving our country is a great honour, but it takes a lot of time and those who have contributed in the past (I can think of several including my colleague from North Side and one colleague from East End) have experienced great difficulties in doing the jobs they have done. So if the Government thinks that they are worthy of such consideration I would agree for it, but for me personally I have served this country to the best of my ability without hope of reward and I expect and hope and pray that I shall continue to do so for at least another four years.

Now I would pray in this election year that we, whichever of us are privileged to re-enter these Chambers, will come in here in a spirit of goodwill towards each other. Each

MISS ANNIE EULOAH BODDEN (CONTINUING): and every one of us have in some small way done some good and I feel we can better serve the country and God by living in unity and doing what is right to His service.

I thank you, Sir.

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

HON. G. HAIG BODDEN: Mr. President, I wonder if you would allow a suspension now as there is another meeting scheduled for just after the suspension?

MR. PRESIDENT: There appears to be a reluctance on the part of any Member to speak. If it will suit the convenience of the House I am quite content. Perhaps we could agree to meet again at two-fifteen? Does that suit Members?

I think I am right just to remind Members that there is scheduled to be a meeting of the Commonwealth Parliamentary Association at four-thirty today at the end of our proceedings.

So I will suspend proceedings until two-fifteen.

AT 12:21 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT: Please be seated.

Debate on the Throne Speech is resumed if any Honourable Member wishes to speak.

If no one does I shall be obliged to put the question.

Does no Member wish to speak?

I do not think we can wait very much longer. If no Member wishes to speak I shall have to put the question.

MR. CRADDOCK BANKS: Mr. President, I, Sir, would like to compliment you on your Throne Speech and contents therein. However, before going into that in detail, Sir, I am thankful for the opportunity and the privilege of being able to take part in another Throne Speech that is being delivered to this House.

I come back on this occasion, Mr. President, with the full mind and intention to work wholeheartedly without fear or favour with all Members in Government in this Session of the Legislative Assembly. We can only achieve the things we would like to achieve by working together. We all have our ups and downs, our shortcomings, but I feel, Sir, that we can achieve the goals that we set out for if we are prepared to work together. So I expect it will be a good year for Members working in the direction for the betterment of the country and people.

I am sure, Mr. President, it is nature in all human beings that more or less we have in our lifetimes or during our lifetimes some fond memories of things that we remember, things that we think about and, Mr. President, I could name numerous things that are in many instances fond memories to me. I think about them and I will just name one or two with your permission, Sir.

On one occasion while in Liverpool at the Seamen's Institute I was given a postcard by the mother of the Lord

MR. CRADDOCK EBANKS (CONTINUING): and Mayor of Liverpool. I thought, Mr. President, that I was honoured by this very elderly lady presenting just that (the card), but I thought a lot of it.

During my visit I went on some tours in London and I had the opportunity of sitting for a few minutes in Alexander the Great's rocking chair that I still remember. I have memories of Her Majesty the Queen when she visited our Island a year ago and being the first Caymanian to be honoured by a reigning monarch on the soil of Grand Cayman, I think it does leave some fond memories for me to cherish.

Lastly, but not least, Sir, for the years that I have spent in this House, it is an honour to me. It is a memory to be cherished that I had the privilege from the people of the Cayman Islands, not only my constituents, to have confidence in me to represent them over the years and I have done it, Sir, without fear or favour. I think this remains one of my most outstanding memories that I have had this privilege.

I am prepared, Sir, to take the next step for the general elections. I will be standing as a candidate. It is left to my constituents to decide the case, but I am, Sir, prepared, with the help and guidance of the good Lord, to continue to work for the people of these Islands.

Mr. President, as I said in the beginning I would start debating the Throne Speech. One writer said that his friend cast his bread on the waters and it came back to him. He got a $10 fine for litter, so I am going to attempt to cast my bread on the water. I suppose it will come back, but I do not know whether it will be a prison term or a fine. Nevertheless I intend to cast my findings out.

Mr. President, you pointed out in detail as you saw things over the year past and gone and projected for the year ahead and this is customary. I think we have had a good year. Government has been able to achieve a number of its commitments and plans for the improvement and betterment of the Islands. There have been projects that we talked about that have gone into effect, but while the older things that Government has done and the things that we have achieved there are some people who feel that we have not been doing anything. They say that this thing has not been done and that thing has not been done and that the answer to that is to clean out the House and put in new Members. I do not know if that will all come about, but that is not the answer, Sir. The answer is working together hand in hand. We have been achieving the things that we set out for - a growth in the Islands and improvements in every area and in every field.

Mr. President, in your Address, almost at the start of it you spoke of the Prison which comes under Internal and External Affairs. I remember recently hearing the Lady Member making a statement that the building and everything else is a credit to this country. The structure, Mr. President, may be a credit in the structure field, but the reason and the purpose of that structure does not mean it is good for our country or to our people.

If I have understood correctly, there are now between 75 and 80 prisoners in the compound. I do not know what percentage of Caymanians are among this number, but for a small country like the Cayman Islands with a population of 17,000 to 18,000 we have probably 100 prisoners including those sent to Jamaica. This does not spell happiness, Mr. President, and I believe that a lot of these prisoners are young people whether they are our native Caymanians or other nationalities. I believe, as I said, the majority of them are probably young people. What is life like for

MR. CRADDOCK ESANKS (CONTINUING): a young person when they go to prison? They commit offences, Sir, and break the laws and that is the reason they are in prison.

It hurts me, Sir, to know that young people snatched in that way and sent off to prison and then come back out to wander around and start doing the same things over. We should be doing everything possible to help those who are confined.

I wonder if Government ever thought about setting up some lectures and have people go there and lecture to them at various times and occasions on different ways of life. Probably the churches would be the best to do work such as that. How many times the Ministers pay visits to the Prison, I am not aware of. I do know that they do have visits by church groups, but to what extent and other areas of lecturing that are no greater than their spiritual welfare. But they could be lectured in other ways and means to try to rehabilitate them so that when they come out of prison they will be able to take a better look at life and see their mistakes so that they will never go back to such pitfalls.

According to the Estimates, 1984, it makes provision for 39 guards at the Prison and I was told a few days ago when some church wanted to have service on Sunday, they told those interested that there were too many guards on leave for them to have a service. They did not have enough guards in the compound to guard the prisoners for a service to be held. If that is the case, Mr. President, I think it somewhat pathetic that on Sundays when nobody is supposed to be working and there are not enough guards at the Prison to see for the caring of prisoners during a religious service, some investigation needs to be made. I cannot understand why so many guards should be on leave at one time.

Again, I can say, Mr. President, from the answer I got from the Honourable First Official Member with respect to a question on the prisoner's working is that there is a limited amount of guards and you can do so much and no more. There are 39 guards and I cannot accept that they cannot be two guards to guard half a dozen prisoner daily in any area that Government designates for them to work. They may work around Government buildings such as the schools, Hospital and roads. I have seen them so many times with the trimming equipment, the hacker it is called, trimming and there are places at times when it is almost impossible to travel on the roads due to the litter on the roads that this machine throws back onto the streets. I have never seen anybody clearing it and there is ample time and opportunity for prisoners to be doing this.

There must be some breakdown some place, Sir, that proper arrangements and regulations are not coordinated to do this. I am not satisfied, Sir, and I feel that better can be done with the amount of prisoners and the amount of guards and there should be at least a half dozen prisoners working some place daily.

It would be disrespectful of me if I were to say that prisoners should be treated as animals. I do not expect that and I do not care for that, but if they are being fed like it is said they are being fed (three meals for the day and light refreshments when it is time to go to bed), I wonder how many prisons in the world are enjoying such facilities as that.

Mr. President, I do hope that the Honourable Member responsible for this will look into it and find a solution to improve it.

Immigration, Mr. President, is another important area; it is an area that is responsible for the running of this country for good government monitoring the people coming in and going out. What I am unable to understand is when Immigration checks somebody into the country, probably for the first time, they must have

MR. CRADDOCK EBANKS (CONTINUING): Traffic Law.

The type of behaviour that so many motorists exercise on the roads today, Mr. President, spells out danger. It spells out that another life could soon be gone. When people use the roads without consideration for any human being, animal or anything else, it is time to have laws to curb some of this. And that will not be by $500 fines nor the suspension of licenses for thirty days. That is not the answer, Mr. President.

When we have traffic travelling at the normal speed within speed limits and somebody comes flying by trying to pass a half dozen vehicles, trying to whip in and out of other on-coming vehicles: a driver like that is a menace to the roads and the answer to that is to take them off the roads when given the chance.

There are families, Sir, who would like to go for a quiet evening drive to visit friends and families, but they are afraid to go because they can get bumped off by the crazy person who thinks he owns the road and has no respect for others.

It is not only the Traffic Law, Mr. President, there are two or three others that I would like to see come to this House soon. It appears that we need to make most of the Laws mandatory so that the judge will not be lost as to what to do.

Mr. President, I will go on a little to agriculture which is the bread of life. Without that we will not make it. I still like my breadfruit although some people do not because it does not grow on plastic trees.

The Agricultural Department can do so much and no more, Sir. Their demonstration is like some other demonstrations. The young men growing up today must have been born with their hands tied behind their backs or fronts or something, but they were not made for machettes. They do not make machette handles to fit into their hands somehow or another. These same young men are not supposed to dig little holes to put a piece of cassava in it.

I do not know how much demonstration we will have to carry out to convince our people that we once lived from the soil and that it is no disgrace to continue to live from the soil in one way or another. There is nothing better than what we grow.

I have not seen any tomatoes coming here weighing a pound or a pound and a quarter from overseas, but they have been growing on this Island. I see cabbage grown here weighing five pounds to the head.

In your address, Mr. President, you referred to the banana project being carried out on Crewe Road. The project is being carried out in an expert manner and when it is all completed the techniques could be passed on to farmers on the raising of bananas.

Mr. President, with respect to the North Side area, there are but a few acres of land that can be developed for agriculture. There is just too much cliff. In these areas there is marl soil and rocks that can be ripped almost with a wheelbarrow instead of by a bulldozer. You can rip it and turn it over and mix other things with it. If you go down two feet you get water for irrigation, but, Mr. President, it is just not that easy in the eastern districts. I speak primarily for North Side, but East End has the same terrain. I can be told that you plant six inches down, put in so much fertiliser and water three times a day, but it is just not that easy in our area.

I can remember my dear father who was a farmer and it was as common as his fingers and toes to see him

MR. CRADDOCK EBANKS (CONTINUING): with a ten, eleven and a twelve hand bunch of bananas hanging anywhere on his property. He never used fertilizer; he never had a chance of using a bulldozer; he never had water to irrigate, but he would just put a sucker in a hole that he had dug and it would mature and develop. As I said a ten or a twelve hand of bananas was more common then than it is today. That same soil is still up in those jungles, but the machette is not made for our people.

So I do not know how far the demonstrations will reach or what benefits we will derive from them since we cannot use equipment to do in our areas what is being done here in the George Town area.

We have a Head of the Agricultural Department, Mr. President, and within the four to six weeks after his arrival to the Island he visited some areas in North Side: I cannot say he visited every household that had trees, but I was assured that those visits would be on a regular basis to help the households with their backyards and gardens - what to do about them and how to help control the pests and other problems. And if I remember correctly, Sir, the Head of the Department came back to my place once since that: not on a visit to do a round like I was assured, Sir.

When we pay money to have things done, it does not mean to sit in the office and read a paper or make up something and pass it out saying that this is what we are going to do. We need to go to these various places to see what can be done. I am not saying, Mr. President, that the officer may not have a full day's work. I have a full day's work, Sir, like any of us, but we must regulate our work, time and schedule to tie in with these when it comes under you, Sir.

We are talking about an increase in cattle. I have never been in the cattle business, but I can tell you, Mr. President, the way that I see the land being cleared for sub-divisions for housing and buildings, all the miles of beautiful green pastures are now being bulldozed for sub-divisions. I do not know whether it is planned to import cattle fields to raise them. But the way that land is being developed from what it used to be used for, it does not seem that we are going to reach the stage where meat and milk is going to be sufficient in this country by way of cattle.

Mr. President, there are a few other areas that I would like to touch on. We have the Caymanian Protection Board; the public are getting a bit riled with it. They do not know how much the Caymanian is being protected. There have been numerous complaints brought to me, Sir, and I have heard it in conversations and discussions where they cannot find out why members on the Protection Board should not be changed more regularly rather than some being life-time members. The reasons that they give for this, Mr. President, is justifiable. Members should be changed on a more regular basis. I suppose most people say that when you have something good you should hold it.

The work permit system. Some people can get as many work permits as they want whilst someone else cannot get one work permit granted any under circumstances. That is one of the reasons why some of the people visiting the Islands (from other Islands primarily) come in here, get lost and look around the next day and find where they can probably get work - somebody probably could not get a permit to import someone or even get someone after they arrive in the Islands, and they take the chance and go in hiding and go and work for some of the people who cannot get work permits.

The Caymanian Protection Board

MR. CRADDOCK EBANKS (CONTINUING): is creating some of these problems. If someone gets a work permit for two years, probably in the maid field, when those two years are up that person must go, yet for someone else it can be renewed.

I know now of a young lady who was sent home when her time was up. She came back shortly after that as a visitor to visit the family and she got employment to work for another family and now she has left that family and has gotten a permit to work for another family. That is the way it goes, but somebody else who needs a permit cannot get it under any circumstances.

Equality without justice or justice without equality - everyone should share and share alike. Be honest to all and that is why we are having some of the problems that we are having.

I saw some fellow not so long ago working and Immigration happened to come to the place of employment just as I was there. They picked him up and he said that he had tried everything to get a work permit and Immigration refused to give it. You see they make our people commit themselves and all they say is that you should have known better. But when you have a job to do you cannot do it by yourself, you need help, but then what can one do.

Mr. President, you may think that I am starting to preach. I am not going to start preaching yet, but I am going to shout after a little while. These fellows were reluctant to get up. As far as I am concerned they can leave now and go home unless they want to listen more to what I have to say.

We have had grievences and corruption and there is more than one way, Sir, that you can spell it. There is more than one way that we can face it. When any one Department favours individuals and will not under any circumstances consider other applicants - I do not know what you would call that.

I have seen people, Sir, and I believe I know what the policy is. If I get a work permit, my name must be on it confirming that I am employing John Brown. And if by chance someone else could use that same person because I may not have sufficient work, that other name should be on the work permit. But when an individual has a permit for some one who is working for a dozen people, you do not find their names on the work permit, Sir. That is going on in this country.

If one cannot afford to have someone working fulltime because they do not have the work, how can they get a work permit? A person will get a work permit and bring someone in who in turn works in West Bay, George Town, East End and Bodden Town. I am positive that work permit does not have all those names on it.

Let us be clean in all our dealings, Mr. President. Let us be fair to all mankind in this country. If someone is lucky enough to get a fortune handed down to them, God bless them and for the majority of people who have to work, let us be fair with them when they need somebody to help them work.

The Planning Department can boast of the plans approved for the year which gave us the millions of dollars. That is good, but they are like all of us I suppose - they have weak spots somewhere.

When permission is granted for a building and there is barely enough land to put a structure on it, with little or no surrounding property, and taking into consideration the purpose of the building they ought to be very cautious in granting building permits.

MR. CRADDOCK EBANKS (CONTINUING): There is a little hotel in its completion stages in North Side. With the land being small in size the hotel has been built so close to the road and there is no space to park a car. Where are the guests going to park? Are they going to park their cars in the street?

These are the things, Mr. President, that the Planning Department ought to look into. They should ensure that the facilities which go with an hotel, condominium or apartment have ample surroundings for these purposes.

Again, according to the Liquor Licensing Law, these buildings are not supposed to be any more than a quarter mile or a half mile from the nearest Church, Civic Centre or School. Measurements should be taken to establish the distances.

Applications are then made to the Liquor Licensing Board for liquor licenses and if they are not granted you will hear other songs. But should they be granted when buildings are facing a School, a Clinic and a Church just a couple of hundred feet down the road? I blame Planning for these kind of things, Sir.

I am not against anybody trying to make life worthwhile, but I do not think that Planning, in its capacity, should bow to such applications as these.

MR. PRESIDENT: If the Member proposes to speak for some further period, I wonder whether it may be convenient for us to take a break now. If the Member is nearly finished then we .... I had the impression that perhaps he intended to speak ...

MR. CRADDOCK EBANKS: No, Mr. President, I plan to go on for a little bit longer anyway. It would be quite alright, Sir, if we take a break.

MR. PRESIDENT: Well, perhaps it is about our usual time for taking a break. Perhaps we could suspend proceedings for about fifteen minutes.

AT 3:30 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:53 P.M.

MR. PRESIDENT: Please be seated.

The debate on the Throne Speech continues. The Member for North Side.

MR. CRADDOCK EBANKS (CONTINUING): The reason I suggested to my colleagues that they use up today and I would start in the morning is because I do not like to trim my debate or for it to be interrupted. Nevertheless, I will get back.

Education and Health. These are two very important matters to deal with. There is only one thing over health and that is the gospel of religion. Health comes second. Money can buy most anything to some extent and there are people in the world today who would give every nickel in the world today to enjoy a perfectly beautiful health - even for one year, I believe. So when we have good health it surpasses anything else except, as I said, the gospel - if one believes in it.

Education is a demand in our country today for the youth (those who are going to school) and those who have passed the school age, but they are far from being too old to

MR. CRADDOCK EBANKS (CONTINUING): study and further their standards of education so that they can better achieve their positions in their jobs, community and Islands. I am glad, Mr. President, that with all the weak spots within the education system or schools we have much to be proud of today.

The examination results for last year were fantastic and I would hope, Sir, and I would like to know that all those students who made the grades (even if they did not get seven, eight or nine subjects, but got three or four) will build on that and continue to further their education rather than being swayed for higher paying jobs. I would like, Sir, to see our young people well educated. They have reached the stage where they can qualify for universities and colleges all over the world. This they have achieved through the desires of their hearts, regardless of what type of field they want to work in. Five, six or seven years is not too long to work for towards one's goal and when it is reached you can shine it. You can demand your job.

The time is right, Mr. President, for more Caymanians, not those with status, but for more Caymanians to qualify for the running of this country. It is our country; our grandfathers' laid the rock structure or the foundation and the generations that followed kept building lime keels, did more plantering, buried some iron-wood posts and built Cayman to what it is today.

It is high time, Mr. President, for Government to take a close look at the situation. I suppose I can be told that you cannot make a boy go to college if he does not want to go, but I feel that they should be persuaded and encouraged (both boys and girls) to the fullest extent. When Government is prepared to pay their way through university or college, it is really giving them the opportunity which they should have.

When the students come home from college they feel that maybe because they did five years and achieved all "A's" that they should be given the next post in the job to you or something. I realise a little of that exists. But, apart from that, Sir, our people must be encouraged and made to understand that you get what you want by working for it.

We have people in these Islands today, Sir, people who came here to work for Government in the capacity for which they came and I could look around, Sir, and nobody on the outside can show me anything that somebody did during their years working for Government in their capacity. Today they have Caymanian status - they go about their business and work where they want to work and yet they have contributed nothing.

I feel like digging my head, Mr. President, but all the lice have gone now - we do not have any anymore. We must make it abundantly clear that any Caymanian who can qualify, we must find a place for them regardless of whom may have to be squeezed out. Whether it be a Caymanian employee or someone's son or daughter as the case may be. That is what the Caymanian Protection Board is there for, but it is said that it does not protect.

The thing about it, Mr. President, is that Government is prepared to spend any amount of money for further education to give every boy and girl the opportunity.

I saw something in some paper a couple days ago, I believe it was some circular that I got, on this. And it is a known fact, Mr. President, that business firms in this country put out applications for someone to fill a particular post and when a Caymanian or two reply they are told that the

MR. CRADDOCK EBANKS (CONTINUING): post is already filled. It was filled before they sent out the application, but they only did it to protect themselves since they have to advertise for a certain period of time. They only did it for curiosity's sake.

It is up to the Department responsible to see that Caymanians get their rightful place and position in this country. And unless that is done, Sir, the young educated people who are trying to get a college degree will not be encouraged unless they know that there is a place for them when they return.

It really seems, Mr. President, and I will be honest with you, Sir, that in all our education strides our people do not seem anxious to take up the role and the load of teaching. It appears that we have years and years to import teachers, but we cannot tell a child that he must be a teacher when he has the idea or interest to be a mechanic. You cannot take that from a child and say that he or she must be a teacher.

All people, Mr. President, do a bit of squawking. They say you let people come in and take this and let people do that and we are left out. That will continue, Mr. President, to a degree if our people do not achieve their goals for them to be in those positions. We will have to continue to bring in certain people from certain places for certain jobs, but Government should not be reluctant to shift posts where another officer could possibly fill his or her contract to give John Brown his rightful place for which he qualified. Until we do that, Mr. President, we are going to have some of this.

You see, Mr. President, I guess I try to see too many things at one time, but I did not have the chance to get an education. We did not have the schools in those days. If one got to the fifth standard one was a good student and made the grade. The sixth standard was as it were the limit. But the boys and girls do not have to go fishing in the morning for their mothers to cook their catch for lunch these days. When they get up they can have any breakfast they want and when they come home their meals are there for them. The worst part about it is if they call for their mother and she is not there. That is discouraging for the boy who might be trying too.

These are the things, Mr. President, that the students of today have every opportunity. Everything is paid for. They get up in the morning and take the bus to ride to school and come home again. But if we continue the trend it appears that we will have enough, providing they do take the interest and opportunity to achieve their goals to qualify for the running of this country. In other areas, Mr. President, it will take a lot longer - such as medical. It will take a long time to have enough qualified doctors to fill the posts in the hospital to take care of the sick.

The way that students are going for further education and the way that they seem to be achieving success in their studies, we have something to look forward to, Sir, upon their return. But what I am saying, Sir, is that they must be protected and given those positions for which they worked.

As the Lady Member said, the only complaints she had about the Hospital were good. She was happy that the facilities, surroundings, service, food and all things together seemed to be reasonably good and there were no major grievances. So that, Mr. President, ought to make us feel reasonably good. I suppose a sick person is more easily irritated than a fit person if they do not get what they feel they should get at that moment. They have grievances. Well, I too, Mr. President,

MR. CRADDOCK EBANKS (CONTINUING): feel that way. We have gone a long way. We have continued to build, expand and increase and I think Government has always tried to find the quality of doctors needed.

I believe, Mr. President, that with the amount of doctors that we have, a little more time and patience could be given to patients because it is the patient who is feeling the pain and having the problem. If a little time is not put in to try to diagnose an illness, the patient goes away feeling unhappy because they feel they have not been properly looked after.

In Dr. Norton's days he would keep a patient in for half a day. There could be as many people outside as possible waiting, but he would always come to the door and say, "I will be with you in another five minutes", but he would be gone for an hour before he came back. And you could send a patient to any doctor in the world after he had finished with them and they would tell the patient what he had told them.

I hold out my hat with greatest respect, Sir, to our doctors. I feel that they are doing a wonderful job, but there are some people who feel that they do not get enough attention. However, nobody has died in their hands yet and I trust that no one will.

Mr. President, there a lot of other things that I would really like to go into and I trust, Sir, that you will bear a little longer with me. I intended to be brief and I will still try to be brief, but if I do not finish today I will finish tomorrow.

I think, Mr. President, that we have tried to make our Civil Servants the happiest and most comfortable group of people working for this country. And without a doubt, Mr. President, it has grown over the years. There was a time when there were half a dozen Civil Servants. I remember seeing in one of the old ledger books, after Government moved from the waterfront, $5,000 for the year. The expenditure showed sixpence for this and ninepence for that. I do not know how many Heads were in the staff then.

The Civil Service is doing a remarkable job. We have Civil Servants who have dedicated their lives to this country and I feel, Mr. President, that it is only fair when we can find it possible to give them an increase in salary and other benefits that might follow as well. And I think this Government has been trying to do this over the years.

As was stated in the debate, the Honourable Third Official Member felt the time was right for certain weeding out to be done within the Service. It is only fair. We are getting too heavy. We need to give everyone who may not be doing a full day's work the opportunity to qualify for it or to transfer them to some other area. I would not think, Mr. President, of just dumping someone. It would be unfair. We need to give them the opportunity to meet the requirements expected of them.

We have just had a new salary structure for Civil Servants to get a better pay. The cost of living is going up every day. But I wonder sometimes if the Elected Members are partly being blamed for some of this. Like some other things, Mr. President, I can go to bed at night and know that I am innocent. Like all other Members, we had no part in it.

I wonder how much Government can increase the salaries to satisfy every single Civil Servant. Now as I said, Mr. President, I am proud of our Civil Servants. I am proud of them and of the jobs they are doing, but why would some

MR. CRADDOCK EBANKS (CONTINUING): be so unreasonable and feel that they have been unfairly dealt with because they did not get as much as somebody who has put in twenty years of service. We had advisors brought in to devise the system for regulating Civil Servants' salaries on qualifications, years of service and everything else. So I cannot see why any of our people should be disgruntled over their increase.

As I said, Mr. President, I can truthfully go to bed (including all the other Members) knowing that I had no part in it, Sir.

I wonder how many Civil Servants in this country worked fifteen or sixteen years and never got a penny? I put in all that, Sir, for this country knowing that I would reap the good that came from it. But like all Members in those times, we got nothing. We did not grumble about it. We made it our business. We were on time and we did not leave until the job was finished. We sat in the Town Hall one night until twelve o'clock (the Lady Member here can bear that out). Now, when the clock hand reaches four-thirty, we begin to shut the door and this and that and everyone is ready to go. There are some who will stay after the clock reaches the hour.

Mr. President, I know if we were all alike the world would be dull. So I am glad we are different. I follow the dictates of my conscience and try to be guided by that to the best of my ability. And when I fail to do that, Sir, I will not indicate or publicly state that I will be seeking a seat in the next election because I am going to live with a clean conscience.

I have served this country, and I am proud of it as I said in the beginning, with clean hands and a pure heart for this country and its people. The only thing that bothers me a little bit is to see that some of our people really do not have some of the things that they should have gotten. When I say that I am not making inference to any Member in here, I am not saying that they have not lived with clean consciences - I am not saying that at all about any Member in this House. I am speaking about myself. And I think it applies to all Members as well.

Mr. President, with your permission, Sir, and the House; since there is only five minutes left perhaps we might adjourn at this time. Rather than me starting on another department or subject, I could continue in the morning, Sir.

MR. PRESIDENT: Do you propose to go on speaking for quite a long then?

MR. CRADDOCK EBANKS: Yes, Sir, I do have more grounds that I feel I am justified to cover and should cover. This comes only once every twelve months, Sir, and I must do my duty according to the dictates of my mind

MR. PRESIDENT: Very well, Well there is a Commonwealth Parliamentary Association meeting scheduled for four-th ty, so perhaps it would be convenient if we .....

ADJOURNMENT

HON. D. H. FOSTER: Mr. President, I move the adjournment of this House until ten o'clock tomorrow morning, Sir.

MR. PRESIDENT: The motion is that this House do now adjourn until ten o'clock tomorrow morning. Unless any Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. AT 4:26 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, 29TH FEBRUARY, 1984.

STATE OPENING AND FIRST MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON WEDNESDAY, 29TH FEBRUARY, 1984 THIRD DAY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG, CVO - PRESIDENT.

GOVERNMENT MEMBERS

HON. D. H. FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. T. C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. JOHN B. McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON. TRUMAN M. BODDEN	MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. JAMES M. BODDEN	MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. J. CAMSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. D. DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BENSON O. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. W. NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT. MABRY S. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

THIRD DAY

WEDNESDAY, 29TH FEBRUARY, 1984

1. COMMONWEALTH DAY MESSAGE FROM THE CHAIRMAN OF THE CPA EXECUTIVE COMMITTEE

TO BE LAID ON THE TABLE BY THE HONOURABLE G. HAIG BODDEN, CHAIRMAN, EXECUTIVE COMMITTEE, CPA. CAYMAN ISLANDS

2. QUESTIONS:-

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO.20. Will the Member make a statement concerning the cost of setting up a Government Information Service, independent of the Cayman Islands News Bureau, which he undertook in Finance Committee, 1983, to provide?

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

NO.21. Will the Member state whether there are Caymanians being trained to fill the air traffic controllers' posts now held by four expatriates in the Civil Aviation Department?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.22. What amount has been spent in 1983 for traffic lights, traffic signs, cat eyes and painting of no-parking areas?

NO.23. How many street lights are in the Islands and the capital cost per light?

NO.24. Will the Member state how many current Cayman Islands Drivers' Licenses have been issued?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO.25. Will the Member state whether the land necessary for constructing the terminal building at Gerrard-Smith Airport, Cayman Brac, has been purchased or acquired?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO.26. Have the services of any person or persons been procured to take care of Government cemeteries?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.27. Has a programme been drawn up for surveying the route for the extension of the Bluff Road at Cayman Brac?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO.28. *Is the construction of a road in the Lower Valley Registration Section Block 36D, Parcel 36, to be undertaken in the near future?*

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.29. *Will the Member state what steps are being taken to eliminate future confrontations between taxi and tour-bus operators?*

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.30. *When is it anticipated that traffic lights will be installed at the junction of Hospital Road, Walkers Road and Smith's Road?*

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.31. *Will the Monday flight, Cayman Brac/Miami and return, by Boeing 727 be reinstated and if so, when?*

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.32. *Can an estimate be given of when there will be direct dialing from Cayman Brac and Little Cayman?*

NO.33. *What plans are there for improving telephone/telex service to Cayman Brac and Little Cayman by the franchise holder?*

3. *GOVERNMENT BUSINESS*

BILLS:-

The Airport Regulation (Amendment) Bill, 1984 - FIRST & SECOND READINGS
The Airport Regulation (Amendment) Bill, 1984 - COMMITTEE THEREON
The Airport Regulation (Amendment) Bill, 1984 - REPORT THEREON

4. *CONTINUATION OF DEBATE ON THE THRONE SPEECH*

TABLE OF CONTENTS

	PAGE
Commonwealth Day Message	1
Questions	2
The Airport Regulation (Amendment) Bill, 1984 - First and Second Readings	11
The Airport Regulation (Amendment) Bill, 1984 - Committee Thereon	11
The Airport Regulation (Amendment) Bill, 1984 - Report Thereon	12
Continuation of the Debate on the Throne Speech	
Mr. Craddock Ebanks	12
Capt. Charles L. Kirkconnell	20
Capt. Mabry S. Kirkconnell	25
Mr. J. Carston Smith	30
Adjournment	32

WEDNESDAY 29TH FEBRUARY, 1984

10:00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. The first item on today's Order Paper is the laying of the Commonwealth Day Message.

COMMONWEALTH DAY MESSAGE

HON. G. HAIG BODDEN: Mr. President, I beg to lay on the Table a Message from the Commonwealth Parliamentary Association.

MR. PRESIDENT: So ordered.

HON. G. HAIG BODDEN: Mr. President, with the permission of the House I would like to read the Message.

It is customary every year for the Chairman of the Executive Committee of the Commonwealth Parliamentary Association to send out a Commonwealth Day Message. As this is the last sitting of the House that is scheduled before Commonwealth Day in May we think it is appropriate that the Message should be put forward at this time. The Message reads -

> Since Commonwealth Day last year, I have been able to visit a representative number of CPA Branches: New Zealand, Papua New Guinea, Singapore, Alderney, Saint Lucia, Dominica, Montserrat, Kenya and, most recently, India. In New Delhi I attended meetings of the Working Party on "The CPA and the Future", and some sessions of the Third Asian, South East Asian and African Seminar on Parliamentary Practice and Procedure. I also visited state Branches in Karnataka, Tamil Nadu, Rajasthan, Bihar, West Bengal and Maharashtra.
>
> During all these visits I was able to discuss CPA matters with a broad cross-section of the Association's membership: Presiding Officers, Heads of Government, Ministers, Opposition Leaders, Backbenchers and Branch Secretaries. Consistently and unequivocally, loyalty to the Commonwealth as a unique, international family and commitment to parliamentary government as the preferred instrument for ordering man's political, social and economical relations, appear as the hallmarks of our Association. These values were given expression not only at the Association's plenary conferences in Nairobi, but also at the regional (New Delhi, January 1984 and Saint Lucia, August 1983) level, as well as at meetings of individual Branches, for example, in Dominica last August and in Bihar a few weeks ago.
>
> The annual plenary conference is the single most important activity of the Association. The various regional activities also rank high in order of importance. Yet we should never forget that it is the individual Branch which is the nucleus of the Association. Each of the 109 Branches, large and small, independent in its own right, but related to all other Branches by its adherence to parliamentary democracy, forms an important link in the CPA chain. Let us each in our various Branches scattered throughout the Commonwealth endeavour to strengthen our own Branch in order to more fully realise the objectives of the Association.
>
> In closing, I extend congratulations to the St Christopher and Nevis Branch on that country's attainment of independence, and

HON. G. HAIG BODDEN (CONTINUING): I express the hope that the Branches in Nigeria, whose membership is now in abeyance, will soon be entitled to renew their membership with the restoration of parliamentary government.

The Message is signed: GERALD R. OTTENHEIMER - CHAIRMAN OF THE EXECUTIVE COMMITTEE.

MR. PRESIDENT: Thank you.
Item 2 on the Order Paper - Questions.
The First Elected Member for the Lesser Islands.

QUESTIONS

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 20. Will the Member make a statement concerning the cost of setting up a Government Information Service, independent of the Cayman Islands News Bureau, which he undertook in Finance Committee, 1983, to provide?

ANSWER:
It was agreed in the Finance Committee dealing with the 1984 Budget that I would examine the cost of setting up a Government Information Service and that I should report back to Finance Committee by March, 1984.

The establishment of an efficient Government Information Service requires a great deal of thought on such matters as staffing, accommodation, and various expenses that are news media related only. As agreed, I will present to Finance Committee in March, an estimate of the cost of setting up a Government Information Service independent of the Cayman Islands News Bureau.

SUPPLEMENTARY:

CAPT. CHARLES L. KIRKCONNELL: Mr. President, will the Member say whether seven months has not been sufficient time for him to bring this report back to the Members of Finance Committee?

HON. THOMAS C. JEFFERSON: Mr. President, it all depends on what I was doing in the last seven months.

In the first portion of that seven months I was dealing with the 1984 Budget, and in my mind that takes priority over this exercise.

MR. PRESIDENT: If there is no further supplementary question I will invite the Second Elected Member for West Bay to ask the next question.

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

NO. 21. Will the Member state whether there are Caymanians being trained to fill the Air Traffic Controllers' posts now held by four expatriates in the Civil Aviation Department?

ANSWER:

At present four Caymanians are undergoing training in Air Traffic Control at the Barbados College of Air Traffic Control. Upon successful completion of this training and the issuance of an Air Traffic Controller licence, these persons will be qualified to replace non-Caymanian staff employed in the Air Traffic Control Service.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, if I may ask the Honourable Member a supplementary. Could the Member state or say how long or much longer that these men at Barbados will be in training?

HON. D.H. FOSTER: Mr. President, I gather that they should complete there in July, 1984, then there is a three months practical assessment on the unit rating here; so I would say, towards may be the end of the year they should be ready to take over duty, Sir.

MR. CRADDOCK EBANKS: One further supplementary, Mr. President. Can the Member say how many non-Caymanians are now presently working in the control.

HON. D.H. FOSTER: Mr. President, three, Sir.

MR. PRESIDENT: If there is no further supplementary I will invite the Elected Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.22: What amount has been spent in 1983 for traffic lights, traffic signs, cat eyes and painting of no-parking areas?

ANSWER:

Amounts spent during the year 1983 are as follows -

Traffic lights	$89,020.00
Traffic signs	40,124.72
Reflective studs (Cat eyes)	3,244.26
Painting parking areas	2,883.39
	$75,272.37

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, a supplementary. I am not sure whether these amounts include labour or not, could the Member say?

HON. G. HAIG BODDEN: These amounts do not include labour.

MR. CRADDOCK EBANKS: Mr. President, I wonder if the Member have any idea as to what might be the cost of labour that would then add up to the total cost?

HON. G. HAIG BODDEN: I am not in the position to give that information now, but I can get it for the Member.

MR. CRADDOCK EBANKS: I appreciate that, Mr. President. Mr. President, question No. 23 to the same Member.

MR. PRESIDENT: I was not absolutely certain no other Member wanted to ask a supplementary. I think you are probably quite right, but let me just give them an opportunity.....

MR. CRADDOCK EBANKS: I apologise, Sir.

MR. PRESIDENT: Just a few seconds. Now, I think no other Member has a supplementary so we may proceed with question No.23.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.23. How many street lights are in the Islands and the capital cost per light?

ANSWER:

The total number of conventional (175W) street lights is 675.
Supply and installation costs per light is $100.00.
The total number of luminaires (400W) street lights on West Bay road is 105.
Supply and installation costs per light is $215.00.

SUPPLEMENTARIES:

CAPT CHARLES L. KIRKCONNELL: Mr. President, does this include the lights for Cayman Brac?

HON. G. HAIG BODDEN: No, Mr. President.

CAPT. CHARLES L. KIRKCONNELL: A further supplementary, Mr. President. Could the Member state how many lights are at Cayman Brac?

HON. G. HAIG BODDEN: I can get the information for the Member, Mr. President, I do not have it with me at this time.

MR. PRESIDENT: Perhaps you would be kind enough to or perhaps you were undertaking to provide it to the Member. Is that correct?

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Will the Member state if there is a monthly fee for these street lights?

MR. PRESIDENT: Before the Member say, are you meaning what is the cost per month for the electricity used?

MR. CRADDOCK EBANKS: Yes, for the service of those lights.

MR. PRESIDENT: It is not strictly a supplementary, but if the Member has the information I will allow him to give it, because the question was about the capital cost, quite specifically.

HON. G. HAIG BODDEN: Yes, Mr. President, I have the information. The monthly electrical charges per light for the conventional lights is $5.23; for the more powerful lights on the West Bay road the charge is $11.96 per light, making a total monthly cost for the street lights in Grand Cayman of $4,786.05.

MR. PRESIDENT: Mr. President, if there is no further supplementary I will invite the Elected Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

THE QUESTION WAS DIRECTED TO AND ANSWERED BY THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

NO.24. Will the Member state how many current Cayman Islands drivers' licences have been issued?

ANSWER:

As at 31st January, 1984, a total of 10,303 current Cayman Islands drivers' licences have been issued.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, one supplementary to to Member. Would this include all categories of licences?

HON. D.H. FOSTER: No, Sir, it does not. It does not include provisional licences issued to learners and the other licenses for just six months, these are three year drivers licenses.

However, as these licences are issued for three years, a lot of people that gained them might be off the Island or have left or so on, but it does not include the provisional licences or learners.

MR. PRESIDENT: Unless there is any further supplementary ....

MR. GARSTON J. SMITH: Mr. President, with your permission, Sir, I would like to ask one supplementary. Could the Member say how many of these licences are Taxi licenses?

HON. D.H. FOSTER: No, Mr. President, I really do not have that information.

MR. PRESIDENT: I do not think really that that is a fair supplementary. If the Member wants that information I think it needs to be a specific question, and it might be the Member would undertake to get the information and to provide it to the questioner.

HON. D.H. FOSTER: I will do that, Sir.

MR. PRESIDENT: Yes, I think that would be fair.

Unless there is any further supplementary I will invite the First Elected Member for the Lesser Islands to ask the next question.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO.25. Will the Member state whether the land necessary for constructing the terminal building at Gerrard-Smith Airport, Cayman Brac, has been purchased or acquired?

ANSWER:

The majority of the land necessary for constructing the terminal building at Gerrard-Smith Airport has been purchased (3 parcels in the area designated in the 1978 boundary plan may have to be compulsorily acquired as the proprietors have not accepted Government's offer).

SUPPLEMENTARIES:

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Would the Member state if the parcels mentioned is all that Government will require for the construction of the terminal?

HON. JOHN B. MCLEAN: Mr. President, that is exactly what I said in my answer. There are only three parcels that are necessary.

MR. PRESIDENT: Additional to the parcels purchased already.

CAPT. C.L. KIRKCONNELL: A supplementary, Mr. President. Are there any reasons why Government has not used its power under the Land Acquisition Law to acquire these three parcels of land?

MR. PRESIDENT: My understanding was that the - Oh, I see. Well, fair enough, I will allow that as a supplementary.

HON. JOHN B. MCLEAN: Mr. President, there is no reason that I am aware of. However, I am certain that the Member is aware that that is not something that can happen overnight, it does take a long time, and I think it is only fair to say that we have been trying to negotiate rather than to use this.

CAPT. MABRY S. KIRKCONNELL: Mr. President, may I ask another supplementary. Would the Member state if the 1979 boundary plan includes the area that is now planned for construction?

HON. JOHN B. MCLEAN: Mr. President, I have been advised that it was not included in that boundary plan.

MR. CRADDOCK EBANKS: Mr. President, a supplementary to the First Elected Member of Executive Council. Will the Member say then that the construction of the terminal would not be able to continue or to be started until they get this property?

HON. JOHN B. MCLEAN: Mr. President, I presume so, but the construction of the terminal really does not fall under my portfolio.

MR. PRESIDENT: Unless there is any further supplementary I will invite the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO. 26. Have the services of any person or persons been procured to take care of Government cemeteries?

ANSWER:

Yes.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: A Supplementary, Sir. Have those people ever gone to work?

HON. JOHN B. MCLEAN: Mr. President, yes. Certain persons have been placed in certain cemeteries and they are working.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Can the Member say at this time how many persons are employed for this particular service?

HON. JOHN B. MCLEAN: So far, Mr. President, there has been two, and I am certain the Member will recall that Finance Committee approved two caretakers.

MR. PRESIDENT: Unless there is any further supplementary I will invite the First Elected Member for the Lesser Islands to ask the next question.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.27. Has a programme been drawn up for surveying the route for the extension of the Bluff Road at Cayman Brac?

ANSWER:

Gazetting of the extended route for the Cayman Brac Bluff Road is part of the 1984 roads programme. The Chief Engineer is liaising with the Lands and Survey Department for a team to visit the Brac to establish the route.

MR. PRESIDENT: Unless there is any supplementary, I will invite the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.28. Is the construction of a road in the Lower Valley registration section Block 38D, Parcel 36, to be undertaken in the near future?

ANSWER:

No.

SUPPLEMENTARIES:

MISS ANNIE E. BODDEN: Mr. President, Sir, with your permission I should like to ask a supplementary question. Is there any specific reason why this road will not be undertaken to be made in the immediate future?

HON. G. HAIG BODDEN: Mr. President, the road in question is a road that would run from Savannah to Bodden Town along the sea-coast joining up with the Manse Road in Bodden Town. This road had been gazetted in August, 1979, the reason for gazetting the road at that time was because this road is a part of the 1977 Development Plan. The roads in that Plan are only projections of the Plan, Government has no obligation at all to build those roads but we thought it wise to declare the road so that developers would know where the road would go should they intend to develop. However, with the many demands on the road programme it has never been possible to build that road, and it would appear from the way the question is phrase that the particular parcel belongs to one Henry C. Carter from Bodden Town. I do not know if I am expected to do any special favour for any particular person, (I have heard yesterday about the Government of favours) and I would also like to add, Mr. President, that this road from Savannah

HON. G. HAIG BODDEN(CONTINUING): to Bodden Town along the sea-coast, it is my sincere hope that it will be built one day, but there is no provision for it in the 1984 Estimates and as road priorities go, unless some miracle happens I do not expect any provision will be made in 1985 for this road.

MISS ANNIE E. BODDEN: Mr. President, Sir, with your permission I should like to ask the same Member a question, and it is this:- Will the acre of land that has been taken from this man's property be now returned to him since the road is in the very distant future?

HON. G. HAIG BODDEN: Mr. President, as far as I know no acre of land has been taken from this man's property.

MISS ANNIE E. BODDEN: Mr. President, Sir, I would like to make a statement. The two land certificates have been shown to me, and in the first instance it was four acres, now they have taken it back and put only three acres, one acre being retained for this road.

MR. PRESIDENT: I think we have strayed slightly from supplementaries, perhaps this is a matter which the Honourable Member would like to pursue with the Fourth Elected Member as a separate issue, because I think we have got rather far from the original question or from supplementaries to it.

If there is no further supplementary I will invite the Second Elected Member for West Bay to ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.29. Will the Member state what steps are being taken to eliminate future confrontations between taxi and tour-bus operators?

ANSWER:

Understanding between all parties concerned and the hope that the good Lord will render his assistance.

SUPPLEMENTARIES:

CAPT. C.L. KIRKCONNELL: Mr. President, I would like a clarification on the answer, Sir. It says "understanding between all parties concerned and the hope that the good Lord will render His assistance", does that mean understanding between all parties concerned have been reached or what does the Member mean?

HON. JAMES M. BODDEN: Mr. President, that is a hard question to answer, because to get understanding between all parties concerned here I do need the assistance of the good Lord.

MR. CRADDOCK EBANKS: Mr. President, may I ask the Member a supplementary. Is there any Member of Government negotiating an agreement or a settlement or whatever they might want to term it, between these groups of operators and taxis?

HON. JAMES M. BODDEN: That is a difficult one again, Mr. President, because there is seldom a day goes by but for what somebody in Government is not dealing with some section of the Taxi Business, so I really do not know how to answer that question. There is always problems coming up, there is always people from Government discussing these problems and so forth, so I cannot answer the question really.

MR. CRADDOCK EBANKS: Mr. President, one further supplementary to the Member. Does the Member feel or could he state that this is a serious situation to the development of this country?

HON. JAMES M. BODDEN: Mr. President, I do not think that could be called a supplementary arising from this question, but I will answer it.

MR. PRESIDENT: In fact I was going to rule it out of order, because questions are not supposed to- No, wait a minute - no, alright, I am sorry, I think it is alright. Sorry, carry on.

HON. JAMES M. BODDEN: Mr. President, there are many things that can affect the well-being of this country. This situation seems to be a deteriorating one, and if any Member could come up with suggestions that would help to bring this to an end I would appreciate it very much.

MR. PRESIDENT: If there is no further supplementary I will invite the First Elected Member for George Town to ask the next question.

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.30. When is it anticipated that traffic lights will be installed at the junction of Hospital road, Walkerk road and Smith's road?

ANSWER:

It is proposed to extend Elgin Avenue to Smith Road during 1984. This should have a marked effect on the traffic situation at the junction of Hospital, Smith and Walker's Roads. Installation of traffic lights will be deferred until the situation can further be studied.

SUPPLEMENTARY:

MR. CRADDOCK EBANKS: Mr. President, a supplementary to the Member. Could he say how early in 1984 that they expect this to come about with the joining of the road to Elgin Avenue and Smith Road?

HON. G. HAIG BODDEN: Mr. President, as mentioned in the answer the extension of Elgin Avenue across the Racquet Club on to Smith Road will be done this year. The work has started in that Public Works is looking at the Gazetting, the Portfolio is in the process of seeking the draw-down of the funds which were approved by Finance Committee. As to when the work will actually be done, I cannot say, but we will endeavour to have it completed as soon as possible during 1984.

MR. PRESIDENT: If there is no further supplementary I will invite the Second Elected Member for the Lesser Islands to ask the next question.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.31 Will the Monday flight, Cayman Brac/Miami and return, by Boeing 727 be reinstated and if so, when?

ANSWER:

The Monday flights Cayman Brac/Miami return by Cayman Airways' Boeing 727 were cancelled during the month of February because of lack of traffic. The flights are scheduled to recommence on 5th March, 1984.

SUPPLEMENTARY:

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Would the Member endeavour to change the routing on the Monday flight to originate in Grand Cayman and return to Grand Cayman from Cayman Brac?

HON. JAMES M. BODDEN: Mr. President, we are endeavouring to look into every aspects of that travel, but unfortunately it is very difficult in view of the small amount of people that take advantage of this route. For instance, in March coming up now, on the 5th we only have twenty-nine people booked on that run, on the 12th we have forty-two, on the 19th, thirty-nine and the 26th, none, and it was even worse than this in February, and that is why these steps had to be taken.

MR. PRESIDENT: There may just be time for another question or possibly two. Would the Second Elected Member for the Lesser Islands like to ask the next question.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.32. Can an estimate be given of when there will be direct dialing from Cayman Brac and Little Cayman?

HON. G. HAIG BODDEN: Mr. President, this is a little unusual but if the Member would permit, I think the answer to question No.33 would make the answer which I am going to give to question No.32 much clearer. And if they will permit I could answer both questions at the same time since we are running out of time.

MR. PRESIDENT: I think that would probably be welcomed by the House, yes.

NO.33 What plans are there for improving telephone/telex service to Cayman Brac and Little Cayman by the Franchise holder?

ANSWER:

Cable and Wireless (W.I.) Limited is actively pursuing the study of providing a submarine cable between Grand Cayman and the Sister Islands for telephone and telex services.

ANSWER TO QUESTION NO.32

It is not possible, at this time, to estimate any time frame on direct dialing from Cayman Brac and Little Cayman until the study to improve the service is completed.

SUPPLEMENTARY:

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Is there any time frame envisaged for the submarine cable?

HON. G. HAIG BODDEN: Yes, Mr. President, but the Manager of Cable & Wireless has asked me not to reveal the projected dates that he has given because he is not quite sure if they can meet the dead-line,

HON. G. HAIO BODDEN (CONTINUING): but it is hoped that before the end of 1984 a submarine cable will be installed between Grand Cayman and the Lesser Islands.

MR. PRESIDENT: I think we are now just on 11 o'clock, so fortunately we have managed to complete the questions just within time.

The next item on the Order Paper is Item No.3 - Government Business, The Airport Regulation (Amendment) Bill.

THE AIRPORTS REGULATION (AMENDMENT) BILL, 1984

FIRST READING

CLERK: The Airports Regulation (Amendment) Bill, 1984.

MR. PRESIDENT: The Bill entitled "A Bill for a Law to Amend the Airports Regulation Law (Revised)" is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: The Airports Regulation (Amendment) Bill, 1984.

HON. JAMES M. BODDEN: Mr. President, I move the Second Reading of a Bill entitled "A Bill for a Law to Amend the Airports Regulation Law".

The reason for this short amendment is that we seek to confer on Policemen and the Security Officers the powers to arrest any person in an Airport in the Cayman Islands who is in breach of any of the Regulations of the Airports Regulation Law.

MR. PRESIDENT: The question is that a Bill entitled "A Bill for a Law to Amend the Airports Regulation Law (Revised)" be given a Second Reading. The motion is open for debate.

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

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: The House will now go into committee to study a Bill entitled "A Bill for a Law to Amend the Airports Regulation Law (Revised)".

HON. MICHAEL J. BRADLEY: On a point of Order, Mr. President, Sir, the Mace is still on the Table.

THE AIRPORTS REGULATION (AMENDMENT) BILL, 1984

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INSERTION OF NEW SECTION 4A.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, if I may move a very minor amendment with your leave under Standing Order 52(2).

MR. CHAIRMAN: Leave granted.

HON. MICHAEL J. BRADLEY: In Clause 2, Mr. Chairman, Sir, in the newly to be inserted Section 4 capital "A" paragraph (a) the first line thereof, I think it could be more felicitously phrased as to "any person who, having been removed from an airport" instead of "the airport". It infers there is only one airport.

I beg to move that amendment.

MR. CHAIRMAN: It has been proposed that Clause 2 be amended in the new Section 4A (c) by deleting the word "the" before the word "airport" and substituting for it the word "an".

Does any Honourable Member wish to speak to the Amendment? If not, I will put the question that the Clause be amended as proposed.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: Does any Member wish to speak to the Clause as amended? If not, I will put the question that the Clause as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: A LAW TO AMEND THE AIRPORTS REGULATION LAW (REVISED).

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on a Bill entitled "A Bill for a Law to Amend the Airports Regulation Law (Revised)". The House will now resume.

HOUSE RESUMED

MR. PRESIDENT: Reports. The Third Elected Member of Executive Council

THE AIRPORTS REGULATION (AMENDMENT) BILL, 1984

REPORT THEREON

HON. JAMES M. BODDEN: Mr. President, I have to report that a Bill entitled "A Bill for a Law to Amend the Airports Regulation Law" has been considered by a committee of the whole House and passed with one amendment. Section 2 (c) on the first line the word "the" has been changed to "an".

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

I wonder whether it may be convenient for Members if we were now to take our usual morning break before the debate on the Throne Speech is continued. I think it probably will, and I accordingly suggest that proceedings be adjourned for approximately fifteen minutes.

HOUSE SUSPENDED

HOUSE RESUMED

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

MR. CRADDOCK EBANKS: Mr. President, I have a few more notes jotted down that I would like to deal with for a little while. It is a beautiful day, give God the glory for it.

Mr. President, Government has been doing everything possible to encourage investment or investors to come into this Island, and I agree with it, Sir, and I go along with it, and as have been, give my support to this trend of business because

MR. CRADDOCK EBANKS (CONTINUING) The Mosquito Research and Control Unit, Mr. President, it's an annual statement that most or all Members can issue or make with the Mosquito Research Department that they are doing a remarkable job. They are doing a good job. And some say they wouldn't like to go back to the mosquito days. Probably two weeks would not hurt anybody, Mr. President. They would know what it is like.

But undoubtedly, in the wisdom of Government at that time, to launch out, to attempt to eradicate mosquitoes from this Island, which we were told, the Legislators were told then, don't get the feeling that after a period of time, because you mightn't feel a mosquito for two weeks, or for a month, that we can pack up and say the mosquitoes are all gone. It will never be that, but we hope to get them to where you can live in peace and comfort. And, Mr. President, that really has been achieved. They have done an outstanding, a remarkable job, and to keep the pest under control, they can only continue to do as they are doing, follow the season with the rains, the high tides, and do their spraying and what else might ever go along with it, so when visitors come to the Island, they can relax, but more precious than that, Sir, when the natives of this island can relax in peace and do not have to carry the smoke pot by the front door, before going to bed, to smoke them out of the house.

I would not like to see them come back to where they were in the 30's or something. They were killing the cattle, they were stifling them to death. So the Mosquito Research Department do need a lot of congratulation and good support, and I can only say that Members have been supporting that Department for the outstanding job that they are doing to keep mosquitoes under control. I would like for it to apply to the sandflies, but it does not seem like we can get very close to them.

Anyway we now got plenty of sunshine and seabreeze, and mosquito research to back us.

Mr. President, a few remarks on the Courts. It appears that the amount of offenders that are appearing before the Courts, that they may soon have to have some night sessions in Court to try to cope with them, because it does not seem like they can be brought down to a minimal amount during the days' sittings. It is pathetic, Mr. President, that we find our people, so many of them, and so many young people, being involved in offences that much could be avoided, if they would attempt to conduct and behave themselves better, and not to get involved with the Law. So the Courts have got a full-time job, and I may say, Mr. President, I think that the duties of the Courts are well carried out. It wouldn't please everyone, everybody. Everyone would not be satisfied, but I do feel, Sir, that they are doing a good job, and I would like to see this continue to help bring crime and offenders to justice and under somewhat of a control.

Government still has some major projects to complete. That will take some time. We have just entered the first phase of Water and Sewage, and these wells at Lower Valley that are now selling water to the public, to trucksare to supply households, residences, hotels, are extremely great. I know we talked about it a number of years, but it is not as easy to formulate and bring these major developments into being or existence as easy or as early as people may think.

There are other areas that similar wells will be drilled, and this water supply to be distributed.

MR. CRADDOCK EBANKS(CONTINUING): we cannot continue to grow if we should think in terms of restricting investors.

I would like, Sir, among all the investors that has been coming into this Island, those that seem to be interested, I would hope that it might be possible for some factory to be established - as to the type of material that might be used, so that there could be full-time employment in an area like this, and then it would create export. There are many factories all over the world that are manufacturing materials that are brought from other countries, so I still look forward to the time when such investors might be interested in establishing such a business here.

I visited a thread factory in Britain many years ago and the material that that thread was made from was all brought in from Canada, the pulp they call it, the bark from a certain tree, and they showed us from the pulp to the thread, on the reel and ready for the market. That is why I am saying that I would hope not in the too distant future that something like this would come about that would mean much to this Island. We have a lot of investors, we have a lot of people that are prepared to invest in different fields, areas, and I am sure it is Government's policy to continue to encourage and protect the investors within reason and bounds to the law. And it is the real breadline to the people in all these areas where business is going on - carried on - There are many Caymanians that are being employed, but at the end of each year we have roughly a hundread school leavers, it means that the demand for jobs are expanding, so that is why we need to see more and bigger investments in the Island to meet the growth of our youths or our school leavers that they will have a job to turn to or a place where they can get a job.

I would like to touch a little bit, Mr. President, on Motor Insurance. I do not know what to say to satisfy myself, but I do feel, Mr. President, that if the motor insurance businesses in this country were honest and sincere, it would help reduce a lot of traffic accidents and fatalities because insurance is given to motorists who should not be on the road. I feel, Sir, that if the insurance companies were more stringent with their customers, it would reduce some of the carelessness on the roads. Vehicles are destroyed, the insurance pays for it, the innocent rate goes up and the innocent pays for it. It is a business that I do not understand why the innocent should pay for the guilty, but that seems to be the way it is.

I heard in fact a woman talking to me a few weeks ago about this Insurance business, and to her amazement she had all over the years, and however long I do not know when she insured her car, comprehensive insurance, she had paid for the insurance for the value of the car, and each year kept paying the same premium value, and they didn't tell her that each year your car is deteriorating, the value of the car will be less, but kept on collecting premium for the cost of the value of the car when she first insured it. At the end of the conversation when some of us brought this to her attention she went back to him. Well yes, that is the case. You don't get the premium that you are paying for over ten years on a car, or eight years, life that has been deteriorated. That's being unfair to any customer. That is plainly like robbery, Sir. And in many cases, many instances, it is not that easy to get your claims. But I don't know how much Government can do about it, but it doesn't seem to be concerned about it, so I suppose we have got to live with it.

MR. CHADDOCK EBANKS (CONTINUING):

Along with that, Sir, then one of our great, desperate needs, because the growth in the Island not only from visitors, but residents alike, is the Sewage System, that like other things, should have been done before now, but has not been possible; but it will be in the very near future, I hope, started, and then we can look ahead and sort of predict when we may be able to get this facility into use. It's one of the things, Sir, that goes with health, and if we don't have the proper systems to deal with such as the requirements of this, then the health of our people can be affected, and we do not want that to happen, Sir. While we have got a good hospital, good doctors, nobody likes to be sick, nobody likes to be feeling ill, so we must guard against these things and protect, as far as possible.

Recently a new Tower has been built at the Airport, which was one of the first phases of the new development at the Airport in connection with the new Terminal. Well, I am glad, Mr. President, that such as, the terminal that is now well off the ground, and as I have been made to understand before it even started, from the drawings and its plans, it is supposed to be equal, and is more than equipped and convenient, and is said with all the facilities as any modern airport in the Western Hemisphere.

Well I think, Mr. President, that visitors will certainly appreciate somewhere, especially those that have been regular visitors every year, every other year for a number of years. They have got the sting of standing out in the sun, standing out in the epoxy rain at times, crouching up, waiting on their turn for the Immigration to be checked. But when this facility is complete, it will be a relief, it will be a place where they will no longer go through all of this unhappiness, I would say. It will be a major step in the direction of attracting people as they travel from time to time. They can well go back and say that the Airport at Owen Roberts is one of the most luxurious and comfortable airports in the world.

I think we spent nearly enough, renovating, re-renovating the old terminal, nearly to have built this new one, but nevertheless, we had to do that as the growth of movement increased yearly, as Caymanians travel almost as regularly as any other nationality. So it will be the peace of mind for all travellers. It is anticipated that in early '85 it will be open, and I would trust so, Sir, because they say it **is very needed**, it is much needed, and we can then say well the public ought to be able to see for themselves that we are trying to do the things that will benefit the country, doing things that will make or ought to make every individual happy. I know they say you are wasting money, you are wasting money. Well I suppose when people that even work for money, they waste some of it, but nevertheless, this is one important step that Government has taken that is worth all the money that we spend on it.

Mr. President, according to the Press, News, and talking with individuals, there seems to be some crisis between taxi drivers and bus operators, and whatnot into this country, Mr. President, I feel that taxis ought to be the ambassadors to this country. They are the first people after Immigration and Customs to be met by visitors, and seemingly, much of the service that the taxis render to passengers, is not the best

MR. CRADDOCK FRANKS (CONTINUING): I myself, Mr. President, have seen the behaviour, taxi drivers acting and behaving in such a manner that it would not become any good citizen, this includes some Caymanians, not only other nationalities that be in the taxi business, but I have seen some of our own people just about as rude as you could find anybody to be. I cannot see, Mr. President, why some screening should not be done, and try to do something to clean up some of this. Why let people come to the Island and then go away with a bad taste, with a bad report about the first people they meet, taxi drivers.

I believe, Sir, if you put people in the taxi business that could not find a half a dozen places in this Island if they were asked to be taken to. I had one ask me some time ago where a particular church is located, and he was seen to cross that church dozens and dozens and dozens of times, but just how some taxi drivers get a taxi licence, it is a mystery to me, I cannot understand, I cannot find out how, or why the Department that is responsible, why should they cater to every Tom, Dick and Harry, because he or she can answer a few questions or do something. They should be screened. If we can not build, then we should not be allowed to tear down.

A number of taxi fellows, operators have said to me, which is customary, that taxi drivers' licences be turned in, renewed in December. Today is the last day of February, and no taxi driver got a renewed taxi licence. Then if a taxi driver gets into an accident, where do the insurance come in with this, driving without a renewed licence. One taxi driver told me the reason why when he took his licence in, he could not get it, the girl that makes up the driver's licence is sick. So only one individual can operate a department, and until this morning, I was told by a taxi driver that no taxi driver had received their driver's licence for this year as yet. That is gross negligence.

Why should people be left at the mercy of what they are entitled to. When they go there they should have it renewed, if there are no grounds to disqualify them, but stick it in some drawer and say you will get it sometime.

Mr. President, I think at your request, Sir, that we could adjourn ourselves if you so desire, but I am not finished, Sir, and we'll come back and...

MR. PRESIDENT: If the Honourable Member has reached a sort of natural break in his speech, perhaps, as discussed with Members, it would be convenient to suspend proceedings now, and to return at 2.30. With the agreement of the House, I will therefore do that.

AT 12.05 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:30 P.M.

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

MR. CRADDOCK EBANKS (CONTINUING): Just one more remark on the taxi business that I left on. As I understand, and it is the law that one can get self-employment licenses. Otherwords a license to operate a self-employment business, and that is the first avenue that they turn to; they get a taxi because they are then self-employed. But I cannot see that some of the types that I see in that should be representing this country in that capacity, because it does not spell good, Sir.

The Fire Station for the Frank Sound to cater to the eastern districts. This must have been in the making for the past three years, and it has been pushed around, dragged around and pulled around. One time you hear that is going to tenders, another time you will hear that somebody has a concession, you have somebody else and it is still there, and the services are desperately needed.

You said in your Throne Speech that it would be built this year, and I am hoping, Sir, at a very early period this year that it will get started. Because as I said, it is very important.

When the fire truck leaves George Town to come to North Side or East End for sometimes a fake call it is a lot of time and money, but if it is at Frank Sound I do not mean that it is illegal or illegitimate for it to be called to North Side and it is nothing for it, but it is a lot of difference in the time and the cost between George Town and North Side and Frank Sound then and North Side. So it is very important that this should be gone into. Putting it out to tenders or contractors or anybody else, it appears to me that before it is finished it will still fall back into the hands of Government, probably the Public Works Department to finish it, maintain it, keep it and do other repairs. So why should it drag on year after year, and nothing is done about it.

And I hope that in the priorities of some sector of Government whether it is the Public Works Department in planning their priorities that this will be brought in, if it should go to them or if Government feels that they should construct this, that it will be one of the items on their priorities to be dealt with at the very near future.

Cayman Airways, Mr. President, is always the stone, the target of criticism. I am wondering, Sir, if it is anything we can do to stop that, but I am sure not. But, Mr. President, it is time, I know when we started to attempt to operate an airline, and we have gotten in all sorts of problems up and down. And over the years it appears, Mr. President, that we must reach some area that where we can say that we are going to do this and not just let it go on and on and on, because flying time is what the planes are made for, not to stay on the ground, because they do not make money on the ground.

But, the trial route as I understood has just gone into the Turks and Caicos on to Miami, I cannot see in anyway, Mr. President, that that route can bring us any profit, and why continue to add loss to loss?

It is time that we get the figures as to the position. Cayman Airways, let's settle it that Government has to subsidise it. One hundred thousand, two hundred thousand, a half a million or one million dollars a year. Let us do it and see what then can be done rather than a continuation of this, that and the other, and cannot get the concrete conclusion or knowledge of just what is happening.

MR. CHADDOCK EVANS (CONTINUING): It appears to me, Sir, that the staff for such a small airline to be the amount that it is. It seems that some area needs to work more hours, or less staff or something, Sir. Because we do not expect anybody to work for nothing, Sir, they must be paid for their day's work. But do not allow three people to do one day's work when two can do it. And these are the things, Mr. Pre'ident, that I feel needs to be gone into, and some solution as I said reached, that we can decide and know what is the position of the airline, and what Government can do about it.

I agree, Mr. President, that we should make every effort for our own airline to operate, because it means much to our revenue, to our country, to our people. But we just cannot go on sort of in the dark with it. Let's get some light on it.

Playing fields for the Island on the whole, but up to North Side, Government has purchased a piece of land for a play field, and over the past week I have been trying to get some site shots on it as to the amount of fill that might be required. And I am hoping, Sir, that this will be dealt with and taken care of in another week or two so that it can get along, knowing how much fill might be required and the source that we might get it from, and the cost and other things attached to it, Sir.

So this is one thing that I am asking the portfolio for to give full attention to and see what can be done at the earliest convenient time.

Mr. President, it has always been mooted once in a while that the casinos, gambling to come into this country. We stand against it. The majority of the population stands against it, but it does not mean that it still does not raise its head once in a while. We have no room for that, Sir. Such as that will add only further rumination to our country and its people.

We have a Liquor Licensing Law, I am going to tie the two of these together for a minute, Sir. And licensed premises and privileges in times have gone to the extent beyond what should be into this island today.

It always seems to be the effort to get another stab at getting another half an hour, another hour in the business. My policy, Mr. President, or when we pass laws to be guided by those laws, and not to bend and break and twist to meet the whims and fancies of some people.

I have been on the Liquor Licensing Board for a number of years, and I on again. There are times when we have a new applicant asking for a license in some area inpremises. We get a petition from the community against it. I have made it my policy, Sir, and I still will stick to that policy. In a petition that comes up against any application for any premises in any place, I do not support that application.

Sundays and and holidays and special holidays, are getting to the breaking point. Only for New Years Eve when we dealt with the boards business in December, applications were there asking to extend the hour or a half an hour over twelve o'clock to bring in the new year. Well, it was granted, but not by this member of the board. I objected to it. What could thirty minutes add to the new year coming in after you have spent all day, half the night enjoying the season, but it is always the attempt to try to drive a small nail some-place, sometime to get a bigger one in. And I believe, Mr. President, right now I will conscientiously say that, that if with the number of people that I hear standing for election, if a number of those people were to get into this House, we would not have any need for a liquor licensing board because it is moored up to twenty-four hours a day. They will support the coming in of a casino.

MR. CHADDOCK EBANKS (CONTINUING): We have more house unlicensed premises now than is needed as far as I am concerned, and I would like to see a new bill brought to the House with an insertation that no licensed premises or a license will be granted to any primises to operate on Sundays. I would support that one hundred per cent, and I support it now. If it was left to me, I would say close every licensed premises on Sunday. Because when anybody cannot drink enough from Monday until twelve o'clock Saturday night, I do not know what should happen to them.

We always hear about the tourist, the visitor, the foreigner. This is our place. This is our country. And it is we the Caymanians that are helping to drag it down.

Anyway, as I said, that when the new bill comes up that it will have that in it, if not, I will request that it be put in.

We have, Mr. President, the Clinic and the Post Office at North Side, that needs some renovation, some improvements. The Clinic, it has been broken into two or three times, and I think that more or better substantial windows should be put in, probably burglar bars as well, to eliminate or attempt to avoid some of this, and other measures of safety on the inside, where things can be better locked up.

The Post Office, which I have been told that this is being looked after to make provisions for additional boxes. But we have to give consideration to finding someway to protect the boxes, because they are exposed. For example, like the weather that we are experiencing now, we are getting a lot of salt-spray and it will not be too long before the locks starts to deteriorate and cause problems. So I feel, Sir, that we will be able to overcome that and get better facilities to the Post Office for the use of the Public. Because I have been made to understand that even people that had post boxes in George Town, that it is now more convenient to them now to have their post box at the Post Office at North Side. So it is a demand, and it is a paying project, so I am hoping, Sir, that during this year that all of this will be gone into, and improvements will be made.

Mr. President, to finish off, as we have been told officially, and we understand that, that the Clerk will be taking a long vacation. I do not know what she means, five years, ten years, I suppose that she will come back once in a while to pay us a visit, and to see if we are still here. But she feels within herself that she has completed her tour of office, she needs a change, and, Mr. President, I would at this time fail to find enough words, and I am not saying this from a feeling of flattery. To place on her shoulders as one officer of Government in her capacity in this department, the way that she ran the business of the Assembly so efficiently so much on time. I cannot think of any time that she indicated that she was not prepared to lend a helping hand.

I guess that I probably bothered her more than maybe many other Members, but I was always accepted. My thanks could never reach the distance in attempting to say what she has meant to me and to Members of this Honourable House.

I also would like to pay a tribute to all the others that have been under her command. We have the one appointed that will take her place, and we look forward to building a similar relationship between the Elected Members and the new Clerk designate when she takes office. And I will give not only the new Clerk that is coming in but continue to give the remaining staff every bit of support that I can, Sir.

If it is the desire, and if it is the will of my constituents to re-elect me, I will be putting myself up for the seat, and I would look forward to returning if it is their desire.

MR. CRADDOCK EBANKS (CONTINUING): They claim that during the last election, and apparently for this election coming up, we need educated people.

I agree, Mr. President, one hundred per cent in favour of education, but when you have somebody who never went to college or university and say that they are educated, and do not have any common sense to put with it or use if they have any, then where do we go from there?

My constituents, including myself, are loaded with common sense. They understand me, I understand them. I do not attempt to use any grammatical words, but when I say, "Yeah, huh-huh, hmm-hmm, na", they understand and it is not a problem.

I am surprised that we have a minister of religion already campaigning for somebody because they have education and they must come in here.

I thank you, Mr. President, for your time and your patience, I would like to thank Members for bearing with me, but I could say some more. But I wish for the Members for the reminder of the next two meetings coming up, the best of everything and I again, Mr. President, truly thank you for bearing with me.

MR. PRESIDENT: The First Elected Member from the Lesser Islands.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to congratulate and thank you for giving the Throne Speech which you so ably delivered.

May I begin by saying that my recollection of the Throne Speech given by Her Majesty the Queen at this time last year is very vivid. It was a most memorable occasion and my heart was warmed by the loyalty and support shown by all Caymanians.

As the Head of our Government and the Commonwealth, Queen Elisabeth is an important symbol of the protection afforded these Islands as a British possession.

Her Majesty also represents the important stability which our British background and tradition provide. I certainly hope and pray that our British ties will always be cherished and maintained in its present form.

In Her Majesty's Address last year she spoke of issues which concern our Islands. Her remarks emphasised our responsibility to formulate and carry out a programme which would effectively meet the needs of our people. However, to do this the Government must make sure that their plans face up to economic realities to ensure the progress of our Islands. Positive steps must be taken, Mr. President, to curtail our over-spending in certain sectors of Government or we will soon face financial problems which will cripple our progress and prosperity.

The areas which are causing me most concern are our Civil Service and Cayman Airways.

The Civil Service. Our former Financial Secretary told this Honourable House in his Budget Address in November 1981 that the Civil Service was the largest area of expenditure in Government, and that it had reached a level of nearly 63% of our recurrent expenditure. He considered that we had reached the danger point which needed urgent examination.

We were reminded again by our present Financial Secretary on the 18th of November last year, that it was high time for Government to give consideration to a reduction of staff wherever possible and to ensure that the daily performance of each Civil Servant equals the daily pay he or she receives.

I certainly hope that remedial actions will be taken and that our financial position is not allowed to continue at this danger level.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Mr. President, the recent salaries review has apparently caused much anxiety and dissatisfaction within the Civil Service and may cause us to lose many outstanding Civil Servants. Mr. President, the review should have been conducted, as in the past, by an independent overseas commissioner who knew nobody here and has no involvement in Government.

The review moved away from the present standard scale for all officers to separate scales for top management and did not give an across-the-board increase as was done in the last salaries review. This new method applies to salary increases in my opinion is unfair. Instead of giving the same precentage increase to the full range of salaries, it gives undue advantage to those at the top of the scale. For example, some Senior Officers will receive a 39% increase while those in the middle grade will only receive a 10% and those at the bottom of the scale - 18,46%. This method may be applicable to the United Kingdom, Mr. President, where it compensates for the fact that top Civil Servants pay a much higher income tax. However, this method is not fair in the Cayman Islands where income tax is not a factor.

The report of the last two salaries review were given to all Members of the Legislative Assembly and approved by them before they were accepted by Government. However, in the present instance, no Legislative Assembly Member on this side of the House has been given a copy of the salaries review report before it was accepted by Government.

I would like to make it abundantly clear to all Civil Servants that I have had nothing to do with it, nor has any Member on this side of the House. No review, Mr. President, which is intended to improve all officers financial position, should result in some getting higher percentage increases than others.

I am not satisfied that the Elected Members of Executive Council used their good offices to prevent, what I consider, an unfair review.

Cayman Airways. Mr. President, I am very surprised to learn that Cayman Airways is experiencing a cash-flow problem so soon after this Government injected a sum of $19 million (Cayman Islands dollars) in March, 1992. This large sum of $14 million was used to pay off the loan of $8 million from the Royal Bank of Canada. $3.4 million was used to pay off all advances made by Government and to purchase the AVRO 748. The remaining $2.6 million was for working capital and to construct the new Administration building at Owen Roberts Airport for Cayman Airways.

There have been numerous glowing reports released by the Cayman Island News Bureau which led me and the public to believe that the airline was in good financial standing. One release said that visitors arriving by air had increased tremendously, and the number of passengers carried by Cayman Airways had risen substantially month by month. We have also been told that the airline realized a saving of U.S.$604,118 on maintenance in 1993 as a result of switching to Pan American. Mr. President, I am truly at a loss to see how anyone can successfully operate the airline without having up-to-date accounts.

We were given copies of draft Financial Statements through the 30th of June, 1993, but have received nothing further since then. One would have thought that the Financial Statements ending the 30th of June, 1993 would have been tabled and made public by now. I hope that before this House dissolves later this year, not only the accounts for the year ended 1993, but those for the present year will also be tabled.

Mr. President, it is time that the people of our Islands know the true financial position of our National Airline inasmuch as their money is paying the bills.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Mr. President, as a concerned citizen, I would like to know where the $2.6 million working capital and the millions of dollars earned by this airline has gone. It is time we know, Sir, and it is time the people of these Islands are told. It is our airline and we want to know whether it is making or whether it is breaking us.

Mr. President, I have no pleasure in bringing this serious matter to the attention of this Honourable House, but it is my duty and I will not shirk it.

Prisons. I am distressed by the report on the increase in our prison population. I think we should look for ways to more effectively deter crime. Perhaps sentences should be stronger and prison life made less attractive. I believe more preventative action is necessary, particularly with regards to drug related offenses. We need to do more to emphasise the danger of drugs through the news media and in our schools.

Cayman Brac and Little Cayman. The inauguration of a jet service to Cayman Brac on the 18th of December last year by Cayman Airways was well received. All my people were overjoyed that jet service to our Islands had become a reality.

This new jet service, together with the opening of the new 40 room Brac Reef Hotel, and the addition of 40 rooms to the Tiara Beach Hotel should attract more tourist.

I have been reliably informed that the agreement for the European Development Fund Loan was signed in London on the 12th of January. This loan will be used to construct a new terminal building at Gerrard Smith Airport that has been contemplated for years.

I would like to be assured, Mr. President, that expert advice will be sought to thoroughly check out the design of the building, to ensure that it meets all international requirements.

Provision of $125,000 was made in the 1984 budget, and approved by the Finance Committee to construct phase II of the dock situated at Salt Rocks, Little Cayman.

Perhaps, the Member responsible could bring us up to date with regards to when work will begin on this project.

I am very encouraged to learn that the Chief Engineer is liaising with the Lands and Survey Department for a team to visit Cayman Brac during the month of March to establish the route for the remainder of the Bluff Road.

I have had several calls from my constituents asking me to request that the width of the road be restricted to 30 feet. It is considered that 30 feet is sufficient, and will create no hardship on any land owner.

As this Honourable House is aware, no money was provided for the Bluff Road this year in spite of our request for funds.

The road as it now stands is in the rough and where it ends it serves no useful purpose. This, Mr. President, is one project that I hope the new administration - 1984 - 1988 will complete.

I am happy to learn that the reply to the question today, Mr. President, that Cable and Wireless are actively considering laying a submarine cable between Grand Cayman and the sister Islands for telephone and telex services which should greatly improve our services there.

Cayman Brac Light and Power Company received a new generator which they hope to put in service very soon. The new addition will provide the Islands with additional capacity of electricity, and ensure a better and more reliable service to all its customers.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): As predicted over two years ago, the oil trans-shipments off Cayman Brac and Little Cayman have more or less come to a halt.

I ask the Member responsible to see that the air terminal building is started as early as possible, and also the dock project at Little Cayman. These projects will help our people over the slow period this year and hopefully we will have other developments taking place around the end of the year.

Police. I congratulate the Police Force in its fight against drug trafficking and its record number of seizures. Their job is not an easy one, and we must give them our support if we expect them to perform properly.

The excellent relationship that has been established and maintained by our Government with the United States Drug Enforcement Agency, United States Custom Service and the United States Bureau of Investigation deserve much praise.

We are a small territory and do not have the resources or know-how to fight drug trafficking on our own. However, we can thank our big neighbour the United States of America for helping us and providing us with what is needed to combat this evil traffic.

Mr. President, I am sure that you are aware that every effort has been made and is still being made to discredit the three investigations carried out by Detective Chief Superintendent Gibson, Her Majesty Constabulary Inspector Bromilow and Sir Jeffery Bridge.

Most Members of this House are trying to convince themselves and our people that the cost of the investigations was a waste of time and money and has served no useful purpose. Mr. President, the withholding of Inspector Bromilow final report and the decision by most of the Members of the Legislative Assembly not to publish Sir Jeffery Bridge report has not helped them to convince our people that the reports are useless, but has instead created doubt and suspicion.

I personally feel that the reports were worthwhile and that they should have been published as we promised our people.

Mr. President, it is high time that Government stopped treating everyone in our society as a bunch of minors. They must recognise that the majority of Caymanians are intelligent and do not need the Government to decide what is good or bad for them.

It is my opinion also that most of the recommendations made by Sir Jeffery Bridge were very appropriate, and if they had been accepted they would deter and prevent public servants from committing any indiscretion.

Housing. Mr. President, I am sure that many Caymanians will be encouraged to know that Government is negotiating with Members of the Financial Community in efforts to raise funds for low cost housing.

I have always maintained, that what our people need is long term low interest rate mortgage money. Most Caymanians own land or can easily purchase a plot on which to build. I also believe that our people should be able to construct houses of their choice, rather than be given stereo type ones which do not come up to their expectations.

Cayman has enjoyed a full employment situation for many years, and I hope that this will continue. It is therefore not difficult for anyone to earn an income and use a part of it to match what comes from Government to build his little home.

In time we would have made progress in the housing situation for low income persons.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): I also agree with Government helping the less fortunate with renovations on existing structures wherever necessary. Mr. President, it is mighty important how the scheme operates. Emphasis should be put on the need to help those who help themselves and avoid converting our Islands into a social state.

Immigration. Mr. President, the problems with immigration have been with us for many years, and computerising of arrivals and departures records alone are not sufficient. What is most important is to ensure that when visitors overstay prompt action is taken to locate them and to see that they are deported immediately. They should then be put on the prohibited immigrants list.

Equally alarming, Mr. President, is the apparent growing number of undesirables who manage to gain legal permission to reside in these Islands. We are involved in too highly competitive and sensitive interprises, tourism and banking. We cannot afford to harbour people who would jeopardise the good name that we have built up in these areas over the years.

Health, Education and Social Services.

Health. In regard to the Health Services, I agree with encouraging treatment of patients in their own homes. They will lower the number treated in hospital with unnecessary expense. However, we must do more to help those in need of acute hospital care. We must encourage more people to obtain hospital insurance to cover medical costs. This is most important when we consider the increasing cost of technical advances in medicine and in having to send our people overseas for treatment.

Education. I would like to congratulate the Member for the progressive step that he has taken in education. I specifically refer to the computer education being introduced in the High School in Grand Cayman. However, Mr. President, I hope that this instruction will be extended to the Sister Islands as well. All students in the Cayman Islands should benefit from such training which opens up job opportunities in the key sectors of commerce and banking.

As to the need of tertiary education, college we must proceed with caution. The first consideration is to carefully assess what courses are necessary. They should relate to future job opportunities right here in our Islands such as tourism, banking, commerce and shipping.

Legal. Mr. President, we are most fortunate to have an Attorney-General who is so knowledgeable and proficient. He has assisted all Members of this Legislature, and has given us invaluable advice. He should be commended for the expert way in which he conducts the legal affairs of our country.

I would like to join the other Members of the Legislature in paying tribute to our Clerk, Mrs. Sybil McLaughlin who is soon to retire. She has given many years of faithful and devoted service to this country and is respected by all Caymanians. We will miss her pleasing personality and her sincere attention to duty. "Mrs. McLaughlin, I wish you many happy years of retirement, but I hope that you will be back in this House in a different capacity".

I also would like to extend a warm welcome to the incoming Clerk Mrs. Gay Jackson. I wish you well in your new post, and I am sure that you will continue in the fine tradition of service given to us by your predecessor. Welcome and best wishes.

Mr. President, I have done my utmost to make my contribution to the debate constructive. And I hope that it will be taken in this light. I thank you, Sir.

MR. PRESIDENT: I think that it maybe convenient if we take our usual afternoon break at this point, and so I will suspend proceedings for approximately 15 minutes.

HOUSE SUSPENDED

HOUSE RESUMED

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

CAPT. MARK KIRKCONNELL: Mr. President, I would like to compliment you, Sir, on your delivery of the Throne Speech delivered to this Honourable Legislative Assembly on Friday, 24th of February, 1984.

Information contained in your speech has highlighted a very successful year.

1983 will always be remembered as the year of the Royal Visit. The reading of the Throne Speech for 1983 by Her Majesty Queen Elizabeth II, was indeed a historic day in the history of the Cayman Islands. Her Majesty and Prince Philip's presence here have made us all very proud to be a British Subject or a British Dependant Territory Citizen. In my opinion, the Royal Visit has increased our loyality to our mother country, and it is my desire, Mr. President, that this loyality and ties should continue forever.

The past twelve months has been a time of great progress in the three islands. Many important projects have been completed and other projects commenced. As we study the year under review we list all that has been accomplished.

Much credit must given to Finance and Development for their prudent spending and firm control of expenditures. Our balanced budget for 1983 of $52.3 million was indeed a large budget for a country with a population under 18 thousand. We now understand, that the surplus balance at the end of 1983 should be $1.1 million. We must all feel very proud of our prosperity.

Mr. President, I shall now comment on the portfolios and departments as listed in the Throne Speech. I shall try to be brief, having debated the budget speech just a few months earlier. I find it difficult not to repeat some of the comments made then.

Prisons. Our prisons systems have developed into a well designed, constructed and properly administered institution. During 1983, a Caymanian Director of Prisons and a local Prison Officer were appointed and have taken control of our prisons. Phase I and II are now completed and phase III accommodations and compound for female prisioners will be constructed during 1984.

We all wish that our community did not require a prison, but this is not the case. We are proud that our prison is of such a high standard. Prisioners are housed in first class accommodations, and special attention is given to their rehabilation, and, Mr. President, I think that we cannot place too much effort on the rehabilation of our prisioners, that they will not be repeats, and when their sentense has been served that they can return to society and take a place which will be beneficial to the islands.

Immigration. This deparment plays a very important part in safe-guding the future of our country. It is a dedicated service. One that requires and must have the co-operation of all Caymanians and residents here.

All persons or firms employing foreign nationals should ensure that they have gainful occupation licenses, and those that do not should be turned in to the authorities for prosecution. Computerization within this department will add much to their efficiency and I hope, help to control over-stayers.

Mr. President, previous Members have suggested that a policy should be established that work permits could be available to persons who are working here illegally provided their employer should not make the payment for the work permits. I too feel, Sir, that this could be a solution to some of our problems, for many of these people that are forced to work illegally are really needed. And if they were granted gainful occupation licenses a revenue would come to Government and the labour so badly needed would be available here on the island.

CAPT. MABRY KIRKCONNELL (CONTINUING): Broadcasting. Radio Cayman continues to provide a very valuable service to our country. My constituents, the people of Cayman Brac and Little Cayman depend on Radio Cayman for information on day-to-day activities in both the private and public sector of our Islands. Introduction of broadcasting of proceedings in this Honourable Legislative Assembly is serving a need that has long existed. This is keeping the public informed of events taking place, and enables my constituents who live overseas to be able to hear what we their Legislators are saying in this House. I am pleased to see that a programme for training staff at Radio Cayman and the up-grading of the F.M. facilities is being taken.

Cayman Brac and Little Cayman. Great progress has been made in Cayman Brac during the last year. Several major achievements on projects have been completed.

First, the completion of the dock project, second, the on-going and extension of Gerrard Smith Airport, third, completion of the new Government Administration Building, fourth, conversion of the old Administration Building to a museum, fifth, major improvements to our various schools within the district has helped to provide better facilities for our students.

1963 was also an important year for Little Cayman. Sand-sealing and up-grading of roads from the airport to Kingston Lightlodge has been completed. The other roads have been opened and minor repairs have been made.

Secondly, improvements have been made to the Salt-rocks landing. Little Cayman now has facilities to off-load ships up to approximately 2,000 tons deadweight and draft of 16 feet. I would remind Honourable Members, that neither Grand Cayman nor Cayman Brac had a facility equal to this before the major dock projects were completed.

In Little Cayman during the year, Mosquito Research and the Fire Service have taken an active part, and are helping to make living there more safe and comfortable.

It is my hope, Mr. President, that a central electrical system can be developed for Little Cayman during 1964. I suggest the combined efforts of Cayman Brac Power and Light Company Limited, Land owners of Little Cayman and possibly with assistance from our Government this can be a reality.

Introduction of jet air-service between Grand Cayman/Cayman Brac/Miami has been greatly appreciated by all. The main question that I am receiving from my constituents now, Mr. President, is," can it not be more frequent"?

Mr. President, during the debate on the Budget Address, I asked that funds, building plans, and all that was necessary to get work started on our airport shoulders, apron, taxi-way, a new terminal building be made available as soon as possible. I make the same appeal here today, three months later.

The establishing of width, the route and the gazetting of the remaining area east of the new constructed Bluff Road is very necessary. I would also suggest that when this is being done, that the route west of the cross-road to the West End be completed at the same time. This will provide employment and encourage residential, commercial and agricultural development on the Bluff. Let us all remember that the Bluff area is approximately two-thirds of the land area of Cayman Brac.

Mr. President, I again regret to report that the oil transfer operations off Cayman Brac continues at a very slow pace. Less than one million barrels have been trans-shipped during 1964.

Employment for our men by Cayman Energy Limited has been greatly reduced. Many of these men are presently employed on the construction on the new Brac Reef II Hotel. This will be completed by mid 1964. We need employment for our people and we ask Government that projects planned be commenced as soon as possible.

CAPT. HARRY KIRKCONNELL (CONTINUING): Our people are very grateful to this Honourable House that funds have been provided for a second Government Medical Officer for Cayman Brac and Little Cayman. Also that funds are available to employ a man and wife team as recreation directors to head a recreation programme.

Mr. President, I hope that it is understood that I am not complaining that we have not received much needed development and prosperity in Cayman Brac and Little Cayman during the last four years.

We have, and I am the first to give thanks for it. I am simply outlining a programme that can provide employment and encourage development. Once the infrastructure is in place the private sector will produce employment and development to keep these people employed.

Temporary improvements are now being made at the present airport terminal at Gerrand-Smith airport. A large fire truck for the jet service arrived on the island on the 28th of February.

The Third Honourable Elected Member of Executive Council, in answering a question in this House today gave me encouraging news. That Cable and Wireless is considering the institution of a submarine cable between Grand Cayman and Cayman Brac to improve our telephone and telex service. This will be a great help. We suffered heavily and it was one of the contributing factors why the oil-transfer operation has ceased in Cayman Brac was because of our poor communication system. Owners could not keep in touch with their ships, therefore they took the preference of sending them on to the Gulf to do the trans-shipment there.

Police. Commissioner Stowers and the entire Police Force must be congratulated for service rendered to this country. Their hours are long and police work is a very dangerous occupation. Their fight against drug-trafficking with the assistance of the United States Drug Enforcement Agency, the United States Coastguard, the Federal Bureau of Investigation and Scotland Yard are to be commended.

I must recognise our traffic marine section and the civilian special constabulary for the valuable service rendered. The training centre at the central police station is contributing better trained and a more efficient force.

Finance and Development. Mr. President, the figures that you listed in your address protray a healthy financial condition. But I must warn that we must make every effort to receive full value for each dollar spent.

Agriculture, Lands and Natural Resources. I take great pleasure, Mr. President, in congratulating the Honourable John Mclean for his able leadership in this portfolio. All three islands have benefited during this administration. We are very appreciative for his assistance of the department in Cayman Brac and Little Cayman, and again I say that he deserves much praise. During the last year, seeds, fertilizers and sprays have been made available to farmers, and once again, many of our men are returning to the soil and producing crops which are badly needed.

Mosquito Research. Much praise must be given to this department, Mr. President, for I having traded here during the years of the mosquito epidemic I know exactly the two different conditions that exist, and how much we would be suffering had Mosquito Research not played such a wonderful job in eradicating the mosquito.

Planning Department. The Planning Department is very vital to our proper and orderly development. Their task is great and very complex as they must cope with all types of development and construction. Revision of the Development and Planning Regulations and guidelines were re-considered during 1984, and it is my hope that a building code and other regulations to cover construction will be enacted during this year.

CAPT. MARRY KIRKCONNELL(CONTINUING): Land Registry. This department continues to provide large sums of revenue and during the year 1984, 5.8 million was collected. Mr. President, I have been asked by members of my constituents to request that survey fees and expenses charged by this department for surveys be reviewed and reduced if possible. Cost of sub-dividing small parcels of land in my district often cost more than the actual value of the land in the present time.

Health, Education and Social Services. I would like to take this opportunity to congratulate the Honourable Member who heads this portfolio. This is a very important portfolio, a very difficult and a very large one.

Our Health facilities in my opinion are equal or if not exceeding any other territory of our size. We are most grateful for the assistance which our Government renders to our citizens who are unable to fund their expenses overseas when tragedy strikes them. This is a very noble step which Honourable Members of this House enacted, and I think it should be appreciated by every member of the community.

Education has made great strides also. The results of the examinations, the G.C.E.'s and the others are most encouraging, and in my district we are very proud of the faculty of our high school and primary schools. They are the best that we have ever had, and they continue to improve.

Social Services. The establishment of the post of Director of Social Services has given me great satisfaction. This is a department which I will now be very close to my heart, for I feel that much can be done with probation and welfare, poor-relief, child-care assistance and all that will be encompassed in Social Services. And I pledge to you today, that any thing that I can do within my district to help in this affair, I will do.

The Frances Bodden Girls Home and Bonaventure Boys Home are serving a need for special care for our girls and boys which we have known the need of for many years. One thing that I have noticed, the few unfortunate children from my district that have been forced to sent abroad particulary to Jamaica to approved schools have adopted ways which are not compatible with our society many times when they return. Providing their being able to remain in Grand Cayman this will certainly be prevented.

Sports. Physical development and team work is as essential to our youth as their academic development. We must thank all that have contributed to the sports programme. I would like to complement our young men of Cayman Brac that are now organizing a sports programme there. We have hopes of securing a parcel of land with a swimming pool and tennis court already built for the youth of this sports programme in the near future.

Low income housing is needed in all Cayman Brac and Grand Cayman, and I am very happy to learn through the press of the progress and the steps that Government is taking through the Housing Authority to bring this to a reality.

Our Fire Service continues to play a very important part in our community, and it is my hope that in the near future we may be able to have additional equipment on the Brac that could be used for our private sector in case of a disaster there.

I could not forget to mention our vocational and technical training schools which are playing an equal part with the academic training. Some of our students are not able to accept the training in their regular High Schools, and these technical schools will provide for them to be qualified to serve in essential jobs.

CAPT. MAGRY KIRKCONNELL (CONTINUING): Cayman Airways Limited. Our airline is playing a vital part in the development of the Cayman Islands. I agree it is an essential service. Cayman Airways has contributed much to the prosperity of Grand Cayman, and in a lesser degree, to Cayman Brac and Little Cayman.

We of the Lesser Islands appreciate the service of our National Airline.

Mr. President, it must be remembered that Cayman Airways is the only air carrier serving the Lesser Islands. We are thankful for our Friday flight Grand Cayman/Cayman Brac/Miami/Cayman Brac and Grand Cayman. In my judgement our Monday flight would have been successful had it served the same destination and the same order.

Much has been published concerning losses sustained by our Airline in the Inter-Island service. It was gratifying to hear from the Honourable Member responsible for Tourism, Aviation and Trade that the loss of the Avro 748 will be about $60-70,000, not the much publicised figure we saw in the Press.

As a Member representing Cayman Brac and Little Cayman, I would like to voice my opinion that a National Airline must be subsidised to make proper jet service available to all the Cayman Islands. Our first priority should be to serve the Cayman Islands. It is a Government owned Airline and it is the responsibility, in my opinion, to serve all the Islands. If we are given proper air service in the Lesser Islands, we can proceed with our development, and we will be able to supply payable payloads for our 727 from our development in the tourist trade. Instead of being a burden on Cayman Airways, we can contribute to them becoming a profit maker.

One flight per week will never support itself, and many visitors cannot afford to travel and remain in the Islands for a week. Therefore, unless we have services between Friday, say Friday, Monday, Wednesday, or some other day, we will never develop it to be payable for our Airline.

Tourism, Aviation and Trade has done much, and it is most encouraging to me, as I try to get reservations for a hotel, to attend this Session, to have to call four hotels before I could finally get a room. It is very encouraging to know that we have that number of tourists on the Island, and the Member responsible has worked hard, and has done well in promoting tourism, and I would like also to compliment the Director of Civil Aviation for the improvements that we have seen in that Department; the improvement in our Air Traffic Controllers, and the extending of the area in which they are responsible for, gives us added security.

Communication, Works. I again would have to complement the Honourable Member of this Portfolio. It is again a very important Portfolio, and the Public Works Department in particular play an important part in each and every district.

Under this Portfolio also comes the Port Authority, which is playing an important part. It is my desire that proper housing for Port Authority and Customs can be constructed in the near future here in Grand Cayman.

I am also very proud to see that the Town Hall here in George Town, is being renovated, and I hope that all others will be given equal attention.

CAPT. MARK KIRKCONNELL (CONTINUING): Legal Department. Mr. President, I would like to join other Members in congratulating the Honourable Attorney General for his able leadership in the Legal Department and in the Chairmanships of the Select Committees. I personally have received much help from him, and I am very grateful for the advice received.

Mr. President, we regret that Mrs. Sybil McLaughlin, Clerk of the Legislative Assembly will soon retire. We know she has served us very faithfully for many years, but all of us desire a change, and she certainly deserves it. She has been most helpful to me as a Member for the first term here in this House. I can never express my gratitude enough to her, for the help that she has been to me in preparing for trips overseas for the Commonwealth Parliamentary Association, and also for advice in keeping me in line in parliamentary procedure.

I would like to wish for her a very long and happy retirement, and all that is best for her and her family.

To Mrs. Gay Jackson, our Clerk Designate, we welcome you, and look forward to your help and guidance; your past achievements with Government speak for itself, and have earned you this new appointment.

In conclusion, Mr. President, I would like to thank you for your guidance and leadership as President of this Honourable House. I would also like to thank the private sector, which includes all the business community, our churches, service clubs, and voluntary organisations that have played and are continuing to play an important part in our development. We are deeply grateful for the assistance from all social clubs, and all that we have received.

Finally, Mr. President, I ask almighty God for his divine guidance and protection for all Honourable Members of this House, and the people of the Cayman Islands.

Thank you Mr. President.

MR. PRESIDENT: Does any other Honourable Member wish to speak. There is another fifteen minutes nearly until we normally adjourn.

MR. J. GARSTON SMITH: Mr. President, I would rather have waited until the morning, but since no-one else is ready to speak, I'll have to speak for these few minutes.

Mr. President, first of all I would like to associate myself with Honourable Members who have congratulated you, Sir, on your very up to date but concise statement which you delivered to this Honourable House a few days ago.

We give thanks to our Creator for giving us this privilege to meet here and to make another Throne Speech.

Mr. President, Sir, it is an opportunity to give thanks for the year past, and to voice our hopes for the year ahead.

Mr. President, this Report is a very comprehensive one, so I will be as brief as possible in my debate. Your Throne Speech, Sir, reads like a success story all along the line.

MR. J. GARSTON SMITH (CONTINUING): Our projections for another good year are well on the way, and by the help of almighty God, and by all of us working together, this year will even be brighter than the year just completed.

Mr. President, the year 1993 has gone, and we continue the success and prosper on these Islands, and I am pleased, Sir, as an Elected Member representing my people of West Bay to have had an opportunity of being a part of the governing process of these Islands. Our Government has continued our policy in passing down some of the fruits of our labours on to the people, in the form of reduced duty on foodstuffs. We only hope, Sir, that everyone will ensure that these savings are passed on to our people.

Mr. President, I turn now to prisons. We are proud to learn of the improvements to our prison system. The local prison system, staffed by Caymanians, was an important part of my political belief and one on which I worked. Mr. President, Sir, I can vividly remember visiting the prison system in Jamaica where our young boys and girls were confined. I am especially glad, Sir, that Phase 2 of the prison has been completed, and part of this phase can be used to accommodate our female prisoners. And most of all, Sir, I am pleased to know that the prisoners' work programme has been expanded. This is something I have advocated over the years, Sir. I feel that there is much work we could use our prisoners for, even if we had to hire additional guards. This could be a tremendous savings to this Government.

District Administration. I am indeed very happy to see the progress on Cayman Brac and Little Cayman. Much has been done there, and I will hope to see much more done in the Lesser Islands. Mr. President, the most important move made in 1993, in my mind, was the inauguration of Cayman Airways boeing 727 jet service to Cayman Brac. In my mind, this is the answer to progress and development in Cayman Brac and Little Cayman.

Immigration. Immigration, Sir, is the gateway to any country, and immigration is also the means of controlling the destiny of any country, and to protect the future of these Islands, I call for stronger enforcement of our immigration policies.

Mr. President, in this land of general unemployment, it would wrong to say we do not need foreign labour, but it is unfortunate, Sir, that people come here and overstay and obtain work illegally, and in many cases are taking work from qualified Caymanians. This matter, Sir, needs urgent attention.

Mr. President, I want to say here in this Honourable House today, without fear of favour and due respect to all Immigration personnel, because I feel, Sir, they are doing their best, my concern, Mr. President is that ther are scores of people in this country, and Immigration do not know how they came here. This is a very serious problem, Mr. President, and needs to be treated as serious.

Police. Mr. President, during the year 1993, our police were unnecessarily abused by a few benighted persons who were of the opinion that political power could be obtained by bringing the police force into ill repute, and destroying the pillars of law and order. We should always support the police against crime, and an all-out fight should be mounted in this year to bring drug traffickers under control. Mr. President, much has been accomplished in the last year in this area.

MR. J. GARSTON SMITH (CONTINUING): Broadcasting. The Department of Broadcasting has played an important role in the development of these Islands. Broadcasting debates and other important matters of this Assembly are a major step forward. Many times, Sir, the people of these Islands do not have the time to attend these sessions, but will hear through Radio Cayman exactly what their representatives are doing in this Honourable House.

Surplus and Revenue. 1983 saw another year of surplus revenue, and very little increase in our national debt. A policy which this Government has adhered to since elected in 1976. Since that time, Sir, our public debt has only risen by little over one million dollars, and despite the purchasing of Cayman Turtle Farm, and the equity purchase in Cayman Airways, and financing most of the capital expenditure from general revenue, we still enter 1984 with our $11,000,000 in Reserves.

Mr. President, I have 4.30, I don't know whether you want me to stop or go on.

MR. PRESIDENT: I was going to say I make it 29 minutes past, but if you've reached a convenient point in your speech to break, I will gladly invite the Honourable First Official Member to move the adjournment. I don't know where the Sergeant-at-Arms is. The Sergeant-at-Arms we shall need.

ADJOURNMENT

HON. D.H. FOSTER, C/C, CBE, JP:

Mr. President, I move the Adjournment of this House until 10.00 a.m. tomorrow morning, Sir.

MR. PRESIDENT: Am I right that Members know there's another function in a moment's time?

The Motion before the House is that this House do now adjourn until 10.00 a.m. tomorrow morning. Does any Honourable Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED

AT 4.30 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., THURSDAY, THE 1ST DAY OF MARCH, 1984.

STATE OPENING AND FIRST MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON THURSDAY, 1ST MARCH, 1984 FOURTH DAY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. C. PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON. D. H. FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. T. C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. JOHN B. McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES
HON. TRUMAN M. BODDEN	MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. JAMES M. BODDEN	MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. J. GARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. D. DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BENSON O. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
*MR. W. NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT. MABRY S. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

* Absent in the afternoon.

ORDERS OF THE DAY

FOURTH DAY

THURSDAY, 1ST MARCH, 1984

1. *QUESTIONS:-*

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 34. If a detailed site plan covering the Terminal Building, Apron and Taxiway at Gerrard-Smith Airport has been prepared, when will it be available for Members and the public to see?

NO. 35. If Building Plans for the new Terminal at Gerrard-Smith Airport, Cayman Brac, have been completed, have they been submitted to EEC Commission?

2. *GOVERNMENT BUSINESS:-*

BILL:-

The Airports Regulation (Amendment) Bill, 1984 - THIRD READING

3. *CONTINUATION OF THE DEBATE ON THE THRONE SPEECH*

TABLE OF CONTENTS

	PAGE
Questions	1
The Aircraft Regulation (Amendment) Bill, 1981 - Third Reading	2
Continuation of Debate on the Throne Speech	
Mr. J. Garfield Smith	3
Hon. D.H. Foster	6
Mr. Dalmain Ebanks	8
Mr. Benson O. Ebanks	11
Hon. Haig Bodden	20
Adjournment	24

THURSDAY

1ST MARCH, 1984

10:00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Questions. I will invite the Second Elected Member for the Lesser Islands to ask the first question standing in his name.

QUESTIONS

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 34: If a detailed site plan covering the terminal building, apron and taxi-way at Gerrard-Smith Airport has been prepared, when will it be available for Members and the public to see?

ANSWER: A detailed site plan for the Gerrard-Smith Airport has not yet been completed and is pending the final design of the new terminal building so that that can be included in such a plan.

SUPPLEMENTARY:

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Could the Member state if the actual area that is going to be constructed has been determined?

HON. G. HAIG BODDEN: Mr. .....

MR. PRESIDENT: I do not know whether ....., sorry. Perhaps I could just ..... I am not quite clear that I myself understood the supplementary. Do you mean the site for the building or do you mean the size of the building?

CAPT. MABRY S. KIRKCONNELL: Mr. President, where the airport terminal and taxi-way will be, as we are having problems with a developing company excavating material in areas where we believe the terminal will go.

MR. PRESIDENT: So you mean the site? When you said the area I thought perhaps you meant the size.

HON. G. HAIG BODDEN: Mr. President, I do not know the answer to the question. The question was directed to me, but the matter of the airport falls under the Honourable Third Elected Member of Executive Council and the matters for Cayman Brac fall under the Honourable First Official Member.

I have been given the answer to the question that was asked, but I am afraid I cannot deal with supplementaries because the prime question should not have been directed to me.

MR. PRESIDENT: I wonder whether the Honourable

MR. PRESIDENT (CONTINUING): Member would be prepared, with the help of his colleague, to obtain the information for which the questioner asked in the supplementary and to let him have it.

HON. C. RAIG BODDEN: Yes, Mr. President.

MR. PRESIDENT: Would that be satisfactory to the questioner?

Unless there is any further supplementary, I will invite the Second Elected Member for the Lesser Islands to ask the second question standing in his name.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 35: If building plans for the new terminal at Gerrard-Smith Airport, Cayman Brac, have been completed, have they been submitted to EEC Commission?

ANSWER: Building plans for the new terminal at Gerrard-Smith Airport have not yet been completed. They are now in the process of being completed by the Public Works Department, after which time they will be submitted to the EEC Commission.

MR. PRESIDENT: If there is no supplementary question .....

SUPPLEMENTARY

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Would the Member state if the funds from the EEC cannot be received until the plans are submitted to them.

HON. C. RAIG BODDEN: That is correct. I think, Mr. President, a question yesterday revealed the problem. The plan cannot be submitted until all of the land has been acquired because it is my understanding that the siting of the terminal will be contingent upon the acquisition of the land - the entire parcels of land. So until the land is acquired, I do not think any positive action will take place.

MR. PRESIDENT: If there is no further supplementary, we can pass on to item 2 on today's Order Paper - Government Business, Bills, Third Reading.

GOVERNMENT BUSINESS

BILLS

THE AIRPORTS REGULATION (AMENDMENT) BILL, 1984

THIRD READING

CLERK: THE AIRPORTS REGULATION (AMENDMENT) BILL, 1984.

HON. TRUMAN M. BODDEN: Mr. President, if I may be permitted, I would like to take the Third Reading and I move

HON. TRUMAN M. BODDEN (CONTINUING): that a Bill entitled A Law to Amend the Airports Regulation Law (Revised), be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled A Law to Amend the Airports Regulation Law (Revised), be given a Third Reading and passed.

Does any Honourable Member wish to speak? If not I will put the question.

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

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

MR. PRESIDENT: Item 3 on today's Order Paper – Continuation of the Debate on the Throne Speech. The First Elected Member for West Bay was speaking I think.

MR. CHADDOCK EBANKS: Mr. President, if any of these Members should be reluctant, I will again take the stand, Sir.

MR. J. GARSTON SMITH: Mr. President, before the adjournment yesterday I had attempted to speak on Agriculture and Natural Resources.

We are proud to learn of all the strides made in the field of agriculture. The Member responsible and all concerned are doing a fine job and should be complimented.

In my mind, Sir, the move to purchase the Cayman Turtle Farm to ensure the continuity of its operations was a wise move. The closure of that farm, Mr. President, would have resulted in a tremendous loss of employment, especially in my district.

The Portfolio is now making every effort by negotiating with the United States' Authorities to have the ban lifted on products from the Cayman Turtle Farm so that we can trade with that country again. If this happens, Mr. President, it will be a great boost to the employment and economy of the district which I represent.

It is very encouraging, Sir, to hear that the Department of Agriculture continues to be very active in increasing and improving production in vegetables such as tomatoes, cucumbers, peppers, onions, cassava and many more, and it is making every effort to improve the standard of cattle in these Islands.

It is also very pleasing, Sir, to know that this Government continues its commitment to farmers by providing duty-free equipment for agricultural purposes and that two other private enterprises have made similar offers to farmers. My only hope, Sir, is that farmers will take every opportunity available of these offers and that some day we will be self-sufficient in this area.

I am also very happy, Sir, to know that the Portfolio has seen fit to appoint caretakers for the cemeteries throughout the Islands. Mr. President, the Honourable Member in charge of this Portfolio will hear me out. I have been negotiating this with him over the past years.

MR. J. CARSTON SMITH (CONTINUING): Health, Mr. President. Health services have been improved greatly over the years. The treatment of patients in their own homes is greatly appreciated. A start has been made with the plotting to geriatric stations in our community. This will be extended to patients who are cared for at home, those at the Pines Retirement Home and those at the Hospital. These steps, Mr. President, are important to the community and those involved should be complimented. Mr. President, Government is attempting to give our people a health service that they can be proud of.

Education. Mr. President, speaking on education, I must say in all sincerity that I am very pleased with the strides made in education under the present Portfolio. Eight years ago, Sir, our education policy seemed to be headed in the wrong direction and by now we would have been in the deepest mire. I sincerely hope, Sir, that more of our young people will avail themselves to the great opportunities available to them so that they may be the true leaders who will lead, in peace and prosperity, our beautiful little Islands.

From the Book of Proverbs, Mr. President, I quote - "With the well advised there is wisdom. Wisdom is the principle thing; so therefore get wisdom and with all thy getting, get understanding".

Mr. President, these two areas which I have just spoken on, Health and Education, have seen the spending of large amounts of money. But, Mr. President, our people can receive no better benefits from the success made by this Government than to be able to go to sleep knowing that they have good medical facilities at a cost within the reach of every citizen in these Islands, and good educational facilities for their children.

Mr. President, I note with interest in your Throne Speech that the major building emphasis is to be placed on the John A. Cumber Primary School in my district. I would only hope, Sir, that when this project begins, consideration will also be given to the upgrading of the Teachers' Cottage on these grounds as it is badly needed.

The Francis Bodden Girls' Home. It is very pleasing, Mr. President, that the Girls' Home is in operation and it is only hoped that when our girls, who are now serving in Jamaica, return they will be placed in that Home rather than being sent back to Jamaica.

National Council of Social Services. We are also very happy that the National Council of Social Services is doing a fine job. I want to congratulate them and also to congratulate the many service clubs for the assistance they have given.

Sports. Government has taken a keen interest in the future development of recreational facilities for these Islands. For this, Mr. President, we are grateful. We are grateful to the Football Association which assisted Government in a joint venture that resulted in a first-class field in George Town. I am looking forward, Sir, to the day when a similar venture will become a reality in my district.

I am happy and grateful to Government for the handcourt in my district and for the changing rooms. Again, Mr. President, this is something I have pushed for over the years and I hope, Sir, that whenever the necessity arises the court will be expanded upon.

Technical assistance is forthcoming for the Sports' Complex as a result of negotiations with Dade County under the Twin Cities Programme. Mr. President, I would

MR. J. CARSTON SMITH (CONTINUING): again like to also thank the many clubs and associations that have assisted in this programme.

Mr. President, Government owns a small piece of land in the Boatswain Bay area and it is my desire and hope that Government will clear this piece of land so that the youth of that community will have good sporting facilities.

Tourism. Mr. President, 1983 saw a small decline in tourism arrival figures, but overall tourism has continued to bring prosperity to our people. We are hopeful that our upward trend will continue in 1984.

Labour. I have been assured, Sir, that up-to-date legislation will come before this Honourable House this year. I look forward to supporting its passage through this Honourable House as it is badly needed in these Islands.

Cayman Airways. We can all be justly proud of the part Cayman Airways has played in securing well paid employment for many of our people and sustaining our life-blood from abroad. We must, at all costs, Mr. President, dictate our destiny and not leave ourselves to the mercy of outside sources.

Public Works. Mr. President, a lot was accomplished by the Public Works Department in 1983 in the maintenance and construction of roads. I look forward to the successful implementation of plans for my district in 1984, especially the completion of Rush Pond Road and the Barkers Road. These roads, Sir, are long overdue and I would like to see these constructed as early as possible.

Mosquito Research and Control Unit. The Mosquito Research and Control Unit continues to do an excellent job. The digging of a mosquito control canal in the West Bay area will help eradicate mosquitoes in that area. We must continue to support the Mosquito Research and Control Unit. Although the operation, Mr. President, is a very costly one, we have to keep this Unit functioning or else all we have will suffer.

Housing. Mr. President, I hope and pray, Sir, that in 1984 all the financial institutions will give their wholehearted support to the Housing Development Corporation so that all our citizens may enjoy adequate support in this area. Mr. President, this will render great rewards in the future.

Legal Department. Mr. President, the Legal Department is worthy of praise under the able leadership of our Attorney-General, the Honourable Michael Bradley. During the year 1983 under his guidance, some forty laws were drafted and enacted by this Honourable House. In addition, a number of subsidiary legislation, prepared by the Department, became law. We are very grateful, Sir, to have such an able man as our Legal Adviser.

Land Registry. Mr. President, this is another Department that earns a lot of money for this Government and I am happy to see the progress made in this Department. Although there was a drop in transfers of property, the value of Lands transferred showed an increase in revenue. For this I am very grateful, Mr. President.

Mr. President, our present Clerk of the Legislative Assembly, Mrs. Sybil McLaughlin, is due to retire within a few weeks. This is the last Meeting she will officiate. At this time, Sir, I want to join with other Members in paying tribute to our Clerk, Mrs. Sybil McLaughlin, for her long and distinguished career and for a job well done. I want to wish her all the best on her retirement and in whatever walk of life she chooses to undertake.

At this time, Mr. President, I also

MR. J. CARSTON SMITH (CONTINUING): want to welcome our Clerk-designate and wish for her all the best in her new job.

In conclusion, Mr. President, we all look forward to a happy and prosperous 1994 for our people. I can only assure the electorate, Sir, that I will always support what is good for this country and its people. The year 1994 is now with us. We, the Honourable Members of this House, have a good record with a surplus over $11 million. It is a fantastic record, Mr. President, after taking over this Government which was almost bankrupt seven and a half years ago.

I look forward, Sir, to the General Elections this year with anticipation. I pledge my support in all things pertaining to the good and welfare of these Islands and the people whom I love and serve. And if I am re-elected to serve my people for another four years (and by God's help I shall be), I will return to this Honourable House with the same spirit of hard work, cooperation and reverence as I have displayed in the past. I can only trust, Mr. President, that Almighty God will bless and protect us all. I look forward to debating the 1995 Throne Speech.

I thank you very much, Mr. President.

HON. D. H. FOSTER: Mr. President, I would like to join my colleagues in congratulating you, Sir, in your Speech which ably summed up 1993's achievements and put forward 1994's projections. It is a very comprehensive document, Sir, and does not need much comment on it as a whole. However, I must answer or give information to some questions or remarks made by past speakers.

The Lady Member for George Town said that Members of the Legislative Assembly were being blamed for the Salary Review. There is no need for this, Mr. President. Members did their duty which was to appropriate the funds. The rest was Government's business.

Members could not be expected to undertake salaries review nor could they be expected to know how to classify Civil Servants for their job descriptions and ultimately their final gradings. This is Government's job, Mr. President. May I suggest to the Lady Member if this comes to her notice again, that her reply to the members of the public be that the Members have done their duty; the rest was done by Government.

Mr. President, I am pleased to let the First Elected Member for the Lesser Islands know that the work on the dock in Little Cayman will commence right after the winter season is over. All the material and preliminary work is being done over here now - that is to say the big ten ton blocks that will be carried over by barge - and right after the winter season the work will commence.

Now, Mr. President, as Head of the Civil Service I must defend strong criticism made by the First Elected Member for the Lesser Islands regarding the Salary Review. I am going to try to do it in the same constructive manner as he criticised.

Firstly, I would like to explain that this was not a cost of living exercise whereby everybody got the same percentage increase. This was a review that was recommended by the Hall Report which should take place at this time. A review, Mr. President, is something completely different from a cost of living award. This review sought to put Civil Servants in their proper classification and in their proper gradings in that classification, whether technical, administrative, professional or otherwise.

Mr. President, the person selected by

HON. L. H. FOSTER (CONTINUING): Government to do this review is a highly qualified man. He has a wealth of knowledge and he did a 1973 review for us which was most acceptable, and to do another review now (having spent a little over a year with us) puts him in a much better position having served and knowing the needs for the review and for the classifications. Mr. President, a new outside Commissioner could not have achieved what was achieved by the present Commissioner that we appointed. It is only good common sense to use the expertise available rather than to import at a high cost. I am perfectly satisfied, Mr. President, that the Government made a proper move in appointing the Salaries Review Commissioner.

Mr. President, never before in my knowledge has a Salary Report been circulated to Members of the Legislative Assembly. Perhaps the Member is confusing his stay in Executive Council. Yes, Sir, the Salaries Review is presented to Members of the Executive Council and approved by them.

Mr. President, although the informant must have told the Member bits and pieces of the Report, he did not tell the Member all. He did not tell the Member that every Civil Servant lost quite a bit of leave - a minimum of a week(or five working days); some lost two and in very rare cases, three. He did not tell the Member that the rent structure was changed. Where we used to deduct seven and a half percent from a person's salary, fifty percent is now being paid by the employee with Government paying the remaining fifty percent.

Mr. President, the Salaries Review sought to open the scale which over the years had been compressed. It had become so compressed that there was very little differential. This has been achieved, although, Mr. President, it is inevitable that in every report there are going to be anomalies. These anomalies have been reported and are being look after. They will be dealt with in an honest and fair way.

Mr. President, the size of the Service - I was here, Sir, when the former Honourable Financial Secretary sounded the warning, but as a country develops, more services are going to be required. Not only that, Mr. President, everytime we come into this House we hear Members asking ornately and urgently for new services - guards at the Hospital, fire-service in Frank Sound to serve the Eastern districts - there is always a demand for more and more. How can we, Mr. President, keep the Service down if we have to supply all these needs? Nevertheless, it is the full intention that we do everything possible to keep the size of the Service as low as possible. We are cognisant of the fact, Sir, that it is a big Service for such a small territory, but one has to remember that our economy is based on matters that require services from the Government and if we do not service the public sector we will be highly criticised.

Mr. President, I cannot but say that the statment made by the Member that the Review was a very unfair one is absolutely absurd, Sir. I think that Civil Servants on the whole (once a few anomalies have been solved) will accept the Review and it will be similar to when the Cayman public was against Cadastral Survey. Now everyone is giving it praise. So I am sure this will come up in the future.

Mr. President, I think there was a tendency for criticism to be put on the hierarchy of the Civil Servants and their increase. I have absolutely no compromise to make on that, Sir. The Senior Civil Servants of this country, who have been carrying the responsibility and bearing the brunt and burden of everything here, have been underpaid for years.

HON. D. E. FOSTER (CONTINUING): Our counterpart in the private sector have been getting salaries that double or even triple what we have been getting and without us they could hardly exist. I am not in the slightest inclined to make any compromise whatsoever, Sir.

Mr. President, I would like to join others in wishing our Clerk a happy and long retirement. This is her last Meeting and I pay tribute to her and say, "Well done, thou good and faithful servant". To her successor, I wish her luck in her new job and I promise my wholehearted support.

I thank you, Mr. President.

MR. D. DALMAIN EBANKS: Mr. President, I too want to join my colleagues in paying you tribute on your Throne Speech, Sir. Your speech, Mr. President, has shown the public that our Government is working for the betterment of these Islands. I hope, Sir, that the public, or some of the public, will understand the operation and movement of the gears and machinery of this Government - a Government that in the past six years has carried a country, with no resources, through a recession that has the whole world wobbling at its bases.

I am very proud, Sir, to be one of the Members of this Government. Regardless of what the critics say on the outside, I know, Sir, that everybody here is working for the betterment of these Islands. We have our differences, but what it boils down to in a nutshell is that everyone of us wants the same thing.

Now, Sir, I have a few things to speak on.

The Immigration Department. I am very proud that the Department has been computerised so that they are able to deal with arrivals and departures more efficiently. However, I know there are still problems and problems that will probably always be there with illegal entries and over-stayers. Tightening of immigration will probably help. Putting pressure on employers will help some too. But as I look at it, Sir, I feel that more power should be given to the Protection Board because the Protection Board deals with the permits and everything else. So the Board should know who is here, who is over-staying and those who are illegal entrants. I say give them some leg work, Sir. Make it a law that they can go out and investigate and pick up over-stayers and others. Also, Sir, I feel that they should be granted the power to see that the person whose permit has been withdrawn or taken away, leaves the Island and is not permitted to remain.

Tourism The tourism industry has weathered another year. Although there was a bit of a decline it still showed a percentage increase over 1982. As the outlook for 1984 for the tourism industry looks good, I trust that it will continue to be that way. We must not be to complacent, Sir. We are up against a strong competition, Sir. We have to be very careful in handling the tourist. Prices could be damaging to us, Sir; we could price ourselves out of business.

Courtesy to the tourist is very essential. Our people should learn how to meet the tourist and how to work with them. The tourist industry, Sir, is one of our large revenue earners. It covers not only the tourist, but a vast field of other jobs such as construction, hotel business and banking. All of this comes under the tourism industry, Sir, and I feel that it should be given a careful study. Again we must also look at the tourist and realise that we here need the tourist more

MR. D. DALMAIN EBANKS (CONTINUING): than they need us. So therefore let us work together to try to keep it on the right road.

Agriculture, Sir. This Department, Sir, is being very active. Although it has been said, I will say it again - it is doing a great job in these Islands. I want to congratulate the Honourable Member for his efforts and sincere work in this Department.

I hope that the farmers will continue to take an interest in farming, Sir, because this is one thing that we are lacking in these Islands very much - the production of our own goods. If we can get back to the old type of farming, Sir, where we can produce beef, meats and ground produce that can suffice the consumption of this country, then we will be able to control a bit of the high cost of living.

Social Clubs. I have to congratulate them on their efforts. The National Council of Social Service's opening of the Pines Retirement Home was a great stride. The treatment for senior citizens was something that was very much needed here. Thank God we have it now, Sir. I continue to praise and support all service clubs for their work in the community.

Training Schools. Mr. President, I am glad to know that from the time I have been in this House I was one of the Members who supported the Training School. Although, as usual, there has been criticism cast on it that Government is wasting money and so on, I will always give it full support. Just two weeks ago I visited the Trade and Building School and I was hooked to see the work that those lads are doing there. Money is not being wasted, Sir, in fact more money should be put in that school for expansion so they will be able to carry on more classes.

Sir, what we have to look at is that the lads in that school are dropouts from the High School and maybe other schools. They did not have the academic skill, but they are skilled to do things with their hands. Reading the framing square and so on is a skill too, Sir, and those lads can do it. I will invite any of the Members to go there and see some of the work. Those lads, Sir, make the eight-hour-a-day carpenters in the construction field look like novices. I have to support and congratulate the supervisors and teachers and give them all the encouragement that I can.

Cayman Airways, Sir. These Islands will always be in the air as the plane flies, but I wish that people would stop and realise what Cayman Airways really means to these Islands and their development.

Cayman Airways may not be a money-making business, but the spin-off from the service of Cayman Airways is what is helping these Islands in 75% of their growth. I am proud that I support it and I think I always will, Sir. The trouble is that the people who should be supporting Cayman Airways are not doing so. It is getting time now to put pettiness and childish ideas aside and step forward to help and support our National Airline. I want to congratulate the Honourable Member responsible for his efforts, dedication and hard work.

Sir, I feel that Government's vigilance in securing the services of Caymanians to fill posts such as secretaries, executive officers, clerks, etcetera, is very much needed. We should give our Caymanians a chance, Sir, at these jobs. We should ensure that Caymanians are offered overseas training in fields geared for tourism, finance, trust officers and banking, etcetera. There should also be extensive training for officers now in Government (one can never get too much training) so that they will be more able to climb the ladder.

MR. D. DALMAIN EBANKS (CONTINUING): I feel, Sir, that there should be a special programme to assist the youth and others who have completed their period of probation, time in correction homes or even prisons. The establishment of special committees in the community or in the districts would be very helpful. Much is needed there, Sir. There is a need for persons to visit the prisons to counsel and assist those completing their terms to obtain jobs. It is also necessary to speak with those persons who may even be ready to employ them. There is a need for assistance and rehabilitation so that they may become worthy citizens. There is a lot of good in the worst of us, Sir. The thing about it is that a chance needs to be given to those individuals to see that it is brought out of them.

Sports. I do not need to tell anybody my feelings towards sports; I think the Cayman Islands are aware of it. However, I am more than happy to see that Government is taking more of a keen interest in the field of sports. The one thing about sports is that once it is encouraged and developed it will save many of our youth of today and tomorrow.

Sports itself, Sir, is a master teacher. It teaches one to know his own faults. It teaches one how to meet people. It teaches one how to care and maintain his own body. It is a body-builder. It is a resistance even against sickness, Sir. And above all it makes gentlemen and ladies out of the youth.

The forthcoming Sports Complex makes me more than happy to know that it will soon be a reality. I am proud to see the number of young people taking part in sports today, Sir. We have a drop in juvenile cases and I feel, Sir, that a great part of that credit should go to sports. Young people are finding themselves involved so much in sports that they do not have the time for idle chatter and loafing. They are working in that field.

The Police Department, Sir. I am one who have always championed the police. As a service man myself, I know what the act of service is. They have been criticised and ridiculed on the streets like everybody else. Sir, I want to say to them, "You are doing a great job - keep on with it". I think when we look back at the past year we cannot but say that we have a working Police Force and a good one.

Our Coast Guard duty, Sir, is also proving to be a success, although, again, this is one Department that has been criticised. I myself got a lot of it because it has been my baby since I came in this House to have a Coast Guard. They are working and I hope they continue the good work. I hope they continue to pick up more ships so they can be turned in to Government and that they get the drug racketeers and throw them in prison, and let Government get a commission. That is their duty and they are doing a good job.

With that, Sir, I now conclude my debate with a little tribute to our Clerk of the Legislative Assembly. I am one, Sir, who is sorry to see her go. She has been very helpful to me in this House. But, that is how life goes, Sir - one day we all have to part. I want to wish her a long and happy retirement. She will be missed in this House, but I guess if we ever need her and give her a call, she will be back to give us assistance.

I want to congratulate her successor. I wish her all the best in her new job and venture and I trust that she will make a success in that line also. This House, Sir, is willing to give her all the help we can.

MR. D. DALMAIN EBANKS (CONTINUING): Now, Mr. President, the end of 1984 is coming up and it is election year. I want to declare that I will be running again, Sir, for a seat in this House. If the people of my constituency want me, my time is available. I will continue, if I am re-elected, to fight the battle for these Islands and for the people of these Islands in the way I have done.

To you, Sir, I wish you all the best for the balance of your time whether it will be extended or not, but I hope we will continue to have some good times together.

I thank you, Sir.

MR. PRESIDENT: It is in fact within a few minutes of the ..... at which we normally take a short break and rather than have any Member start a speech (assuming there are other Members intending to speak) and have to interrupt it, I wonder if it will be convenient if we take a break now for about fifteen minutes.

AT 11:15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:41 A.M.

MR. PRESIDENT: Please be seated. The debate may continue. Does any further Member wish to speak?

MR. BENSON O. EBANKS: Mr. President, I had hoped that a Member of the Government bench would have offered to continue, which would have possibly given the proceedings more of a flavour of a debate rather than it has up to this point. But seeing that they have not chosen to do so, I will speak.

In the opening paragraph of your Speech, Mr. President, you stated that you would be reviewing, at rather greater length, some of the events of the past year and looking forward to plans for 1984. I must admit, Mr. President, that the Speech makes good reading to someone who has not been around for very long. And here I hasten to say that I realise that the Portfolio and departmental sections of the Speech are not of your composition, but rather those of the Members responsible and the officers.

This Speech to me, Mr. President, is just as interesting because of what it does not say as to what it says. Frankly, I am reminded of the young Caymanian mechanic who had a very good clientele and he had the failing of promising everybody their job back within an hour or two. Needless to say he fell down on his promises. An American visitor, after two or three years of visiting the Island and dealing with this mechanic and being subjected to the numerous delays, was heard to quip that there was one thing that could be said for Mr. So-and-so (referring to the mechanic) and that is that he is the most promising young man in the Cayman Islands.

I feel the same can be said of this Government. Not that nothing has been done, but also that while they have been short on delivery they have been consistent on their promises.

To prove my point, Mr. President, I would call attention to the following. On pages 4 and 5 of the 1984 Throne Speech, under Agriculture, Lands and Natural Resources,

MR. BENSON O. EBANKS (CONTINUING): we find the statement that; "It is anticipated that in 1984, marine parks will be established around Grand Cayman and possibly the Sister Islands.".

On page 11 of the 1982 Throne Speech, we find under the heading "Projects Proposed for 1982 are: (a) the designation of marine parks around the three Islands:".

On page 7 of the 1984 Throne Speech, we find that, "A comprehensive review of the Development and Planning Regulations, 1977 has also been completed, and proposed revisions will be considered during 1984.".

On page 11 of the 1982 Throne Speech, we find again under "Projects proposed for 1982", "the revision of the Development Plan 1977".

In fact if we go back, Mr. President, to the 1981 Throne Speech, we will find that this item was referred to as being required under the Planning Law to take place in 1982; and here we are two years later still being promised that this will be done. And frankly, hearing only yesterday or the day before that the Tribunal to hear the grievances on this plan is only now appointed, one wonders whether we will in fact get the plan before the House in 1984.

In the 1984 Throne Speech, on page 15 we find that, "In 1983 a new Fire Station at Frank Sound will be completed .....", etcetera.

On page 18 of the 1982 Throne Speech, we find the statement that, "Funds have been provided in the 1982 Estimates to construct a sub-station in the Eastern districts of Grand Cayman and ..... to provide adequate manpower.", etcetera. My understanding is that to date the only progress that has been made with the construction of that sub-station is that a little bit of fill has been put on the site where it is supposed to go; and funds were voted from 1982.

On page 16 of the 1984 Throne Speech, Mr. President, under "Labour Office", we find the statement - "Numerous complaints and disputes have been handled by the Labour Officer in consultation with the Portfolio and most of them have been resolved informally.". It goes on and end, "It is hoped that Labour legislation will be introduced to this Honourable House in the June Sitting.".

On page 19, Mr. President, of the 1982 Throne Speech, we find under the same heading, "The Labour Office is staffed by three persons. Complaints and disputes have been handled by the Labour Officer in consultation with the Portfolio. Most disputes have been resolved informally, but there is an increasing need for labour Legislation to establish basic working conditions and terms of employment. It is intended to introduce legislation later this year.". And that was, Mr. President, early 1982 and the words are almost identical.

Again, Mr. President, we could trace back as far as the 1981 Throne Speech and see where the need for such legislation has been mentioned. I could go on citing these repeated and unfulfilled promises, but I think I have given enough examples to show the variance between the promises of Government and its performance.

It must be remembered that the Throne Speech (following as it does the passage of the Estimates for that year) of necessity accepts that the financial provision has been made in the year's Estimates for any projects listed. So there can be no other excuse for these delays than the fact that it is a promising Government and not a performing Government.

MR. BENSON O. EBANKS (CONTINUING): Mr. President, I think I am going to give one more example of this unfulfilled undertaking. On page 18 of the 1984 Throne Speech we find under the heading "Housing" - "In August 1983 a General Manager was appointed to the Housing Development Corporation. Since that time negotiations have been held with the financial community in efforts to raise funds for low cost housing. These negotiations are on-going and Government is hopeful that they will be satisfactorily concluded in the very near future. Caymanians will benefit from these results in the form of low interest mortgage being available.".

On page 18 of the 1982 Throne Speech we find, "The Housing Development Corporation was established by legislation in 1981 and Members have recently been appointed. Talks are being held with the local financial institutions in an attempt to secure necessary financing for housing needs. 1982 will undoubtedly see much progress in this area when plans are finalised and financing becomes a reality.".

The 1981 Throne Speech, Mr. President, on page 14, is even more urgent in its expressions about the need for housing - following the revelation of the figures and statistics of the Census of the previous year. But, Mr. President, in reality the only sense of urgency that we have seen displayed about this whole question was the rather hasty passage of legislation in the May Session of 1981 in Cayman Brac; when the Law establishing the Housing Authority was, what I called, rushed through the House without even being properly gazetted.

Now, Mr. President, I would like to make it very clear that I see the need and I support the need for action in the area of housing, but I must question the long delay by Government - promises and more promises.

I suspect that this being an election years, we will see, or will probably see some action.

Mr. President, while I am happy to hear of the present surroundings in which our prisoners are housed, it is indeed depressing to hear of the large numbers of prisoners there. It appears that in spite of having transferred twenty-five prisoners to Jamaica in 1983, the existing facilities are overcrowded and it has now become a matter of urgency that additional accommodation be built.

Mr. President, if one can believe what they read in the press, I would not be surprised to find that the majority of these prisoners are young persons committed on traffic or drug related charges. While I have no sympathy for the drug dealers, I am nevertheless concerned at the large number of young people who are in our prison. Something needs to be done and done urgently to educate our youth to the dangers of drug abuse and an attempt made to rehabilitate those who have succumbed to this awful trap.

I do not like returning to the 1982, 1981 and 1980 Throne Speeches, but again I must call attention to the fact that in the 1982 Throne Speech we find the phrase, "....it is hoped that an area not touched on - alcohol and drug rehabilitation services - will be covered.". And in the 1984 Throne Speech, on page 7, we find - "The service will concentrate in particular on the needs of children and on the treatment of drug and alcohol abuse. Workshops will be arranged in connection with the latter and and a special clinic is opening shortly.". I certainly hope, Mr. President, that this will be a reality.

As I said, Mr. President, something has to be done to bring home to our young people, in particular, the dangers of drug and alcohol abuse.

MR. BENSON O. EBANKS (CONTINUING): Promises are not enough. The population has had enough of promises. Someone has said, Mr. President, that a man full of words and not of deeds is like a garden full of weeds: and the same holds true for a government.

Mr. President, the question of the illegal immigrant has been raised, and rightly so. You said, Sir, that there has to be a commitment by the general population to safeguard the future of this country if the problem is to be solved. I would go further, Mr. President, and say that without a commitment by Government to safeguard the future of this country in this respect, the problem will not be solved. And I contend that Government has, to this point, not shown the commitment to solve this problem.

It is my opinion, Mr. President, that the solution to this problem is very closely allied to some form of economic planning, resulting in a defined target of immigrant labour to be admitted during any given period of time. I realise that this would not be a precise science, Mr. President, but certainly it has helped in other developing countries and I feel that it is time that we did something about it here.

On page 13 of the 1981 Throne Speech it was stated that work was presently progressing on a new tourism plan which would have helped Government to chart an appropriate course for the industry and that it was expected to be ready in May of that year.

On page 17 of the 1982 Throne Speech it was stated, "A new 10 year Tourism Plan was completed in late 1981 and is presently under consideration. It should provide a guideline for the industry's future growth.".

Nothing is mentioned in the 1983 Throne Speech about this Plan or study, or whatever it may be called, and Mr. President, you, Sir, and Members of this House will remember that repeated questions regarding this study have not been able to pry loose the least bit of information which that study might have contained or any facts it might have revealed: and I am left to wonder why this study is being, shall I say, hidden. Does it reveal some flaw in the present trend or is the study being used without the public having the full knowledge of the implications that might have been contained in it, either by way of suggested course of action or criticism of previous courses of action?

Be that as it may, Mr. President, it is my contention that without some type of forward planning, including a manpower requirement survey which takes into account the number of young people entering the job market each year, no solution will be found to the problem of immigrant labour.

Mr. President, the lack of manpower planning is, to my knowledge, beginning to show in such sensitive areas as young Caymanians returning home after qualification without being placed in appropriate jobs. One such example, Mr. President, is a young man who was sent to Canada on a Canadian Government scholarship from one of the local training establishments, to study seamanship and engineering in the Canadian Coastguard. And I understand that although his training and desire suited him for employment in what my colleague refers to as our coastguard, I refer to as the marine section of the police; there was no provision for his employment there upon his return. That was the situation, Mr. President, as I last heard of it.

In another case, Mr. President, a young man was directed to qualify in the area of airline maintenance. He has qualified, returned and up to now, as far as I know, he has not been given a place with the National Airline - not even as an

MR. BENSON O. EBANKS (CONTINUING): understudy of an expatriate whom he could replace after gaining the necessary experience. And surely, Mr. President, this should be the goal whenever Caymanians are qualified, willing to learn and/or to do the job.

Mr. President, other Members who have spoken before me have lauded the work and stressed the importance of the Broadcasting Service to the country, and I wish to endorse those sentiments.

One Member spoke of the Radio being heard as far afield as Europe and the Mediterranean, and of the impact it could have for the good of advertising our country and bringing tourists here. I could only chuckle to myself, Mr. President, because I recall very vividly the Honourable Third Elected Member of Executive Council at a public meeting in West Bay in 1976 when the Radio Station was being built. He told his audience that the Government was constructing a Radio Station - the signal of which would be so weak that if you were out in the middle of the North Sound you would not be able to hear it.

HON. JAMES M. SODDEN: Mr. President, that was true, but it is only because it has been improved.

MR. BENSON O. EBANKS (CONTINUING): So I am glad to know, Mr. President, that the Station is doing a good job.

Under Police, Mr. President, I would like to remind Members of something which the Honourable Fourth Elected Member of Executive Council, the Second Elected Member for Bodden Town, said, I am sure unwittingly, during the Budget Debate in the last Meeting. And that was in reference to work being done on the airport in Cayman Brac and the introduction of the jet service to Cayman Brac. He admitted something as being correct which any open-minded person has to accept is true: and that is that once the infrastructure of a country is in place, development will naturally follow.

The Honourable Member used words something like this - "I am not worried about the future development of Cayman Brac as the infrastructure has been put in place and once this is done development will follow". And I agree with him.

Mr. President, I guess by now Members are beginning to wonder what relevance this has to the police. Well it is simply this, Mr. President, that in your Speech you referred to the opening of the Licensing Department with a vehicle inspection attached, as being a major development in that Department. And I want to point out that the land on which that facility stands was purchased many years ago, prior to 1976, for such a purpose for such an expansion because the Government saw that all of the requirements of Government and of the Police Department needed to be sited within that area. And I wish to give that as an example of what I am talking about when I talk about forward planning.

Now speaking on the police generally, Mr. President, I have to admit that a reasonable job is being done. But, Mr. President, as the leaders of the force, themselves, are quick to point out, the force is made up largely of young recruits and there is no use us burying our heads in the sands like ostriches - we should face facts. The limited training we are

MR. BENSON O. EBANKS (CONTINUED): able to give to our new recruits locally is insufficient and an opportunity has to be found for them to gain experience.

I contend that an exercise similar to what was done with the Prison Service should be carried out in the police. That is experienced serving policemen should be brought on secondment, preferrably from the United Kingdom, to work side-by-side on the job with local recruits so that they can gain experience in job surroundings. This is the quickest way of them getting the experience and confidence which will be necessary.

Now here, Mr. President, let me hasten to add why I think the exercise should be carried out on a secondment basis. Firstly, if they are seconded, our local recruits will not feel that their future is threatened by the presence of the secondees here since they are for a specified time; and secondly, the secondees would not be at the end of the careers, since I have stimulated serving officers, and they would have to be aware that their performance in our force would reflect favourably or otherwise on their careers with their home force upon their return.

I believe this approach would bring speedy results and would be welcomed by our local police recruits, who, after all are the ones who will benefit from the experience and training.

Mr. President, I must mention here that I would have expected to have seen in the Throne Speech some reference to the reports and recommendations of Her Majesty's Inspector of Constabularies, Mr. Brownlow. I am sure there must have been some recommendations made and as I said, I am surprised to see that not even reference is made of his visit.

Now, Mr. President, I trust that this is not an attempt at white-washing because as far as I am concerned there have already been too many attempts made to neturalise the effects of the three enquiries carried out during 1983 - even to the extent of suggesting by questions and answers in this Meeting that these investigations, namely, by Sir Geoffrey Briggs, Mr. Brownlow and the Scotland Yard personnel, were designed to detect corruption in the Civil Service and/or police.

Mr. President, it is now history what is referred to as the famous motion by my two colleagues from West Bay and supported by Government to give the Commissioner unlimited funds to sue his detractors.

The facts as I see them, Mr. President, are that Sir Geoffrey was brought in the instetance of Government to advise on legislation, required if any, to detect corruption; Mr. Brownlow to advise on the efficiency and effectiveness of the Police Force and Scotland Yard to re-open investigations in some number of thirteen unsolved crimes. I do not think we should bury our heads in the sand as to what was expected of these three reports.

It is comforting to note, Mr. President, that we still have a healthy reserve, however, if one looks at the preliminary figures given in the Throne Speech, the surplus for 1983 was achieved almost entirely by savings in expenditure and one is left to wonder whether, again, this was due to unfulfilled, promised budgeted development.

The task of raising money has not been too difficult with the sound infrastructure and base that had been left by previous and past Governments and continued to be developed. As I said, once the infrastructure is in, development naturally follows.

I must comment, Mr. President, on a

MR. BENSON O. EBANKS (CONTINUING): remark made by a previous speaker about the almost bankrupt Government of 1976. I have said elsewhere and I maintain that having had a surplus of $1.3 million (approximately) at the end of 1976 after passing through a very deep worldwide recession and having laid the infrastructure for the development of this country was not a job to be ashamed of. During that period the dock was built, the roads were built, public accommodation was built and the infrastructure was in place. And no individual company or country, Mr. President, can make money without initially having invested in the project or venture which they propose to undertake.

Mr. President, if every Department of Government had been run as efficiently as the Mosquito Research and Control Unit, our surpluses would probably have been even greater. And I would state furthermore, Mr. President, that without the measure of control which was quickly achieved over the nuisance mosquito by that Department, not very much development would have taken place in these Islands at any time.

I can recall very vividly, Mr. President, the establishment of that Unit. Up until 1965, which incidentally was the year I was first elected to Government, I can recall the vast amount of money that was going down the drain in an attempt to control the mosquito nuisance. Every few months someone was coming forward with some new scheme or some new insecticide to do the job and the offers were being taken up in most instances, and a lot of money was being spent with little or no results.

The only other enterprise in Cayman, Mr. President, that has changed direction more often than what was happening with the mosquito problem in those days is Cayman Airways. Anyway, Government was prevailed upon to employ a qualified entomologist and set up the Mosquito Unit, and after the arrival of Dr. Giglioli and the establishment of the Unit, the story is well known. This country owes him a great debt of gratitude.

Mr. President, Sir, it is heartening to see that at last something is being proposed to be done for the medical care of the elderly in our community. This is long overdue. I agree with the general statement that the treatment of patients in their homes is much more economical than hospital treatment and that most people are happier in the company of their families. It is noted that this form of practice will be pursued in 1984.

Mr. President, Sir, it would be my contention that if proper care is going to be extended to all who need it, then a core of several medical social workers will either have to be recruited or trained. And I think that this should be faced up to now and implemented, otherwise we will be back here next year talking about implementing this programme again.

It is also heartening to see that my suggestion for the use of the geriatric wing at the Pines seems to be bearing fruit and I hope that this scheme will also be implemented at an early date. It is a very undesirable situation, Mr. President, to have our limited hospital beds occupied by older people who should really be cared for at the geriatric ward at the Pines. And I wonder at the result in the case of an emergency involving several persons, if the rooms at the hospital are all occupied by geriatrics at the time of the emergency. Either the emergency victims or the geriatrics would have to spend the night in the corridors, and either alternative, Mr. President, is unthinkable. So I hope that the programme at the Pines is instituted early.

Mr. President, as I said in my debate

MR. BENSON O. EVANS (CONTINUING): on the Budget last month, or at the last Meeting, my greatest criticism of the education programme and system at the moment is the great amount of fragmentation that exists in post secondary education within Government. And, as I have also said before, it is high time the Community College is placed on its own. I welcome the news that following Dr. visit and report, consideration is being given by Government to the establishment of a tertiary education college which I hope will be all embracing and correct this problem of fragmentation as I see it.

Mr. President, during question time a few days ago, it was impossible to determine how many girls, if any, are in Jamaica who would otherwise be at the Francis Bedden Girls' Home. However, my information is that there are several and I urge that these be returned as soon as practicable. I understand that the staff is in place at the home; therefore there seems no reason for delay in bringing our girls, or these girls, back home.

Mr. President, I note that a soccer field is to be established in West Bay and I would make the plea that this be established on the land identified for purchase for additional playing fields and parks in the district. In other words, Mr. President, I am urging that the process of purchasing the land be completed as soon as possible and that the field be commenced immediately thereafter.

With the increased participation in athletics and soccer, and all outdoor sports, Mr. President, and with the increased population in that district, or in my district, the time has come when the need for additional playing fields can no longer be tolerated. It has to be tackled and tackled soon.

In this connection, Mr. President, I should also pay tribute to those organizations that have arranged the competitions and training for the various sporting activities. I think that high enough praise for their public spiritedness in this regard cannot be given.

Mr. President, Sir, earlier in my contribution I referred to the fact that Government has been dragging its feet on some form of labour legislation. It is my contention that this legislation is much needed if an harmonious relationship is to be continued and maintained, particularly in the hotel and tourism related industries. Something must be done about this and done soon, Mr. President.

Last Friday, Mr. President, when we were discussing the Bill to make the day on which a General Election is held a public holiday, it seemed that the Government bench was of the opinion that that would automatically ensure a holiday for all employees. The fact is, Mr. President, that nine out of ten instances, this will only affect the Civil Service and employees in the financial community.

For example, the holidays which were given last year to commemorate the visit of Her Majesty the Queen and Prince Philip to these Islands were enjoyed by very few employees in the tourist trade. Now, Mr. President, one can readily understand that service for our visitors must be maintained, but it is my further understanding that even religious holidays such as Christmas day and Good Friday are in most instances required to be worked by these employees at standard rates of pay.

In very few establishments, as I understand it, is overtime paid for holiday work and the employees are very dissatisfied about it. I am saying that something should be done to avert what is potentially a very troublesome area.

MR. BENSON O. EBANKS (CONTINUING): I am sure, Mr. President, that these employees would have been much more grateful and happy to have heard a debate introducing labour legislation rather than to hear the debate on whether a further holiday, from which they will derive very little benefit, if any, is being carried on.

The right of time off to cast an individual's vote is guaranteed under the Elections Law and we need not have a holiday for that. However, I do not intend to carry on the argument on that, Mr. President. It only came by way of mentioning the necessity for labour legislation, particularly in relation to the tourism related activities.

It is .....

MR. PRESIDENT: I beg your pardon. If the Member has not neared the end of his speech and has at this point reached a natural break, I wonder whether he would prefer that we suspend proceedings for lunch? If you were going to finish in the next three or four minutes, that is another matter, but it looks to me like you might go on for a while.

MR. BENSON O. EBANKS: Mr. President, I do not think I am going to be very much longer.....

MR. PRESIDENT: Very well.

MR. BENSON O. EBANKS: I could not say three or four minutes, but certainly within five or six minutes.

MR. PRESIDENT: All right, well five or six I think Members would .....

MR. BENSON O. EBANKS: It is noted, Mr. President, that Cayman Airways continues to suffer a cash-flow problem. I am left to wonder whether it is only a case of cash-flow problems or whether there are additional problems because I have not seen audited figures, Mr. President, and I think that it is time and I can see no justifiable reason why the audited accounts for the year ended June, 1993, have not yet been placed on the Table of this House.

I am left to wonder, Mr. President, at the wisdom of our National Airline establishing a link with another country (that is Turks and Caicos Islands) which is obviously a money loser from the start. The tax payers of this country are subsidising Cayman Airways and it is one thing to subsidise the airline for a service and the development of these Islands, but it is another matter when we are subsidising a service to another colony which is in direct competition to ourselves in the tourist and tax haven industries.

Mr. President, I note that the road in West Bay, known as Rushpond Road, is down for improvement again this year and I trust that this will certainly become a reality.

It is gratifying, too, Mr. President, to hear that some labour has been employed, or whatever, for the maintenance of the cemeteries because I recall extra monies being voted (I think it was in the 1991 Estimates) for increased numbers of labourers in the Agricultural Department who were specifically then supposed to take care of the cemeteries, and we wondered whether they would work on the cemeteries or at the Agricultural Department. It appears that the latter was the case.

Mr. President, in closing I would

MR. BENSON O. EBANKS (CONTINUING): like to pay tribute to our Clerk of the Legislative Assembly, who will be retiring soon, for the long and valuable service she has rendered to this Legislature and to our country. Here has been a long and distinguished career, both in this Legislature and throughout the Commonwealth through her association with the Commonwealth Parliamentary Association. And I wish for her a long and happy retirement and Godspeed in all that she may do.

I wish for her successor in office, Mr. President, a long and enjoyable stay with us and one just as distinguished.

I thank you, Mr. President.

MR. PRESIDENT: I suggest that proceedings be now suspended until two-fifteen. Two-fifteen? Two-fifteen.

AT 12:48 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:27 P.M.

MR. PRESIDENT: Please be seated.

Debate on the Throne Speech resumes. Does any further Member wish to speak?

The Honourable Fourth Elected Member of Executive Council.

HON. G. HAIG BODDEN: Mr. President, your Throne Speech reviewed the year 1983 as well as it dealt with projections for 1984. It is clear from the message running through the Speech that 1983 was a good year so far as the Government is concerned. In fact, had it been ordered from a mail order catalogue we could not have had a better pre-election year.

It was a year in which we had a very vibrant economy - an economy that seemed to have defied the world recession. It never missed a beat. We ended the year in a strong and healthy position - a position which is outlined in the paragraph of your Speech dealing with finances. It showed that at the end of December, 1983, the country still had a large general reserve and overall surplus of $11.25 million. It showed that the year had ended with a surplus account balance of $1.1 million over the previous year. It showed that the ordinary revenue estimates were met comfortably. It showed that expenditure had been well contained and it showed that a large capital expenditure had been taken from local revenue.

All of this was done despite the fact that during the year 1983 we purchased the Turtle Farm for $1.25 million, an expense that had not been budgeted for at the beginning of 1983. If any other country in the world has such a record, I would certainly like to see it. So my contention is that 1983 seems to have been tailor-made as a pre-election year. This is despite the fact that throughout the year the opposition had been very active and had created, for the Government, events which resulted in much bad publicity - publicity that affected our off-shore business, publicity, which had it not come to an end, would certainly have ruined our entire tourist and banking business. Despite all of these ill factors, the economy performed well.

The year 1983 was a year that saw, as outlined in your Speech, the culmination of many useful and important projects. A year that started out with the visit from

HON. G. HAIG BODDEN (CONTINUING): Her Majesty the Queen - the most important singular event in the three hundred and odd years of British rule in the Cayman Islands.

I believe that most of the stirring up during the year was caused because the opposition, as silly as they are, realised that the Government (the existing elected membership of Government) would get so much political mileage from Her Majesty's visit that they would have to do something to counterbalance the visit. And this is why shortly after February, 1983, we see the rumour machinery going into high gear. That machinery set out in a deliberate and considered fashion to attack prominent Civil Servants.

The old battle cry for Royal Commissions of Enquiry to go into the behaviour of Members of the Legislative Assembly and Executive Council, and into our time honoured Public Service a campaign deliberately planned to bring this Government to its knees. One would have thought, if one listened to them, that our Civil Service was the most corrupt in the world. I trust that when the end of this year comes, the Civil Service, if they go to the polls, will remember those who tried to smear them in an attempt to bring down the Elected Government.

But, the problem with those who start rumours and live lives of disseminating false stories, is that these people find out in the end that the punishment is not only that people do not believe what they say, but that they themselves cannot believe their own stories. The opposition now finds itself in a dilemma on the eve of the General Election and that dilemma is that for the last four years, and perhaps seven years since the majority of the last Government was returned, (unopposed), they find themselves in a dilemma where they have told the public that everything that has been done in Government has been wrong - and everything has turned out right.

If they had had the good sense to say, "Well, you have done some wrong, but you have done a few good things", they could now go to the electorate and say, "Well, this has happened because of the good things they did". Now they have no story to tell them - only to admit that as in the case of the investigations, all of our allegations were unfounded and we must now suffer the dilemma of those who spread false stories.

The investigations were complete and the good name of the Civil Service has been returned to the untarnished image which it once enjoyed. And I will close on this by quoting the words of a well known poem that shows it is the attackers who suffer more than the attack - "But soon a wonder came to light that showed the rogues they lied; the boy recovered from the bite, the dog it was that died.".

At the start of the Debate on the Throne Speech, one Member made some remarkswhich startled me because he said that we need (I am referring to the First Elected Member for George Town) to control our economic growth. In 1976 the Government was elected with a mandate to get our economy started. If we believe in the free enterprise system, we will not attempt to put any control at all on our economy.

No country in the world has ever controlled its economy successfully. Economic growth has been controlled in the Soviet Union and in other communist block countries, but it has been done at the expense of the economy.

No one really knows what the right level of growth is. If we decide that the growth we had in 1983 is a sufficiently high level, we may want to use that as a

HON. G. HAIG BODDEN (CONTINUING): yardstick for measuring this year's growth. However, what is so special about the growth last year? Why would not a growth of 5% more or 5% less be just as good?

The same Member who talks about controlling economic growth bewailed the fact that there is poverty in this land - there are social problems that need attention. These things cannot be corrected if our economy closed down. Unless we have the cash how are we going to provide more housing; how are we going to provide more sanitary facilities for those who need them; how are we going to pay for more social programmes; how are we going to pay for rehabilitation of those who have gone on the other side of the track?

I see continued economic growth as the answer to our problems. If we have the money we can build better homes; we can build better schools; we can hire personnel, but if we are going to stifle the economy we will get to where we were in 1976 - the position mentioned by the West Bay Member. We would bring this country to the verge of bankruptcy where it was in 1976 - when we had not only spent all the reserves, and when we were running every year a deficit, and where we had borrowed beyond our means to repay. So economic growth must not be halted.

With an ever increasing population how can you slow down the building of schools, the building of new roads and the building of new houses? How can you stop the importation of motor cars for transport. In the old days when only the rich could afford to buy motor cars, motor cars were considered a good thing. Today when every working man can afford one, we hear there are too many cars on the Island; we hear there is too much pollution from them.

Discipline, sacrifice and stagnation, which is the result of slowing economic growth, are the three things that destroyed Nazi Germany. So while it is good, if a Member wants to spout off some steam in an election year, to say that we have too much growth in Cayman - the people are getting too rich, believe me the day you interfere with the system we will have the same results that we had in 1975 when the Development Plan was brought forward.

This brings me to a whole series of points raised by the Third Elected Member for West Bay when he said that we have made promises which we did not keep. I would like to say that I would rather be a part of a Government that recognised that there were problems to be corrected, than part of a Government that suffered from indolence - doing nothing, having nothing and wanting nothing until they were turned out of Office.

The remark has been made that we promised to review the Development Plan which we passed in 1977. This Government did away with a plan that was designed to stifle the economy in 1976. Had it gone into law, no one on the eastern side of the Island (North Side, East End and Bodden Town) would have been able to build a house unless that person owned five acres of land. And the person would only be able to clear a half acre of that land - the other four and a half acres had to remain in its natural state. The person could not plant a vegetable on the other four and a half acres.

But the Development Plan that we used to replace that did not have these restrictions. And while it is true that a review of that plan has been promised and will be coming, we do not see the plan, as it now exists, as being a restrictive plan. We believe that even if it is not amended the

HON. G. HAIG BODDEN (CONTINUING): economy of this country can continue to flourish as it has done for the last seven years.

I did not believe that the Member who made the remark about our promising to deal with an amendment to this plan really had the nerve to do so. He bewails the fact that we have just set up a tribunal to deal with the amendments which have been published for the plan, and I believe he went on to say that it is possible we may not be able to deal with it this year or in a short time since the tribunal has not started its work on the objections and comments received.

What he should have told you is that the 1977 Development Plan had gone through all its stages. The tribunal that dealt with the objections had handed down its report (I have a copy in my files at home) dated April, 1978. And it was only a matter of putting that plan before the House in June of 1978. But the Government dared not to put it forward because they knew, full well, that had that plan gone into operation in June of 1978, they would have lost their seats in the election of November, 1976. So the plan was not put forward. It was put in a cabinet in the Glass House and I am told that all the people in that building were wearing white clothes and white shoes so that they would be contaminated by the radio activity that was flowing from this plan.

Be that as it may, they did not put it forward, but hopefully they would have put it forward after the General Elections in 1976. The public knew about it and they did not have the good fortune to put it forward. And that is why our economy is in such a rosy picture today.

So I would never have thought that the Member would have mentioned that we had not brought forward the amendments to the Development Plan, 1977, when he knew full well that they wilfully did not put it forward although it had gone through all its stages including the hearings from the tribunal and the tribunal's report had been handed down in April of 1976.

Other matters were raised which seemed to be evil because they have not been completed. And one of those matters is the setting up of marine parks. The curable Member responsible will probably deal with this in greater detail, but a committee has done the initial work on designating certain areas as marine parks. That report is with the Portfolio and one day it will become a reality.

The idea behind the marine parks is that a few areas will be set aside for diving; certain areas where no fishing would be allowed; certain areas where young fish-life and conch-life (marine-life as a whole) would be allowed to grow to maturity. However, we do have a Law that was passed by this Government (when I say this Government I am including the majority Members from 1976) which makes provision for the protection of lobster and conch-life and makes regulations for spearfishing. Nothing like this existed before 1976. So we have taken certain steps and we cannot be accused of non-delivery of the goods.

We have kept every major promise we made, at least I have kept the promises I made in 1976 and since then I have been smart enough not to promise anything). I promised to do away with the Development Plan; I promised to give back the swamp land that had been stolen by the Government to the rightful owners and we promised to put the economy in such a state that there would be no unemployment where anybody with ambition would be able to get a job.

It may be difficult for those of you following me to understand how I am dealing with these two Members

HON. G. HAIG BODDEN (CONTINUING): at the same time, but the First Elected Member for George Town also said that people out there were saying, "What is there in this good economy you have provided for me?". And to those people I would say, "Nothing". There is nothing out there for a person who has that attitude. It is out there for the person with ambition and the person who wants to make his contribution. And if a person, in Cayman, of adult age wants to work or go into business, the climate is right in Cayman. But there is nothing out there for those who walk the streets and say, "What is there for me?". To those people the answer is, "Nothing".

The Member from George Town said that other countries have successfully spread their development. He did not dare to tell you that those countries are the communist countries. But they have successfully spread their development. The Soviet Union decides how many motor cars the country must build. They decide how many acres must be farmed. They decide what wages are to be paid. They have successfully spread their development, but they have done so at the expense of the welfare of the people.

To deal with a few of the other areas where the Member for West Bay feels we have not performed, he said we have not built the Fire Station at Frank Sound. I wonder if we had any Fire Department at all during his time in Office?

We have at the airport a Fire Service that is a credit to this country. Since the airport Fire Service was put into order we have expanded the service so that the firemen can help when there are fires not at the airport. And the next stage of development is to establish a Fire Station at Frank Sound that will service the three eastern districts.

The Member knows that the land has been purchased for this project. He knows that in November, 1983, the Finance Committee approved the funds for the construction of the Fire Station and he knows that there is a strong possibility that this Station will go into operation in 1984. How can he claim that we have not performed?

The same Member said that we have not produced Labour legislation. His Government did not know that labour problems existed. Our Government has recognised there is a problem. We have created a Labour Office. We have in draft, Labour legislation, but in the free enterprise system that we have here this, while important, will not cure many of the ills of society. So how can he say that this is an example of non-performance?

He claims that we have not put the Housing Authority into operation as yet. Now, this is nerve. This is a classic example of saying things at election time. I wonder if he remembers the very stormy Session in Cayman Brac in May of 1981 when we put through the Law which would create a Housing Establishment? Does he remember his own vicious attack upon that Bill? Does he remember the vicious attack by the First Elected Member for Cayman Brac upon that Bill? Does he know how many times in these minutes he voted, "No", on sections of that Bill?

Government would not back down. We had a majority for that Bill and we passed it into Law. They were not satisfied with that. Meetings were set up all over the Island trying to give people the wrong impression about the Bill. They were saying we need it, but they said it was in the wrong form. The very sections they objected to in the Bill were sections that had been lifted from the Port Authority Law that they had created themselves. And the public must know this.

The only time I was ever locked out of any place was the night I came to George Town to hold a meeting to

HON. C. HAIG BODDEN (CONTINUING): explain the truth about the Housing Authority Law and that it was not an evil Law. It was a law that was intended to help people get housing. The place where we should have had the meeting, or where cars would have parked, was roped off. Of course it was private property and they had the right to rope it off.

This law that should have had the full support of every Member of this Legislative Assembly nearly did not get through the House. They said they did not like the form it was in, yet, I have never seen them produce any other form of a Bill for it.

This is one of the reasons why the public and the investing public were scared to death of this Bill. The press that should have been taking the truth to the public was loaded down with letters aimed primarily at the Honourable Elected Members of Executive Council, as the demons who had passed this preposterous Bill into Law. And so because of the public's misinformation on this Bill there had to be a cooling-off period because no bank would have agreed to have put up money when the political side of Government did not support the action. That was 1981.

Now on the eve of a General Election you hear no more of that. You do not hear that the Housing Authority is a bad Law. You hear that it should be in operation and that people should be getting loans.

Since that time action has been taken. The Housing Authority has been set up. The members have been appointed; meetings have been held and recently a managing director has been appointed as a Civil Servant to head the Housing Authority. Discussion have taken place with many of the banks in the Island and it is my understanding that they have looked upon the scheme favourably, and that at least some of them are willing, at this stage, to put forward some money that can be used by the Housing Authority to be portioned out to those people who may need loans.

I am not in a position to give the details, but perhaps the Honourable Member responsible will deal with it more fully. But I would like to say without fear of any contradiction that if the Third Elected Member for West Bay had had the same attitude towards low housing costs and low income housing when he was making his new political debut in 1981, this thing might have been a reality today.

We believe that since the Government prior to 1978 did not recognise the need for assistance with houses, and that since we have recognised it and have put the machinery into motion we believe that he will be unable to stop it because he is the only surviving Member of an Executive Council which has long faded into oblivion because of its failure to perform.

If the Member had even given us one example where we have truly failed to perform I would have to give him credit, but he failed to provide one single example where the Government has failed to perform.

One Member mentioned the society of favours that we now have and although I approached him afterwards, I was unable to find out what he was talking about. I do not think he knows himself.

I know of two favours of which he is the beneficiary and would be happy to tell him about it if he were here today.

The Honourable First Official Member dealt with the salaries to Civil Servants and I would just like to

HON. G. HAIG BODDEN (CONTINUING): say that our Constitution has a very marked separation line with the duties of Elected Members to Civil Servants. We cannot promote, we cannot demote, we cannot hire, we cannot fire, we cannot discipline Civil Servants. All the Finance Committee can do is to approve monies which are requested by the Civil Service to pay their salaries.

The Finance Committee approved a salary increase. The Finance Committee knew that a salaries commissioner was examining the salaries and if they had any fear that they would not accept the commissioner's report, they should have withheld the funds for it.

It appears as though some people believe there will be no other salary increases in Government. This is not so. As the Member explained this was a review that made certain recommendations in certain areas. It was not a cost-of-living increase as the Civil Servant normally gets each year when each person's salary is put up by a percentage that corresponds with a certain percentage rise in the cost-of-living index.

During question time I mentioned that the Government has set up a committee to study the Traffic Law. To save the Member from losing his faith, I will tell him now that he need not expect this Traffic Law this year. The committee has been set up and in its first meeting it felt that the Traffic Law, which we are currently using, was not a good Law in the beginning when it was passed in 1973 by a certain Government. And although it was out of line then, the effluxion of time has made it even worse and it is totally incapable of dealing with the many new traffic problems that have arisen. There are now over ten thousand licensed vehicles on our roads - one vehicle for every two persons in the Cayman Islands. The ratio in the United States of America is one vehicle for every four persons.

The committee has come to the conclusion that it must write an entirely new Law based on a different model from the model used for the 1973 Law. And the committee is currently searching out these models and when it is satisfied that it has found a suitable one, or perhaps more than one model, the committee will attempt to draft the Law.

When this Law has been drafted it will have to go to Executive Council and then it will come to the Legislative Assembly. I do not see this job being done during the remainder of this year, but it is in progress and hopefully, even if there is a change in the composition of the Government, the 1984 Government will see fit to put forward this Law.

I saw in the Compass this week a letter signed by M. Williams and I regret that he did not publish his name because this letter is one of the most constructive letters that I have ever seen in these organs that pass for newspapers in these Islands.

He dealt with the acute parking problems and traffic situation in George Town. And in his letter he made two recommendations that make good sense. Recommendations that the Government has looked into. He suggested a multi-storey parking building in George Town to take some of the cars off the streets and he also suggested that if this is not possible we could have parking outside of George Town with a bus service to bring the people from their cars into town.

He went on in his letter to say that it is his opinion that these two projects should be undertaken by private enterprise. This is something that Government would welcome. We would be glad to hear that someone in the private

HON. G. HALIG BODDEN (CONTINUING): sector wants to put up a parking garage in George Town and Government would co-operate with the people if their plans met with the approval of Government.

Every time there is a debate in this House we are reminded that the Government should cut down the Civil Service, but as the Honourable First Official Member mentioned this morning, how can we do this when every Member who says we must reduce the service ends his speech asking for more guards at the hospital, more guards to walk the prisoners, two doctors for Cayman Brac, ten social directors for Cayman Brac and I could go on and on and on.

The same old story with the Budget. They said we must cut Government's spending. Then every Member comes with his shopping list longer than the one his wife takes to Foster's Food Fair. They want roads for Cayman Brac; they want more at the hospital; they want new jet service; they want - I could go on and on and on. The list is absolutely endless.

I am one who does not believe Government should ever attempt to limit its spending as long as it has the cash to spend. There is nothing wrong with it and you will never get into trouble spending money if you have it. The only time you get in trouble is when you try to spend what you do not have. And as long as the Government is able to spend, as it will this year, something in the vicinity of $16 million from local revenue and capital projects - this is fine. And as long as they are able to manage the long-term debt and when 2% or 3% of the local revenue can pay the expenses on the debt, I think it is right to go ahead and provide the services that the people of the Cayman Islands deserve - whether it be playing fields in Bodden Town, a post office in North Side or a new terminal building at the airport.

The Government prior to 1978 had borrowed over $8 million and it was taking 11% of the current revenue to pay the debt. Today that borrowing, which was $8 million in 1976 is now $9 million, but it only takes 2% of the recurrent revenue to pay the debt on it. So Government is in a good position not only because it has a large reserve (it had a large surplus revenue last year), but it also has the capacity to pay all of its loans and even to borrow more if they feel like doing it.

For some time we have not heard anything derogatory about Cayman Airways. From 1977 until 1980 Cayman Airways was a political football. The Elected Members of Executive Council in 1977 put their whole political careers on the establishment of a National Airline. Had we failed, we, too, would have gone into mothballs for a period at least. But we did not fail and everyone in these Islands should thank God that we did not fail. I have said this many a time and I will say it again and again - the most important ingredient in any Island economy is its communication system.

We boast about the revenue we get from the bank licenses and the off-shore business. We boast about our tourist industry. We boast about the money we spend on building new facilities at the hospital. We boast about our schools, but none of this would be possible without Cayman Airways.

Cayman Airways was formed at a time when the Government was being held for ransom. Under the Bermuda II agreement the United States told the United Kingdom that her Caribbean countries would not be allowed to fly any aircraft into Miami or any other part of the United States unless that airline

HON. G. HAIG BODDEN (CONTINUING): was substantially owned and effectively controlled either by the United Kingdom Government or by the nationals of their Caribbean counterparts.

And so Government was forced to purchase the Cayman Airways shares in LACSA. Government was forced to either establish an airline at a time when we had no money because we had inherited a bankrupt Government.

LACSA, in 1977, gave notice that they could no longer lease their jet and Government had to go out and find another one. They leased one from Air Florida and after that purchased the two BAC 1-11's.

The most hostile public meeting I have ever attended was when the Honourable Elected Members of Executive Council went to Cayman Brac in 1977 to explain to the people that all the many letters in the paper about Cayman Airways were untrue and to tell them the position the country was in. Although I have always been well received in Cayman Brac, I said to myself this is one trip I should not have gone on. But I am glad today that the attitude has changed because while they were saying in 1977 that Grand Cayman did not need a jet, they now say that Cayman Brac cannot do without one.

I am happy that I laid my political life on the line and though it was a controversial and trying period that Cayman Airways is the organization it is today - putting a lot of money into the economy, bringing the goods and services that we need, providing employment and so having that multiplier affect on the economy that no foreign carrier can ever have. And I believe that if Cayman Airways ever got to where the hospital is where Government has subsidized it 90% of the way, I think the Government should keep it.

I will not go into this, but I would like to say that I have travelled to a lot of small countries and to a lot of small Islands and all of them suffer because they do not have a Cayman Airways.

MR. PRESIDENT: If the Member has reached a natural break in his speech, but intends speaking for some further period perhaps we could take our usual break. I am not sure ..... are you nearly through with your speech or .....

HON. G. HAIG BODDEN: I would like to speak through several periods, Sir.

MR. PRESIDENT: Perhaps we should break the periods up into very short ones if there are to be several. Let us anyway grant you fifteen minutes break now. I will suspend proceedings for that length of time.

AT 3:32 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:54 P.M.

MR. PRESIDENT: Please be seated.

The debate on the Throne Speech continues. The Honourable Fourth Elected Member of Executive Council.

HON. G. HAIG BODDEN: Mr. President, I shall endeavour to finish at four-thirty. I would like to look at a few areas of my Portfolio before I go on to other matters.

The West Bay Member mentioned the Rushpond Road. As Members know, funds to complete this road are in the Estimates for 1984 and I have the assurance of the Public Works Department that the work will be done.

1983 was a good year for West Bay with roads in that more than half of the work done on sand-sealing and paving was done in the District of West Bay excluding the Tortuga Club Road that was opened by Her Majesty the Queen.

We have indications that Caribbean Development Bank may be willing, sometime in the future, to furnish the funds for the Barkers Road. Most of the other road work planned for this year has been mentioned in the Throne Speech. What was omitted from the Throne Speech is that Finance Committee approved in November, 1983, funds to gazette to map out two major roads. It is not expected that any construction will be done this year, but these roads will be gazetted.

One is a by-pass road for Bodden Town which will start somewhere in the vicinity of Meagre Bay Pond and go behind Bodden Town, Pedro, Lower Valley, Savannah and probably come out at Spotts or Prospect. This is a very necessary road in that the Bodden Town Road is becoming overcrowded because of the heavy traffic to North Side and East End from the daily commuters. The road itself is perhaps one of the narrowest major roads and we feel that a by-pass road will not only open up some agricultural land for development, but will ease the congestion which now exists.

We will also gazette and map out a road that will run parallel to the West Bay Road. This will be a major link between West Bay and George Town. The reason for doing the gazetting at this time is that considerable development is already taking place on the north side of the road and although it is expected that no work will be done on this road during 1984, we feel that we should declare the area so that development can take place with this in mind.

We have a big problem with sub-division roads. Every day someone is coming for Government to repair a road in a sub-division. This has happened because most of the developers do not take care of the sub-division roads and everyday somebody is opening up a new road. A person will build a house in an isolated area and then looks to Government to repair the road when it deteriorates. It is virtually impossible for Government to keep up with the many demands that come from this area. But we have a policy that was started a few years ago whereby every year we try to do a few miles of sub-division roads.

The water and sewage scheme is going ahead. The Lower Valley lens, the reservoir there, was opened in November of 1983 and the Honourable Financial Secretary will soon be coming to Finance Committee to find the funds to start a well-field in East End. It is hoped that we will not need supplementary funds, but simply wire a savings from something in the Estimates to provide the cash to go ahead with the establishment of a reservoir in East End. We are looking at about $150,000 and some of that is already in the Estimates in my Portfolio where money had been approved to purchase a water truck and we feel that we can do without that this year. There is also a vote of $40,000 to do some work on the East End lens. We can take a part of that money, but nevertheless we will need Finance

HON. G. HAIG BODDEN (CONTINUING): Committee's approval.

The sewage scheme is going ahead in that Government has approved the purchase of the piece of land on which to site the sewage plant. Here again Finance Committee will be asked to approve the purchase. As soon as this is done the preliminary designs can be completed and hopefully we will soon be looking at the start of this project.

Members will recall that there is money in the Estimates - something like $1.7 million to start this project whenever the preliminary designs have been completed.

An item that has not received much attraction is the Civic Centre that is very near completion in Bodden Town. This is a huge building and can be used as a hurricane centre. It is part of a three-phase scheme. The first phase was the construction of the new Police Station which is now inhabited by the police officers. The second phase is the Civic Centre and the third phase will be the construction of a full-size playing field.

The land has already been bought. There is a parcel of land there about four and a quarter acres and the way the buildings have been sited, there will be sufficient room for the playing field which hopefully can be constructed in 1986. There is no money for this in the Estimates.

The East End Civic Centre is in the Estimates for this year and hopefully work will start on it before the year is out.

I have promised the Beauty Queen Committee that they can select Miss Bodden Town in the new building even if it is not officially opened. They have come to me saying that the Town Hall is not adequate for their needs and they are seeking permission to use the building even before it is officially opened. Hopefully, if we can keep our promises, the building will be opened sometime before November.

The Throne Speech has touched briefly on the school system and I do not think I need any elaboration on the High School, Middle School or the Primary School. It was thought by the opposition that it was wrong to have a Middle School. Now that it is in operation there is no more problem. The Parent Teachers' Association which had objected to its establishment seem to be happy with it.

One night a couple of days ago, I had dinner at the Bonaventure House. This dinner was a three-course meal that had been prepared by the cookery class at the High School, one course by the students from the Hotel Training School in Newlands and one course, the dessert, had been baked at Bonaventure House.

The reason for this dinner was that one of the boys from Bonaventure House is now a student at the Hotel Training School in Newlands and is doing quite well. The school felt that it was good to let the other boys at the Home see what a person can do if he wants to improve his life-style. And I was asked to attend and was really pleased with what I saw.

I must say that in a discussion with one of the people from the Hotel Training School, I learned that while two years ago there were only three Caymanian students at the school taking the cookery course, there are now fourteen students doing cookery lessons.

At the High School there is a class of seventeen and they will probably be coming in to the

HON. C. BAIG SODDEN (CONTINUING): Hotel Training School.

The Hotel Training School which was a subject of some controversy when it was set up, has been doing well. You will remember they catered for 750 people during the Queen's birthday party. They catered for the Christmas party at the Government Administration Building, the Glass House. They catered for the Cayman Airways party and during the 150th Anniversary of Parliamentary Government they catered for a total of 4,000 people in one night.

I saw in a newspaper recently a question, 'Tourism - where are the bodies?'. A newspaper in its usual fashion was trying to impress upon the public that tourism is on the decline in Cayman and there is nobody here. But contrary to what we have seen this week in the newspaper, the bodies are here. The hotels are full and the restaurants are full. The motor cars are all rented out. This is indeed gratifying to know that one of our main pillars of the economy is still in vibrant shape.

There have been many comments on Immigration. No one has come up with a solution, but the problem with Immigration is like the problem with the taxi drivers. If you talk to the them they will tell you there are too many people in this business. When one of them said that to me, I said I did not know, but that we would take his license. And he said, 'Oh no, you cannot start with me'.

Everybody wants control, but nobody wants to pay the price. I do not believe the taxi business should be controlled. I believe the free-market system should work. If there are people who are not making the money they feel they should be from the taxis, they should go into other jobs.

What alarms me are the recent problems we have had at the dock where passengers from the tourist ships have been insulted. As Chairman of the Port Authority I asked the Director to write a letter to the taxi drivers telling them that if we have any trouble with them they will not be allowed to pick up passengers at the tourist landing.

We believe that the taxi driver is the first person whom the tourist sees and he is in a position to induce that tourist to come back and visit many times. If, however, there is a fight on the dock every time the ships come in, naturally the tourist will go where there is peace and quiet.

The problem with Immigration is the same. Some say we have too many Jamaican workers, but if you ask one of those who say this to give us his domestic servant or his mechanic or his yardboy, you will hear, "We cannot do without him because my wife is an invalid and my children have to go to school". You will hear all sorts of things. So here we have a situation where I think that work permits should be granted when and where they are needed.

Mention is made, Sir, of the police in your Throne Speech and today I received the 1983 Cayman Islands Police Force Report. I think that if I do not deal with any other matter in the Throne Speech, it is incumbent upon me to mention this Report.

If one had listened to the propaganda that had been spread by what I call the frustrated minority, one would have believed that our Police Force should have been sacked and that a new breed should have been brought in from some other foreign land. There were even attempts to change the Constitution so that they could appoint the Commissioner of Police.

HON. G. HAIG BODDEN (CONTINUING): The police were especially singled out for the investigations which had been prompted by the frustrated minority. But the very investigations that they prompted have resulted in the police being seen as a body that should be respected and a body worthy of the name the Royal Cayman Islands Police Force which was bestowed upon them by Her Majesty the Queen.

One paragraph from this Report reads - "Due to allegations of corruption, the same officers carried out investigations in depth which proved the allegations were malicious and completely without foundation". So here again we see that the trap which had been set for the police officers has worked, but it has caught in it the instigators of the malicious and unfounded allegations against the police.

I have not been able to study this Report in detail, but look forward to debating it one of these days in full. But on the subject of crime the police have been very active and there has been (and this is very heartening) a decrease in all areas of crime in 1983.

The offences against property decreased by 175 cases over 1982. The offences of burglary decreased by 121. Theft decreased by 50. Offences against a person decreased by 15 and offences injurious to the public decreased by 51, so that a total of 1,391 criminal offences were reported during 1983 as against 1,721 in 1982. This shows an overall decrease of 330 criminal offences which shows a drop of 19%. A dramatic drop over 1982.

What is even more heartening is that juvenile crime is down by 32 offenders. Where, in 1982, 82 juveniles were brought before the court, only 50 juveniles were brought before the court in 1983. The police have had to deal with all these matters and they have done a remarkable job. In fact they have done the same job that the Honourable Elected Members of Executive Council have done since 1976 and we are now like the Prophet Jeremiah when he rebuilt the city Jerusalem after it had been destroyed. We had to work with the sword in one hand to keep off the opposition, and a hammer in the other hand to rebuild the city. This is truly heartening.

I remember somewhere during the time between 1972 and 1976 when the Lady Member for George Town brought a question in the House to the Government asking them about the drug problem. The Government replied there was no problem. Yet, drugs were rampant at that time. But we do not deny that there is problem with drugs. We know there is. If you think it is not a serious problem, listen to this from the Police Report - "Drugs confiscated by the squad included 10,483,728 grams of ganga alone, equating to a street value of $26,059,320.". During 1983 the police seized over $26 million worth of ganga.

In the highly sophisticated countries with the best surveillance equipment available, they figure they are able to seize less than 10% of the drugs in the community. This means that if our police seized 10% of the drugs passing through the Cayman Islands, or for consumption here, that last year in 1983 over $260 million worth of ganga alone passed through the Cayman Islands. And these are very frightening statistics. Yet, what bothers me is that every time the police make a drug arrest, those people who profit most from the drugs come out to fight the police and they make the Commissioner of Police of the police officer appear like the criminal rather than the criminal himself.

HON. G. HAIG BODDEN (CONTINUING): We have a serious problem. The police have been working hard at it and have been doing, in my opinion, a good job even if they have to work like the Honourable Executive Council Members do and like the Prophet Jeremiah did with a sword in one hand and a hammer in the other .... the Lady Member reminds me it is Nehemiah.

The traffic deaths in 1983 were also down in that only 6 people died on the roads as against 13 who had died the previous year. Even as far back as 1974, 11 people had died in road accidents. So that although the amount of vehicles on the Island have increased steadily each year, we find that the traffic fatalities have been kept down. I feel that even 6 is far too many, but there will always be irresponsible drivers. No matter what is done to improve the safety of automobiles, there is nothing that can improve the quality of the "nut" who sits behind the wheel. I suspect that whether we have 10,000 vehicles or 100 we will always have accidents.

In Little Cayman where they only had three vehicles, two of them were involved, some time ago, in an head-on collision.

The Police Report is interesting in that 1983 is a year that has shown a decline in every area of crime including traffic accidents, in which many of the statistics are superior to the 1981 figures as well as the 1982 figures.

The Traffic Department as a whole is a busy one in that it is now a large collector of revenue. In Grand Cayman and Cayman Brac in 1983, from the issuing of drivers' licenses and other vehicle tests, the Government collected $734,555.50. I believe it is time that those people who unsuccessfully attempted to discredit the Commissioner and his force, should apologise to them for the malicious accusations that were hurled at them.

The Police Force is made up of human beings (these days both male and female) and they will make mistakes; they will make errors and there will be a few bad eggs. But like the Civil Service and like all other institutions, I believe that the good far outweighs the bad. Even amongst a small community like the Cayman Islands there will be times when people will go to extremes, but I am convinced that there was no widespread corruption amongst the police nor any widespread corruption amongst the Public Service.

I would like to move on to deal with certain areas of the Throne Speech on which I have not yet touched. One area is that the Government will introduce a Bill providing for Elected Members of the Legislative Assembly to receive pensions. This will be based on comparable legislation elsewhere.

As I am, as far as I know, the only Elected Member of the Legislative Assembly who will have a pension if I choose to retire from my insurance work, I think that I can freely speak on it. The matter of a small pension to Legislature. I think is a commendable act. The Elected Members of Government really have a difficult time.

Since I was elected in 1972, in the last twelve years of my life I have had more harassment than I had in the thirty years before that. The Lawrence in Bodden Town are constantly harassing me and my colleague, but I have forgiven them all because I understand the frustrations from which they suffer .....

MR. PRESIDENT: At the risk of harassing the Honourable Member further, I am afraid I must point out it is half past four. I rather think that he perhaps intends speaking for some substantial further period and at one moment I thought if I did not look at my watch for a minute or two he might have an opportunity to make good his original hope of finishing today. But I think that is perhaps unlikely, so I will invite the Honourable First Official Member to move the adjournment in accordance with our Standing Orders.

ADJOURNMENT

HON. D. H. FOSTER: Mr. President, I move the adjournment of this House until ten o'clock tomorrow morning, Sir.

MR. PRESIDENT: The motion before the House is that this House do now adjourn until ten o'clock tomorrow morning. Does any Honourable Member wish to speak?

QUESTION PUT: AGREED. AT 4:32 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., FRIDAY, 2ND MARCH, 1984

STATE OPENING AND FIRST MEETING OF THE (1984) SESSION
OF THE LEGISLATIVE ASSEMBLY
HELD ON FRIDAY, 2ND MARCH, 1984
FIFTH DAY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON. D. H. FOSTER, CVO, CBE, JP	*FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS*
HON. MICHAEL J. BRADLEY, LLB	*SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION*
HON. T. C. JEFFERSON	*THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT*
HON. JOHN B. McLEAN	*MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES*
HON. TRUMAN M. BODDEN	*MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES*
HON. JAMES M. BODDEN	*MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE*
HON. G. HAIG BODDEN	*MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS*

ELECTED MEMBERS

MR. J. GARSTON SMITH	*FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. D. DALMAIN EBANKS	*SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. BENSON O. EBANKS	*THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MISS ANNIE HULDAH BODDEN, OBE	*THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
CAPT CHARLES L. KIRKCONNELL	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS*
CAPT. MABRY S. KIRKCONNELL	*SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS*
MR. CRADDOCK EBANKS, OBE, JP	*ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*

ABSENT: MR. W. NORMAN BODDEN, MBE, FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN - OFF THE ISLAND

ORDERS OF THE DAY

FIFTH DAY

FRIDAY, 2ND MARCH, 1984

1. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

TABLE OF CONTENTS

	PAGE
Continuation of the Debate on the Throne Speech	
Hon. G. Haig Bodden	1
Hon. T.C. Jefferson	5
Hon. John B. McLean	9
Hon. Truman Bodden	15
Adjournment	28

MR. PRESIDENT: Please be seated.
Proceedings are resumed. Continuation of the debate on the Throne Speech.
The Fourth Elected Member of Executive Council.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH.

HON. G. HAIG BODDEN: Mr. President, at the close of yesterday's meeting I had been dealing with the matter of pensions to Members of the Legislative Assembly, and I had started to say that I felt I was qualified to speak on it for two reasons - one, which I mentioned yesterday is that I hope to have an adequate pension from my own occupation, and the other reason is that I do not expect to ever receive a pension from the Legislature as I have no intention of ever retiring and as long as I live and as long as I remain in good health, I hope that I shall continue to be a Member.

However, this Government has recognised over the last administration that the Government pension scheme is, or had been inadequate in many respects and we have taken the opportunity to amend the Government Pension Plan so as to provide for a pension to widows and orphans of Government employees who died after they had reached the pension age.

Under the old Pension Law if a Government employee died, his wife or surviving partner did not receive a pension and in fact, we had a few instances where an employee of Government had put in many long years in the service and was unfortunate enough to die just around the pension age and the surviving partner received nothing. So the Law has been amended to provide a widow's pension and an orphan's pension if they are children under the age of 18.

We have also gone much further in remedying some of the other inadequacies or inequities of the Pension Law. We have now made the pension to vest in the employee once the employee has served 10 years in the Government service. Under the old law a person could not receive a pension until he had reached the age of 55, regardless of how many years he had served in the service. So that if a person had come into the Government service at the age of 20 and had worked continuously for 34 years and that person left the service at age 54 he would not have received a single penny in pension.

Under the change we made the Pension is vested after 10 years, which means that if a person comes into the service at age 20 and works for 10 years and leaves at age 30, that person will have a pension which will be paid to him when he reaches the pensionable age of 60 or whatever it may be.

We have also gone much further than that, and we have made provision for any service which the person has done to be recognised so that his pension will continue as if there had been no break in the service. By this I mean that if a person had served seven years in the Government service and then left and came back into the service after a break of a few years and served another 5 years, this person would have a total of 12 years service and would be eligible for a pension.

And you know this reminds me that I must check out whether I am pensionable as a former Civil Servant, having had one 7-year period from 1949 to 1954 and another 7 years service from 1960 to 1965, but as my maximum pay had been only $120 a month I do not suppose the pension will be very much. Nevertheless, for some people who have had broken service in the Government service, if that broken service totals 10 years, the person can claim a pension.

The matter of pensions for Members of the Legislative Assembly is a matter which should be determined not by whether the person needs the pension but whether it is a job which is worth

HON. G. HAIG BODDEN (CONTINUING): pensioning . I believe it is a job which is worth pensioning, because all the people who have served the Legislative Assembly in the past, have, in my opinion given of their very best. They have undergone many frustrations, a lot of harassment, and they have given a service to their country which cannot be marked by dollars and cents; and I believe that these Legislators are entitled to a pension. The cost of the pension should not be very much as very few Legislators live very long after the grueling years of public life; and they are not noted to live a long time. So the cost to Government should be very small in fact, I expect that it will cost as much to pay their pensions as it would cost to pay the messengers in the Government service.

But, I see the service of a Legislative Assembly Member as an important service. A service that compares well with that of the President of the United States, and that job is pensionable. Many of the Legislative Assembly Members in the Caribbean, and in most other Parliaments are pensionable.

I see an Editorial this morning which seems to say that Legislators do not deserve a pension and we should take the money and give it to the National Council of Social Services.

Well, I believe that money should be paid for the upkeep of the poor, or the old, or the indigent; but one must remember that if things are not right in the Political life of the Country, if things are not right amongst the elected members; there'd be no money to pay for Social Services or anything else.

I recall when I was first elected to this House in 1972, that early in February 1973 the other Member from Bodden Town, and I, spent an entire day in the Finance Committee trying to get the vote for Child care and protection increased from Seven hundred Dollars ($700.00) to Fourteen Hundred Dollars ($1400.00) per year. This is the vote that now runs into six figures. And we were told every reason in the world why that vote could not be increased. The main reason why it couldn't be increased was because there was five dollars left over that hadn't been spent out of the Seven hundred Dollars in the previous year. We were not satisfied with this and the Probation Officer was summoned to appear before the Finance Committee and explain why she had not spent all the money and why she should have an increase; and we were told by the Probation Officer that it was impossible for her to spend the money she had. It was so little, she didn't know what to do with it. And she said "Believe me Members , that whenever I spend on what I believe is a needy case in this Island, I find one that is even much worse; and I wish I had saved those few dollars to spend on this case".

But we have changed all of that to where there is a respectable vote in Government for these indigent cases. I believe that a workman is worthy of his hire and if the people of this Country respect the people whom they elect, and I believe they do so, they should not begrudge a pension which would be available to Members of this House.

I know of a couple of cases right now of people who once served as Legislators in this House, who are now in very poor financial straits. I don't know that some of these former Members now have enough to buy a cup of coffee unless it comes from a son, or daughter, or other relative. And, if we are not only to maintain a proper image for our Legislators but also to enhance the respectability of these Honourable Members; I think it is time that we provide for them, benefits which are given to the messenger boy in Government.

HON. G. HAIG BODDEN (CONTINUING): I know it is true, or at least I've heard that Assembly Members can get free treatment at the hospital. I have not tested this yet, because I pay for all my medical services when I go to the hospital.

But nevertheless, it is comforting to know that it is there if you need it, and I believe that your statement in the Throne Speech, that during this year you will introduce a Bill; or the Government will introduce a Bill providing for elected Members of the Assembly to receive pensions is a statement which will be welcomed by all but our severest critics.

In the Throne Speech, mention is made of the new Port opened up in Cayman Brac and the statement shows that last year the Port in Cayman Brac was in difficulty because the importations into Cayman Brac last year fell by forty-two percent (42%). There was virtually no construction in Cayman Brac; there was hardly any jobs of any major size with the exception of the Government program; and things were so bad at the end of the year, that the two Members from Cayman Brac insisted that an extra One-Hundred Thousand Dollars ($100,000.00) be put in the road vote for Cayman Brac so as to guarantee some employment during 1983.

There are signs that importation into Cayman Brac this year will increase, and hopefully, will not only reach the 1982 level, but may even surpass it. The dock in Cayman Brac accomodates only one or two ships per week; But the Government still feels that the investment in the dock in Cayman Brac is a good investment; and one which will pay future dividends. And so I support the spending of additional Government money in Cayman Brac during 1984 so as to guarantee that the economy will not suffer.

And as mentioned in your speech, the introduction of Jet Service is also bound to have a positive effect on the economy there.

During 1983 Government has provided a few ramps for the launching of boats, and in Bodden Town I understand that the Government Land available there is not suitable for a ramp. And Bodden Towners seem to be getting prosperous these days and many of the young men have very good boats - they are large boats, and I would like to make an offer to the Member for Agriculture. I have a piece of land in Bodden Town which is situated on the sea side, a piece of beach land which I have no intention of ever selling, and I would lease it to Government for one dollar per year ($1.00) if they want it to put in this facility. So if the Member would examine this piece of land, and if it is suitable, Government can have the use of it for one dollar per year.

I have made a promise to keep my debate to what is for me a short speech, and I would like to close by saying that I feel it a privilege to say thanks to our retiring Clerk. She has weathered many a storm in this House, and she has seen much change in the political life of these Islands;and I do not ant to tell you her age, but she has seen the development of our Constitution; she has seen the liquidation of the Assembly and Justices and Vestrymen. She has seen the changes in the Constitution during her time in Government although all of it was not in the Legislative Assembly. She has seen the abolition of nominated Members in the House. She has seen the introduction of Internal Self Government in the Cayman Islands; She has seen Members being given responsibility for the running of Government Departments. She has seen Women receive the Vote, "Universal Adult Suffrage" I think was introduced during her time with Government. She has seen the construction of a fine

HON. C. HAIG BODDEN (CONTINUING): Parliament Building. She has seen the introduction of a recording system which makes it easy for her staff to prepare the Hansard ; and so even in one short lifetime she has seen the evolution of a political system which has moved onward and upward with a democratic beat.

She has seen recently, in the last twelve years, the Constitution upon which we now work. She has seen, quite recently, the amendments to that Constitution which will provide for an Appeal Court in the Cayman Islands. She has seen all these things and accepted them with grace and welcomed the changes. Some of them have been dramatic, some of them have been controversial, but nevertheless, we live in a changing world and it is for us the inhabitants of the earth to adapt ourselves to these changes.

I first met the Clerk in her Official capacity in 1972, and over the years I must say that we have had a very good relationship. I have a lot of respect for her and I have sought her advice on many occasions; even a couple of months ago when I attended a Conference in Kenya she provided me with some material which allowed me to make one of my long speeches and apart from that, she has advised me in the past on procedural matters in the house and I know that the Legislative Assembly will miss her. And, although I cannot say to her that puts on her armour the same words I've said to her who has put off her armour; I will say that I have every confidence in the Clerk designate; and I look forward to many years of working together with her.

I have found that in the Legislative Assembly we are a very closely knit group, and every person involved has a relationship with every other person; whether it be the President of the Legislative Assembly, or the humble elected Members like myself, or the ostentatiously dressed Sergeant at Arms, or the Clerks who do all the clerical work; we all belong to one family and we all suffer when things go wrong and when the Press, as it so often does, tries to bring the President or an elected Member into disrepute, the entire organization suffers a blow and of course when things go right, everybody also shares in the commendations that come from the Public.

I believe that the Parliament in Cayman is in many respects superior to other Parliaments which I have visited. Honestly, I sat in the House of Commons and I must say that I was not impressed. I thought that question time in our House here, was superior and I look forward to the day when some of the Members of Parliament in the U.K. will come and sit in our Chamber and listen to question time.

Nevertheless, this is not meant to be derogatory; but I believe that the Mother of Parliament can learn from the Children which she has spawned; and it would be good if Members here and perhaps even members of the public could read a recent article published in the Parliamentarian which gives you some idea of the Bureaucratic system which now is followed in the British Parliament

Nevertheless, I trust that despite all the objections and the criticisms that may be made of our Legislative Assembly and of our Parliamentary system; that it will continue for a long time because as the late Sir Winston Churchill once said, "No better system has ever been devised".

MR. PRESIDENT: The Honourable Third Official Member of Executive Council.

HON. T. C. JEFFERSON: Mr. President, I too wish to offer my congratulations on your comprehensive Throne Speech delivered Friday last. Mr. President, I did not propose to speak, but due to the comments of a Member, I feel obligated to do so and to perhaps, in the process, clarify the position.

I refer specifically to the contribution to the debate by the First Elected Member from Cayman Brac and Little Cayman, dealing with the Civil Service Salaries review. Mr. President, in the last few days we have heard a lot of campaign rhetoric in the debate on the Throne Speech, and as this Honourable House is the place where politicians meet we should all expect it. But Mr. President, I did not expect the First Elected Member from the Sister Islands to make such an issue of the recent salary review; and Mr. President, his speech sounded almost identical to written comments from a Civil Servant which the anomalies etc. committee recently dealt with.

Mr. President, you cannot treat a Civil Service with approximately 287 different job descriptions, 20 different major professions, and over 1200 members, like a business with a staff of 50; mostly in one or two professions. Between the top and bottom of the Civil Service Salary structure, Mr. President, these grades have to be accommodated.

The 1984 Salaries Review was not merely a cost-of-living exercise, if it was Mr. President, an Executive Officer in the Treasury could have carried it out. It was the complete review of the structure, taking into account the cost-of-living and the comparison of Civil Servants Salaries with employees in the private sector. It was not, Mr. President a Salary Commission in the traditional sense; and it is true that the Personnel Advisor was asked to do the research and write the original paper. This is the same Gentleman, Mr. President, who carried out perhaps, the most comprehensive Salary Commission exercise ever conducted in these Islands in the last twelve years.

The Paper, Mr. President, was discussed at Senior levels of Government and with the Management Council of the Civil Service Association who accepted the report with minor reservations on the leave aspect. This was done, Mr. President, before final approval was given to the Salary recommendations by Executive Council.

Mr. President, I have witnessed a number of Salary Reviews in the last twelve years in the Service, and I can say that each one receives comments of anomalies in it; and when we are dealing with over 1200 Civil Servants I think we can expect it, Mr. President.

Mr. President, if Government continues to raise the bottom of the structure disproportionately to the top, over a decade or more, eventually the pay differential between different Civil Servants Posts will erode; and sooner or later, the top has to be lifted in fairness to Senior Officers.

I appreciate, Mr. President, that whenever this is done, it is always controversial in whatever Country it happens. But, top Civil Servants have been trailing behind the Private Sector for a number of years now, with the gap widening each year - particularly in recent years.

Mr. President, as an example of this erosion, during the years 1974 to 1980, the average increase

HON. T. C. JEFFERSON (CONTINUING): to the top half of the Service, that is M-1 to M-25, was 46.18%; and 53.71% to the bottom half, that is, M-26 to M-50.

Mr. President, the Member should remember the Hall Report and the argument of the Civil Service back in 1980 that salaries were eroding faster at the top of the service than at the bottom. While we speak of surpluses Mr. President, and the major accomplishments of the Cayman Islands in the last decade, it is this one that we have not properly dealt with! and the 1984 Salaries review has attempted to put it right.

Mr. President, looking at the comparability and using a real example, I have recently come to know the person - I apologize Mr. President, I cannot use names - who is being recruited from Overseas by the private sector. He has a decade or more less experience than the Civil Servant who is above his level, is a relatively young person, and is starting at the salary of Fifty Thousand Dollars ($50,000.00). This person, Mr. President, is not filling any managerial post, neither is he filling any partnership or Company Directors post.. It is much below that level, Mr. President.

Mr. President, I realise that there are some Civil Servants like any other employees in other businesses who are lacking in some skills and diligence. I do firmly believe, Mr. President, that the Cayman Islands Civil Service over-all, does rate very high in efficiency and dedication. If Government is going to hold on to efficient and professional Civil Servants, Mr. President, it will have to offer reasonable salaries which compare well to the private sector! and with regard to the percentages awarded, Mr. President, there could be no across the board percentage increase as the review took into account the comparability of a Civil Servants pay with those in the private sector. But Mr. President, the highest percentage increase in the review went to Members of the Legislative Assembly, at 106%.

Although I would imagine the First elected Member from Cayman Brac and Little Cayman will not be accepting it, as he would appear to be troubled by his conscience. But Mr. President, I will be pleased to accept it as an abatement and as a welcome addition to the revenue.

This percentage, that is 106%, in my view is justified, as our Members of the Legislative Assembly have served this Country well, and have carried out their responsibilities with the greatest of diligence and caution, and they should not be earning less than a messenger in the private sector, Mr. President.

It is right, and fair, to upgrade the salaries to a respectable level. There is, in my mind, Mr. President, a limit to the sacrifice Government should ask of them. Some Members are still with us, who did it for little or nothing at the time the Country could not afford to compensate them. But now that the Treasury has funds, Mr. President, it is my view that they should be properly paid.

Elected Members of Council, Mr. President, will receive a 35.04% increase, while at the top of the Civil Service the increase is 39.4%. At the bottom, the Clerical scale rose from Five-Thousand, Six-hundred and Four Dollars ($5,604.00) to Seven-Thousand and Eight ($7,008.00) an increase of 25.05%.

Mr. President, it is logical that if the bottom half of the service has been receiving over the last nine years the largest percentage salary award, it should there-

HON. T. C. JEFFERSON (CONTINUING): fore be that a Clerical Officer's salary will be nearer the salary paid for that grade in the private sector. Therefore, the percentage increase to that grade should be less than the others who are falling behind.

In the enforcement grades, of Immigration and Customs Officers, the base point increase is 11.87%. As these Officers are (some are) and others will be required to work shifts and on social hours, the increase, in my mind, is justified. In addition, Government has drastically cut down on all over-time in the Service, Mr. President.

Mr. President, in the review, Government has abolished all allowances with the exception of acting allowance, duty allowance, motor car upkeep allowance, and possibly one more which is presently under consideration. Contracted Officers will have to pay 50% of his or her rental expenses. Leave has been reduced, Mr. President, which will give Government approximately five thousand (5,000) more man-hours each year, and slow down the growth of the Civil Service.

Mr. President, on page 31 of the 1984 Budget Address delivered last November, I said, "Mr. President, in my view, we need to look into all departments of Government to observe how functions are being carried out, how useful is the function that is being carried out, and whether the streamlining of various funations in a Department can assist the reduction of Staff."

Mr. President, we are beginning to carry out that streamlining and already it appears we are going to get objections. Now then are we going to do, what substantially the House agreed at the November sitting?

Regarding the reference of the Member to the Legislative Assembly agreeing on salary reviews, I believe Mr. President, that the 1978 Constitution makes it quite clear that the responsibility of the Civil Service rests with you Sir. I can find no reference in my files that the Salary Review in previous years have been put before the Legislative Assembly for their final approval; although they do approve the amount of money for that purpose. I have asked the Clerk to examine the minutes and the minutes indicate that in 1973 the Ralph Waller Report was mentioned in the Budget Address, and I can find no further reference to it, as far as the minutes are concerned.

Mr. President, during the Hall Report there was a substantial amount of disgruntlement by the Civil Service ; there were talks of industrial action; and I would assume that the reason why it was brought here on that occasion is because of that very reason. So that the former Financial Secretary could be assured that the Members of the Legislative Assembly were behind him. I see no precedent in doing it here Mr. President, and I think that we should be careful when we do bring the details of a salary report to the Legislative Assembly. I agree entirely Mr. President, that they should be properly informed of it.

Before I sit, Mr. President, although I am on the Official side, I would also like to say how helpful the Clerk has been to me during my short term of sitting in this chair. There were occasions when without her guidance I would not have known where to turn, and to that I do say "Thank you very much! I wish for you the blessings of good health in your long retirement".

To the Clerk designate, Mr. President, whom I worked very closely with in the last four years, I feel very strongly that given the guidance of the present

HON. T. C. JEFFERSON (CONTINUING): Clark, that she will be an equally good, efficient, Clark of this House and I look forward to working with her and I offer any assistance which I may be able to give at any time.

Thank you, Mr. President.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I beg your leave Sir, under Standing Orders Thirty-one to make an explanation.

Mr. President, the Third Official Member who has just spoken, said that he had received comments similar to what I had made from a Civil Servant and assumed that I had repeated in this House verbatim what that letter said. Let me enlighten him and the rest of the Members in this Assembly! I have had no contact with Civil Servants, I have heard a lot of talk, I've heard a lot of dissatisfaction expressed, but I have had no contact! I have seen no such letter as he may have received.

The second one, Sir, I did not question the Commissioner's ability. What I said Sir, was that the Commissioner is involved and is part of the Civil Service, and he is a beneficiary of the award. That was a point I made! He is very familiar with Civil Servants. The other point I would like to make Sir, which I think, and said in my debate that the ratio was changed from 1 to 5.59 to a ratio of 1 to 7. I happen to have been in the Executive Council and we argued that point that there was too much of a discrepancy between the lower and upper echelons in the Civil Service; and we got it down to a ratio of 1 to 5.59 and what I said Sir - I felt that there should have been an equal amount whether it was 10%, 15% awarded to Civil Servants from the top right to the bottom.

MR. PRESIDENT: I agreed the Member could make a personal explanation. The first part of his statement certainly was, the rest appears to be becoming a repetition of his earlier speech.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am just explaining what I said Sir, because it seems to have got distorted. I would also like to say, Sir, that there is quite a difference if there is a raise of 10% with a meagre $500.00 and Thirty-odd Thousand Dollars. A big discrepancy there. In closing Sir, I would like to say this, there is a Jamaican saying that goes like this "when you throw a rock among a herd of swine, the one that bawls is the one that has been hit".

Thank you Sir!

HON. TRUMAN M. BODDEN: Mr. President, while I did not interrupt the Honourable Member, I think that he should perhaps read very clearly Standing Order Thirty-four - two (34.2) so that in future he does not attempt as it states here to introduce matters or seek to strengthen his former position by new arguments. I would think a mistake the second time, Mr. President, I intend to interrupt Sir.

MR. PRESIDENT: Thank you! I think I made the point clear that I regarded the beginning of the explanation as perfectly proper, but I think it went a little bit further than perhaps I should have permitted.

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

The Honourable First Elected Member of Executive Council.

HON. JOHN B. McLEAN: Mr. President, last year we were fortunate to have Her Majesty the Queen with us and to deliver the Throne Speech in person. This visit, Mr. President, will long be remembered by the people of the Cayman Islands. I am certain I am correct in saying they will live with this memory in their minds for the rest of their lives.

However, Mr. President, I wish to return to the present Throne Speech and I will join with other previous speakers in congratulating you on a job, well done! In the speech, Mr. President, you have given a thorough review of the year 1993 and the plans for the year 1994. Mr. President, in your speech we have been told of the progress in various construction phases of the prison. We have also been told of the appointment of a Caymanian Director; and we have also been told, Sir, of an upward trend in the occupancy rate at the prison. Of these, Mr. President, the latter concerns me very much.

I am concerned, Mr. President, from the point of view that those persons who are presently at the prison for various reasons are mostly all young people. People who in a short time should be the men and in some cases we do have girls there who should be the women of tomorrow.

Like other Members, I cannot say what the answer is, I am hoping Mr. President, that the various denominations in this Country would see fit to form a Committee having a representative from each Church and to try to come together and work among our young people. It is my feeling Sir, we are at that point where if something is not done, there is not too much -more time to have it done.

Mr. President, to speak of the day to day operations of the prison, I must say I have received numerous complaints of what is taking place out there. I am not here to knock either the Director or his Deputy or the prison guards. What I am here to say Sir, is that I hope that Government would see fit to put together a Committee which could do a monthly visit there and perhaps help management to pass through these critical stages. Mr. President, I am also pleased to see from the Throne Speech, the great performances of our Radio Station. I feel Sir, it is important to any Country to have its own Radio Station. and I am certain Sir, that I can be borne out by what has taken place here since we have had our own station. I am pleased to know, and I do support the idea of further training for the personnel there. I am certain that this in itself will be a great thing in the way that our news reporters present themselves over the air.

There is one thing, Mr. President, that I would like to see with the Radio Station, and that is, to see more interviews with our senior Caymanian citizens. I feel that one which was done some time ago entitled "The Story of the Majestic" is one which is history to our children. I must say whenever that is on the air it does replace productions such as BBC Productions, which to me, in most cases are sheer rubbish.

Mr. President, it is gratifying to know of the progress that has taken place in the Lesser Islands. Especially during 1993. It is my feeling that with a new

HON. JOHN B. McLEAN (CONTINUING): Hotel, the services of our National Airline utilizing the 727's, that shortly the economy of those Islands will be on an upward trend. I assure the Members for that area, that whatever I can do through my portfolio, I will be happy to do.

Mr. President, at this time, let me take time to congratulate our Police Department. It is a known fact that over the last few months, this Department has come in for lots of criticism. Some, which I feel deep within were unwilled for. I feel, Mr. President, that it has been a very good year with the exception to all that has been said by the critics; I feel it has been a very good year for the Police. Especially, Mr. President, in their campaign against drugs trafficking.

Another wise move that has been made, Mr. President, is in the separation of the Licensing Department from the Central Station. I feel this is an asset to this Country and it has taken the hassle away that our people had to undergo once they were about to license an automobile.

Mr. President, an area in the Police Department which I would love to see updated is the Marine area. I can recall for some time, the Second Elected Member from West Bay, has constantly raised the point; of the Marine Section. I must say, I have to support him. As we are aware Sir, the drug trafficking around these Islands , is something which we have been trying our endeavours to curtail. The present equipment which the Police Department has to work with to me, is far from being satisfactory or safe for anybody to try and approach a drug trafficker.

Mr. President, another wise move in my opinion, was when Government joined hands with the United States Drug Enforcement Agencies to try to fight together this terrible thing called the Drug Trade. I am certain if it was not for the efforts of both parties concerned, we would not have seen the results that we have seen quite recently. It is quite constantly said, Mr. President, that our Police does very little here; but this I must disagree with. It is our only means of Defence and with the few that we have to work with, I honestly feel the Commissioner and his group has done extremely well.

An area in the Throne Speech, Mr. President, that has come in for much debate; is the Low-cost Housing. I am aware Sir, like was said by a previous speaker, this has been for some time mentioned in this honorable House. It seems as if what the Member who debated this quite strongly was trying to prove, was the fact that the present Member was not doing his job. Mr. President, I disagree with that; I feel that he has done much in trying to put this together but it is a known fact! Something of this magnitude cannot be done without money. It is here Sir, that I feel that the Banks and Trust Companies, in this Country should come together; they should feel it an obligation to do so; and set some of the many profits that are pulled out of this Country yearly - put some of those monies together and assist Government in putting together something that will benefit less fortunate Caymanians. I am certain, if the Member, through the Housing Authority; had been to some of the Commercial Banks, no doubt he would have been able to have a loan; but could he afford to pass on such a loan with such high interest rates to a poor unfortunate Caymanian. This, Mr. President, is what I feel needs to be done: Once the money is put aside and loaned out through

HON. JOHN B. McLEAN (CONTINUING): the Housing Authority at a very low interest rate, this will be the answer; and I feel the Banks and Trust Companies would have contributed to this Country at least for once in their stay here. I am certain that what it would cost them to put aside a few million dollars would be a small part of their annual profits.

Mr. President, I wish to speak briefly on my Portfolio. First of all, I would like to thank the following members for their kind comments, and the support they have offered me over the past year:

The Third Elected Member from George Town - Miss Annie Huldah Bodden;

The Second Elected Member from the Lesser Islands - Capt. Mabry Kirkconnell;

The First Elected Member from George Town - Mr. Norman Bodden;

The First and Second Elected Members from West Bay - Mr. Carston Smith and Mr. Orlmin Ebanks;

I am pleased to say Sir, that the kind words which have been said to me has been echoed to the Departments of my Portfolio; and it has put a boost to them. It has given them the feeling to press forward. It is through this that I have been able to make the success that I have achieved.

I am proud, Mr. President, of the overall performance of my Portfolio; and as I have said - I am proud of my staff. As other members have paid special tribute to the M.R.C.U. Department, I wish also to join in paying a special tribute to the Director there; Dr. Giglioli. I feel that his work has been outstanding through the years. It is unfortunate to learn that he is very ill, and I assure each Member, the Country will miss them greatly.

Mr. President, in the debate, much has been said on the progress of Agriculture over the last three years. I assure all Honourable Members that as long as I am responsible for that Portfolio I will continue to promote Agriculture. However, Mr. President, although many spoke well we did hear from one Member who was a bit critical on the Department and projects which they had undertaken. I do not care to comment on this criticism because the proof is out there Sir! That in itself will prove the Member wrong.

Also, Mr. President, the Department of planning was brought into the debate and was referred to a certain building in North Side. I do feel Sir, the Member who tried to criticise the Planning Department has confused the Planning Department - with the Planning Board. The Department of Planning administers the decision of the Board. If something goes before the Board, and is passed, it is the duty of the Department to administer whatever is put before them.

Mr. President, let me now spend a little time on the criticism posed by the Third Elected Member from West Bay - Mr. Benson Ebanks. His criticisms on the Marine Parks and the revision of the Development Plan.

Mr. President, the Member was trying to prove his point, and in doing so he has researched the HANSARD of a few meetings where mention was made of the Marine Parks. I am aware, Mr. President, there has been a delay, but also Mr. President, this is a matter that affects the people of the Cayman Islands ; and it cannot be done without their input. This is why it has taken so long. Meetings have to be held even in the Lesser Islands to have their input into this matter. However, Mr. President, it seems like some of us never learn

HON. JOHN B. McLEAN (CONTINUING): from our mistakes. I can clearly remember one of the issues which filled the ears of everyone in the 1976 election. When the Government, up to that time had proposed a Development Plan and I must mention, the Member was a part of that Government! and everyone is aware that, that was one of the reasons why just about everyone of them lost their seats. I assure all Members of this Honourable House, and the people of the Cayman Islands, I am not about to lose my seat by forcing through an issue on the Marine Parks that will be set back in my lap in 1984 General Elections.

Also, Mr. President, when he mentioned the revision of the Development Plan, again I will admit, this is a bit behind time. For no fault of mine or my Portfolio, but simply that the body which deals with the final part - being the Tribunal - has had a Chairman who has been sick most of last year, and it was only recently when the newly appointed Board was put together that the matters have been placed before them. However, I am certain with the newly appointed Board I will be able to present the Honourable House with their decision, in due course.

Mr. President, I always remember the Latin Proverb that says: "It is easier to pull down than to build up" so I feel Sir, in this case I can always keep that Proverb in my mind and ignore the criticism which has been leveled at me.

Mr. President, much work has been done in this past year especially by the Department of Agriculture. One of the most recent tasks undertaken by the Department was the opening up of a farm road in East End. This Sir, will enable my people to farm more, and to reach their farms much easier than they could before. The Department Sir, has demonstrated many crops successfully. Pedigree animals such as cattle, goats, have been imported and has been sold to farmers at cost. This is not only here in Grand Cayman, Sir, but as recently as last Friday evening, a plane load of cattle was also shipped to Cayman Brac. Next week Sir, we are hoping to have a further shipment of animals for the upcoming Agricultural show.

MR. PRESIDENT: If I could interrupt the Honourable Member for a moment, I am told that the tape is about to run out and it is our normal time for a brief suspension; so I think if I may, I will suspend proceedings for approximately fifteen minutes.

AT 11:26 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:49 A.M.

MR. PRESIDENT: Please be seated.
The First Elected Member of Executive Council.

HON. JOHN B. McLEAN (CONTINUING): Mr. President, when I was interrupted, I was dealing with the upgrading of facilities in the Department in Grand Cayman.

Mr. President, the Department has also improved its facilities in the Lesser Islands. Yesterday I was pleased to hear Capt. Mabry acknowledge this. The facility there now, Sir, now offers to the people something that should have been there some years ago.

HON. JOHN B. McLEAN (CONTINUING): At this time Sir, I would like to pay tribute to the Agricultural Society. Next week Wednesday will be another of their shows and it is my understanding that the Members of that Society are working very hard to make this show even a bigger and better one than the previous years.

Also, I may mention that I will be having guests from the State Department of Agriculture in the United States and from the Florida Agricultural Society. I do hope and trust that as many Members as possible will support me and come out and at least show their faces at the upcoming Agricultural show.

Mr. President, another great move for our Government in the year 1983, was the purchasing of the Cayman Turtle farm. Although a certain Member felt that Government should purchase the farm and sell it immediately; perhaps he would like to see that area with Condos I guess; anyway Mr. President, I am pleased to say that the farm has done exceptionally well since it has been purchased. The General Manager is continuing to do an excellent job, the farm has produced this year, or I should say last year, a record for hatchlings, a certain amount have been released as there is now a program to try to replenish the waters around the Islands.

As everyone is aware, the farm has experienced some difficulty especially with the Ban which was imposed by the U.S. Government. A few months ago, when everyone was all excited we thought that something was about to happen and perhaps we would have had the ban lifted, however, the Secretary of Interior, at the time, at short notice, was replaced, and this again, has put a setback on all progress in that area. I have recently learnt, from our legal representative there, that work is going in full force and he is still hopeful and I am still hopeful that some time in the near future we will be able to break the news that we have had some agreement with the authorities there, to have our products taken back to the United States again.

Mr. President, I now turn to my District and I begin by mentioning again the road which was recently built. This Sir, is something that the people of my District wanted for many a year and I feel certain I am echoing the feelings of almost everyone that they are very happy to know that this Government has assisted me in every way to make it a success.

Also, Mr. President, through the support of this Honourable House and its Members, I have been able to purchase property adjoining the Primary School in my district and have had it developed into a playing field for that school.

In another area of the district, I have been able to purchase properties for a Community playing field which I hope work will commence on shortly. I have been able to have a ramp constructed in my district which has assisted the boat owners very much and while speaking of ramps, my Honourable Colleague, this morning, made mention and while mentioning, did offer to Government a piece of property so that a ramp similar to the one in my district can be constructed in his district. I give the Member my wholehearted support on that and whatever can be done I assure him I will try my endeavours to have it done. We at present, are looking throughout the Island to see what can be done as far as having ramps constructed to assist fishermen and boat owners in general.

Also, Mr. President, in my district one of the persons mentioned here in question time , a caretaker has

HON. JOHN B. McLEAN (CONTINUING): been appointed not only does his job entail the upkeep of Cemeteries, but he is also being utilised for other Government properties in the district. Perhaps some people may think that I did look at my district first and maybe I did, but the reason for this Mr. President, is that I was able to find someone who was willing to work, so it was not a hard task for me to have somebody employed. I am aware that the Lady Member has constantly spoken on the upkeep of cemeteries and I am sure she will agree that quite recently she spoke to me of a certain gentleman, whom she thought would have been suitable, but until now she has not been able to find the person and because of this, no caretaker has been attached to the George Town Cemetery. We are still working on it, Mr. President, and as soon as possible, we will have one there. The other caretaker mentioned at question time is for the West Bay area and for this I have to give credit to the First Elected Member. He has done his part, he has gone as far as to bring somebody to the Department and at present we are making the necessary arrangements to have him on the job.

Other projections for this year in my district, Mr. President, it is hoped that a 3/4 mile of hot mix road can be completed. This is something that was started some years ago and because of other things which were more needed, it was stopped and I am happy to see that the Portfolio concerned has seen fit to revive it.

There are also funds voted for the extension westward of John McLean's Drive. This, again, Mr. President - will assist my people very much and those living in that area have shown their appreciation to me, and I am certain with this road constructed it will open up a whole new area as has the present John McLean drive.

The hurricane center, Mr. President, in my district, was mentioned yesterday by the Fourth Elected Member of Executive Council, and it is my understanding from the Public Works Department that construction will start in a short time. I am hoping that this building will be completed especially for the upcoming General Election.

Mr. President, as the sub-Fire Station at Frank Sound is of great importance to my district and people I am hoping that work will commence there shortly. Mr. President, I take this opportunity to thank all members of this Honourable House who have supported me with the projects which I have outlined, both in 1963 and those projected for 1964.

At this time Sir, let me also join others in saying special tribute to the Clerk of this Assembly, Mrs. McLaughlin; I have had the opportunity of working with her for the past eight years and I must say, Mr. President, she has assisted me in every way possible. Perhaps at some time I might have annoyed her, but if I did she has never yet shown it to me. Also, to the incoming Clerk, I wish to say, that I have also worked with her, but in a different Department, and if she does no worse here than she has done over there, I feel certain that we can be justly as proud of her as we are today of Mr. McLaughlin.

So, to Mrs. McLaughlin, I wish a very happy retirement; and to the incoming Clerk - all that is good in the years ahead. Finally, Mr. President, and most important as other Members of this Honourable House has already declared that they will be standing in the upcoming General Election, I wish to say the same.

Mr. President, at the tender age of 26 the people of my District had the trust in me to elect me to stand in the Honourable House as their representative. After eight years, Sir, I look back with no regrets. I think the same

HON. JOHN B. McLEAN (CONTINUING): of my people, as I did the day when I first stood up for General Elections; and I feel certain that my people feel no less of me. I feel I have an obligation, Sir, to stand by them as long as they stand by me. To all other Members, I hope and trust that if in the upcoming Election we are fortunate enough to be returned here, that we will turn a new sheet and instead of what I consider the stupid opposition that sometimes has been over the last year; we will put that aside in these critical times and put our heads and shoulders to the grind and run this Country properly.

Thank you, Mr. President!

MR. PRESIDENT: Second Elected Member of Executive Council.

HON. TRUMAN M. BODDEN: Mr. President, and Honourable Members of this Legislative Assembly, First I congratulate you, Mr. President on the Throne Speech, which is precise and progressive, yet concise and thorough. It sets out clearly the position of the past year, very fairly, while projecting the policies of the Government for 1984 and beyond.

It reflects preparation which is the key to success in most matters in this life. I take this opportunity of thanking and acknowledging the tremendous help and assistance which the Clerk of this Assembly has rendered throughout her long period of Service. I wish for her and her family, a happy and prosperous future. I wish for the new Clerk, every success and I pledge her my support. She was formerly in charge of the Social Services Department, as well as being in my Portfolio for Health, Education and Social Services; and I know that she is competent.

Mr. President, a special thanks and my appreciation goes to my Principal Secretary and my Staff at my Portfolio. The Heads of the Department of Health, Education and Social Services and all their staff, for the support and cooperation that has always been forthcoming. I have endeavoured not to intervene in matters which were going well and to assist only when my assistance would be helpful and necessary.

The future, and the progress within any Country as it is within any business, rests squarely upon those in control of it. The key to success lies with insuring that the people of this Country, the Electorate of this Country, Vote Members of this Legislature and that the Executive Council voted are persons with the necessary experience and intelligence to competently run what is now the largest business in this Country. Namely: The State of Government.

They must be prepared to sacrifice a lot to learn to accept the sacrifices which political office of necessity brings upon them and to take the unnecessary and many times vicious and unfounded criticism which is constantly leveled at them and seriously affects their life within this society. There life is not an easy one. However, without proper and optimistic teamwork within a Government; then it must fail to achieve the many goals which are essential for the progress within the Cayman Islands.

It must always be remembered, that within every Society, there must be an upholding and tolerance of other essentials which mold and keep strong a Society, including those of religious freedom, and the freedom to live ones own private life and assistance to ones neighbor.

HON. TRUMAN M. BODDEN (CONTINUING): The business of Government is big, it is complex and competent handling of its business is far more important now than it was a few years ago.

I now wish to turn to Prisons. Prisons were a part of my Portfolio during its infancy stage, and until it was built, at which stage, it was transferred to the Honourable Chief Secretary's Portfolio. I am happy to see that it has fulfilled its purpose and I believe that it is now seen as an important and essential part of this society to ensure that persons who commit crimes within society can receive the punishment which by law has been properly provided them, yet preserve the dignity and receive the rehabilitation which is necessary to bring them back into society.

Mr. President, a prisoner is not an outcast. The Portfolio for Social Services continues to play its very important role in relation to rehabilitation and the care and protection of prisoners' families; as well as offering advice during the most difficult period of the lives, both of the prisoner and of his or her family.

The topic of Immigration, Mr. President, Immigration within any Country, is always the most difficult and controversial topics and the Honourable First Official Member, Mr. Dennis Foster, has my sympathy for having it within his Portfolio. The United Kingdom provided an example of the disaster of permitting immigrants into the Country on the basis of certain rights which existed within the Commonwealth including the West Indies, Africa and Pakistan. In the 1960's, the large amount of commonwealth immigrants into that Country settled and went on to provide a large part of the Immigration related problems which the United Kingdom saw a decade or two later; but which it has now very firmly reversed out beginning with its immigration act and its amendments back in 1971 or thereabouts, and culminating in the new British Nationality Act that went into force approximately a year ago.

I believe that prior to anyone coming to the Cayman Islands, to work, there should be the proper balances and checks as laid down in the Immigration laws, regulations and policies and the Caymanian Protection Board must continue to administer those policies in a restrictive and firm, yet fair and equitable manner. Regardless of what Laws or Policies which may be made, the Caymanian Protection Board must expect that it will be the most controversial and criticised Board in these Islands.

The duty upon the shoulders of Members in that Board is heavy and it increases in weight as time goes on. However, we must always be aware that the future of this Country rests to a large extent in the hands of that Board. We have all heard the theories which have been stated in relation to Immigration; but many times when those policies are enforced against the individual expounding them; they try to avoid them. The Legislature has a select Committee which is now dealing with the Cayman Protection Law and its other related legislation. Therefore, Mr. President, it is the duty of this House to see that that Legislation is what is best in the interest of the people of the Cayman Islands. You can ask questions to this Government about Immigration, but let us face it, my friends; the Responsibility rests on all of our shoulders at this stage! and quite rightly it should be. The one principle which must override any decisions on this legislation on Immigration, is the principle that the

HON. TRUMAN M. BODDEN (CONTINUING): interest of Caymanians must be first. For they have lived their lives here, and have weathered the bad times so they expect to be given a fair opportunity of the good times. However, it must be paramount yet it must be balanced against what is fair and equitable in relation to immigrants who work or reside within the Cayman Islands.

That principle is difficult to legislate and it is even more difficult to administer; but if we tend towards one or the other, then our leaning must be toward Caymanians and the future of Cayman. It has been shown, Mr. President, that a policy that is too restrictive can cripple the Cayman Islands which are so dependent on persons from abroad filling posts. On the other hand, a policy that is too open can spell disaster for future generations, of this Country. The Immigration policy must include a strong tendency towards training Caymanians for posts which are now held by foreigners and insuring that school leavers are in a position to find jobs. There must therefore be a fair but a flexible policy.

I wish to make it abundantly clear, to this House, that I adhere very strongly to the principle that Caymanians should be competent to fill a position that he or she seeks. It is neither good common sense nor good business sense to put an incompetent person in a position where he will be a failure. I believe and I have seen that the affects on him or her; upon the employer; upon the business and upon the society can be irreversible if this is carried out on a large scale and detrimental to all.

Caymanians and especially school leavers should realise that society does not necessarily owe them a living. They must work and they must earn it. The duty of a good government is to provide the climate to insure that jobs are available but it is up to the individual Caymanian to see that the initiative, ability and principle of giving a dollar's work for a dollar's pay is carried out.

Mr. President, that principle applies to the private sector and it also applies to the Civil Servants in Government. Having said that, Government's duty is to see that Caymanians are given the first opportunity of filling posts which are available and of our Immigration laws clearly spell this out as a priority and Mr. President, I would hope that when the new Immigration Law comes to this House in the near future, that policy will continue to be entrenched.

I am concerned about the amount of illegal immigrants in these Islands and I would hope that now that the records at the Immigration Department are computerised we will see a thorough, effective and immediate move by the Immigration to correct this situation. It is nonsense to sit in this House and make Laws if there is no enforcement of those laws. Whatever is necessary to enforce our laws, I believe that Members of this House are prepared to vote in terms of money or to give in time spent in achieving that.

Lastly, on this subject, Mr. President, Immigration Laws of these Islands are based upon those of the United Kingdom and the United States and therefore should not be unfamiliar to nationals of those Countries and other free countries of the world. All of us in this House have been in other Countries, where we have either been visitors, or we have been employed. Sometimes, unnecessary criticism is leveled at these laws by persons from abroad; But, I would like to tell this

HON. TRUMAN M. BODDEN (CONTINUING): House, that I too have vivid memories of only being given one year permit to study in the United Kingdom; of spending one full day waiting in line in the cold and Mr. President, I have practically no natural insulation being the weight I am - at the Immigration office in High Holburn in London, of waiting in line for four hours just to get a number and four more hours to see the Immigration Officer! And at the end of it, I was given a one year permit to reside and not to work and to be there as a student. But, as I look back Mr. President, I realise that that Immigration Policy was necessary for the United Kingdom it was their Country, I was a visitor within it; they had a right not to permit me to work within that Country, but to reside only for the purposes of studying on a one-year permit as they so wished.

However, I appreciate having been given that opportunity. I guess, looking back now, Mr. President, it was fair, yet we must accept that Immigration Laws are difficult to take when you are not looking at it from the point of view of a national in your own Country. While there, I felt an over-riding duty to be an extremely good citizen, to keep my life clean, and to be industrious. If people from abroad take that approach, Mr. President, then their life will be much simpler and much happier. I should, however, mention that I endeavoured to complete my Bar exams, and I think I also got two years of my LLB degree in the two and a half or two and three quarter years that I was over there prior to taking a six months postgraduate which I did take. So it has had its good affects.

Agriculture, Lands and Natural Resources. Mr. President, I offer my sincere congratulations, to the Honourable first Elected Member of the Executive Council, Mr. John McLean, for his relentless efforts and the competent handling of his Portfolio. In his short period, he has grappled with overwhelming problems, he has reversed the theory which existed that because land in the Cayman Islands could not be fully mechanized, it could not produce crops, or could not produce them economically. He has reintroduced livestock breeding into the Islands; he has pressed forward in the areas of protection of our natural resources; while continuing the good fight of the Mosquito Research Unit against our original natives, the Mosquitoes.

He has competently dealt with the complexities that surround the system of land Registration and the Development Control Board and the Central Planning Authority. Perhaps, this is why he has the honour of being the only living politician that I believe I will see during my lifetime, who has had a public road carrying his name; John McLean Drive.

Several Members, including the First Elected Member for George Town, Mr. Norman Bodden, have commented upon the dangers of rapid development which he is quite right in expressing. I would like, however, to analyse some of the advantages and disadvantages of development within a country. The disadvantage of rapid development especially in a developing Country such as the Cayman Islands, include damage to the social structure, the utilization of resources which could be spread over long period of time to get the maximum benefits over the maximum period. The impact psychologically upon the individual to readjust to an ever changing society.

HON. TRUMAN M. BODDEN (CONTINUING): On the other hand, the advantages of balanced and progressive development include the strengthening of economic resources within a country, the provision of the basic necessities which are necessary to guarantee that freedom from want and the right to live ones life with the basic necessities such as food and clothing; and respect, and to have a job to provide for ones family and ones self. If Members of this House will reflect on other countries within the Carribbean in which unemployment has prevailed for a period of time, they will find that they have ultimately been destroyed by riots and civil commotion.

So, Mr. President, we have a situation of a choice between two evils. It is however, necessary, that a good Government balances reasonable, sensible and practical progress, which within a country will make sure that people have jobs that they can preserve their self respect for themselves and their family and will not have to resort to crime to make a living or to feed their children. Against seeing a part of society which could be preserved disappearing more rapidly than we may wish to see it.

My friends, it boils down to one very basic and hard fact. We live in a practical world that never stands still. And, we are to progress and go forward, or we regress. You cannot tell a man with a child who is hungry that it is to his benefit to keep the economy slow and to keep him unemployed, or to preserve institutions of the past rather than feed that child. Therefore, Mr. President, the duty of a good Government must be to guarantee that their is full employment and that people can preserve their dignity by having the basic necessities and luxuries which they are entitled to within a democratic society. If you strip a man of nearly every to his right to earn a living, you strip basic freedom he has.

Mr. President, this Government has balanced the full employment against some controlled development and it has done so despite a world recession; and has kept the standard of living in these Islands the highest in the Carribbean and perhaps in the world. If Members here, as many of them have, would spend a few days in other West Indian Islands, such as Haiti, or the Leeward or Winward Islands, they will see very clearly what an example of hunger really is. Believe me, Mr. President, if there is a duty between developing this Country and the conflict of the keeping of a people in full employment, and with the necessary food and clothing, then the duty of this Government is to keep our people happy and employed.

Mr. President, I am about to go on to Police, and I'm wondering if it would be an opportune time to break.

MR. PRESIDENT: If that would suit you.

HON. TRUMAN M. BODDEN: It would, Mr. President

MR. PRESIDENT: Let us then suspend proceedings until two-fifteen. Two Fifteen suit members? Until 2:15 then. Thank you.

AT 2:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.19 P.M.

MR.PRESIDENT: Please be seated.
Proceedings are resumed.
I was waiting for Counsel to speak but I see perhaps he thinks he has finished.
If no other Honorable Member wishes to speak.....Ah. The Second Elected Member of Executive Council.

HON. TRUMAN M. BODDEN: Mr.President, I apologise. I just was in here going through my papers and I went back to get my coat.
You know, it reminds me, Mr.President, of the first time I went to court and I took my wig off and forgot to put it back on, stood up and the Judge looked at me and said "Counsel, I do not see you" and I thought, well, I am not too certain what has happened to the Judge, and he kept saying that and then someone pinched me and said "you do not have your wig on".

Moving on now, Mr.President, to my own portfolio - Health, Education and Social Services. The Social Services Department has shown that over the past years there has been considerable strides. Over the past year alone there has been an 8% decrease in juveniles coming before the court. Further, the number of crimes for juveniles, have dropped by 33% to 50% over the past year. This decease must reflect the heavy stress which has been laid by that Department in the past few years on preventative work done by officers on an informal basis, as you have stated.

My appreciation goes to the Rotary, to the Bonaventure House for Boys and the Frances Bodden Girls Home and this appreciation cannot be over-stated. These are now both functioning and we are looking at the individual girls in Jamaica to see which of those can be brought back to Cayman. However, Mr President, I must stress that the Girls Home is not a remand home.

As Members know, I have been pressing for a long time for a remand home and in the budget this year there is a token provision for it. On the completion of this, we will have in place the necessary institutions for rehabilitation of those of our youth who fall by the way-side.

Mr.President, I believe that by ensuring that the youth of this country become and remain good citizens is the best investment that we can have. The youth of today are the leaders of tomorrow.

There has been an increase in the poor relief assistance of 35% over 1982. The policy of Government in this area is very clear. Those persons who are in need and cannot work will be provided with the basic necessities by Government. However, I have no sympathy and I do not intend to tolerate applications for poor aid relief by persons who are capable of working and finding work in the community.

If a person has no ambition to work then he should not have the money and the benefit that come from those other persons like ourselves who spend our life-time working.

I continue to be grateful to the National Council of Social Servic for the Pines Retirement Home and the other projects they are involved in.

My thanks go to all service clubs and in particular to the Lions and Leos for the sight conservation programme, the naval project for the swimming pool and the public

HON. TRUMAN M. BODDEN (CONTINUING): beach project. I urge everyone in the Islands to support all of the social clubs and service clubs.

In relation to housing for indigent persons, this is now well underway and this year the Members of the Legislature have voted money for me to make this a reality.

Very shortly I hope to have approval from the Central Planning Authority for a park and a sub-division near to the Watler's Road area. Other areas are now under review and this project will be extended into those other areas.

I appreciate the First Elected Member for George Town and his effort to bring water to the persons in Watler's Road and full credit for this goes to him.

The Health Services have made good strides forward in the past year. The tightening of the system and security surrounding dangerous drugs and narcotics has reduced the possibility of the loss of dangerous drugs which resulted several years ago and have never been accounted for. The establishment of the Complaints Committee and the implementation of the medical policies are well under way and the results are beginning to appear.

It must be remembered, Mr. President, that any hospital and medical service which supports and provides services for the Islands with only 17,000 population cannot be expected and indeed it would be far too expensive to have the many specialist services provided by hospitals in large cities such as in the United States of America. However, we have endeavoured to expand the services and upgrade them and to provide as much as possible for the specialist services locally.

We are grateful to the medical specialists who visit the Islands and provide on a limited basis these specialist services.

Having done the necessary study on drugs, alcohol and mental health, this is now moving forward. However, Mr. President, it is not a simple matter. The whole project is a complex one and it is inter-related, not only within itself but within other aspects in the community.

As you mentioned, Sir, three psychiatrists, one resident in Grand Cayman, are now providing part-time services. We also have a part-time psychiatric social worker as well as a full-time medical social worker.

I have pressed forward in all areas of the portfolio for the upgrading and the provision of refresher courses for the professionals and staff within the medical as well as the educational and social services department. I think that it is crucial that these experts be kept up-to-date so that they can keep pace with the rapid advancement that this society bring upon them.

It has been said that one ounce of prevention is better than one pound of cure. The Health Department has put emphasis on screening programmes and this year has seen those for colon cancer, will see a further such programme and the breast cancer survey as well as in 1983 a screening programme for hypertension and diabetes.

Screening programmes for sight, hearing and mental defects have been carried out in most schools.

The Health Services Department maintained an emphasis on primary care. Broadly speaking, there are three categories of patients, geriatric patients, those needing slight care, those who need minimal medical care and those who are seriously ill. The treatment of patients in their own homes is much more economical than most hospital treatment and I believe, Mr. President, most people are happier to remain in their homes in the company of their family and friends and to be treated there.

HON. TRUMAN M. BODDEN (CONTINUING): A start was made earlier this year with the periodical visiting of geriatric patients and this will be extended. A paper is being prepared and the provisions for those who might be cared for at home, those needing minimal medical care at the Pines and those serious ill at the George Town Hospital.

I appreciate what the Third Elected Member for West Bay has put forward and there will be a time when many of the patients can be cared for, but there will always be those who remain at the hospital because they are seriously ill until a wing can be put on for that type of geriatric or other patient. By the way, Mr. President, this does not just relate to geriatric patients but it relates to disabled patients generally.

I would especially like to thank the sanitary staff for their continued efforts in their unpleasant jobs. They have gone about this and no one appears to have taken time to say thank you to them. I am especially proud to see the way they have continued to keep Cayman clean. However, we must remember that the Environmental Health Department is a continuing Department whose duty it is to keep Cayman clean continuously and is different from, and will never receive the publicity, of the private committees that have been set up over the years on an ad hoc basis for one effort or another.

I am grateful to such committees, however, for what they have done, however, the continuing duty remains on this Department of Government. The Chief Environmental Engineer and his staff have done a very good job, despite the restraints both in relation to man-power and money.

Sports - As I mentioned earlier, Mr. President, the Second Elected Member for West Bay has taken the lead as an Elected Member of the Legislature in this area.

The major undertaking, as you mentioned, was the joint venture between the football association and we are now pursuing agreements with them together with agreements with the Netball Association. Similar ventures will soon begin in West Bay and in East End.

As you mentioned, Sir, the hard courts have been established in North Side and Bodden Town, double court at the Middle School, a new court at George Town Primary, a single court at West Bay with room for expansion at a future date.

We are now progressing with the sports complex, but, Mr. President, the building of that is complex, it is going to cost a lot of money and I have to just be certain that what I am doing is right and that Government money is not to be wasted in any way. To that effect, we are applying for consultants and negotiating with the Dade County under the twin-cities programme to get the expertise that we need for it.

As I mentioned earlier, the Lions Club have graciously taken over the task of building a half Olympic size swimming pool which is situated at the Middle School.

Mr. President, if there is one Department in my portfolio that I can feel happy and safe when I leave this Government at the end of this year it is the Education Department and our school system.

We have been very lucky that the present Chief Education Officer and well as her predecessor both have education at heart and have come up through the system. There were imputations by some Members that this Government may not be doing as much as possible with the different departments within our respective portfolios, I would like, fairly briefly, even though it is somewhat tedious, to just mention some of the things that are in line for capital projects in 1984.

HON. TRUMAN M. BODDEN (CONTINUING): On the medical facilities in Grand Cayman, there is a kitchen and meeting room facility, to cost $470,000, a staff and patient car-park which will cost about $30,000; re-wiring of buildings and minor works to the extent of $141,000. And at the Faith Hospital in Cayman Brac there will be renovations to X-rays, sluice, maternity lab and the old kitchen, together with a cistern and alterations and certain consequential works to the extent of $120,000.

We have provisions for public lavatories, and there is a small provision, as I mentioned earlier, for a remand home.

On the school side, at the primary school level, the Savannah and East End Primaries, will receive funds for up-grading. The George Town Primary, the paving, fencing and top-soiling, together with a special education unit, new toilet facility and covered walk-ways, to the extent of about $95,000; West Bay Primary two reception class-rooms; staff-room block, new canteen, library and class-room conversion staff parking area, which takes really one of the largest amounts of money, with the exception of the West End Primary School, where a full block will be built.

But I would not go on, Mr. President, beyond that because I think that, in itself, has shown that we have endeavoured to put the necessary money in our departments and to upgrade them.

I would like to deal with several specialist topics that have been raised and some which have been controversial from time to time within my own portfolio.

Special education has been one of those controversial topics from time to time. In July, 1982, a coordinator of special education was designated and the proposal to special education was formulated, during the summer and an 80-page special education manual was prepared as an outline for special education.

A unified approach has been developed to assist children with unique needs at every level of the education process. The coordinator has set up programmes as well as lending support to the regular class-room teacher, who is desirous of receiving more help and special students. The coordinator, along with a peripatetic special education teacher visits and conducts resource reading programmes at the six primary schools and bi-monthly on Cayman Brac.

Visits are also made, Mr. President, regularly to the High and the Middle Schools.

Evaluation - The student is processed regularly and referred for placement in resource rooms in schools or at the Light-house school. They were also placed on psychological evaluation, done by Dr. Fitzgerald in 1992 to 1993. An evaluator has has administered achievement tests on students in all of the schools. Evaluations are required before any students are placed in special programmes. Profiles, Mr. President, on all students are filed.

Throughout the schools there is a referral process which was established to locate all students with special needs, that is special disabilities, to evaluate these needs and to provide them with appropriate instruction, as a result a full-time or part-time programme now exists in all schools.

I will not go into details of the programmes, but I would like to mention that 24 special education staff, meet each month with representatives from private schools to communicate developments in the field, hold work-shops and co-ordinate efforts. From this group a special advisory committee also meets monthly along with parent representation to promote a co-operative approach to the programme development.

Another promising step has been to combine

HON. TRUMAN M. BODDEN (CONTINUING): personnel from Public Health, Probation & Welfare and Education Departments in an inter-agency council that strives to co-ordinate special services.

What I am trying to get through at this stage, Mr. President, is that this area has not been neglected but it is specialist and it is complex.

There now exists a challenge programme in the schools. Top classes in the primary schools were tested to determine which children should be offered a place in this programme and eventually about 25 children were selected. Classes began in February and three hours a week the children follow a special computer programme designed to extend their reasoning power and increase their vocabulary, and maths skills. This, I think is another good innovative project.

The psychiatric problem within the schools, these are not easy facts, perhaps, to have to face within society, but, Mr. President, based on teachers' recommendations for assistance for coping with disruptive students, the services of a psychiatrist were utilised to ascertain numbers of children who would require remediation intervention. This ascertainment was done through visits to schools and holding discussions with teachers, who based on their relationship with the children, referred them for this help. Criteria for assessment were as follows -

Hyperactivity, intervension, violent behaviour, short attention span and other social behaviour. In conjunction with the Health Department, Mr. President, a clinic per week is held in the afternoon for children who were referred.

So this is another aspect that there is assistance.

Lastly, Mr. President, on the specialist areas which Members raised the Honourable Second Elected Member from Cayman Brac raised the question on computers and I would like to say a few words in relation to that. The Cayman Brac High School now has 2 micro-computers, the first purchased through the PTA fund-raising and the second through Government funds. The computers are used primarily in the special Education Department. There are also two classes in computer studies presently running at the Cayman Brac community College.

At the High School and the Middle School we had two teachers attend the Florida Instructional Computing Conference and their reports will do a lot to shape plans and progress in this area in the next few years.

The Middle School is now planning to introduce computers as extra-curricular activity for its older students in the near future. In the meantime, the Middle School Computer Club has been granted access to the High School computers.

Community college runs a total of 5 computer-related courses every week, to capacity classes within it, Sir.

There are 6 computers in the Primary system and for the moment, or presently they are being used in the gifted programme and eventually they will be placed, I hope, in each Primary School.

Mr. President, when I was charged with responsibility with education 7 years ago, I received a portfolio which, to use the Third Elected Member's of West Bay reference to the post-secondary education system was highly fragmented. It was not just fragmented, Mr. President, the Department was at that time operating under no written policies with no guidance in that respect. In fact, Mr. President, I do not believe there were any comprehensive written policies in any of the Departments at that time. However, the channels of the system at that time showed a very basic problem. Too much time had been spent on the High School education system, not realising that with a very good

HON.TRUMAN M.BODDEN (CONTINUING): basic primary education, a child would of necessity flounder in High School.

The fundamentals of education, the 3 Rs as they are commonly referred to, reading, writing and arithmetic, must be received by a child in the primary school. Therefore, my early years in this portfolio were spent in rectifying this.

The system in the primary school is now more standardised, the syllabi have been revised and there is a teacher's or school handbook there which is now in place, along with the new Education Law.

Mr.President, I believe that the system of education is working as about as near to perfect as it can. I accept that a lot more has to be done and in the short time that I am in this portfolio I will endeavour to do as much as I can. But, it has taken time and the dedication of the staff in schools to whom I am thankful.

When I came in, shortly after I abolished, what I regarded as the dangerous Caribbean Examinations with their communistic approach and content.

The High School, Mr.President, at that time had an attendance of over 1,000 students which proved to be very difficult. I, at that stage, moved for the introduction of the Middle School which was received with very strong opposition from certain members of the Parent-Teachers' Association, including the Third Elected Member for West Bay.

It appeared that people at that stage did not see a growth in the school population and felt that putting together children at the age of say, 11 years or 12 years, at that time, with the adults of 17 and 18 years, was not harmful and should continue.

Mr.President, if every there was a right decision, as far as my conscience goes, in relation to education, it was the creation of the Middle School. Can you imagine having 1800 students in a school of only a few acres? This is a larger amount of people than populates Little Cayman and Cayman Brac.It would have been a disaster, I believe, at this stage. I would hope that with hindsight that everyone would now accept the Middle School as being an integral and important part of the education system.

I always endeavour, Mr.President, to move cautiously, yet to weigh practicalities against that caution. After all , Mr.President, I have spent 9 years of my life in High School in the Cayman Islands until I graduated here and I have spent another 12 years either studying or teaching in Cayman or England.

Mr.President, now that the primary school system is well in place, the Middle School is maturing very well and the High School system has became developed and matured, I am now turning my efforts to further education and the continuation of the efforts of the Community College, and, on that point, I agree with the views of the Third Elected Member from West Bay.

I have now been carefully through a very well written report by Dr. Hallett and I am happy to say that from a preliminary point of view, and subject to discussions within the portfolio and the Education Department on that report, I believe that our move must now be towards the college which can combine the Community College together with the other technical colleges into a central college of further education. I would like to point out, however , that from a preliminary point of view, I feel that our Law School must continue to remain outside the ambit of this.

However, it will take more study and careful looking at. Mr.President, I have never been prepared to move before I have done my homework until I have taken such advice

HON.TRUMAN M. BODDEN (CONTINUING): or instructions or being briefed, as I needed in relation to a subject, and unless I am reasonably certain that the course I am taking is the best course in the circumstances, having regard to a proper feasibility study of the matter.

I should mention, as you well know, Mr.President, that I do not, however, let this stagnate the practical approach to problems. The college must be created properly and it will take time, both to create and to develop but it will be one of the final stages of the education system,at least, for the near future.

During the short period that I remain in this Government, I will endeavour to put in place the necessary frame-work and do the necessary ground-work for the furthering of tertiary or post-secondary education in the Islands.

Mr.President, it is always quite easy to say what should be done, but the question that I always ask the other Members of the Legislative Assembly, especially those who were in Government before me, and who are now criticising the Government, is very simply this:- If you felt certain things should have been done, why did you not do it? Why did you not do it?

I would like to remind Members that if they are so keen on seeing certain laws introduced, there is a very simple system under our Standing Orders for the introduction of private laws. The Third Elected Member from West Bay raised aspects where he wished to see legislation and I think that this house knows and the public should know, if he is so enthusiastic, he has just as much a right to bring a private bill to this House as it is for this Government to bring a public bill.

Mr.President, having said all that, in reply to his criticism, I will reassure him that since he occasionally likes to play the lawyer in amending the laws, that I am going to leave him one of my law degrees in my will. (I hope he takes that as a joke).

MR.BENSON O.EBANKS (interruption): It certainly is a joke!

(MEMBERS - LAUGHTER)

HON.TRUMAN M.BODDEN (CONTINUING): Mr.President, I have always known him to have good humour because he likes to make his jokes about other people at times himself.

In conclusion, Mr.President, it was the Greek Philosopher Socrates, some 2,000 years ago who said words to the effect that no man undertakes a trade which he is not competent to do, but even one believes that he is competent to carry out the most difficult of all trades - that of government.

Mr.President, I have taken the 7 years of my work with Government very seriously; I have applied my full efforts and considerable periods of time in endeavouring to develop the Government and the Islands and to enhance the way of life for my people. A lot of time I have spent on details of policies, many of which do not necessarily relate to my portfolio. Somebody, however, has to deal with details and tedious work.

It may be all well and good for Members on the other side of this House to take a critical and sometimes destructive approach to matters which the Government brings. However, I would caution them that most people can see problems but it takes a good, competent person to find proper solutions....

MR.BENSON O.EBANKS (INTERRUPTION): That is why we are going to have a chance.

HON.TRUMAN M.BODDEN (CONTINUING):.....Mr.President, most nights and many

HON. TRUMAN M. BODDEN (CONTINUING): Saturdays and occasionally holidays of my time are spent on both my Government and private work and at present, Mr. President, I spend probably more than half of my time on Government work at considerable sacrifice to my family, my law firm and at times with interruptions to travel abroad at short notice. But I believe that it is only with the forward movement of people, such as the Members in this House, that this country can continue to survive and to move forward.

The business of Government is a very big, complex business which requires high competency and dedication in handling it. I ask that God's guidance always be with those who in future administer this country, to ensure its continuity as a free, democratic society where people can live and religiously worship in freedom, preserving the human dignity of themselves and their families. Thank you.

MR. PRESIDENT: The First Elected Member for the Lesser Islands rose earlier on a point of explanation.

CAPT. CHARLES L. KIRKCONNELL: Thank you, Mr. President. The Second Elected Member for George Town stated in his debate that I had petitioned the Government in 1991 to add a Fifth Member to Executive Council. Mr. President, this is absolutely incorrect. The petition referred to requested that the recommendation made by the Legislative Assembly's Select Constitution Committee of 1971, be embodied in our Constitution. This recommendation clearly stated that there should be a seat in Executive Council for an Elected Member of Cayman Brac and Little Cayman. At no time and no place did I suggest a Fifth Member being added to Executive Council. Thank you, Sir.

HON. TRUMAN M. BODDEN: Mr. President, if I am wrong in relation to that, I apologise to the Member. I, unfortunately do not have the petition with me but I would check on this and, with your permission, then if what he has stated is not correct, just ask that the proper petition be placed before the Legislature. And I do apologise to him if I am wrong, Mr. President. I have always believed that to err is human but not to reverse out that error in any area, is stupidity and I apologise to him if I am wrong.

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

HON. JAMES M. BODDEN: Mr. President, with the indulgence of this House, it would probably take me several hours to add my points to the debate, because I intend, with your permission, to give an over view of what has been accomplished in recent years, as this is an important part of the debate which you have engendered and I would very much like for the House to re-convene on Monday so that I can have my time to give my uninterrupted speech.

MR. PRESIDENT: I am in the hands of Members. If the House would prefer to sit late tonight and let the Member speak on, that is as may be. If Members would prefer to adjourn 15 minutes early today and to meet again on Monday, I am content with that. Would a Member like to move the adjournment and that would give any Member who wished to voice an opinion an opportunity to do so.

HON. JAMES M. BODDEN: I have been invited to the Police Ball at 9 o'clock. I am prepared to speak until 5 minutes to 9 and then come back Monday.

MR. PRESIDENT: (LAUGHING) : Well, I am in a difficulty that I have another engagement at half past 8 but I suppose I could cancel it. I wonder would a Member move the adjournment then any other Member who wishes to comment can do so?

ADJOURNMENT

HON. D. H. FOSTER: Mr. President, I move the adjournment of this House until 10 a.m. Monday the 5th of March.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I regret, Sir, that I will not be able to make it on Monday, I have other commitments.

MR. BENSON O. EBANKS: Mr. President, I would suggest that we move Standing Orders and continue this evening, Sir; if it goes on until 5 to 9 that is all right. I think to come back Monday is going to be an imposition that Members did not anticipate. I realise this is our first call of duty but it would not be the first time that we suspended Standing Orders to complete business on a Friday afternoon or any given day.

HON. MICHAEL BRADLEY: Mr. President, Sir, with respect I do not think Members can probably anticipate the length of other Members' speeches or how long the House will sit. In the event that there is a vote, Mr. President, Sir, may it be a free vote?

MR. PRESIDENT: I think it could certainly be a free vote.

HON. G. HAIG BODDEN: Mr. President, there is a very important function to which I think some Members have been invited - at least I have - and that function is, I believe, at 5.30 at Le Club to view the film which has been made on the Cayman Islands which will shortly be released to the public. So I know at Least I would want to leave at 5.30 and I certainly would like to be here when the Member speaks to make sure that he is not separated from me, as has been reported.

MR. PRESIDENT: The Third Elected Member for George Town.

MISS ANNIE HULDAH BODDEN: I think, Sir, that we could continue tomorrow, and then end it.

MR. PRESIDENT: Tomorrow?

MISS ANNIE HULDAH BODDEN: Yes, Sir.

MR. PRESIDENT: That is another suggestion. The Second Official Member.

HON. MICHAEL BRADLEY: Mr. President, Sir, with all due respect to my Honourable colleague, the Third Elected Member of Executive Council he is still to speak and I have not yet spoken.

MR. PRESIDENT (LAUGHING): ..

HON. JOHN McLEAN: Mr. President, I think we are wasting good time It seems as if everybody is willing to adjourn until Monday - let us

HON. JOHN McLEAN (CONTINUING): adjourn until Monday and if it means putting it to a vote let us put it to a vote.

MR. PRESIDENT: Well, I think in a moment we will put it to a vote - I was just giving Members an opportunity to speak if they wanted because I think most people had anticipated the meeting would finish this week and some of them might have wished to express a view that we should sit beyond 4.30.

I will put the question now that this House do now adjourn until 10 a.m. on Monday morning. Will those in favour please say aye, those against no, I think the Ayes have it.

(MR. BENSON O. EBANKS - No).

HON. JAMES M. BODDEN: Mr. President, I am sorry the Honourable Member from West Bay said no because I was hoping he would be here.

MR. BENSON O. EBANKS: Mr. President, I am sure that if I do not some you will not be here very long on Monday and that is why I offered to carry on this evening.

HON. MICHAEL BRADLEY: Mr. President, Sir, I presume this is a private discussion - my understanding the House is adjourned.....

MR. PRESIDENT: I think the House is adjourned and the discussion is private and will have to be struck from the record.

(Laughing) But we have adjourned now until 10 o'clock on Monday morning.

AT 4.21 P.M. THE HOUSE ADJOURNED UNTIL 10 A.M. MONDAY MORNING 5TH MARCH, 1984

STATE OPENING AND FIRST MEETING OF THE (1984) SESSION
OF THE LEGISLATIVE ASSEMBLY
HELD ON MONDAY, 5TH MARCH, 1984
SIXTH DAY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG, CVO - PRESIDENT.

GOVERNMENT MEMBERS

HON. D. H. FOSTER, CVO, CBE, JP	*FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS*
HON. MICHAEL J. BRADLEY, LLB	*SECOND OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS*
HON. T. C. JEFFERSON	*THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT*
HON. JOHN B. McLEAN	*MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES*
HON. TRUMAN M. BODDEN	*MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES*
HON. JAMES M. BODDEN	*MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE*
HON. G. HAIG BODDEN	*MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS*

ELECTED MEMBERS

MR. J. GARSTON SMITH	*FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. D. DALVAIN EBANKS	*SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. BENSON O. EBANKS	*THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MISS ANNIE HULDAH BODDEN, OBE	*THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
CAPT. MARY S. KIRKCONNELL	*SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS*
MR. CRADDOCK EBANKS, OBE, JP	*ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*

ABSENT: *MR. W. NORMAN BODDEN, MBE (off the Island)*
CAPT. CHARLES L. KIRKCONNELL

ORDERS OF THE DAY

SIXTH DAY

MONDAY, 5TH MARCH, 1984

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

TABLE OF CONTENTS

	PAGE
One Minute's Silence - Death of Dr. Marco Giglioli	1
Personal Explanation - Standing Order 31 - Hon. Truman Boddam	1
Continuation of the Debate on the Throne Speech	
Hon. James M. Boddam	2
Hon. Michael Bradley	16
Adjournment	17

MONDAY, 5th MARCH, 1984
10:00 A.M.

ONE MINUTE'S SILENCE - DEATH OF DR. MARCO GIGLIOLI

MR. PRESIDENT: Before we take our seats this morning, I think it would be appropriate and I think Members might wish me to invite the House to stand for a minute in silence in memory of the late Dr. Giglioli to whom many Members paid warm tribute during the course of the debate on the Throne Speech last week and of whose un-timely death we must all have learned last Saturday.

ONE MINUTE'S SILENCE.

MR. PRESIDENT: Please be seated.

PERSONAL EXPLANATION - STANDING ORDER 31 - HON. TRUMAN M. BODDEN

MR. PRESIDENT: The Second Elected Member of Executive Council asked me at our last sitting if, having checked certain documents of which reference had been made by himself and the First Elected Member for the Lesser Islands, he might add a word of Personal Explanation to the word of Personal Explanation already offered by the First Elected Member for the Lesser Islands.

I understand he has checked the documents and have agreed to a brief Personal Explanation.

HON. TRUMAN M. BODDEN: Mr. President, on Friday I apologised to the Capt. Kirkconnell because I was not certain.....

MR. PRESIDENT: Not names, if you please, if you remember .....

HON. TRUMAN M. BODDEN: I apologise to the First Elected Member for Cayman Brac because I was not certain at that time, it having been some three years since this petition was presented, whether or not he had asked in that for a Fifth Member to be appointed to Executive Council. He denied this, Sir, and over the week-end I have checked on it and if I may just read the operative part of the petition. It says -

> "We are requesting that the Constitution of the Cayman Islands be amended to provide that one Member of Executive Council should be elected from amongst the Elected Members of the Lesser Islands. We feel that in order to achieve this harmoniously Her Majesty's Government should consider increasing the Elected Members of the Executive Council from 4 to five. If this were done, the Fifth Member could be specifically required to be elected from amongst the Lesser Islands' Representatives in the Assembly. We are fully cognisant of the necessity of all parts of the Cayman Islands receiving fair representation in the Assembly and in the Executive Council and were we to be granted our request for a guaranteed Member of Executive Council, we would be happy to see the number of Elected Members in the Assembly increased from 12 to 14 so that the District of George Town and the District of West Bay would each have 4 Members to reflect their increased populations.".

That petition, Sir, is dated the 16th of January, 1981 and one of the first signatures on it is Capt. Kirkconnell, so what I stated at that stage, Sir, relating to an amendment to add a fifth Member to Executive Council was, in fact, correct. It is unfortunate that the Honourable Member is not here this morning, but I will draw this to his attention when next I see him, Sir.

MR. PRESIDENT: Thank you.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

MR. PRESIDENT: Debate resumed. Debate on the Throne Speech. Does any - yes, the Third Elected Member of Executive Council.

HON. JAMES M. BODDEN: Mr. President, I am very pleased to once more be able to stand within the walls of this Legislative Assembly and debate a Throne Speech.

The Throne Speech is a review of the year past, 1983 and the hopeful plan for the year ahead 1984.

1984 will be an important year in the history of these Islands. It is an Election year - a year when the electorate will decide whether we continue on the true and proven course or whether we turn to ideas that have not been tried or proven. The decisions made this year could well put us back into the 1972-1976 years.

Mr. President, any fool is capable of finding fault or tearing plans apart, but it takes men of vision, with deep sense of commitments and stout hearts to carry them through to success.

Sir Winston Churchill and Franklin Delano Roosevelt won World War II because they possessed these qualities.

My colleague from the Capital City of Bodden Town and myself have already declared our intention as Candidates for this election. We will stand united on our past records of success and as a team. The Cayman electorate fully understands that what has been accomplished in the past seven years could not have been accomplished without team work, a plan and full co-operation. The time is past when a person can accomplish anything for his or her people by declaring as an independent candidate. Politics like the world as a whole, you either walk one side of the road or the other, there is no middle ground.

The ideologies of politics have become well-defined in these Islands; you either accept the group who has brought success and prosperity or you select the other group which preached destruction and stagnation.

We could not have accomplished what we have without the full co-operation of our team members in the Legislative Assembly, the Members of Executive Council and those Civil Servants who were loyal to us, and most of all the loyal support of the electorate.

I would like to express a special vote of thanks to the Three Official Members of Executive Council who have diligently carried out their duties within their portfolios and assisted and co-operated with us whenever possible. The Chief Secretary, in particular, has been an inspiration and a guide to us; the present Second Elected Member of Bodden Town and myself look forward to once again debating the Throne Speech in 1985.

I am thankful that our people will have a holiday this year so that they can cast their democratic vote without fear of intimidation. I hope that each person will use their vote wisely and that 1984 will record the largest voter turn-out yet.

There were a few objections to granting this holiday but I believe most of the objections were motivated by self-greed.

The First Elected Member of our Sister Islands alluded to a petition from those Islands after the 1980 Elections which asked for those Islands to be guaranteed by the Constitution a seat in Executive Council. Let us for a minute explore this proposal. Executive Council is the Cabinet of Government and as in every democratic country the elected majority governs. Throughout history, millions

HON. JAMES M. BODDEN (CONTINUING): and millions of people have given their lives to ensure an elected majority Government. The makers of our present Constitution adhered to this belief when four Elected Members and three Official Members comprise Executive Council and not vice versa.

How could Executive Council govern with the numerous constrains which are now imposed on it and to have another where you have an elected majority with four seats, plus three official Members and another Member adhering to a different political view. It would be undemocratic, Mr. President, and like the Tower of Babel.

Certainly, Mr. President, if this should come about it would also have to be enshrined in the Constitution that the historical and political Capital of Bodden Town would always be assured of at least two seats.

Lest the would-be politicians and the electorate forget the years before our present administration, let me once more remind our people of the years 1972 to 1976. I was here, Mr. President, and I survived. Our team should hand out placards that should say "Praise be to God I survived the years 1972-1976".

I will ask a question - " Have you, the people of this country forgotten how you suffered under the administration of which the Third Elected Member from West Bay was one of the leaders?". That, Mr. President, was an administration that lacked initiative, who depended fully on the advice of foreign experts, expertise advice which brought us stagnation, un-employment, deficit budgets, dissension and turmoil. Our people had to march in force to protect our rights. When I mention marches I do not mean a march with a hand-ful of paid marchers from Matilda Corner, who fell asleep, that is not what I am referring to, Mr. President. I am referring to marches that probably at least 20% of the population of this country took place in.

War-planes and war-ships were brought to our shores to bring us to subjection - that, Mr. President, is the type of reign that we were enjoying during those years. Unemployment rose to about 25%; our people became poor, they could only buy the main essential food-stuffs. Compare this to now.

Few Government scholarships were given out during those years and those that were given out went to the chosen few. We had placed with us an archaic, communist-tinged education system which had been signed by the Member, Third Elected Member from West Bay who was the Member responsible for Health, Education and Social Services.

We had an out-moded medical system, poor relief and social welfare spending at one point there was only $750 a year being spent to alleviate the sufferings of our people. There was lack of faith in the system to which he adhered where no one wanted to invest.

Reprisals against anyone who showed business acumen or spoke out against the system. This was a Government which made but few moves unless those moves were first vetted and approved by non-elected members, like W.S. Walker, Arthur Hunter, Edlin Merren. These three gentlemen quickly became the Rasputins of that administration. We quickly changed all of that and brought the country progress and prosperity and Mr. President, no one can argue the success.

One Member, in his deliberations, spoke of a Government of favours. It is difficult for me to comprehend his meaning - favours come in many forms and most people live by the Golden Rule - do

HON. JAMES M. RODDEN (CONTINUING): unto others as you would have them do unto you.

Most people in life are the recipients of favours from time to time and I am sure that the Member who spoke about this and his immediate circle of acquaintances have been the recipient of many favours. I am sure, Mr. President, that it is not a crime to do a favour but to forget a good deal is cruel, against our fellowman.

Some Members in this Assembly spoke on fear and recently threw the spoken word of a Government Commissioner who is now retired but who spent some years here over 20 years ago - this has become a debatable subject on the mark read as well as the Legislature. It is hard to imagine a country that allows more freedom and latitude than we do here.

Franklin Delano Roosevelt once said "The only thing to fear is fear itself". Fear is the regression of the mind, if you think positively there is no room for fear. Some people have said, (although I do not believe it) that they would like to have that gentleman back here and to live under his reign and fear again. This is unbelievable.

No people in any country wish to be governed by a foreign despot dictator and by what I have been told this gentleman was certainly one.

I remember being told how the Civil Service during his term literally prayed for the floors to open up and devour them when in his presence. Does any one remember his imprisonment of a former well-known Member of this Legislature, Mr. Claude Hill, at 3 p.m. in the afternoon for playing a radio loudly and refusing him bail?

Do you know the reason for the law on our statute books today that separates the administration of justice in our country? At that time the man I allude to was Lord of all he surveyed and held final powers in all areas including head of the Courts and head of the Justices. He finally took his despotic rule too far and ran afoul of a true, loyal, stalwart Caymanian, Mr. Ormond Panton who is sitting in these Chambers today. He was not afraid to stand up and fight and he fought this gentleman's anarchodox concept of justice to the Supreme Courts where the decision was reversed and this law became the law of the land.

Mr. Gerrard's tactics were worse than those in Russia and China and would certainly be a retrograde step for anyone to consider to go backward under such a rule. I say to the people of this country if only we had 5 more people with the stamina, determination and guts of Mr. Panton, we would have a much better country than we have today.

Last year, Mr. President, saw many attempts to destroy the democratic principles of Government, to tear down law and order and install anarchy by a small minority. This group depends on bigotry, gossip and scandalous lies to perpetuate their existence but I believe that the electorate of this country is wise enough, well educated enough to know from whence they cometh.

Several investigations were carried out last year in an attempt to discredit certain persons in Government. These were costly to the county and unfruitful because the allegations were untruths and were fabricated by mindless people.

Several Departments of Government, Mr. President, are now headed by competent local Civil Servants and as people tend easily to forget, I crave the indulgence of the House to review with me some of the accomplishments of this Government since 1976.

HON. JAMES M. BODDEN (CONTINUING): One of the first moves made by this Government was the completion of a sensible and realistic Development Plan.

We have carried out and accomplished many things in the last seven years. It has taken a lot of money to do some of these and I will deal with the money part of it in just a few moments.

We now have new surgery and surgical wards at the Grand Cayman Hospital. Landscaping and internal road-work at the Hospital, Grand Cayman. We have purchased lands in several districts for cemeteries.

We have had additions to the schools in Grand Cayman and Cayman Brac.

We have resurfaced and lengthened Cayman Brac Brac airport to 3500 feet and later to 5000 and now to 6000 feet. We have lengthened Owen Roberts Airport - 1,000 feet.

We have completed the cross island road in Cayman Brac. We have paved the road in Little Cayman. We have built a dock in Cayman Brac.

We built the fire station in Grand Cayman at Owen Roberts Airport.

We have put together incentives to attract light industries.

We have the Agricultural and Industry Development Board playing a vital part in the economy of this country.

We have set up a Labour Department.

We had the oil transfers at Cayman Brac for several years.

We have renovated the old air terminal at Owen Roberts Airport.

Tourism arrivals by air have doubled in the last seven years, and by cruise ships the increase has been over 600%.

We have initiated Pirate's Week. We have a tourism and industry Board.

We have new X-Ray units at the Cayman Hospital and at Faith Hospital in Cayman Brac.

We have instituted Technical Schools in Grand Cayman and we transport and subsidise students from Cayman Brac.

We have the Community Centre at East End, an enlargement to the schools Bodden Town and Savannah and several other districts.

Extension to the West Bay Police Station and a new Police Station at Bodden Town and North Side.

We have a new Prison; we have new garbage trucks, new fire-trucks, pediatric ward at the Hospital, George Town; the Lighthouse School, microfilming of land records; establishing insurance legislation; new generators at the Hospital in George Town, Owen Roberts Airport and Faith Hospital; expansion to Faith Hospital in Cayman Brac; expansion to George Town Primary School; we have increased substantially the grants to Private Schools; we have initiated the Middle School system; we have increased scholarships spending. Class-rooms have been built at George Town and Cayman Brac High Schools and canteen facilities provided; we have purchased the Turtle Farm; we have conducted hydrographic survey of our coastal waters; we have had an identification and study made of local ship-wrecks; we have built the Willie Farrington Road in West Bay, the John McLean Drive in East End and the road on the Bluff on Cayman Brac - east to west; in addition there have been many feeder-roads and agricultural roads built in the last seven years; we have established a Central Funding Scheme;

HON. JAMES M. BODDEN (CONTINUING): we have bought vehicles and heavy equipment into this scheme.

The Ashton Ruby Centre in Cayman Brac has been built.

There has been computerisation of Government statistics Department.

We have installed the VOR-D-ME navigational equipment at Owen Roberts Airport.

We have renegotiated the CUC franchise.

We have instituted a domestic fire service.

We have built a small air terminal building at Cayman Brac Airport.

We have established the Marine Section of the Police Force.

The Public Library has been renovated, re-stocked and re-catalogued.

Additional land for garbage dumps have been purchased.

We have purchased several million dollars in homes and land throughout the Island.

We have built the Children's Ward at the Hospital in George Town.

There has been an extensive Water and Sewerage survey.

We have constructed the CAL Administration building at the airport.

There has been a landing jetty built at Little Cayman.

There has been clearing of channels into the reefs around the Islands.

The Police Cadet Corps and a Special Constabulary have been provided.

There have been a lot of streetlighting and Traffic lights installed throughout the Islands.

During the seven years the Civil Service salaries have gone through and received several high raises.

We have instituted the Law School.

We have continued the eradication of mosquitoes.

We have bought a new rescue launch for the Fire Department at the Airport.

We have re-surfaced sub-division roads throughout the Islands.

We have increased substantially the spending on overseas medical cases.

We have constructed a Seawall and sidewalks on Harbour Drive.

There have been new Police cars bought and many trucks bought for the Public Works Department.

A new Airport terminal is under construction at Owen Roberts Airport.

There has been a new vehicle testing area provided at the Police Station.

There has been re-surfacing of the North and South coast roads in Cayman Brac; construction of the ramp and the seawall at Cayman Brac dock.

There have been loans to Cayman Brac Power Company. We have guaranteed a substantial loan to CUC.

There has been a loan made to the Pines Home.

We have expanded the dental clinics.

We have instituted rodent control programs, a local clean-up programme and a physical education programme has been

HON. JAMES M. BODDEN (CONTINUING): introduced to the High School.

There has been increased spending on Poor Relief.

We staffed the Pines Retirement Home, Bonaventure House and the Frances Bodden Home.

The agriculture farm at Lower Valley has been instituted, and its capacity increased.

There has been the introduction of a Building Code.

We have built the Newlands-Barcadere road. We started work on the Barkers Road. We have started work on the East End to North Side road, an inland road there. We also have built the road East End to North side which is called the Queen's Road.

We have provided a tourist landing jetty at Spotts.

We have built a cargo apron at Owen Roberts Airport.

We have bought a land-fill compactor for use at the Garbage dump.

We have built the control tower and Civil Administration building at Owen Roberts Airport.

We have bought new ambulances.

We provided a large part of the money which went into the Falkland Islands' Fund.

During this administration we also had the visit of the Queen to this country.

We have established trade offices in Washington and London.

We have introduced thorough-bred cattle from abroad; we have an artificial programme for cattle. We have established an agricultural office in Cayman Brac.

We have expanded the mental health service particularly in the field of psychiatry.

We have ultra-sound equipment at the Hospital.

We have taken over our air-space around these Islands from 20 miles east of Cayman Brac to 40 miles west of Cayman an 80 mile wide corridor extending up to about 20,000 feet.

We have taken this country off of the role of being grant-aided by England.

We have built covered walk-ways at the High School.

We have expanded the Community College.

We have a programme going towards the expansion of the Civil Centres.

We have built new sport playing fields.

We have instituted the Housing Development Corporation.

We have opened additional tourist offices abroad.

We are building a fire-station at Frank Sound.

We have built the community hall at Breakers.

We have hot mixed paving of the East End/North Side road and also the North Sound road.

We are building side-walks on Walker's Road and West Bay road.

We are building the East End Civic Centre.

We have air conditioned most Public Offices.

We have a water supply and a well-field at Lower Valley.

We are in the process of constructing a temporary

HON JAMES M.BODDEN (CONTINUING): building on the Docks to house Customs and the Port Authority.

We have enacted during the past seven years much needed new legislation.

We have helped to assist in establishing Museums in the two Islands.

We have enacted a fishing tournament which will be taking place this year.

We have helped in the participation of Miss Cayman in the Miss World and Miss Universe pageants.

We have built a clinic at East End. We now have dental clinics in the school. We have built a clinic in North Side.

We have purchased new aircraft for MRCU.

We have reduced the duty on food-stuffs, automobiles, agricultural products and equipment. In addition, we have put together what is the country's biggest asset, Cayman Airways with all of its resultant birth-pangs.

This, Mr.President, is quite an accomplishment and for all of these things that have been undertaken and done within a period of eight years, in my opinion, was quite a tremendous amount of work, and I am hopeful that the people of this Island will remain conscious of this.

The contribution to the Throne Speech by the Third Elected Member from West Bay contained nothing but criticisms and an accusation of un-fulfilled promises by our administration.

To criticise you should supply alternative proposals but the Member is as empty of these now as he was between the years 1972 and 1976.

Let us compare some of the unfilled promises of his 1972- 1976 administration.

Money was in the budget for years after my Bodden Town colleague and myself brought a successful motion to the House to erect a small community hall in Breakers. It was not erected until the beginning of this administration.

We pressed for years for sanitary facilities at the Bodden Town Town Hall and the North Side Town Hall. Alas, they were finally built with the expenditure of many thousands of tax-payers money. In Bodden Town it was built on a rocky precipice off to the side, in the front of the present Town Hall and only a mountain billy-goat could negotiate the precipitious path. In a hurricane the elements would beat the life out of you before you could pantingly open the door. They stand, Mr.President, as a block-house monument to the 1972-1976 administration and I christen them today " THE EBANKS/BUSH/CONOLLY MEMORIAL".

In North Side, Mr.President, the elected Member from that district was more fortunate because he put them to use as a clinic after they were built in front of his Town Hall.

They claim about the advice that they received and how much good was done for the country and the buildings they built but here is a monument within a few hundred feet of us, the Court House which was built during that administration. It is a beautiful building but was built without thinking and the result is that it can seat but few people.

The 1972-1976 administration built some needy buildings but all was built from borrowed money with re-payments commencing during this administration.

1983, Mr.President, was another good year for this administration and ended the year with a surplus of $6M, a general

HON. JAMES M. BODDEN (CONTINUING): reserve of $11.25M; a public debt of $8.5M against nearly $8M being owed in 1976. It now takes a little over 2% of our general revenue to service our long-term debt compared to an excess of 10% in 1976.

In 1980 we increased our general reserve fund $16% with a contribution of $6,971,652. The 1972-1976 administration had revenue deficits in 1974 of $157,574. 1975 - $2,430,784, and in 1976 the general reserve fund stood at only $826,848 with a budget deficit of $513,027.

In the past 7 years of our administration we have put into the general reserve fund over $11M; nearly $8M into surplus, over $34M have been spent on local capital projects and nearly $13M has been loaned out by this Government.

We have become the envy of the world in prudent financial planning and management.

The 1972-1976 administration borrowed in 1972 $460,738. In 1973 - $613,186. In 1974 - $2,638,965; in 1975 $2,357,261; in 1976 $2,038,672; Our administration since 1976 until 1982 borrowed as follows -

In 1977 - $636,450
In 1978 - $508,960
In 1979 - $299,041
In 1980 - $621,197
In 1981 - $1,069,816
In 1982 - $987,900

In 1976 our country was in debt 62% of local revenue collected; it now stands at about 15%.

The opposition has criticised our administration for neglecting social services, but the truth is, Mr.President, in 1972 they spent on social services in these Islands 10¢ out of every $100 of general revenue collected. In 1973 - 30¢ out of every one hundred dollars collected. In 1974 - 10¢ out of every hundred dollars collected; in 1975 - 10¢ out of every one hundred dollars collected; in 1976 - 10¢ out of every dollar collected and then they have the nerve to criticise this administration when ours has been running at least $1.20 - 2 years it went to $1.10 out of every hundred dollars collected.

It is ridiculous that people would try to turn other people's minds by telling them such out-right lies.

Poor Relief is another matter I would like to speak on. Please bear these figures in mind and I hope that the people of this country will never forget these figures. The 1972-1976 administration spent in 1972 - 6¢ out of every hundred dollars of general revenue.

In 1973 they spent 5¢ of every hundred dollars; in 1974 - 5¢ of every hundred dollars; in 1975 - 9¢ of every hundred dollars; in 1976 - 10¢ out of every hundred dollars. Mr.President, one could almost say that the 1972-1976 administration has made famous the "nickel-poor-relief-candy-bar". That is what they should be so proud of.

Mr.President, immigration is a continuing problem and our people must be made aware that in matters pertaining to the Civil Service the Constitution grants the Elected Members very little or no power at all.

I am of the belief that it is time for a shifting or the replacement of personnel in the Immigration Department so that we may have more diligent work performed.

It is a time, Mr.President, for our people to prepare themselves and step forward to fill some of the positions that are open. We fully recognise that for the country to continue its

HON. JAMES M.BODDEN (CONTINUING): rapid growth we must continue to bring in more people, but there must be corresponding controls. Our people must wake up and realise that they must fill job vacancies and that they can blame no one but themselves when the job vacancies are filled with people from abroad.

I am proud of the progress made in instituting our local prison system and that it is headed by local Caymanians. I visited the prisons abroad where our fellow citizens were being sent and I vowed to my Maker that I would do something to improve the lot of those who had fallen astray. Thank God, this country was able to provide good buildings and a good prison system. My only hope is that those who are incarcerated there will be given some further training and will be made to work. I feel that work is good for the soul, especially when you are in a place like that.

The cost to this country has been tremendous compared to what it cost us to send them to Jamaica. At the present time we can keep a prisoner in Jamaica for about $2.00 US a day. I do not know the actual figures on it here but I am sure it is at least $15 Cayman a day.

Our sister Islands, Mr.President, though having no direct elected representation in Executive Council, have fared well since 1976. The Honourable Chief Secretary has served them well. Every year since 1977 per capita they have received much more than Grand Cayman. They now have a new Government Administration Building, paved roads, the Ashton Rutty centre, the cross-Island road, east to west Bluff road, new docking facility and wharf, the runway lengthened to 6,000 feet to accommodate jet travel, improved lighting system on the run-way, improved navigational aids, improved fire service and has lead the way for these Islands in starting a museum for the people.

Our sister Island is now served by Cayman Airways 737 jets which has long been needed and has long been sought for by the Island people.

The First Elected Member of the Sister Islands criticised Cayman Airways as usual. I believe he is still suffering from the lack of foresight which led him to believe that the tie with Lacsa, chaired by the then Honourable Financial Secretary, was best for these Islands. He led the fight for better air services for the Sister Islands which led Cayman Airways to acquire the AVRO which in turn led to substantial losses for the company in maintenance and operation.

He was the Member who stood against voting funds to acquire any other aircraft than the BAC 1-11 and we all know the history of our losses with the BAC 1-11. He now wants increased jet service, knowing before-hand the losses that will ensue and should we increase the service and the losses will be increased also, he will be the first, outside this House, as well as inside it, to lend criticism.

Mr.President, there will always be a blot on the year 1983 in the form of vicious minority scandalous attacks on the Police Force and its commanding officer. Never in history has such an ignorant, indolent minority been allowed to sow such seeds of discontent. Their sought-after investigations were carried out, and the force can now hold its head up - they have been tried and not found wanting. All of the allegations have been of nought. Our Police, like any Police force, Mr.President, must continue to seek help from foreign agencies in our fight against crime, particularly the drug scene.

In 1984 our fight against drugs must increase

HON. JAMES M. BODDEN (CONTINUING): and not decrease. Every pressure must be used. We have the enemy on the run now and we must hound them into oblivion.

Public support is very much needed in order for the Police to accomplish what they need to do. Much has been accomplished in the past few years in building an efficient force and I take my hat off to our Police.

We have just recently received the report from the Commissioner of Police and there has been an over-all decrease in crime and there has certainly been tremendous success on the drug scene.

I now would like to speak a little on the Portfolio of Agriculture. The Portfolio of Agriculture, under the capable administration of the First Elected Member of Executive Council continues to do an excellent job. His policy of diversification of the economy is beginning to bear and food production is locally on the increase.

The experimental projects on fruits and vegetables which are now being carried out needs the full support of one and all as well as the improvement by importation to the cattle and goat herd. We will all look forward to good results from the banana plantation by the airport. I personally am pleased to note that designation of Marine Parks will shortly be undertaken.

Prosperity has not slackened and in 1983 building approvals were valued at over $81M.

The Honourable Second Elected Member of Executive Council is to be complimented for his accomplishments in the Portfolio of Health, Education and Social Services which is the most difficult portfolio in the Cabinet to deal with. He has accomplished a revolution with the Islands' educational system with the many successes in O and A levels and the forward strides made by the Middle School system.

Our Government will continue our policy of rewarding those students who apply themselves and succeed by making it possible for them to obtain scholarships for advanced training.

I personally would like to see a comprehensive, up-dated version of our country's history compiled and that the studying of it in the Cayman Islands schools be made compulsory. This will go a long way in instilling pride in our youngsters.

The years 1976 to 1984 have seen much improvements to our Hospitals and district clinics and this policy must continue. Hopefully in 1984 we can lay the plan for an up-dated modern hospital facility.

Much needs to be done in the field of alcohol and drug abuse and I am pleased that programmes to deal with these serious areas are being mounted. The toll on the society in respect of these two areas is very damaging. We should be pleased to hear of the improved mental health services being offered and the psychiatrist being employed.

Overseas treatment of patients continue as a big strain on the country's resources but it is an area we cannot neglect and if it takes the last penny in the country's Treasury our citizens' well-being must be paramount.

Sports and playing fields are a priority with this administration and much will be done this year in these areas. During the administration of the Third Elected Member from West Bay the play field gates in West Bay were closed and a guard posted with a shot-gun, which inevitably led to the death of a youngster. We are not planning to make any such moves with the play fields that will be built during this administration.

HON. JAMES M.BODDEN (CONTINUING): Some sectors of society complained that we have done nothing in these areas, but our records speak for themselves.

First of all, money must be made available in order to undertake these projects. You cannot undertake them without money. I compliment the work of the Service Clubs in this Island, particularly the Lions Club.

At this point, I wish to draw attention to my district of Bodden Town, the historical capital, the political capital. The recipient of soft, fresh sea-breezes. We will shortly open our new Civic Centre there and it is a building to be proud of, a building which I hope will bring much joy to our people. I say to the people of Bodden Town take care of it and use it wisely.

The district of Bodden Town has government investment in lands and buildings of about $3.5M CI dollars. In 1976 it was less than $1M, therefore our people can readily see the representation that my colleague and myself have given to Bodden Town.

My loyal colleague from Bodden Town, the Fourth Elected Member of Executive Council, has laboured with a heavy workload in his portfolio with the maintenance of equipment and buildings, building projects, road projects, airport projects and the just implimented water project in Lower Valley. That is a project that we hope will eventually be extended throughout the Island.

I wish to pay tribute to our three Official Members of Executive Council for the capable and efficient management of their portfolios - the Honourable Chief Secretary for his capacity in dealing with a large Civil Service, plus carrying a very heavy workload. The Honourable Attorney-General for the ability to deal with a myriad of legal problems and coping with the large volume of cases before the courts and keeping the country's legislation up to date.

The Honourable Financial Secretary for stepping in like a stalwart and grasping the financial strings and directing the country on a sound financial course. I personally have found it a pleasure working with him.

I have been asked by the Honourable Truman Bodden to say these few words to the Attorney-General, on his behalf. "The Attorney-General has been bombarded with requests for legislation and I believe that he has probably produced more good laws in his short time with us than has every other Attorney-General throughout the full period of their office. He is as near to perfect as one can expect a lawyer to be; competent, calm and helpful.".

It sounded like Mr.Truman was preparing the Honourable Attorney-General's eulogy!

Legislation, Mr.President, needs to be up-dated in several areas and during the year my portfolio will be proposing a new Liquor Law, legislation to set standards in the hotel industry, legislation which will attempt to improve the taxi problem, labour law (which is badly needed). I trust that when I present these to the House I will have the support of the Members of this House.

This year, Mr.President, money has been voted in the budget for the museum in Grand Cayman. I seek the support of one and all to get this worthy project off on the right course.

Much success has been accomplished by Capt. Theo Bodden and his committee in regards to the Hell project in West Bay - he is to be complimented for his diligence.

The Civil Aviation Department, the Fire Department, the Airport Security, continue to be three Departments of Government which are ably administered by Caymanians. Last year about 380,000 passengers used our airport facilities.

I must compliment my administrative staff in my portfolio in the persons of Harding Watler and Rudy Selzer for the

HON. JAMES M. BODDEN (CONTINUING): work which they undertake.

I am very proud of the success that has been achieved by the Hotel Training School, the Building and Trade School and the Maritime School. Mr. Lauren Scott, the Director of Technical training, assisted by the capable course instructors, are doing a marvellous job in preparing our youngsters for a secure future.

The students at the Building and Trade School need to be especially complimented for the excellent work they are doing. I hope we can secure, through Caribbean Development Bank, funds to set up a local furniture manufacturing business.

Another accomplishment I feel justifiably proud of for our administration is the successes enjoyed by the students in our legal system. I am proud to have been one of the proposers of this School whose implimentation saw many years of work come to fruition. Our successful students will ensure in the future that legal slime from abroad who accept huge sums of money for foreign governments to testify against our financial systems, will have no need to be employed here.

We continue to enjoy the fruits of our labour in the tourism sector. To be successful we must continue our promotions, advertising and public relation policies to ensure that people abroad are aware of us. Tourism affects everyone in this country and the help of everyone is needed to ensure continued success. Every person in this country enjoys the rewards from tourism and the money placed by tourism into the local economy far exceeds the amount of revenue raised yearly by Government from all sectors.

The question was asked by a Member of this House about one of the tourism studies that had been conducted. The answer is yes it has been completed, it has been completed for sometime. It was done by experts and is useless.

Mr. President, I have reached about the mid-way mark in my speech and I would appreciate breaking for just a few minutes.

MR. PRESIDENT: Members, it is our usual time and I will therefore suspend proceedings for approximately fifteen minutes.

AT 3.20 P.M. THE HOUSE WAS SUSPENDED
THE HOUSE RESUMED AT 3.37 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The Honourable Third Elected Member of Executive Council.

HON. JAMES M. BODDEN: (CONTINUING) Mr. President, our Government must sometime this year come to grips with Cable and Wireless, its policies and its rates. Its high rates cannot be economically justified; the lies and incorrect publicity and bad debts have appeared in the press. Most of these so-called bad debts were collected and this type of incorrect information cast a cloud of doubt over the entire country.

Large deposits arbitrarily imposed should not be used to assist cash flow. It is high time that we complete our studies into the rate structure and do something to alleviate the imposition of the high rates by this company.

In addition, Mr. President, I know that it was mentioned in this House that they intend shortly to improve the telephone to the sister Islands, but if it is anything that the people of Cayman Brac have room to complain about I believe it is the type of telephone service that they have. If I had to live there for a week

HON. JAMES M.BODDEN (CONTINUING): it would take Cable and Wireless a month to replace the telephones that I think I would destroy.

I was there for a few days and it really tested the soul to be able to put a call through and if you did get the call through it was like an old coffee grinder in the back-ground. I do sympathise with those people for what they have had to put up with.

Cayman Airways continues to be Government's largest and most worth-while asset. It is the country's second largest employer. It is our country's best ambassador abroad. It personifies the Cayman spirit of determination and independence, letting the world know that we are determined to be masters of our own destiny. It has cost the country money, so has our medical system and our schools. Should we scrap these also as some people would like to do with the airline?

All Members are aware of the financial conditions. When the Draft June 1983 Accounts came into my possession I freely circulated them to all Members and signed the draft copies and returned them to the Auditors. I now have to wait the disposition by the Auditors.. But I ask why should certain Members continue to use Cayman Airways as a political foot-ball and talk rubbish about the airline?

I am proud to be the person that is responsible for the country having its own airline. I am proud that my opponents blame me because I am confident that my political successes will fly like the national airline, high and proud.

Every company, Mr.President, experiences cash flow problems from time to time, even those companies who import cement and building material. When construction slows down so does their cash flow.

I make a promise to the people of this country that so long as I am responsible for the airline, if it takes the Treasury's last penny, the airline will continue to ably serve this country. Grounding the national airline would affect this country in the same manner as severing the aorta in a human body.

For many years this country has seen the number of banking institutions continue to grow to the point where there are now about 450. We have watched their numbers grow and we have watched their coffers increase; we have watched them reap great harvests and great rewards for their shareholders. They have taken, but have not given and I now appeal to their social conscience.

If they have no commitment to this country but only greed for their own reward, now is the time for us to know. This country is faced with a serious problem with housing for the middle-income and below and the lack of available housing will breed dissention, social unrest and eventually tear down this society.

My colleagues of our team have foreseen this problem and in the face of bitter opposition from all of the opposing Members of this House, passed into law the Housing Development Law. I have been charged with implementing this law for the benefits of our people and I will do so, before 1984 as sure as the charge of the Light Brigade or that the Rood was sunk in the North Atlantic.

It has taken some time to lay the ground work and to formulate all of our plans but we are now ready to move forward. I have met with the Bankers' Association. I have asked for each A licensed Bank to purchase a 20 year bond at 5% interest, the bond to be $50,000. I have asked each active B licensed Bank holder to purchase a $10,000 bond for 20 years at 5% interest. Each inactive B licensed Bank their participation into this scheme is left up to them. I also seek the support of the 240+ registered Insurance Companies, the professional firms, the individual man on the street. These bonds will be in denominations of $500 or more.

HON. JAMES M. BODDEN (CONTINUING): Should the support that is needed come forward, we should raise at least $4M for this scheme.

The A Licensed Bank may stand to lose in lost interest $5500 per year or about $2,000 per year if you figure what they pay the depositor. The B Licensed Banks may lose $700 per year. This is mere pottage for the stability and the security that they can offer this country.

This Government has allowed the banks free reign with U.S. currency being exchanged. Where 2% is charged for handling cash deposits of more than $25,000 US, where the buying spread is sometimes as much as 1¢ on a dollar. We have allowed them to operate without a reserve system which is unheard of in most countries. We have allowed them to operate without ear-marking fixed amounts of their capital for local investments. We have allowed them to operate on small licence fees.

In the past we have not asked for their support - we ask it now. It is good for the country's future as well as theirs. If support is not forthcoming, Mr. President, legislation will shortly come to this House and the money will be found. I feel confident that all Members of this House, even the opposition, will support this motion, for we have no place to run.

The Housing Development Corporation must begin to function and function it will, God's willing, before the end of this year.

Recently in our Courts an attorney and a client used the privileged sanctuary of the Courts to make an allegation against me. I am used to untruths being hurled against me by people not worthy of shining my shoes. Mr. President, my life has forced me to know myself. I know my weaknesses and I know my strong points. I have always been a good provider and never shirked responsibility. In fact, I crave it. I have worked hard.

I stepped out in face of all adversity when I felt my country needed me and if I say so myself I have cast my shadow on this country and I have left my footprints.

When I hear the lies and accusations, I have to sometimes look into the mirror to see if it is still me. I hate to think that human beings can let their minds sink into such filthy, bottomless pits and it is only because I let my inner self take over and let compassion prevail that I do not also step down to the law of the jungle.

Mr. President, I lived in the United States of America for 16 years. Most of that as a naturalized United States citizen and I was a good citizen of that country and never even had a traffic ticket during the years I lived there. I have lived here for 21 years and have a speeding ticket to my credit. I have helped in all worthy causes in this country; I have helped many people in this country sometimes to my own detriment when I could not afford it. I abhor drugs and what they do to those who fall within their grip. I have constantly prevailed for a strong enforcement stand by Government. I personally paid on two occasions approximately $60,000 for two teams of detectives to come to the Island and the reports were given to this Government.

On the third occasion, I, along with three fellow Elected Members of Executive Council, paid for another team of detectives to come here and that report was also given to Government. All my years on this Island I have worked closely with the Police here, as well as with certain people from abroad in helping to eradicate drugs from the community.

I have requested you, Mr. President, by letter to request the American FBI, DEA and Customs to give you a report that if at any time they had seen fit to investigate me and to supply the particulars. It is a shame such an injustice has been done and there is so little I can do, but I hope that the perpetrators' soul will eternally burn in the fires of hell.

HON. JAMES M. BODDEN (CONTINUING): I must join with my colleagues in paying tribute to the retiring Clerk and her successor. Mrs. McLaughlin has been an untiring worker and has shown uncommon zeal for her job. I am sure her successor has the qualities.

I have dealt in some length on the Throne Speech and I want to thank especially the Members of our Unity team who have helped to accomplish these successes for the last seven years. I also wish to thank the Second Elected Member from the Sister Islands and the First Elected Member from George Town for their occasional support.

Although the Lady Member for George Town and myself do not see politics alike, I admire her and respect her and thank her for the support rendered from time to time and I hope that when my elected colleague from Bodden Town and myself are sitting with our gray beards on the steps of the Legislative Assembly in Bodden Town, enjoying the cool sea breezes of the political and historical capital and celebrating our 100th year as Elected representatives of this country, that you will be able to drive up in your chariot pulled by the Lawrences in the harness, celebrating your 110th year as an Elected Member.

Mr. President, time comes to he who waits. I am prepared to wait.

Thank you.

HON. MICHAEL BRADLEY: Mr. President, Sir, I think it is a constant factor in life that both lawyers and politicians like to have the last word on any subject.

I, Mr. President, Sir, am the final and last Member of this Assembly to speak. I just want to speak very briefly to thank Honourable Members who have been kind enough to mention me in their speeches and to say that what has been said by them I take as a tribute, not to me, but to the Attorney-General's Chambers and the Legal Department, who have worked and are working increasingly hard in relation to many topics and particularly the two that were mentioned in the most Gracious Speech from the Throne, namely, the constant and unremitting battle in support of the Police Force of this Island to make sure that people who break the laws of our society, and particularly who misuse things that can be of great benefit and therapeutic value, drugs, who misuse those, who are guilty of drug offences, are brought to justice, time and time again. And also to give every support and help possible in preserving the confidentiality of information and of our confidential relationships in this country, while at the same time making it clear that we want no truck with, or want anything to do with, dirty money.

Finally, in this brief epilogue, Mr. President, Sir, may I add a final word of thanks and appreciation to our retiring Clerk. I, as Honourable Members may know, have served before coming and before the honour of being appointed as Attorney-General of the Cayman Islands, for 11 years in other parts of the Caribbean. And with all due respect to the First Elected Member for the Lesser Islands, to the Chief Secretary, to even the Third Elected Member for Executive Council, whenever people have spoken to me in relation to the Cayman Islands in other parts of the Caribbean, those are not the names that they mention first, it is the name of - Now is Mrs. Sybil McLaughlin?

She has been a name what I knew of and knew about many years before I came here - she has proved and I looked to her as an ambassadress of these Islands before I came here. My knowledge of and my friendship with her since then has confirmed that. And may I wish her, with the other Members, a happy retirement, success in whatever she does and the knowledge that whatever she does she will continue to remain as that ambassadress. Thank you.

MR. PRESIDENT: That concludes the debate on the Throne Speech As I think a number of Members are aware, it has come to notice that there may not actually be a motion before us and a question to put, through an accident of procedure.

However, I have established that the practice for many years has been to put the question at the end of the Throne Speech and today I propose to follow that practice, even if it may not be strictly correct procedure. I hope that when the next Throne Speech debate takes place we shall manage to make a slight adjustment in procedure, so that there is, undoubtedly a question to put.

I will now put the question - Will those in favour please say aye, those against, no. the ayes have it.

ADJOURNMENT

HON. D.H. FOSTER: Mr. President, it appears that we have completed the business of this sitting and I would like to move the adjournment until the next sitting to be held on MONDAY the 7th of MAY, 1984.

MR. PRESIDENT: Unless any Honourable Member wishes to speak, I will put the question that the House do now adjourn until the next sitting which is planned for MONDAY the 7th of MAY, at 10 a.m. Will those in favour please say aye, those against, no. The ayes have it.

AT 12 NOON THE HOUSE ADJOURNED UNTIL
MONDAY THE 7TH MAY, 1984 AT 10 A.M.

SECOND MEETING OF THE 1984 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON MONDAY, 7TH MAY, 1984
FIRST DAY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON. D. B. FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. T. C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. JOHN B. McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON. TRUMAN M BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
*HON. JAMES M BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. D. DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BENSON O. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. W. NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT. HARRY S. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

* Absent in the a.m.

ORDERS OF THE DAY

FIRST DAY

MONDAY, 7TH MAY, 1984

1. PRESENTATION OF REPORTS

(i) FINANCE COMMITTEE

REPORTS OF MEETINGS HELD 21ST MARCH, 4TH APRIL AND 12TH APRIL, 1984.
TO BE LAID ON THE TABLE BY THE CHAIRMAN, HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

(ii) BUSINESS COMMITTEE

REPORT ON MEETING HELD 3RD MAY, 1984.
TO BE LAID ON THE TABLE BY THE CHAIRMAN, FIRST ELECTED MEMBER FOR THE LESSER ISLANDS.

2. QUESTIONS

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 1: WILL THE MEMBER STATE THE NUMBER OF CAYMANIANS AND NON-CAYMANIANS EMPLOYED IN THE DEPARTMENT OF IMMIGRATION?

NO. 2: WILL THE MEMBER STATE WHETHER THE COMPUTER SYSTEM HAS BEEN USED TO DETERMINE THE NUMBER OF PERSONS, BY NATIONALITY, IN THE CAYMAN ISLANDS?

NO. 3: WILL THE MEMBER STATE THE TOTAL NUMBER OF CAYMANIANS AND NON-CAYMANIANS PRESENTLY ON THE PAY ROLL OF THE CAYMAN ISLANDS ROYAL POLICE FORCE?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 4: WILL THE MEMBER STATE THE TOTAL REVENUE AND EXPENDITURE FOR THE FIRST QUARTER OF 1984 AND HOW DOES IT COMPARE WITH THE ESTIMATED FIGURES?

NO. 5: WILL THE MEMBER STATE THE NUMBER OF COMPANIES STRUCK OFF THE REGISTER FOR THE FIRST QUARTER OF 1983?

NO. 6: WILL THE MEMBER STATE -

(a) THE NUMBER OF NEW COMPANIES REGISTERED DURING THE FIRST QUARTER OF 1984 AND THE REVENUE RECEIVED THEREFROM?

(b) THE COMPARISON OF REVENUE FOR THE SAME PERIOD FOR 1983?

3. STATEMENTS BY MEMBERS OF THE GOVERNMENT

STATEMENT BY THE HONOURABLE FIRST OFFICIAL MEMBER ON THE 1984 ELECTIONS.

4. GOVERNMENT BUSINESS

(a) MOTIONS:-

(i) GOVERNMENT MOTION NO. 4/84
BROADCASTING OF LEGISLATIVE ASSEMBLY PROCEEDINGS

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER

(ii) GOVERNMENT MOTION NO. 5/84
APPOINTMENT OF SELECT COMMITTEE

TO BE MOVED BY THE HONOURABLE THIRD ELECTED MEMBER

(iii) GOVERNMENT MOTION NO. 6/84
HOUSING DEVELOPMENT CORPORATION

TO BE MOVED BY THE HONOURABLE THIRD ELECTED MEMBER

(iv) GOVERNMENT MOTION NO. 7/84
SELECT COMMITTEE - INTOXICATING LIQUOR

TO BE MOVED BY THE HONOURABLE THIRD ELECTED MEMBER

(b) BILLS:-

FIRST READINGS

(i) The Legal Practitioners (Amendment) Bill, 1984
(ii) The Criminal Procedure Code (Amendment) Bill, 1984
(iii) The Criminal Procedure Code (Amendment) (No.2) Bill, 1984
(iv) The Parliamentary Pensions Bill, 1984
(v) The Court of Appeal (Amendment) Bill, 1984

SECOND READINGS

(i) The Legal Practitioners (Amendment) Bill, 1984
(ii) The Criminal Procedure Code (Amendment) Bill, 1984
(iii) The Criminal Procedure Code (Amendment) (No.2) Bill, 1984
(iv) The Parliamentary Pensions Bill, 1984
(v) The Court of Appeal (Amendment) Bill, 1984

TABLE OF CONTENTS

	PAGE
PRAYERS	1
FINANCE COMMITTEE REPORTS OF MEETINGS HELD ON 21ST MARCH, 1984, 4TH APRIL, 1984 AND 12TH APRIL, 1984 - LAID ON THE TABLE	1
REPORT OF THE BUSINESS COMMITTEE MEETING HELD ON 3RD MAY, 1984	3
QUESTIONS	3
STATEMENT BY HON. FIRST OFFICIAL MEMBER - 1984 GENERAL ELECTIONS	7
GOVERNMENT MOTION NO.4 of 1984 - BROADCASTING OF PARLIAMENTARY DEBATES	8
THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1984 - FIRST AND SECOND READINGS	11
THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1984 - FIRST READING	15
SECOND READING	16
THE CRIMINAL PROCEDURE CODE (AMENDMENT) (NO.2) BILL, 1984 - FIRST AND SECOND READINGS	27
THE PARLIAMENTARY PENSIONS BILL, 1984	34
ADJOURNMENT	41

MONDAY

7TH MAY, 1984

10:00 A.M.

MR. PRESIDENT: The Assembly is in Session. I will ask the Reverend Edgar Ogston to say prayers.

REV. EDGAR OGSTON: Let us pray.

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal Family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Members of the Executive Council and Members of the Legislative Assembly that they may be enabled faithfully to perform the responsible duties of their high office.

All this we ask for Thy great Name's sake, Amen. And now let us pray the family prayer which Christ taught his disciples.

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

MR. PRESIDENT: Please be seated. Presentation of Reports. Finance Committee.

PRESENTATION OF REPORTS

FINANCE COMMITTEE

HON. T. C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Finance Committee Reports of the 21st of March, 1984; 4th of April, 1984 and the 18th of April, 1984.

MR. PRESIDENT: So ordered.

HON. T. C. JEFFERSON: Mr. President, the Finance Committee approved on the 21st of March, a total supplementary expenditure of $595,010. A breakdown of that expenditure, Mr. President, is as follows -

(1) HEAD 9 - SUB-HEAD 01-109
DISTRICT ADMINISTRATION (Housing Allowance).....CI$120,000

This is not all expenditure, Mr. President, because in the recent salary revision the officer is required to pay Government 50% of the rent. Therefore we can expect 50% of the $120,000 to return to Government.

HON. T. C. JEFFERSON (CONTINUING):

(2) HEAD 5 - SUB-HEAD 11
LEGISLATIVE DEPARTMENT (CPA).....CI$ 4,000

$4,000 supplementary for the Commonwealth Parliamentary Association. This supplementary was necessary due to increased fees payable to the Commonwealth Parliamentary Association Headquarters. Further, last year we had a number of United Kingdom delegates, from that Branch, who visited us and the estimates for that year did not cater for it.

(3) HEAD 41 - SUB-HEAD 010
CAPITAL (Fire Service Building).....CI$81,000

Capital expenditure of CI$81,000 for the Fire Service Building. This is a re-vote, Mr. President, for the Frank Sound Fire Station.

(4) HEAD 41 - SUB-HEAD 20
CAPITAL (Purchase of Lands).....CI$390,000

The funds are provided to purchase thirty acres of land for the sewerage treatment plant and garbage dump.

(5) POLICE DEPARTMENT (Training).....CI$ 10.00

At this meeting, Mr. President, the Police Department's training needs were discussed and a token sum of $10 was made for the new training programme within the Police Department which will also encompass the recruitment of officers from the United Kingdom.

The meeting of the 4th of April, Mr. President, dealt mainly with the Government Information Service. A proposal was put before the Finance Committee as requested of me by it. A considerable amount of discussion ensued and the decision at the end of that discussion, Mr. President, was to retain the Cayman Islands News Bureau until the 14th of November, 1984.

This decision was taken, Mr. President, mainly because to establish a new Government Information Service would require, obviously, quite an amount of time, new personnel, getting acquainted with the needs of Government and what have you.

The meeting of the 12th of April, 1984, totalled supplementary expenditure approved of CI$305,680.

(1) HEAD 14 - SUB-HEAD 8 32
SPORTS GRANTS .....CI$ 77,860

These funds are provided to assist the various sporting organisations during 1984.

(2) HEAD 41 - SUB-HEAD 23
CAPITAL .....CI$ 24,720

Funds provided for repairs and fencing of the netball grounds and the football field - the netball grounds at the George Town Primary School area and the football field at the Cayman Brac High School.

(3) HEAD 10 - SUB-HEAD 19-3
CIVIL SERVICE MORTGAGE LOANS .....CI$200,000

The funds are provided to meet mainly present applications from Civil Servants wishing to improve their housing accommodation in some manner or establish their own home.

HON. T. C JEFFERSON (CONTINUING):

(4) HEAD 12 - SUB-HEAD 7-10
CAYMAN ISLANDS LAW SCHOOL ..... CI$ 1,000

CI$1,000 provided to meet the second visit of Professor Fairest, the advisor to the Law School, and the second year examiner's fee.

(5) HOUSING DEVELOPMENT CORPORATION

The last item discussed at the meeting of the 12th, Mr. President, was the Housing Development Corporation. After much discussion it was agreed that the Honourable Member responsible for Tourism, Aviation and Trade should present a resolution to this Honourable House during this Meeting, guaranteeing a loan of $5 million for the Housing Development Corporation rather than the vesting of Government residential housing.

This ends my reporting, Mr. President.

I thank you.

MR. PRESIDENT: In accordance with the provisions of Standing Order 67(1), the House is deemed to have agreed to the motion.

Business Committee Report.

BUSINESS COMMITTEE

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I beg to lay the Report of the Business Committee, held on the 3rd of May, 1991, on the Table of this Honourable House.

MR. PRESIDENT: So ordered.
That concludes proceedings on Item 1 on the agenda of today's Order Paper. Item 2 - questions. The Third Elected Member for George Town.

QUESTIONS

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 36: Will the Member state the number of Caymanians and non-Caymanians employed in the Department of Immigration?

ANSWER: The number of Caymanians employed in the Department of Immigration is thirty-four (34) and the number of non-Caymanians is four (4).

The four non-Caymanians are as follows -

Chief Immigration Officer
Deputy Chief Immigration Officer
2 Clerks (both have local connections and have been brought up and schooled here).

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 37: Will the Member state whether the computer system has been used to determine the number of persons, by nationality, in the Cayman Islands?

ANSWER: Not yet. It is, however, intended to do so when the remaining programming phases have been completed.

SUPPLEMENTARY:

MISS ANNIE EULDAH BODDEN: Mr. President, Sir, a supplementary. Could the Honourable Member give any information as to when this will be - the exact time?

HON. D. H. FOSTER: Not really, Mr. President. What we are trying to do is to get the other programmes, that we have instituted, working without any snags. Occasionally we do run up against snags in the other programming and we are trying to get that running smoothly first. But, I would say, Sir, probably about three to four months is a rough guess.

MR. PRESIDENT: If there is no further supplementary, I will invite the Member to ask .....

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 38: Will the Member state the total number of Caymanians and non-Caymanians presently on the pay roll of the Cayman Islands Royal Police Force?

ANSWER: As at 1st May, 1984, composition was as follows -

Cayman Islands	106
United Kingdom	8
Jamaica	27
Belize	12
Barbados	11
United States of America	2
Canada	1
Guyana	1

making a total of 106 Caymanians and 62 non-Caymanians.

SUPPLEMENTARIES:

MR. CHADDOCK EBANKS: Mr. President, a supplementary. Could the Member say when Caymanians become available to fill these non-Caymanian posts whether changes will be made for Caymanians to occupy them?

HON. D. H. FOSTER: Mr. President, for one reason or the other during the course of each year a certain number of police either leave, are transferred to other Departments or are sacked. So we find ourselves constantly, in our new recruiting training courses, having to fill posts as they become necessary. I do not think it is really a matter of taking on a Caymanian and for example letting a Belizian go. It is a constant struggle to keep the force up to the number approved in the Estimates.

Let me say this that up to this point we have not had good reason to turn loose any of the non-Caymanians to put a Caymanian in there, Sir. It has been a struggle to keep the numbers there altogether.

I rather like the build-up of the force, Sir, because it means that we do not have too many non-Caymanians from just one country, but we have a sort of small

HON. D. K. FOSTER (CONTINUING): United Nations and it does help, Sir.

MR. CRADDOCK BANKS: One further supplementary, Mr. President. Will the Member say if and when any non-Caymanians may be, for whatever reason, dismissed from the force, are they sent back to their country of recruitment?

HON. D. K. FOSTER: Yes, Sir, if he has not by any other means gained status or nationality or what-have-you, we do send them back, Sir, yes.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, a supplementary. Are the non-Caymanians on contract or are they seconded from the other countries?

HON. D. K. FOSTER: To the best of my knowledge, Sir, they are all on contract, whether local or foreign contract. What I mean by local contract is that if we have employed persons here in Grand Cayman they are given a local contract. If they are brought in from another country it would be a foreign contract. But I am pretty sure they are all on contract, Sir. A few of the United Kingdom persons are seconded.

MR. PRESIDENT: If there is no further supplementary, I will invite the First Elected Member for the Lesser Islands to ask question number 39.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 39: Will the Member state the total revenue and expenditure for the first quarter of 1984 and how does it compare with the estimated figures?

ANSWER: (a) Ordinary revenue collected for the first quarter of 1984 is CI$17,112,594 which compares favourably with the estimated figures;

(b) The total expenditure for the first quarter of 1984 is CI$11,016,629 and it, too, compares favourably with the estimated figures.

MR. PRESIDENT: Unless any Honourable Member wishes to ask a supplementary, I will invite the First Elected Member for the Lesser Islands to ask question number 40.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 40: Will the Member state the number of companies struck off the register for the first quarter of 1983?

ANSWER: The number of companies struck from the Companies Register during the first quarter of 1983 was 206.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, there is apparently a typographical error. I meant 1984 not 1983.

MR. PRESIDENT: Did the Honourable Member's answer relate to 1984 or to 1983?

HON. T. C. JEFFERSON: Mr. President, the answer I gave relates to 1983.

MR. PRESIDENT: So it is not a typographical error simply on today's Order Paper. As the question reached you earlier it related to 1983.

HON. T. C. JEFFERSON: Looking at the question, Mr. President, it says "first quarter of 1983".

MR. PRESIDENT: And certainly the Business Paper that was circulated to Members quite some time ago did also say 1983. I think perhaps the most helpful thing I can suggest in the circumstances, if the Member had wished 1984 figures, is to ask whether the Honourable Third Official Member would be kind enough to undertake to provide the questioner with the 1983 figures in due course?

HON. T. C. JEFFERSON: I have no objection in doing that, Mr. President, if it is the wish of the Member.

MR. PRESIDENT: Would that help the Member? I am sorry that obviously a mistake has occurred somewhere. I do not know exactly where.

CAPT. CHARLES L. KIRKCONNELL: Yes, Mr. President, it is completely different from what I asked. It was 1984 I meant.

MR. PRESIDENT: I understand you did mean 1984, but it does seem to have been an error that occurred at quite an early stage because I think it reached the Honourable Member answering it in that form and it was circulated on an early Business Paper saying 1983. So I do not think we can do more under the circumstances than to ask the Honourable Member to provide you with the information; and if other Members want the same information I am sure the Clerk will circulate copies of it to all Members.

In the circumstances I will invite the Member to ask question number 41.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 41: Will the Member state -

(a) the number of new companies registered during the first quarter of 1984 and the revenue received therefrom?

(b) the comparison of revenue for the same period for 1983?

ANSWER: (a) The number of new companies registered during the first quarter of 1984 was 546 and the revenue received therefrom was CI$385,846.00.

(b) The revenue for the 603 companies registered in the first quarter of 1983 was CI$453,641.61.

MR. PRESIDENT: Unless any Honourable Member wishes to ask a supplementary, that ends questions. We turn to item 3 on the Order Paper - Statements. The Honourable First Official Member.

STATEMENT BY THE HONOURABLE FIRST OFFICIAL MEMBER

(1984 GENERAL ELECTIONS)

HON. D.H. FOSTER: Mr. President, as the Member responsible for Elections, I would like to inform this Honourable House on what has been done to date.

On the 30th of April, 1984, the preliminary list of voters was published and the 22nd day of May is the last day for notice of objections.

The timetable for the preparation of the electoral roles in preparation for the General Election was published in an extraordinary Gazette on Monday the 16th day of January, 1984.

In addition, I would like to inform the Honourable Members of the timetable for the period leading up to Election Day. But, before doing so I would like to ask Members who intend running for the next Election to make sure that the people of their constituencies check the list to be certain that their names are on it. We are putting it on the radio every day on the bulletin board and asking them to do it, but I know by past experience, Sir, that when it comes to Election Day there are some people who are going to say that they never looked at the list and their names were left out. So I think the Members who intend contesting the Election could be a great deal of help if they did a lot of public relations work in their districts.

The timetable, Sir, leading up to Elections is as follows (Members may wish to copy it) -

3rd September	-	Issuing of writs
4th September	-	Notice of nomination
17th September	-	Dissolution of the Assembly
19th September	-	Proclamation issued declaring General Elections
26th September	-	Nomination Day
14th November	-	Election Day
16th November	-	Election returns to the Supervisor of Elections.

Thank you, Mr. President.

MR. PRESIDENT: Standing Order 30 provides that although there may not be any debate arising from a statement of the kind made, short questions may be put to the Member making it for the purpose of clarification. If therefore any Honourable Member has a short question to put, perhaps he will now put it.

MR. BENSON O. EBANKS: Mr. President, I have one question. If I understood the Honourable Member correctly, he gave the 21st of April (or whatever date that was) as the last day for receiving objections. Certainly he intends to include claims as well on that date - objections and claims.....

MR. PRESIDENT: I think it was Mr. was not it, but I will ask the Honourable .....

MR. BENSON O. EBANKS: Or Mr., sorry ..... but I am referring specifically to the fact that he mentioned objections, but it would also cover claims would it not?

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

HON. MICHAEL J. BRADLEY: Mr. President, Sir, with your permission, just for the purpose of clarity, I would point out that (as I am sure my Honourable colleague intended to mention) that this was a timetable of intended dates. There is always the residual power with you, Sir, under Section 47 of the Constitution to prorogue or dissolve the Assembly at any time. I am just saying that in case of any unforeseen matter that the time is already firmly fixed.

MR. PRESIDENT: Thank you very much. I am sure Honourable Members understand that. This is a notice of intention. It is not set in concrete. It could be altered, but there is no present reason to suppose any alteration is in the least likely or planning is taking place on the assumption that we shall adhere to these dates.

Unless there are any further questions we can move now to item 3 on the Order Paper - Government Business, Motions. Government Motion Number 4 of 1984.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 4/84

BROADCASTING OF PARLIAMENTARY DEBATES

HON. D. H. FOSTER: Mr. President, I would like to move Government Motion Number 4 which reads as follows -

> In accordance with the immunities, powers and privileges conferred upon the Legislative Assembly of the Cayman Islands by the Cayman Islands (Constitution) Order, 1972, the Legislative Assembly (Immunities, Powers and Privileges) Law (Revised) and all other written laws, be it hereby resolved that Radio Cayman, being a broadcasting station operated from within the Cayman Islands by the Government of the Cayman Islands be hereby authorised to broadcast recordings of the proceedings of the Legislative Assembly as are hereafter named -
>
> 1. Question Time.
> 2. Presentation of Papers (Reports on Committees) - Speeches thereon.
> 3. Debate on Second Reading of all Bills set down for the Sitting commencing on the 7th day of May, 1984 (which is today);
> 4. Debate, if any, on Government Motions.

Mr. President, I do not think I need to ask for the suspension of my Standing Orders because

HON. D. H. FOSTER (CONTINUING): this has been circulated long in excess of five days. However, if I need to, I can be corrected, but I would like to move Motion number 4, Sir.

MR. PRESIDENT: My understanding is that there is no need to suspend Standing Orders. I think that the preamble to the Motion as circulated to Honourable Members was probably included by mistake because on a previous occasion when due notice had not been given, it had been necessary to suspend Standing Orders in respect to a similar motion and someone mistakenly supposed that it might again be on this occasion.

I should perhaps add that, so far as I know, the Business Committee has not considered once again what part of the business that is to be debated during this Assembly Meeting should be broadcast and I think therefore that after consultation with me, the mover of the Motion has included those parts of our business, which, as a result of the comments made at the last Meeting of the Assembly it was understood to be the wish of the House to have broadcast. My understanding also is that at that last Meeting Members wanted to gauge the reception that the broadcast had from the listening public and to decide in due course whether it was a good idea to broadcast as much of the proceedings of the House as we did on that occasion. Well, we have assumed that the experiment should continue for a further period and that is why the Motion has been presented in this form on this occasion.

The Motion is open for debate if any Honourable Member wishes to speak to it.

DEBATE ON GOVERNMENT MOTION NO. 4/84

MR. BENSON O. EBANKS: Mr. President, merely to point out that it appears that the printers devil is at work today and in section 3 it refers to the "Sitting commencing on the 7th day of May, 1984". I think that what is intended here, certainly, is "Meeting". The first Sitting will be completed shortly when you move the short adjournment as far as I am concerned or as I understand it. So I think that what is intended here is "Meeting" and I would suggest that the mover would like to correct that just out of abundance of caution.

MR. PRESIDENT: I think that is probably quite correct.

HON. D. H. FOSTER: I have no objection, Mr. President.

MR. PRESIDENT: But I think that is quite correct. I think we do mean it is the Meeting. I think the whole of today is the Sitting as I understand it.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I think that the Constitution at Section 46(2) is relevant in that, and I recite - it says, "The first session of the Assembly shall begin within twelve months after the appointed day; and thereafter there shall be at least one session of the Assembly in every year, so however that there shall be an interval of less than twelve months between the last sitting in one session and the first sitting in the next session.", I think the word "Sitting", Mr. President, Sir, refers to the entirety of the days during which we are presently working.

MR. PRESIDENT: What about the definition in Section 2 of Standing Orders?

HON. MICHAEL J. BRADLEY: If there is a contradiction, the Constitution rules.

MR. PRESIDENT: And which was the Section of the Constitution again?

HON. MICHAEL J. BRADLEY: Section 46, subsection (1). And if I could also draw your attention, Mr. President, Sir, to the definition of "Sitting" in Standing Order 2.

MR. PRESIDENT: Do we not adjourn each evening? Do we not adjourn daily? Well, Standing Order 2 - ""Sitting" means a period during which the House is sitting continuously without adjournment .....". Therefore a Sitting is a day under Standing Order 2 and ""Meeting" means the whole or any part of a Session, irrespective of adjournments,.....".

HON. G. HAIG BODDEN: Mr. President, I think you can also look at Standing Order 8 which says, "..... a Session will usually consist of four meetings.....". So a Meeting is all the Meetings for one Session.

MR. PRESIDENT: I think Meeting would be the better word for this. So as the mover of the Motion I think agreed, we will substitute the word "Meeting" for the word "Sitting" in the third sub-paragraph of the Motion which will then read, "Debate on Second Reading of all Bills set down for the Meeting commencing on the 7th day of May, 1984.".

I am grateful to the Third Elected Member for West Bay for pointing that out.

Does any other Member wish to speak? If not I will put the Motion (I will not read it all out), Government Motion No. 4 as slightly varied.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 4/84 AS AMENDED WAS PASSED.

GOVERNMENT MOTIONS NO. 5, 6 AND 7 OF 1984

HON. TRUMAN M. BODDEN: Mr. President, on behalf of the Honourable Third Elected Member of Executive Council, I request that Government Motions numbered 5, 6 and 7 of 1984 be removed from the Orders of the Day where they now stand and be placed after the Second Reading of the five Bills.

Mr. President, Standing Order 14(1)(1) provides, "The business of each sitting other than the first sitting of a session shall be transacted in the following order (unless Standing Orders otherwise permit) - (1) Government Business - (i) Bills: (ii) Motions.".

Mr. President, the Honourable Member moving these Motions has asked me to apologise to you, Sir, and Honourable Members of this House that he is not able to be here this morning, but hopes to be here this afternoon.

Thank you.

MR. PRESIDENT: Unless any Honourable Member wishes to comment, I think it will be convenient if we do arrange to take the last three Government Motions numbers 5, 6 and 7 of 1984 after the Second Reading of the Bills, rather than before.

So I therefore propose to move now to item 4(b) of the Order Paper for today - Bills and item 4(b)(i) is the First Reading on the Legal Practitioners (Amendment) Bill, 1984.

BILLS

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1984

FIRST READING

CLERK: THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1984.

MR. PRESIDENT: A Bill entitled The Legal Practitioners (Amendment) Bill, 1984, is deemed to have been read a first time and is set down for a Second Reading.

SECOND READING

CLERK: THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1984.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, in accordance with Standing Order 48(1), I beg to move the Second Reading of a Bill shortly entitled The Legal Practitioners (Amendment) Bill, 1984.

Mr. President, this is a very brief Bill containing, apart from the short title, only two clauses. The first of those two clauses is a minor matter of amending the definition of Court of Appeal which is contained at present in the Legal Practitioners Law from the definition which will shortly be out of date to the definition which will now be in use by virtue of the fact that under the Constitutional amendment, which will come into operation later this year, the Court of Appeal of the Cayman Islands will be our own Court of Appeal of the Islands and not as heretofore, under the Constitution, the Court of Appeal of Jamaica.

The second amendment is contained in clause 3, Mr. President, Sir, which seeks to amend clause 15 of the Legal Practitioners Law. Clause 15 of the Legal Practitioners Law is a clause which was brought in a number of years ago when in 1990 it was sought to provide for the establishment of our Law School and for the enrolling of articled clerks.

At present, Mr. President, under the Law, clause 15, an attorney-at-law may only take an articled clerk if he, the attorney-at-law, has been in continuous practice in these Islands for five years. In the view of the director of legal studies, which view the Legal Advisory Council and I, myself, concur, this provision is unduly restrictive in that it prevents students being articled to attorneys who have had considerably greater experience than that elsewhere in the world, but have not been within the Cayman Islands for five years or so.

Accordingly, the first paragraph of clause 3 of this Bill seeks to amend that provision by enabling an

HON. MICHAEL J. O'DALLEY (CONTINUING): attorney-at-law to take an articled clerk if he has been in continuous practice for at least five years, anywhere in the Commonwealth, so long as at least two of these years have been working in the Cayman Islands.

The second provision in clause 3 also deals with articled clerks. As the Law at present stands, there is a limit of two of the number of articled clerks who may be articled to me as Attorney-General.

As it is extremely unlikely that any other lawyer in the Attorney-General's Chambers would be qualified to take an articled clerk, as the Law is at present, it is sought to amend that clause 15 by adding a proviso that enables the Attorney-General and the Clerk of the Court, with the permission of the Attorney-General, to take up to four articled clerks.

At present, the situation in my Chamber, Sir, is that with two students as articled clerks, opportunity is effectively denied for a period of three and a half more years for any other government employee to be so articled as a clerk.

As I stated, Sir, these proposals have been considered and have the approval of the Legal Advisory Council and I commend them to the Members of this Honourable House.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend The Legal Practitioners Law, 1968, be now read a second time. The motion is open for debate.

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

DEBATE ON SECOND READING

MR. BENSON O. EBANKS: Mr. President, I have no real serious problems with this Bill, but I am wondering if, given our special circumstances in the Cayman Islands, the time has not arrived when we should consider that the articling of a clerk (that is articling of a legal clerk) should be to the firm rather than to the individual.

I am aware that the custom and practice is that the articled clerk is to a specific attorney, but in the same way that it is now sought to reduce the time spent in practice in the Islands from five to two years in order for a person to be able to take on an articled clerk, it seems to me that the time might have arrived when some consideration should be given to the articleship being to the firm rather than the individual attorney within the firm.

I am referring to this point, Mr. President, because most of the attorneys who would be able to take on articled clerks at this time are persons working on permits or on contract to these firms. If they have to complete two years of their service before they can take on the clerk, it is possible that either their contract or permit might expire before the clerk completes his or her study. And it seems to me that the articled clerks could find themselves in a very difficult position, or uncomfortable position at least.

In fact, as I see it, it is not much different from what is being sought here in this amendment where we are seeking to make the proviso that the Attorney-General and with his permission, the Clerk of the Courts can take on up to four articled clerks. In practice I would assume that we are in fact talking about the Attorney-General's Chambers because with the workload that the Attorney-General personally has, I wonder whether he

MR. BENSON O. EBANKS (CONTINUING): personally will be able to oversee these clerks.

And I am just throwing this out as a suggestion that we consider, in the very near future, the possibility of changing this. As I said, I realise that we would be departing from the normal custom, but necessity is always the mother of invention. And I think in our circumstances there is a case for having the clerk articled to the firm rather than to individual attorneys within the firm. I would request that this be brought to the attention of the appropriate person.

HON. TRUMAN M. BODDEN: Mr. President, I support this Bill. This short amendment is very important to the continuing education of law students and articled clerks in the Cayman Islands.

As the Honourable Attorney-General has mentioned, clause 2 is a consequential amendment now that the Court of Appeal has been altered by the Constitution.

Clause 3, which is really the main clause in this amendment, will permit an attorney who has been in continuous practice for at least five years in the Commonwealth and two years of which he has been in practice in the Cayman Islands to qualify and take articled clerks into his chambers or office.

Further, as has been mentioned, the Attorney-General has that onerous privilege of being able to article four clerks.

The Third Elected Member for West Bay has mentioned articling clerks to a firm. The system of articleship is very ancient system which has trained lawyers from time in memorial under the English system and I think under most Commonwealth systems. The idea of it is to ensure that there is a person with the qualifications and the practical experience to give the time and the tutoring that is necessary to the clerk. While I can see the reasoning behind his suggestion, I do not believe that it should be allowed because it would derogate from the heavy duty which rests upon the tutor to ensure that the clerk has the necessary experience and tutoring before the articled clerk becomes a qualified attorney-at-law.

In any event the Law provides that if a tutor ceases, for example by leaving the Island as the Honourable Member has mentioned, then the articles can, with certain permissions, be transferred to another attorney at that time.

Mr. President, I believe that there are now about eleven students who are articled in the Cayman Islands and there are another four students studying abroad, all of whom will qualify within the next two to five years. This number will increase the ranks of attorneys-at-law by approximately 25% to 30%.

About a year ago, this Government gave approval for five new additional court attorneys-at-law to join law firms here. This was approximately 15% of the then practicing attorneys-at-law and a much larger increase in the percentage of attorneys than was experienced in the increase of persons in the financial sector.

I note that there have been suggestions that more foreign attorneys should be admitted to practice. However, I do believe that a proper balance must be kept between the demand for attorneys-at-law from abroad to ensure that the articled clerks and students have a place in the legal profession when they go into practice.

In any event, as it has appeared recently, the courts are not able to cope expeditiously with the

HON. TRUMAN M. BODDEN (CONTINUING): amount of litigation and I believe that the solution to this problem must be to increase the number of judges, and I believe to bring in a court official stenographer, or stenographers. I do not believe that the answer to the delays in the court could ever be answered by increasing the number of attorneys because as everyone knows the more attorneys you get, the more litigation you get the more work the court is going to have.

I do, however, Mr. President, strongly recommend to you in your capacity as Governor that another High Court Judge be appointed as early as possible and I know that you are pursuing this and that the Law be amended so that the court record and notes of evidence can be taken by a court stenographer. This would speed up the process in the court.

I would therefore ask Members to support this Bill. I have spent approximately the last eleven years attempting to see attorneys qualified in the Cayman Islands and we are now seeing a Law School that is working efficiently; the articled system is working efficiently and I believe that these attorneys will in the future make the Cayman Islands proud as well as the legal profession.

Thank you.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak I will ask the mover of the motion whether he wishes to exercise his right of reply.

HON. MICHAEL J. BRADLEY: Very briefly, Mr. President, Sir, I thank the two Honourable Members who spoke for their contributions to the debate on this Bill proposed by me.

With reference to the proposal that a system be introduced whereby there can be articles taken by a firm rather than by an individual attorney-at-law, I will certainly be pleased, since it has been raised in the House, to draw to the notice of the Legal Advisory Committee and let them consider it carefully. I do see certain difficulties for example where it happens that a firm consisting of two members splits up and each form their own individual practice, there would be a question of determining which way the clerk goes rather than have a Solomon's judgment.

There is provision at the moment in section 17 of the Legal Practitioners Law for the transfer of articles upon the application of the attorney and the clerk, which is subject to approval by me. This would not totally answer the case.

With respect to the other matters raised by my Honourable colleague, they are not directly relevant to the Bill in front of us, but I would say that the question of the employment of stenographers in the keeping of an official court record by way of stenotyping, has exercised my mind considerably, Sir, particularly recently in this last year and a half with the number of very lengthy cases. I have been investigating the matter. I have established that there is a system in operation in Jamaica, to name but one country. I have now recently obtained the relevant laws and rules which relate to those which I am now studying and it would be my hope and expectation that I would put, for the consideration of my fellow Members of Executive Council and you, Sir, an amendment to the Laws after the suitable consultations have taken place - perhaps towards the end of this year.

With these brief remarks, I beg to close and ask Members to vote for the Bill.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Legal Practitioners Law, 1968, be now read a second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: I think it may be a convenient moment now to suspend proceedings for a quarter of an hour or twenty minutes.

AT 11.17 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:45 A.M.

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

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1984
FIRST READING

CLERK: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1984

MR. PRESIDENT: Before I put this motion, perhaps I may mention to Honourable Members that the gremlin, whose presence was remarked upon earlier this morning, has been in amongst the printers once again. And if I may on behalf of the Clerk and her staff apologise to Members for the fact that it was not noticed before the green copies of this Bill and the following Bill, that is The Criminal Procedure Code (Amendment) (No.2) Bill, 1984, were circulated, that what has happened was that the final pages of the two Bills had been transferred - that is to say the last page as printed in the green copy of The Criminal Procedure Code (Amendment) Bill, 1984, is, if you look at it, clearly wrong because the last page but one begins with section 6 and the very last page as you will see says section 4 and whereas The Criminal Procedure Code (Amendment) (No.2) Bill, 1984, which is only two pages of text apart from the Memorandum of Objects and Reasons, ends the first page with section 3 and starts the second page with section 7: and they have simply transposed the two. Not only that, but there are also some other and unrelated errors in section 7 - that is the one that is printed in the (Amendment)(No. 2) Bill, but belongs to the first Bill.

What therefore I have arranged, in the hope that this will be convenient for Members, is that copies of the final page of each of these two Bills be now distributed by the Serjeant-at-Arms with the request that Members treat what is being circulated as what should have been printed on the green copies of the Bills.

I am told that the white copies that were circulated some time ago were correct. The error has crept in at the printing stage.

So if Members would be kind enough to substitute the two white sheets that are now going to be distributed for the final pages of The Criminal Procedure Code (Amendment) Bill, 1984, and, when the time comes, of The Criminal Procedure Code (Amendment) (No.2) Bill, 1984, hopefully we shall be straight.

I thought I would mention all that by way of explanation before saying formally that a Bill entitled

MR. PRESIDENT (CONTINUING): The Criminal Procedure Code (Amendment) Bill, 1984, has been read a first time and is set down for a second reading.

SECOND READING

CLERK: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1984.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, as the mover of these two Bills I would like to thank you for your explanation to Members concerning the state of the printed copies.

Could I just perhaps, with your permission, Sir, before I commence my second reading, mention one thing that The Criminal Procedure Code (Amendment) Bill, 1984, which is the one containing seven sections, was previously printed with Gazette number 3 of 1984, but was reprinted because the Clerk noticed certain errors in that one which had to be changed. So the two Bills (which are green copies) which should be in front of Honourable Members, should both on the front page read at the top printed with Gazette number 9 of 1984. I think at least one Honourable Member has got the one that says Gazette number 4 of 1984. So just in case Members get further confused on the basis that is anything can go wrong that possibly can it will, I just wanted to clarify that.

Mr. President, Sir, I beg to move the second reading of a Bill shortly entitled The Criminal Procedure Code (Amendment) Bill, 1984. And, Mr. President, in making the second reading motion of this Bill, I will, since I think it would be more helpful to Members, cover all the amendments sought to be moved in the (Amendment) Bill and in the (Amendment) (No.2) Bill.

There are two Bills presently before Members amending the same Criminal Procedure Code. They were issued as separate Bills because it was hoped by me that as much possible notice of the first set of amendments could be given to Honourable Members and in fact that was sent out of my Chambers late in March to enable it to be published timeously so that Members would have an opportunity to consider it, rather than delaying it to wait for the amendments contained in the (Amendment) (No.2) Bill.

Having said that, Mr. President, could I go on to say that The Criminal Procedure Code (Amendment) Bill, 1984, which is before Honourable Members at the present time seeks to make a number of unconnected amendments to the principal Law which The Criminal Procedure Law. Some of these amendments are minor and technical; others are of more substance, but I propose to deal with them for the benefit of Honourable Members and your, Sir, in the order in which they are set down in the Bill.

Clause number 2, as the Memorandum and Objects and Reasons states, seeks to clarify some anomalous wording in section 27 of the Code insofar as it relates to bail.

At present under section 27 of The Criminal Procedure Code, it is stated that where a person in prepared to give bail, such person may in the discretion of the court be admitted to bail. It is thought that there has been some uncertainty in the courts as to whether the words "given bail" mean that bail at all times needs to be given with security.

The amendment is to re-word the relevant words in that section so as to say that when any person is brought before any court and is prepared to be bailed with or

HON. MICHAEL J. BRADLEY (CONTINUING): without security that he may be admitted to bail. It is a technical matter which has been brought to my notice by the court in which I thought fit and proper, when appropriate, to bring to this Honourable House.

Clause 3 again is a technical matter and relates to section 66 of The Criminal Procedure Code. Section 66 of the Criminal Procedure Code says, and I quote, "If at the close of the case for the prosecution the court considers that, subject to any fresh matter which might be revealed in the conduct of the defence, the prosecution case has been established, the court shall, if no defence is offered, convict the accused, but, if the court considers that the prosecution has not established its case and the accused offers no defence, or submits that there is no case to answer, the court shall acquit the accused.".

In the two places that those words appear, namely, "the prosecution case has been established" and "the prosecution has not established its case", it was not made absolutely clear that the standard there required was that of a prima facie case.

The object of this amending Clause 3, which amends section 66 of the principal law which I have just read, is to say that if the prosecution has established a prima facie case that the person, if there is no defence offered, shall acquit; but if a prima facie case has not on the evidence presented been established, that the court shall acquit. It is a minor amendment that has been brought at the wishes of the judiciary and which does not alter the substantive meaning of the law.

Clause 4 seeks to amend section 71 of the Code. Section 71 of the Code says, "The court having heard both the prosecutor and the accused person and their witnesses shall either convict the accused and pass sentence upon or make an order against him according to law or shall acquit him, at its discretion, or may with or without recording a conviction, if it is of the opinion that it is not expedient to inflict any punishment notwithstanding that it finds the charge against the accused is proved, make an order discharging the accused absolutely or conditionally.".

It is sought to limit the power to give an absolute or conditional discharge in a very minor matter and in relation to a subject that I do not think it was the intention of the legislature ever to permit an absolute or conditional discharge. And that is when a person has been convicted under section 61 of The Traffic Law which relates to driving while intoxicated, that in that case as there is a mandatory period of disqualification provided for under the substantive law that it should apply as a period of disqualification and that it should not be possible for the court to say the person was drunk, the Traffic Law says a person should be disqualified, but the person is discharged and not disqualified.

This comes about, Mr. President, Sir, as a result of long, lengthy submission which was made to the court so long ago as 1988 which was after very careful consideration rejected by the court at that time, but which it was thought by the court should be further clarified.

If I may now, Mr. President, turn to Clause 5 and Clause 6 is a clause which seeks to insert in the principal law a new section which would deal with the restrictions on the reporting of committal proceedings.

Mr. President, Sir, at the present time when a person is charged with an indictable offence, there

HON. MICHAEL J. BRADLEY (CONTINUING): must be a preliminary enquiry held in open court. This preliminary enquiry is for the purpose of establishing whether or not there is a prima facie case for the accused to meet before he goes for trial in the Grand Court.

It is the invariable rule that in such cases the prosecution present their evidence and call their witnesses, but that the defence reserve their defence and make almost invariably no submission other than that there is no case to answer.

The purpose of a preliminary enquiry is to give the accused the opportunity of seeing the evidence that is laid against him and for the court to be satisfied that it is not a waste of the judge and jury's time to bring the full indictable offence, if there has not been a prima facie case established. However, at present all that prosecution evidence can be reported absolutely and without any restrictions in the newspapers contemporaneously with the preliminary enquiry whether or not the person is sent for trial or whether or not the person is found to have not case to answer.

That being so, Mr. President, Sir, it was thought appropriate a number of years ago in the United Kingdom that there be in fairness to the character of a person charged with an offence and in order to give him as much as possible a fair trial that there should be restrictions placed upon the right to report everything contained in committal proceedings. This was adopted a number of years ago by the United Kingdom. It has worked well, it has been adopted by other countries and it is thought that it would be appropriate now, especially in a small community such as ours where if proceedings are reported at the preliminary stage it is very difficult to find jurors who will not have read those prosecution evidence and statements and be able to disregard them completely from his mind if he has read them.

Accordingly, this rather lengthy section 105A, which is proposed to put in the Bill which consists of eleven subsections, says very briefly that it is not lawful to publish a written report or broadcast a report of committal proceedings other than in relation to the identity of the court, the name of the Magistrate, the names and addresses and occupations of the parties and witnesses, the ages of the accused persons and witnesses, the offence or offences or a summary of them with which the accused person or persons are charged, the names of counsel engaged in the proceedings, any decision of the court to commit the accused or any of them for trial and the charges in which they are committed; if there is an adjournment - where and when the adjournment is to, arrangements for bail, the issue of legal aid certificates. Those are the matters which may be reported at the time.

There are other provisions which state that after a person has been committed for trial after the trial has been heard that other things at committal proceedings can be broadcast or printed.

There is in the matters that are permitted to be reported sufficient to let the public know and see that its committal proceedings in open court that they are in possession of all the relevant details and that basically the only thing that is withheld from printing or broadcasting at that stage is the evidence which it is sought to bring for the Crown for the prosecution in order to establish the prima facie case.

HON. MICHAEL J. BRADLEY (CONTINUING): This Clause, Mr. President, Sir, is as I have said before, in accordance with the procedure that has worked well in the United Kingdom and which I think is not only appropriate, but even more appropriate in view of the small size of our community to introduce here.

Mr. President, Sir, Clause 6 of the amendment Bill seeks to amend section 160 of The Criminal Procedure Code. Section 160 of The Criminal Procedure Code provides that a person appealing from a conviction, either against sentence or against conviction itself, shall enter into recognizance before a Magistrate.

The purpose of this proposed amendment is to provide that instead of having to enter such recognizance before the Magistrate himself, that it could be entered into before the Clerk of the Court.

This, Mr. President, Sir, I may say was a suggestion which came from the judiciary itself who suggested this amendment with their experience of the Law that at times it was not only awkward, but completely unsuitable that a person should have to attend before the Magistrate in chambers.

The last amendment, which is the one, Mr. President, which is contained on the sheet which has been given out to Honourable Members and is in substitution for the erroneous last page of this amendment Bill, is an amendment that seeks to amend the First Schedule to the Code which is a consequential amendment brought through and follows the amendment that was made in our previous Meeting to the Penal Code where, if Honourable Members will recall, there was a change in the Penal Code whereby the maximum penalty imposable in regard to a theft conviction was changed from one unitary fine to two types of imprisonment depending on whether the value of the property stolen exceeded or did not exceed $10,000. It is a consequential amendment under our Criminal Procedure Code to that already passed in the Penal Code.

As I indicated, Mr. President, Sir, I thought that, unless the House wished otherwise, I would proceed in this second reading to deal with the one substantive matter which is contained in The Criminal Procedure Code (Amendment) (No. 2) Bill, 1984 - the Bill of which is before you.

The Memorandum of the Objects and Reasons for this Bill is very brief. It says, "This Bill seeks to amend the Criminal Procedure Code by abolishing the right of an accused person to make an unsworn statement from the dock.".

Clause 3 of the (Amendment) (No. 2) Bill, makes that restriction so in as a new section and I would add, Mr. President, that after publication of this Bill an Honourable Member drew my attention to the fact that it was proposed to insert this after section 67 of the principal Law in a part which relates to summary offences. I have considered the matter and agree with him that it could be more appropriately placed in another place - so it is intended to place it as an amending additional clause rather later in the Bill after section 179. That I would propose to do, Sir, at Committee Stage.

However, to return and enall out to this House in rather more detail the brief Memorandum of Objects and Reasons, at present where a person is accused of any criminal offence he has a right either to give evidence upon oath or affirmation, to make an unsworn statement or to be silent.

MR. BENSON O. EBANKS: Mr. President, I realise the mover said that unless the House objected. But I think we should deal

HON. BENSON O. EBANKS (CONTINUING): with these as two separate Bills, otherwise we are likely to enter into confusion.

HON. PRESIDENT: They will certainly have to be dealt with as two separate Bills in the sense that there will be separate motions dealing with them. I think all that the mover is trying to do in the hope of helping the House is examining both of them now. After he had finished his explanation and there was a debate, the debate could be confined this time to the first of the two Bills - the motion would then be on it alone. There would then be a first reading on the second Bill and the second reading would have formally to be proposed, but he would not then have to make another speech if you follow me. There would then be an opportunity for the debate on the second of the two Bills.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I indicated that if the House so agreed and as one Member has reservations I am quite happy to close my second reading speech on the amendment Bill now. I merely tried to save the House the trouble of hearing me twice instead of once.

With that, Sir, Mr. President, I beg to move the second reading of The Criminal Procedure Code (Amendment) Bill, 1986.

MR. PRESIDENT: The motion before the House is that a Bill entitled A Bill for a Law to Amend The Criminal Procedure Code (Law 13 of 1975) be read a second time. The motion is now open for debate.

DEBATE ON SECOND READING

MR. W. NORMAN BODDEN: Mr. President, I support the amendments to The Criminal Procedure Code that have been put forward and explained by the Honourable Second Official Member.

Although I do not always agree with mandatory sentences, I firmly believe that if the public safety on our roads is to be protected and maintained, then we need to remove any possibility or any hope or expectation of Leniency by those who insist to drive while intoxicated.

The high rate of alcohol consumption locally, coupled with the ever-increasing number of cars being imported into these Islands, will undoubtedly produce more and more victimes of this nature. I feel, Sir, that we therefore have the responsibility of making a serious effort to use every deterent at our disposal.

Statistics have proven that the high rate of fatalities on highways have been caused by intoxicated drivers and other countries have had to adopt and carry out a very firm line in this respect, and I feel that we can do no less than to support this amendment that has been put forward to section 71.

In dealing with the other new section 105A with regards to publication of committal proceedings by restricting matters which can be included in my committal report, I find this fair and reasonable.

As has been pointed out in a small community such as ours where everyone is well known, people become very much involved, very strong views and opinions are expressed and feelings run high. A person's fate or their future can very well be influenced by strong public opinion in trials by jury and

MR. V. NORMAN BODDEN (CONTINUING): I feel that every precaution must be exercised to ensure that as far as is humanly possible everyone receives a fair and unbiased trial and that justice has its course and truly that the interests of justice are served.

I certainly agree then, Sir, that reports of such proceedings should be restricted and regulated.

With those brief comments, Sir, I have no objection to these amendments and I support them.

Thank you.

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

MR. CRADDOCK EBANKS: Mr. President, in a growing country in all aspects of the Cayman Islands, a numerous amount of our laws need to be updated to attempt to try to keep control, peace, order and discipline in our country.

It seems, Sir, that there are many people who disregard the laws and feel that the laws do not apply to them. They are not in the least bit hesitant in breaking the laws and this means that we must do something to protect the people of this country. This we can do by updating our laws and making them more effective.

The Traffic Law is one law that should have been before this House long ago. There are other laws as well, but this particular Bill before us, The Criminal Procedure Code (Amendment) Bill, 1980, needs to be updated and I give it my wholehearted support, Sir. For us to curb crime we must have effective laws.

It seems somehow that the courts are being sympathetic to crime since it has been expressed that two years for a poor fellow who has committed a crime is too much and should be reduced to one year. If that is the case, Mr. President, how will we be able to slow down or curb crime in the country?

We all want to live in peace with one another, we want to live in harmony, but we cannot do this without the proper laws and the carrying out and administering of the laws have to be done effectively.

So, Mr. President, I give my whole support to the amendment of this particular Bill and when we go into Committee Stage if there is further comment that I desire to make, I will make them then, Sir, but I say again that I support this amendment.

Thank you.

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

HON. TRUMAN M. BODDEN: Mr. President, I support this Bill. The Honourable Second Official Member has mentioned the sections; and very briefly sections 2 and 3 deal mainly with the re-wording of previous sections and do not change the Law in substance.

Section 4 provides that there can be no order discharge in relation to driving while intoxicated - the convictions under that section.

Section 5, Mr. President, is a very important amendment which puts restrictions on reports of committal proceedings. It has set out what in substance is the English law as found in the English Magistrates Court Act of 1980 beginning at section 8 of it.

HON. TRUMAN M. BODDEN (CONTINUING): In the past we have seen headlines in newspapers which could prejudice the accused person's right to a fair hearing and prejudice the minds of jury.

More recently a trial was stopped by the publication of matters prejudicial to the accused and fines imposed.

The press and news media have at times, for the purposes of sensationalism and for the sale of their respective publications, reported matters before the court which they should not otherwise have reported

Mr. President, if it is the choice between the accused person's right to a fair hearing and freedom of expression which the press calls freedom of the press, then a fair trial is one hundred times more important to our society.

Mr. President, while dealing with sections 6 and 7 of the amending Bill which relates to the period and type of punishment in certain cases under the Law, I would like to touch very briefly on the principle upon which this legislature deals with Law and punishment.

Under the doctrine of the separation of powers as adhered to in the United Kingdom and most other democratic Commonwealth countries, a statement from Wade and Phillips on constitutional law, leading the United Kingdom constitutional authority, provides and I quote, "the courts take no part in formulation of policy, but simply administer the law as it is leaving it to the executive to propose whatever changes in the law may be decided upon if a particular decision of the court shows the need for such change.".

The policy of this legislature and the Executive has been to impose very heavy penalties in drug related cases and to impose certain mandatory penalties such as section 51 of The Road Traffic Law.

It is the duty of the court to carry out the law. While a judge may not necessarily agree with the law, I believe that it would be a breach of the principle of the separation of powers doctrine for any judge to attempt to alter the policy relating to that law rather than merely carrying out the law as it is.

Mr. President, as a lawyer, I do not like the principle of mandatory sentences either, but while I am here in this Legislature in the capacity of a Member, I support the views of a majority of Caymanians who feel that crimes such as drugs should be stamped out, even if it does take mandatory sentences.

Lastly, on this subject, Mr. President, the same authority goes on to state, and I quote, "After examining several illustrations from history and showing that there existed no competing authority, the author concluded that within the limits of physical possibility Parliament could unmake or make any law whatever. The courts only interpret and may not question the validity of acts of Parliament. No Parliament can bind its successor.".

Having said that, Mr. President, I believe that the standard of the judiciary in this country, both that of the Chief Justice and the Magistrate, is the highest that one can find in the Caribbean or in the United Kingdom or in the Commonwealth, and I believe that they follow the doctrine of separation of powers.

Mr. President, I mentioned before and I repeat it; I believe that we should have introduced with this Law the provisions similar to the English Contempt of Court

HON. TRUMAN M. PODDEN (CONTINUING): Act which further entrenches the right of the accused person to a fair trial. Unfortunately, that has not yet been drafted or brought forward.

The facts which are restricted in subsection 6 of the new section 195A can be reported in the event that the accused persons are not committed for trial or after the last person so committed, has been tried. Therefore the press does have the right to make known to the public these facts. The only thing that this section has done is to alter the time at which the press can make those facts available.

As an example, the Law will cover the situation where matters which are argued before the judge, when the jury has been told to retire, would not be published and thus not brought to the notice of the jury as has been done in the past.

These matters of argument without the jury, for example, whether confession or not, whether it is admissable in law or not may never have to be considered by the jury and the jury should not be informed of them during the trial.

Mr. President, I believe that this House will support this Bill as it regards the right of an accused person to have a fair and unbiased trial as a fundamental right in our democratic Islands.

Thank you.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support this Bill, Sir. I would like to thank the Honourable Second Official Member for making it very clear to us what each amendment is meant to do.

Clause 4, Sir, the discretion of the court being taken away, is something I am against. However, in this particular case dealing with drugs and persons driving while intoxicated, I agree that no one should be let off the hook if driving while intoxicated because we have lost too many people in this country as a result of persons driving while drunk. I do not think we can be too harsh in this respect.

I would also like to support the guidelines which are laid down in this amendment. I have noticed where one of our medias have welcomed these guidelines which I believe will enable them to know what they can and cannot report without affecting someone who is to be tried

I believe, Mr. President, that all of the other amendments here are clear and very fair, and I would like to give this Bill my full support.

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

MR. BENSON O. EBANKS: Mr. President, I agree with Sections 2 and 3 of this Bill. Section 4, in spite of the explanation that was given by the Honourable Member introducing the Bill, still gives me some problem.

I think, if my memory serves me correctly, in introducing the Bill he said something to the effect that it could never have been the intent of the Legislature that Section 71 be applied to offences under Section 51 of the Traffic Law since a mandatory sentence was imposed in the Traffic Law.

Now what I am unable to reconcile with that statement is why we are not here including Sections of other Laws where there are mandatory sentences, for example, under

MR. BENSON C. EBANKS (CONTINUING): the Misuse of Drugs Law.

I also have a problem, Mr. President, applying this Section to Section 4 of Section 61 of the Traffic Law. I am sure that under the Traffic Law there is a scientific way of establishing when a person is under the influence of alcohol, but to my knowledge there is no definition or scientific or medical definition to say when a person is under the influence of drugs to an extent where his efficiency as a driver is impaired.

I realise that there is nothing that this Bill can do to correct that situation, but I am wondering if this is not what has brought the conflict with this Section of the Traffic Law and the Section 71 of the Criminal Procedure Code Law.

I support the view that there must be heavy penalties for drunken driving, or if even there was a way of medically determining, within the law, when a person is impaired by the use of drugs. But, it seems to me that somewhere along the line the decision as to whether a person's ability to drive is impaired by the use of drugs, since there is no medical or technical definition within the Law, must be decided by the evidence produced before the court hearing the case; and therefore would normally give the judge discretion. Possibly this is where the conflict has arisen.

As I said, I do not see how we can correct that at the moment, but I am wondering why we are only here seeking to insert the one Section of the Traffic Law where there is a mandatory sentence. I would have thought that this would have been the case also where other mandatory sentences were required. And, since, Mr. President, I am against mandatory sentences in principle, I have some problem with this Section. It may be that the mover can further elucidate this in his winding up as to why we are only putting this one offence after this Section in the Criminal Procedure Code.

The other Section, Mr. President, that is Section 5 of the Bill which seeks to restrict the reporting of evidence taken in preliminary enquiries, I support wholeheartedly. I can see where, particularly in a small community, a person's right to a fair trial could be effected by publication of all of the evidence taken in the preliminary enquiry.

Section 6 I agree with, Mr. President, where the cognizance for a fine can be taken before the Clerk of the Courts instead of the Magistrate. This should certainly lend to speeding up the procedures and the efficiency of the operation.

Section 7, as has been said, seeks to put this Section in line with the amendment already made to the Penal Code and I can support this Section without reservation.

I thank you, Sir.

MR. PRESIDENT: I think perhaps it may be convenient to suspend proceedings for lunch now because I do not think we will perhaps be able to finish the Second Reading Debate on this Bill before.

If therefore this suits Honourable Members, Let us suspend proceedings until two-fifteen. Two-fifteen? until two-fifteen.

AT 12:40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:25 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. Debate on the Second Reading of a Bill for A Law to Amend The Criminal Procedure Code.

I think the Honourable Fourth Elected Member of Executive Council had risen just before we broke off.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1994

DEBATE ON SECOND READING CONTINUED

HON. G. HAIG BODDEN: Mr. President, I support this Bill which is now before the House.

It is in a sense regretful that it has been necessary to take certain steps to limit the publication of matters arising from preliminary enquiries. This step has become necessary because the press, in its greed for reporting matters, have on several occasions in the past interferred with the system of justice and have prejudiced the fair trial of the accused.

A similar law exists in England to prevent the press from twisting the evidence given in a preliminary enquiry in order to prevent jurors from becoming biased because of vicious reporting and sensational headlines on cases reported from the court.

I feel that the press ought to be responsible enough to report the facts as they are, rather than reporting the facts as they would like to see reported; or I should say, rather than report whatever comes to the mind of the person who happens to be writing the story.

I believe in freedom of the press, but that freedom carries with it a responsibility which is set out in the Geneva Convention on Human Rights that the person making the report has a responsibility not to damage the reputation or to interfere with the rights of the individual.

In one of the world's leading publications, the New York Times, it was reported in December, 1993, that Mr Barry Bingham, Snr, who is the chief executive officer of the union newspapers and a former chairman himself of the International Press Institute, put the case against the press with forceful simplicity. He said, and I quote, "You cannot hold on to a free press if it behaves irresponsibly.". And while we have in our midst a few people who are responsible in the press and who try to give fair and accurate reports from the court, from the Legislative Assembly and public meetings, we have one or two vicious and frustrated people who boast about making up stories from the mark road and who boast about their ability to write innuendoes which contains no actual every single fact.

If I may be allowed to quote again from this August publication and the 12th December, 1993 issue, "They (speaking about reporters) twist facts to suit their not so hidden liberal agenda. They meddle in politics, harrass business, invade people's privacy and then walk off without regard to the pain and fear they leave behind. They are arrogant and

HON. C. CAIG GODDEN (CONTINUING): self-righteous, brushing aside most criticism as the uninformed carping of cranks and idec . To top it off they claim that their behaviour is sanctioned, indeed sanctified, by the U.S. Constitution.".

If this happens in a large country like the United States of America, it must happen to a greater degree in a small territory where everybody knows everybody else. So I support this amendment which will now regulate the material that can be reported from a preliminary enquiry and will guarantee that the accused's position will not be prejudiced by vicious and irresponsible reporters.

I also support other Sections of the Bill. One of them seeks to provide that the power of the court, under Section 71 of the Code, to make an order of discharge, shall have no application in connection with the trial of a person under Section 61 of the Traffic Law which relates to driving when intoxicated. And I believe that that Section seeks to impose the mandatory suspension of a license when a person has committed a second offence for driving while intoxicated. And I believe that this mandatory sentence should never be set aside.

The Third Elected Member for West Bay seems to have been a bit confused in that he contradicted himself. He did not agree with the amendment here, but later on in his debate seemed to believe that the provision could be extended to cover cases involving drugs, which in my mind would put more restrictions on the court than the amendment in the Bill.

The other sections, as the Honourable Second Official Member indicated were mostly technical amendments which sought to clear up ambiguities which could arise from the wording of the original Law.

With these few remarks, Mr. President, I support the Bill before the House.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I support this Bill. At first when I received the Bill I had concern over Section 6, but I am grateful to the Honourable Second Official Member for his explanation and I feel as Legislators it is our responsibility to try to make our roads as safe as possible to prevent accidents and fatalities. So with his explanation I have no problem with that.

I am happy to see Section 5, restrictions on reports of committal proceedings. I think it will establish guidelines that the media and the press will have so there can be no misunderstanding of what is within the Law. I think this will help both parties and will help to create more justice in our courts.

Thank you, Sir.

MR. PRESIDENT: Unless any further Honourable Member wishes to speak, I will invite the mover of the motion to exercise his right of reply if he wishes.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I wish to thank all Honourable Members for the support that they have given to the various provisions contained in this Bill.

With regard to the suggestion that the Third Elected Member for West Bay has made concerning perhaps widening the scope of Section 4 to matters other than merely Section 61 of the Traffic Law, I have already indicated to him personally as I do to this House that I shall be quite happy to consider and adopt any suitable amendment which may be cared to

HON. MICHAEL J. BRADLEY (CONTINUING): be moved at Committee Stage to extend.

With those words I commend this Bill to this House.

MR. PRESIDENT: The question is that a Bill for A Law to Amend the Criminal Procedure Code be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) (NO.2) BILL, 1984

FIRST READING

CLERK: THE CRIMINAL PROCEDURE CODE (AMENDMENT) (NO.2) BILL, 1984.

MR. PRESIDENT: The Criminal Procedure Code (Amendment) (No.2) Bill, 1984, subject to the point I made before the First Reading of the previous Bill, that is the Criminal Procedure Code (Amendment) Bill, 1984; that is subject to the substitution of the white slip that has been circulated to Members for the first page on the green printed copy, is deemed to have been read a first time and is set down for a Second Reading.

SECOND READING

CLERK: THE CRIMINAL PROCEDURE CODE (AMENDMENT) (NO.2) BILL, 1984.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move the Second Reading of a Bill shortly entitled The Criminal Procedure Code (Amendment) (No.2) Bill, 1984.

As Honourable Members will have seen from the brief memorandum of objects and reasons that were attached to the published and gazetted copy of this Bill, it seeks to amend the Criminal Procedure Code by abolishing the right of an accused person to make an unsworn statement from the dock.

Mr. President, Sir, when I had the privilege of coming to the Cayman Islands almost two years ago, at that time there was in passage through the Mother of Parliaments in the United Kingdom a Criminal Justice bill there. And at the Committee Stage of that Criminal Justice bill there was proposed, by a backbencher and accepted and adopted by the Government, an amendment to it providing in similar terms what is being sought to provide by this amendment to the Criminal Justice bill.

At present, Sir, under our Law, when a person is accused of any criminal offence he has a right to give evidence upon oath or on affirmation to make an unsworn statement or to be silent.

If an unsworn statement is made, the prosecution has no right to cross-examine upon the contents of such unsworn statement. And the lack of this right has, I fear, recently, in these last couple of years, increasingly become a subject of abuse as it gives such person, who makes an unsworn statement from the dock, the right to lie to the court with

HON. MICHAEL J. BRADLEY (CONTINUING): impunity and to make allegations without putting his own character or issue at issue.

Mr. President, Sir, I have been considering this matter a long time, but it is only now that I thought fit and proper to bring it to this Honourable House.

In August, 1982, in one of our local newspapers, there was a dramatic first and second page article, covering five columns by a journalist who is no longer with us, which had the quiet headline, "Torture death threat alleged at Northward".

This I understand was a report that was repeated in papers outside these Islands; and may I quote from the article, ".... but then he exposed he would probably not be around for his trial in September anyway. He was dying of cancer and starving besides since he had not eaten for the past eight days. He had lost about eighty pounds in prison so far and while he said he did not want to make it seem too melodramatic he allowed that he was probably the only prisoner in the history of that grim fortress, sometimes referred to as Her Majesty's Northward Hotel, ever to have been tortured. He also told the court that the word was out that he would never leave Grand Cayman again"; and so it goes on. And this is almost nearly at the end of the article, "The defendent speaking politely in a rather high pitched tone last week, read an unsworn statement from the dock in which he mentioned, "I am the only prisoner at Northward who knows what torture is. I am kept in complete isolation and any more punishment I could not survive". He said he was also refused medicine until one guard took it upon himself to get it for him, adding that before many times when I asked for medicine they just laughed and slammed the steel door. He was told at another point he said by a certain officer that he would not leave Cayman alive and he said that I cannot live under these conditions anyway.".

Mr. President, Sir, that was a newspaper article based completely on an unsworn statement of a prisoner who was, after it, convicted of the offences for which he had been charged; who far from dying from cancer is still serving his term of imprisonment almost two years later; who made allegations against public officers and members of the Prison force which were headline articles which were not subject to any cross-examination to destroy the gross fabrication that he was maintaining in his unsworn statement from the dock, that did character assasinations of civil servants who had no right to answer back.

After it, I got representations on behalf of his officers from the Director of the Prison and in those representations, Sir, he was concerned rightly because of the affect that it had upon his men. And he said that he had been approached by a number of people asking him why this prisoner was allowed to make statements at court without being cross-examined or questioned by them, thus implying an acceptance of the statement and the truthfulness of it by the Crown.

What was not appreciated by the people who asked him that is the fact that under the Law under an unsworn statement from the dock, no cross-examination can be made.

After this, I went and found out the relevant reasons why the United Kingdom had done it and looking at the amendment which included that in the 1982 Criminal Justice bill, the amendment was moved and supported by Lord

HON. MICHAEL J. BRADLEY (CONTINUING): Diplock, a Lord of Appeal and one of the most eminent jurors who exist in the United Kingdom who said, "The right not to take the oath gave the right to lie to the court with impunity", and was used rapidly as a character destroying cross-examination of people who might be the victims in rape cases and others by the accused lawyer while the accused himself was able to rebut prosecution allegations without putting his own character at issue.

The right was grossly unjust to innocent witnesses and it was not a moment too soon for it to go.

Another Lord Justice of Appeal, Lord Elton, pointed out that in the proposed amendment, as in ours, the right to silence was clearly accepted. The preservation of the unsworn statement was out of place in modern legal procedure.

After that, Mr. President, Sir, I decided that it was a matter that should not be rushed. I consulted the judiciary and the judiciary said that the proposal to do away with the right of an accused person to make an unsworn statement in criminal proceedings would have their full support as there were precedents in other countries and that they, the judiciary, had always taken the view that it is an anomalous hangover from the past which has no merit in the administration of justice.

The accused should elect to give evidence or remain silent. He or his counsel has the right of addressing the court of the conclusion of the evidence when everything that could be properly given weight to in an unsworn statement can be said.

In the opinion of the court and its experience, juries rarely realise or understand the weight to be given to an unsworn statement from the dock.

I consulted, Sir, the Law Society and the Law Society said, "I have canvassed members of the council who are in agreement that the proposal is one which they would support wholeheartedly. It seems only right that while preserving the right of an accused to remain silent, if he does speak his statements should be subject to challenge.".

I consulted an eminent firm of lawyers in this jurisdiction who are not members of the Law Society who said to me, "I have no hesitation whatsoever endorsing the views shared by the court and yourself that it is probably appropriate at this time to abolish the right of an accused person to make an unsworn statement in criminal proceedings. As private practitioners involved a great extent in the practice of criminal law I can see no difficulty in such a proposal and indeed would welcome the same as part of what I feel should be a much more comprehensive package of Law reform which no doubt will be looked into in the foreseeable future.".

Mr. President, Sir, there you have it - a proposal made by Government, supported by the judiciary, supported by the practitioners, following a precedent which has been brought into law in the Mother Parliament: the effect of which is not in any way to lessen or diminish the right of an accused to defend himself, but to protect the defenseless people who can do nothing when calumnies, lies and untruths are made in unsworn statements from the dock, because the unsworn statement from the dock can be published and broadcast with absolute privilege.

I think the time now has come when this relic of 110 to 115 years ago at which time an accused had not a right to go in and give evidence on oath, but merely to make this statement: and that the time has gone full circle and

HON. MICHAEL J. BRADLEY (CONTINUING): I feel that it is in the interests of the community and the interests of defenseless outsiders that an accused, if he wishes to speak to the court to put his point of view, goes into the box, swears on the Bible and is cross-examined on the veracity of it.

Mr. President, Sir, I commend this Bill to the Assembly.

MR. PRESIDENT: The motion before the House is that a Bill for A Law to Amend The Criminal Procedure Code, (Amendment) (No.3) Bill, 1992, be read a second time. The motion is open for debate.

DEBATE ON SECOND READING

HON. TRUMAN M. BODDEN: Mr. President, it seems to be one of those days when the lawyers are doing a lot of talking in the House, Sir.

Mr. President, the short amendment, as the Honourable Second Official Member has very ably and eloquently explained - both as to the history and the background as well as the vast amount of ground-work that he did in consulting the respective bodies which are within the legal profession and the judiciary, is one which abolishes what is undoubtedly in this day and age an anachronism.

The Law follows very closely, as he as mentioned, Section 172 of the Criminal Justice Act of 1982 of the United Kingdom. I agree fully with him.

He has mentioned that there is agreement by the Law Society and also by the judiciary and other members of the legal profession that the unsworn statement has seen its best days about a century ago. In fact, Mr. President, I believe it should have been abolished fifty years ago when the United Kingdom and ourselves abolished the Grand Jury system.

I am a firm believer that there must be an updating and reform of the Law and the right to make an unsworn statement is no longer important either to the accused or the judicial system.

I therefore support this short Bill and I would ask Members to support it also.

Thank you.

MR. CRADDOCK EBANKS: Mr. President, I too give my support to this short amendment to this Bill.

As I said earlier today, for the people to have their rights there are a number of Laws that need to be amended and some that need to be repealed.

I agree, Sir, with freedom to any extent - whether it is in the Church, whether it is in the home, whether it is in the office, whether it is in the public or whether it is in the press, but there must be a drawing line when the freedom is abused. We cannot just leave it as freedom and make people feel, believe and act like there is no limit to their feeling or expressing or doing what they want because it is freedom.

I have said this publicly before, Mr. President, and I will say it now again that the press have made a lot of detrimental setbacks to this country through the articles that they published and which go overseas to hundreds of

MR. CRADDOCK EBANKS (CONTINUING): countries.

I do hope that the Honourable Second Official Member is thinking about bringing back the Defamation Bill to the next Meeting. Then we will know whether we have freedom of the press, freedom of speech, freedom of movement or anything we want.

I stand for freedom, but I stand for what is right to an individual and the people of this country.

I do not know, Mr. President, why some people take the attitude when a law is being amended that it is always for the worse to harness or deprive the people. In my view, Mr. President, we always attempt to do these things for the betterment of the country and the rights of the people.

So I give my support to this Bill, Mr. President, and whatever else I may want to add to it I will do in the Committee Stage, Sir.

I thank you.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak, I will invite the mover ..... ah, the Third Elected Member for West Bay.

MR. BENSON O. EBANKS: Mr. President, I have a lot of sympathy for this amendment, but the proposed amendment does not seem to me to be quite as simple as has been made by some people.

The Section in this Law sought to be amended is Section 67 and as I read the Criminal Procedure Code, this deals with a trial before a Summary Court. And as I see it there is no jury in a Summary Court.

The Honourable mover, in his submission, laid great emphasis on the fact that juries would not be capable of detecting the untruthfulness of an unsworn statement. And I am wondering whether this is the area where we want to put this amendment or not.

Reference was also made to the offence, I believe, of rape. I stand subject to correction, but I believe that the offence of rape carries a punishment as serious as death. And I do not believe that that is an offence that again would tried in a Summary Court.

So it seems to me that we either have to amend the Section 67 which deals with a Summary Court and then go on to Section 129, which I understand to be the Section dealing with trial in a Grand Court where a person can make an unsworn statement. We either have to make two amendments to the Bill or decide which one we are going to do.

I am not quite clear whether the Honourable mover of the Bill, in his readings, mentioned the fact that the accused attorney could put forward the case, but the accused would not be subject to a cross-examination. And what does give me some concern is whether this refers only to persons who are unrepresented in court or whether it deals with persons who are represented as well.

I certainly have no sympathy whatever with persons who are represented by counsel having the right to give unsworn statements. But I am wondering about the situation in a Summary Court where a person might not be represented and elects to give an unsworn statement purely on the basis that he is not capable of standing up to the barrage of a well trained prosecuting attorney.

I also, too, Mr. President, have to admit that the 67A(1) which is proposed to be inserted after

MR. BENSON O. EVANS (CONTINUING): Section 67 (the one that is being amended) seems to me to be contradictory. I thought at first when I read this that the subjects that were being referred to, that the accused could address the court on - the same as if he had been represented, were matters such as pleas of mitigation and the like. But this seems to me to be covered in 67(2) and it leaves me to wonder really what other matters a counsel could address the court or jury on if it was not what could be contained in a statement.

So my short submission, in summary, Mr. President, is that I trust that the Honourable mover will be able to explain fully what appears to be the contradiction in 67(1)(1) and, secondly, to clarify whether we are dealing both with summary trial and trial at the Grand Court; because certainly Section 67 seems to apply strictly to trial in summary court. And if my interpretation of the Law is right, Section 125 deals with a similar situation under the Grand Court. So it appears to me that some clearing up is going to have be done with the amendment if we are going to achieve what the Honourable mover has said that he wants to achieve.

I agree with the submission that the Honourable mover made that a person (a represented person in particular) should not be able to make a statement impuning other persons' characters and leaving his own not subject to cross-examination or revelation by cross-examination.

However, I want to be sure whether we are talking about summary trial, Grand Court trial and whether it refers only to unrepresented persons.

Thank you.

HON. C. KAIE GOODEN: Mr. President, the amending Bill is clear to me in that Section 3 states specifically that the taking away of the entitlement to make an unsworn statement in no way applies and shall not affect the right of an accused person if he is not represented by counsel to address the court or jury. So, the accused, if he is not represented by counsel, would still have the right to address the court o jury otherwise than on oath on any matter on which if he was so represented counsel could address the court or jury on his behalf.

So it would appear to me that the accused person, if he had no lawyer to represent him in court, would have the right to make an opening statement, he would a right to make a closing statement, he would have a right to cross-examine any witnesses and he would have the right to make any statements that a lawyer could make if he had one. Also, the accused person, as is customary, has the right to remain silent. He also has the right to make a sworn statment from the witness box, in which case he can be cross-examined and even after his conviction, if he is convicted, he has the right before sentence is passed to make a statement in mitigation of his case.

So the taking away of the right to make the unsworn statement as the last part of Section 3 states, "shall not affect the right of an accused person, if he is not represented by counsel, to address the court or jury.....".

The amendment, for the reasons outlined by the Honourable Second Official Member, seems to be a very necessary one and I give it my support.

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

MR. PRESIDENT (CONTINUING): If not I will invite the Honourable mover of the motion to exercise, if he wishes, his right of reply.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I wish to thank Honourable Members for the support that they have given to this amendment to the Criminal Procedure Code.

I fear that in my enthusiasm for taking up as little of this House's time as possible when I started speaking this afternoon I did not reiterate the phrases which I used this morning when I attempted to incorporate a short mention of this Bill into the Second Reading speech of the Criminal Procedure Code (Amendment) Bill, 1994. And I fear that the Third Elected Member for West Bay may have been so busy getting himself organised to say that he preferred that it was a different Bill that he did not listen as closely as I might as wished to what I said then and that was that I wished to thank a Member of this Honourable House for bringing to my attention that the new Section which is proposed to go into the Bill to effect this change in the Law is perhaps not being inserted in the most appropriate place in the Law at the moment and that I proposed to move a Committee Stage amendment to place it into the principal Law much further on in the Code.

If I may explain further, that whilst there is a tenant of law that margin notes, head notes and part notes are not part of a law, Section 67 (which it is not intended to amend by this new Section - it is intended to put a completely new Section afterwards) and this new Section would be in a part entitled, "Procedure in the Summary Court".

I intend therefore to move a Committee Stage amendment to say that instead of following Section 67, that it will follow Section 179 in the miscellaneous provisions - thus removing all doubt concerning the matter and making it abundantly clear that the provision is intended to apply and does apply to Summary Court hearings, Grand Court hearings, proceedings when there is a jury and proceedings when there is not a jury.

I also had intended to mention at that time that I had ready and would have had in front of Members this morning if unfortunately the word processor in the Government Administration Building had not broken down again, an amendment to this Bill providing for a short consequential amendment to Section 129 which has been mentioned by the Third Elected Member for West Bay.

I thank him, nevertheless, for his carefull and diligent search and bringing the points to his notice. I know I can always rely upon him, if ever I nod, to awaken me with a sharp jolt. In this case I had dreamt about it and did not need awakening on it.

On a more serious note, Mr. President, Sir, I consider that this Bill, this provision, is long overdue. It will prevent something that I consider is undesirable in extreme occurring. It will not in any way minimise the rights of an accused person.

If an accused person is not represented as the Honourable Fourth Elected Member of Executive Council has correctly said, that person who is unrepresented may do and say everything, that if he was represented, his counsel could say. It reserves for him the right to say anything in mitigation of a sentence as he wishes and I feel quite sure that our courts, in the mercy and generosity, will afford to an unrepresented person every assistance in saying to the court and to the jury what they wish to say if they are unable properly so to articulate it

HON. MICHAEL J. BRADLEY (CONTINUING): themselves.

May I commend this Bill to the House?

MR. PRESIDENT: The question before the House is that a Bill for A Law to Amend the Criminal Procedure Code , the Criminal Procedure Code (Amendment) (No.2) Bill, 1994, be read a second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE PARLIAMENTARY PENSIONS BILL, 1994

FIRST READING

CLERK: THE PARLIAMENTARY PENSIONS BILL, 1994.

MR. PRESIDENT: A Bill shortly entitled The Parliamentary Pensions Bill, 1994, is deemed to have been read a first time and is set down for a Second Reading.

SECOND READING

CLERK: THE PARLIAMENTARY PENSIONS BILL, 1994.

HON. D. H. FOSTER: Mr. President, I beg to move the Second Reading of a Bill shortly entitled The Parliamentary Pensions Bill, 1994.

Mr. President, earlier this year when you delivered the Throne Speech mention was made of the intention of bringing forward this legislation later in the year.

At Committee meetings dealing with other subjects, precedence of this legislation in various other territories was circulated and if I am not mistaken, Members decided on the precedent that we wanted to follow.

As a result, Mr. President, we have put forward today legislation and it seeks to introduce a scheme enabling pensions to be paid to persons who have served for a certain time as Elected Members of the Legislative Assembly since the 1st of October, 1950.

The Bill is drafted on the order of the Assembly Law of Barbados.

It also seeks, Mr. President, to make provision for pensions for persons who have served as Elected Members of Executive Council and, lastly, it makes provision in certain circumstances for the widow and children, in the event of the death of a pensioner, to receive a pension.

Mr. President, I would be stupid to make myself believe that this is not going to be controversial because we have seen it in the paper, we have seen it just outside the House before we entered it at two-fifteen so I know it is likely to be controversial. And I by no means wish to get mixed up in a political battle with the politicians, but I said it, Sir, and I say it from the bottom of my heart that politicians have a very ungrateful job. They work hard, they put in long hours with their constituents, they try to do things for them that sometimes I do not think I would really do, Sir, because they come to me after a while. So I know in certain ways how they try to help them.

The Executive Council Members work very hard and come out at all odd times for meetings and although

HON. D. H. FOSTER (CONTINUING): some Members in the past and maybe in the future might be well provided for, there is just the odd chance that there might be a Member or a couple who may not have lots of money stacked away to live off when he retires, and that legislator may welcome a little pension to help keep him alive.

Mr. President, I am not going any deeper into this, Sir, but I ask Members to look at it very cautiously and very constructively and I recommend it to all.

MR. PRESIDENT: The motion is that a Bill shortly entitled The Parliamentary Pensions Bill, 1984, be given a Second Reading. The motion is now open for debate.

DEBATE ON SECOND READING

MR. W. NORMAN BODDEN: Mr. President, I am not adverse in principle to the scheme that this Bill seeks to establish as I fully realise and appreciate the fact that there are several outstanding citizens who have served and are still serving this country well with little or no compensation. However, Mr. President, having said that, before I can give this Bill my support I would like to know or have some idea as near as possible the amount that it is anticipated this pension scheme is going to cost.

It could very well be found that this will result in a costly commitment on the revenues of this country far into the future and one day become a serious burden on Government.

I understand that this Bill is modelled under similar legislation in Barbados, but for comparative purposes it would be useful to find out what some other countries are doing in this regard. In other words it would appear that more research on this matter would have been useful.

Furthermore, Mr. President, this Bill certainly conveys a distinct impression that I truly find unacceptable at this time and that is that it gives the distinct appearance that legislators are in fact paving the way for a financially healthy and secure retirement plan for themselves and their dependents before providing some similar, and I dare say much needed, security programme for particularly the elderly people of this country; people who have voted us into this Honourable House as their representatives and as their representatives expect us to protect their interests. And I cannot truly say that I believe that is being served fully in this case.

Additionally, it follows so closely on the heels of the increases recently made in allowances to Elected Assembly Members, not denying for one moment that an increase was not justified.

Another concern I have, Mr. President, is that if this trend is continued we are no doubt fast reaching the stage when financial reward will be a determining factor for seeking a seat in this Honourable House rather than a genuine, willingness and unselfish desire to give a dedicated service to the public as heretofor.

Mr. President, I strongly feel that our priorities must be placed in order and kept there. I disagree with the priority attached to this Bill and the efforts to expedite its passing when there are so many other pressing needs in our country that could certainly use more financial backing. Probation and Welfare is one Department of Government that I am sure could put increased funds to very good use in our community if placed at its

MR. W. NORMAN BODDEN (CONTINUING): disposal.

Finally, Mr. President, I share the view that a bill of this nature should have been introduced at a more appropriate time, like at the beginning of a new Session when the reaction from constituents have been fully aired and its effects fully studied in detail.

I therefore do not support this Bill at this time.

Thank you.

MR. PRESIDENT: I think it may be a convenient moment to take our customary short afternoon break and I will therefore now suspend proceedings for approximately fifteen minutes.

AT 3:35 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:50 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The Second Reading Debate on a Bill shortly entitled The Parliamentary Pensions Bill, 1984.

The Third Elected Member for George Town I think was .....

MISS ANNIE HULDAH BODDEN: Mr. President, Sir, I was somewhat shocked to receive this draft Bill to provide pensions to persons who have served as Members of the Legislative Assembly and the Executive Council.

I have heard all kinds of comments. People have called me and said, "You know what, they are drafting this Bill because they want you out of the Legislative Assembly and they know if you get enough money you will leave.". (LAUGHTER) I say you must be crazy. I do not need your money. I have worked for myself before I was sixteen years old. I am not in the majority of women who spend $40 or $60 to get their hair curled up every week and who go to Miami to get a new frock. I was raised poor and I live very economically. And now that God has helped me, I still can take care of Annie Huldah Bodden.

I am here in this Legislative Assembly for the purpose of serving the public of the Cayman Islands which I have done from before I was sixteen years old. And it is rather generous to think about me, if they thought about me, but I am very sure all the money in Fort Knox could not buy Annie Huldah Bodden.

I think the timing is wrong, Sir, because I feel that there are many, many more projects which deserve consideration. Now I do not disagree that there are some Members who have served as Members of this Legislative Assembly for many years who may be in sort of bad straits. And I feel that Government in its wisdom, if they have the money, could hand out a little donation to them once in a while. But as for Annie Huldah Bodden, I do not need and I do not want it because I feel that anything that we do for our country should be free of charge.

The pleasure I get out of serving in the Legislative Assembly, Sir, is that I have everything else in life that a woman requires. God never provided me with a husband for which I am very happy and I do not have any family. But apart

MISS ANNIE HULDAH BODDEN (CONTINUING): from that. I have been the man in my family from before I was sixteen years old. I served the Government from scrubbing the Clerk of the Courts office because when my employer was appointed Clerk of the Courts in 1930 he was getting £12 a month. And believe it or not, Sir, Government did not even have a proper broom to sweep out the office. And, I, because in my appreciation to the man since he had helped me a lot, would go and break a lilac bush to sweep out that office. Sometimes when it came to a show-down I had to scrub it - not that I had to do it, but I felt that the Island was so poor then and anything that could be done to assist, people should do.

Now that we have become so prosperous and money is flowing everywhere (and whether we do or do not hate this Government) we must admit that there is more money in circulation in these Islands within the last, I would say, ten years than ever before in history. And while I appreciate their thoughtfulness (and those who want to accept it are quite at liberty to do so) and if the Law is passed (I am seventy-six years of age - well over the fifty-five), if I were to be given anything I will do with it what I do with most of the salary I get. I will give it to people who are less fortunate than I am.

I feel, Sir, that we would be the laughing stock if we come in here and vote money for ourselves. We do not know how much it will cost and there is not a soul in this House who could not well afford to do without that money.

I feel that if there is so much money that needs to be spent, there are a lot of poor people whom we could help. And if it comes to a show-down and Government was to get a committee together to see who these actual poor people are and use any amount that it might have for this pension scheme to distribute to them, it would be well spent.

I will oppose it because I do not think that anyone who serves this country, for the love of serving this country, should want this pension. We do not need it. Not a soul in this House needs money. Everybody whom I see around have three or four houses (some of them), cars, boats and everything. And it is not necessary for us to be paid to serve for the good of the Cayman Islands.

I have served for the last twenty-two years and it is the pleasure of my life to serve and I do not want any pay for it.

Thank you, Sir.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I do not rise, Sir, to condemn the Bill, but I rise to oppose this Bill.

First of all, Mr. President, we are asked to support this Bill when we do not know what it is going to cost the country.

Before one can agree to pass a Law or any appropriation, one must first know what it is going to cost. This we do not know at this moment, nor has anyone told us.

Secondly, Sir, we received the Bill very late; I have had no time to take it to my constituency to discuss it with them or to see what their reaction would be. And without having their agreement, I cannot support it.

I also feel that it is most unfortunate to bring this Bill at this time when we are nearing the end of an elected term in Office.

To bring a Bill at this time, Sir, leaves us wide open to criticism by the people for whom we are here

CAPT. CHARLES L KIRKCONNELL (CONTINUING): trying to get all that we can as fast as we can from this country.

I do not agree, Sir, that this Bill should be retroactive to 1959 as the Executive Council Members serving were only given responsibility for Portfolios in 1972 when the new Constitution was introduced.

I know there are many pressing needs in our Islands that should be dealt with before any Legislator here thinks of a pension for his or herself.

We were put here by our people to represent them and to attend to the needs of our country. We were not put here to provide for ourselves and our families.

If there is any good that we can do here in this Assembly that we can derive a benefit as a side issue, that is a different thing. But, to come here to this House and to vote myself a pension, I feel, would be doing a grave injustice to the people who elected me to represent them in 1980.

I know, Mr. President, that there are demands on Members in time today greater than in years gone by and I also realise that there are many Members who are not financially well-off and who may need some assistance when they reach the age of fifty-five.

We should have been given time to study the Bill and to discuss it with our people before bringing it here, than to pass it hastily behind their backs, so to speak, and lose the confidence of the people who put us here.

Mr. President, I cannot support this Bill and I hope that other Members will reconsider their position before voting for it to pass.

I thank you, Sir.

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

MR. CRADDOCK EBANKS: Mr. President, I will be honest with you, Sir, but I would prefer not to start now because I am not going to finish in twenty-five minutes and I would hate to break off and get away from the trend of my thinking.

MR. PRESIDENT: Well the Second Elected Member for the Lesser Islands also rose at the same as you.

MR. CRADDOCK EBANKS: I am sorry, I did not realise.

MR. PRESIDENT: No, I understand, but perhaps he would like to speak first?

CAPT. MABRY S. KIRKCONNELL: Mr. President, I cannot support this Bill as it is presented to us here today. I stand here representing the Third Electoral District which comprises of Cayman Brac and Little Cayman and I was elected by telling the people that I would serve their interests to the best of my ability and to vote for a pension for myself of this amount of money, if and when I do qualify I should add, would not be doing what I intended to do when I stood for election.

I fully realise that many before and many after me will serve and give their time to the country and I am very appreciative to all who have served in this House in the past. I feel it would be very appropriate if we, as sitting Members of this House, were to establish a fund that would provide for past, present and future Legislators who definitely need financial assistance - not that all of us would be eligible.

CAPT. MAJOR S. KIRKCONNELL (CONTINUED): I realise there is a Clause in this Bill whereby you can renounce it if you so desire, but unfortunately none of us know what the future holds.

Therefore, Mr. President, I cannot support it as it is presented. I would have liked to have had more time. After receiving it, I did take it to the different districts within my constituency and I could not find one member of the Lesser Islands who was in agreement with it. Therefore, assuming my responsibility as a representative, Mr. President, I cannot support this Bill as presented.

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

MR. CHADDOCK SEAVKS: Mr. President, I have worked thirty years for this country and I can face this Government, and I can face God, but I have never asked or begged for one penny for my services during the thirty years that I have been here.

Let me back-track a little bit, Sir, if you will allow me.

When the war started, I was in the Merchant Marines sailing out of Jamaica across to Liverpool. When I left, I joined the T.R.V.R. (Trinidad Royal Navy Volunteer Reserves). I had a wife and I spent four and a half years working for $30 a month (Eastern Caribbean dollars - which was not worth or equal to the Cayman pound). My wife got $25 and I kept $5 for myself. I was a clean, honest, young man and it was my duty to do what I could for my country. Like the millions of other servicemen who sacrificed their lives (many who gave their lives for their country), I looked upon it as an honour and a privilege. Financially I was poor and broke when I left and came back home.

A year after I was home I went back to sea with the Merchant Marines and spent five years back and forth. I had it in my noodle to bring home a used truck to throw myself on the mercy of the roads. The first job I got was with Government, at the beginning of transporting the pupils from North Side to the then Presbyterian High School at the back of the existing Library for fifteen shillings a day. I would get up at seven o'clock in the morning and get home at four or five o'clock in the evening. I supported a wife and a child on fifteen shillings a day if I carried five children, but if I carried two children I got six shillings.

Again I felt that I was trying to do something to help the country. I again had it in my noodle to attempt to get in, to what was then termed, the Vestry. It was not the running around and playing politics and dirty games, telling false things, criticising and running down other people - it was simple to get in. Not only the constituency of North Side, but the population of the whole Island supported me over the years and that is why I have been here for thirty years.

During my first few years in the then Vestry, I had a few jobs in the day, but when the Vestry was in session I parked my old truck under the guinea tree and gave up what I was supposed to be working for. I would go into the Town Hall and sit down and one could not even get a glass of water for their service. I would park my truck giving up the opportunity of making £4 or £5 a day and go inside.

I stepped out a little further and built up a trucking business. I got into the transportation of school children. I got very little for that. But when it came to the point that I could not do my work on the outside, pertaining to my own business

MR CRADDOCK EBANKS (CONTINUING). to keep it going the way it should have been going to benefit myself and to keep my commitment to the country and the people by being in the House, if I was going to stay in here, was to sacrifice and give up my bussing business. In fact I did. Finally I got rid of my bus because the time required in the House gave me little time for my business. I could not do both, and yet still not getting anything, Sir, I was prepared to continue. I knew when I was elected for the first time that I was not going to get anything.

I am wondering, Mr. President, whether the glory that is now resting over this country and if it just rained down the Elected Member of this House and the past House, and the past House, and the past House did not do anything to bring to this country what it is enjoying today.

If that be the case, Mr. President, then we should abolish the Legislative Assembly. We do not need a House with Elected Members - we do not need anything. If we just leave it, all would come down. After one becomes an Elected Member, one puts in every effort to make a better country, but it does not mean that one does not get licked across the head. But, one must forever continue to work and when he or she cannot bear it, the bundle of roses must be put down in the grave for them.

Is that all the Legislators are supposed to work for? Some will say some should be dead before now, but thank God for my good health and a long life, and I hope to have more. And if it is the desire of my people, I will come back. And I am not going to make more promises than the ones I have always made. I am not going to run around anybody's door to find out who they are going to vote for.

Mr. President, there was an increase in salaries a few months ago and this is not the first time. It has been increased as the years come and go. In most cases the private sector pays for these increases in the various ways, and within a year of the Civil Servants getting an increase, you hear, "Well, I wonder if we are going to get a little raise again next year", or, "When are we going to get the next raise". They say, "Don't you think it is time for us to get another raise? . Yet, the poor Legislature must go on and on and his raise goes down. People say age is catching up on me. Disrespect is shown me because they say I am getting too old now.

We have some of the most ungrateful human beings in the world today in this country.

Every individual who works for this country and this Government, Mr. President, must be paid and they should be paid. And I for one have voted their money year after year that they be paid. On top of that, Sir, it was the opinion that every Civil Servant should have a pension. If they did not accept the pension, they would be paid a lump sum gratuity.

I have never heard anyone say that Civil Servants should not have a pension. Mr. President, we have had people work for this Government who were not Caymanians and one can go back and look at the Government records and one will find that they are being paid pensions as far back as the 1940's and still drawing their pensions now. They are still drawing tax payers' money as pensions. They may even be dead, but the pensions are still being paid. You do not hear anybody saying anything about that. But twelve Elected Members, elected by the people of their districts, must slave all their lives and be criticised, chewed, licked and bit upon because Government felt it was time (following the example of other democratic countries where people are being

MR. CRADDOCK EBANKS (CONTINUING): recognised) for Members to have a pension.

The Bible is true, Sir, one's own people are the worst foe. Let me tell you, Mr. President, the Caymanians and local people are ready to push the Elected Members in here down, because felt they should be remunerated. If they live long enough, they are going to see some worse days than this. When the man with Caymanian status gets in here and starts to run this House, then they will know where the salaries, pensions and benefits are going.

Mr. President, my wife and I raised two boys of high standards. They have seen some hard and poor days. But I am thankful that they had enough interest in themselves and with the assistance I gave them to get an education, they are able now to find their rightful place to obtain a living.

I see worse happening to this country than the twelve Legislators getting a little pension. Some of the same people who are criticising and dragging us down are making their families go to destruction. How can any rightful thinking person feel that any hardworking individual (whether it is a man or a woman) should not be paid at some stage for their work, service, honesty and integrity such as the twelve Elected Members in this House, including the previous Members.

There may be some Members who were reasonably well off when they got into the Legislative Assembly, but when one started life for four and a half years at $30 to serve this country and come back for thirty years and for the first ten to fifteen years one did not get a glass of water from Government to quench one's thirst, it is a shame and a reproach to offer and to make it possible for Members to get a pension and they in turn are put to shame to accept it. Next year they will be asking if they are going to get a raise. What a bunch of hypocritical criminals we have.

Mr. President, it about two minutes to four-thirty and I have not started, so I would think we should adjourn now. Thank you, Sir, for the time, but I am not finished yet. I will come back.

Thank you.

ADJOURNMENT

HON. DENNIS A. FOSTER: Mr. President, I would like to move the adjournment of this House until 10:00 a.m. tomorrow.

MR. PRESIDENT: The motion is that this House do now adjourn until 10:00 a.m. tomorrow. Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. AT 4:20 THE HOUSE ADJOURNED UNTIL 10:00 A.M., TUESDAY, 9TH MAY, 1984.

SECOND MEETING OF THE 1984 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON TUESDAY, 8TH MAY, 1984
SECOND DAY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON. D. H. FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. T. C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. JOHN J. McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON. TRUMAN M. BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON. JAMES M. BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. D. DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BENSON O. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. W. NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT. MABRI S. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

SECOND DAY

TUESDAY, 8TH MAY, 1984

1. PRESENTATION OF PAPERS AND REPORTS

(i) CAYMAN AIRWAYS AUDITED ACCOUNTS (YEAR ENDING 30TH JUNE, 1983) TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD ELECTED MEMBER.

(ii) CAYMAN ISLANDS POLICE REPORT

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER.

(iii) SELECT COMMITTEE

REPORT ON COMPANIES MANAGEMENT LEGISLATION TO BE LAID ON THE TABLE BY THE HONOURABLE SECOND OFFICIAL MEMBER.

2. QUESTIONS:

THE FIRST ELECTED MEMBER OF THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO.42. Will the Member state -

(a) The number of banks and trust companies licenced to carry on business in and from the Cayman Islands?

(b) The benefits received in the form of -

(i) Licence fees?

(ii) Direct expenditure?

(iii) Number of persons employed?

THE FIRST ELECTED MEMBER OF THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO.43. Will the Member state what progress has been made regarding the new terminal building at Gerrard-Smith Airport in Cayman Brac?

THE FIRST ELECTED MEMBER OF THE LESSER ISLANDS TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.44. Will the Member state what progress has been made to upgrade and improve the Faith Hospital in Cayman Brac?

3. GOVERNMENT BUSINESS

(a) BILLS:

(a) The Parliamentary Pensions Bill, 1984 - SECOND READING CONTINUED

(b) The Court of Appeal (Amendment) Bill, 1984 - FIRST & SECOND READINGS

SUSPENSION OF STANDING ORDER 46(1) BY THE HONOURABLE THIRD OFFICIAL MEMBER TO ENABLE THE FIRST AND SECOND READINGS OF THE CUSTOMS (AMENDMENT) BILL, 1984 TO BE TAKEN

(c) The Customs (Amendment) Bill, 1984

SUSPENSION OF STANDING ORDER 46(1) BY THE HONOURABLE THIRD OFFICIAL MEMBER TO ENABLE THE FIRST AND SECOND READINGS OF THE COMPANIES MANAGEMENT BILL, 1984 TO BE TAKEN

(d) The Companies Management Bill, 1984

COMMITTEE ON BILLS

(a) The Legal Practitioners (Amendment) Bill, 1984
(b) The Criminal Procedure Code (Amendment) Bill, 1984
(c) The Criminal Procedure Code (Amendment) (No.2) Bill, 1984
(d) The Parliamentary Pensions Bill, 1984
(e) The Court of Appeal (Amendment) Bill, 1984
(f) The Customs (Amendment) Bill, 1984
(g) The Companies Management Bill, 1984

REPORT ON BILLS

(a) The Legal Practitioners (Amendment) Bill, 1984
(b) The Criminal Procedure Code (Amendment) Bill, 1984
(c) The Criminal Procedure Code (Amendment) (No.2) Bill, 1984
(d) The Parliamentary Pensions Bill, 1984
(e) The Court of Appeal (Amendment) Bill, 1984
(f) The Customs (Amendment) Bill, 1984
(g) The Companies Management Bill, 1984

THIRD READINGS

(a) The Legal Practitioners (Amendment) Bill, 1984
(b) The Criminal Procedure Code (Amendment) Bill, 1984
(c) The Criminal Procedure Code (Amendment) (No.2) Bill, 1984

(b) GOVERNMENT MOTIONS

(i) GOVERNMENT MOTION NO.5/84
APPOINTMENT OF SELECT COMMITTEE

TO BE MOVED BY THE HONOURABLE THIRD ELECTED MEMBER

(ii) GOVERNMENT MOTION NO.6/84
HOUSING DEVELOPMENT CORPORATION

TO BE MOVED BY THE HONOURABLE THIRD ELECTED MEMBER

(iii) GOVERNMENT MOTION NO.7/84
SELECT COMMITTEE ON INTOXICATING LIQUOR

TO BE MOVED BY THE HONOURABLE THIRD ELECTED MEMBER

TABLE OF CONTENTS

	PAGE
Audited Accounts of Cayman Airways Limited for the period ending 30th June, 1983 - Laid on the Table	1
Cayman Islands Police Report - Laid on the Table	1
Select Committee Report on Companies Management - Laid on the Table	1
Questions	3
The Parliamentary Pensions Bill, 1984 - Continuation of Second Reading debate	
Mr. Craddock Ebanks	8
Mr. Dalmain D. Ebanks	10
Hon. Truman M. Bodden	10
Hon. T.C. Jefferson	17
Hon. John B. McLean	18
Hon. James M. Bodden	20
Mr. Benson O. Ebanks	22
Hon. G. Haig Bodden	27
Division	37
The Court of Appeal (Amendment) Bill, 1984 - First and Second Readings	38
The Customs (Amendment) Bill, 1984 - First and Second Readings	41
The Companies Management Bill, 1984 - First Reading	43
Second Reading	44
Government Motion No.5 of 1984 - Appointment of Select Committee	45
Government Motion No.6 of 1984 - Housing Development Corporation	48
Government Motion No.7 of 1984 - Select Committee on Intoxicating Liquor	49
The Legal Practitioners (Amendment) Bill, 1984 - Committee thereon	50
The Criminal Procedure Code (Amendment) Bill, 1984 - Committee thereon	52
Adjournment	54

TUESDAY

8TH MAY, 1984

10:00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Presentation of Papers and Reports - Cayman Airways Accounts.

PRESENTATION OF PAPERS AND REPORTS

CAYMAN AIRWAYS AUDITED ACCOUNTS

HON. JAMES M. BODDEN: Mr. President, I beg to lay on the Table of the House the Audited Accounts of Cayman Airways for the period ending 30th June, 1983.

MR. PRESIDENT: So ordered.

CAYMAN ISLANDS POLICE REPORT

HON. DENNIS H. FOSTER: Mr. President, I beg to lay on the Table of this Honourable House the Report on the Cayman Islands Police Force for 1983, Sir.

MR. PRESIDENT: So ordered.

SELECT COMMITTEE
COMPANIES MANAGEMENT LEGISLATION

HON. MICHAEL J. BRADLEY: Mr. President, in accordance with Standing Order 72(5), I beg to report as Chairman of the Select Committee appointed in November, 1983, on the Companies Management Legislation, that the Report is herewith laid upon the Table and would beg with permission, Sir, to make a brief report thereon.

MR. PRESIDENT: Granted.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, as Honourable Members are aware on the 21st of November, 1983, this Legislative Assembly passed the following motion -

> "BE IT RESOLVED that this Honourable House do, in accordance with Standing Order 69 of the Legislative Assembly Standing Orders, 1976, constitute a select committee of all Members of the Legislature, Elected and Official to consider and report upon the activities of persons engaged in the business of providing in or from within the Islands management services for companies and to to make recommendations as to whether any legislation is [redacted] or desirable to control and regulate

HON. MICHAEL J. BRADLEY (CONTINUING):

such activities, and if it is so considered, to make recommendations as to what forms of control and regulations are appropriate:

AND BE IT FURTHER RESOLVED that this Honourable House do appoint all the Members of the Legislative Assembly both elected and official, to be members of such committee.".

That motion having been passed, Sir, you as President appointed me as Chairman, I duly held between the 4th of January, 1984 and the 7th of May, 1984, nine meetings of the Select Committee.

This Select Committee, at its first meeting held on the 9th of January, agreed that the lawyers and bankers in the community should have a draft of a Management Legislation that had previously been prepared in the Attorney-General's chambers and circulated to them for comment, that this draft also be circulated to Members and that I, as Chairman, issue a release to the media inviting views and comments from the public; and that I, together with the Honourable Financial Secretary who has Portfolio responsibility, would go through legislation on companies from other territories and bring to the notice of the Select Committee those considered useful or relevant.

Subsequently, representations were received from the Cayman Law Society, the Cayman National Bank and Trust Company, Mr. Gordon Barlow, Guinness Mahon & Associates, Messrs Charles Adam & Company and Universal Consultants.

At subsequent meetings; an entire meeting was spent dealing with a meeting with representatives from the Law Society who had considered and made detailed recommendations and submissions concerning the draft legislation.

A further setting of the Select Committee met and discussed, with the people who had made representations, matters relevant to the terms of the Select Committee: namely, Mr. Robert Moyle of Universal Consultants, Mr. Gordon Barlow, Mr. John Collins of Guinness Mahon, Mr. Peter Tomkins of Cayman National Bank and Trust, Mr. Charles Adams of Charles Adams & Company and Mr. Paul Harris of International Management Services.

Having considered all these representations, the next three meetings of the Committee were spent going into detail and discussing and having drafting instructions given to me as Chairman. Eventually a Bill was prepared and at the final meeting of the Select Committee it was directed that the Draft Bill was approved by the Select Committee and the Report which I have laid on the Table recommends that the Bill be presented at this Meeting of the Legislative Assembly by my colleague, the Honourable Third Official Member. A copy of the Bill, together with the Minutes of the proceedings of the Select Committee, are attached to the Report and have been circulated to Members.

I will not, Mr. President, go in detail into the various measures proposed in the Bill as it is my understanding that my Honourable colleague, the Third Official Member, will do so when moving the Second Reading of the Bill.

Thank you.

MR. PRESIDENT: Am I correct that you are moving, under Standing Order 72(6), that the recommendations in the Report be adopted? Yes. So the motion is that the recommendations in the Report of the Select Committee on Companies Management, which recommendation

MR. PRESIDENT: (CONTINUING): is that there should be a Bill dealing with the matter introduced to the House, that that recommendation should be accepted. Does any Honourable Member wish to speak on the motion? If not I will put the question that the Report of the Select Committee on Companies Management be adopted.

QUESTION PUT: AGREED. REPORT ADOPTED.

MR. PRESIDENT: Item 2 on the Order Paper - Questions, The First Elected Member for the Lesser Islands.

QUESTIONS

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 42: Will the Member state:-

(a) The number of banks and trust companies licensed to carry on business in and from the Cayman Islands?

(b) The benefits received in the form of -

(i) Licence fees?
(ii) Direct expenditure?
(iii) Number of persons employed?

ANSWER: (a) The number of banks and trust companies licensed to carry on business in and from the Cayman Islands as at 30th April, 1984, was 449.

(b) The benefits received in the form of -

(i) licence fees for the current year (to 30th April) total CI$4,324,500;

(ii) direct expenditure - the latest figure available is for the year to 31st December, 1982 - CI$38.2 million;

(iii) number of persons employed - the latest figure available is as at 31st December, 1982: 833 employed locally.

SUPPLEMENTARY:

CAPT. CHARLES L. KIRKCONNELL: Could the Member state when he will have some updated figures - that is for 1983?

HON. T. C. JEFFERSON: Mr. President, it is difficult to estimate it. We are dealing with 449 banks and trust companies and the accounts are certified by the auditors at some stage between January and June.

I would perhaps think that by August or September we may have the final figures.

MR. PRESIDENT: Unless there is any further supplementary, I will invite the Member to ask question no. 43.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 13: Will the Member state what progress has been made regarding the new terminal building at Gerrard-Smith Airport in Cayman Brac?

HON. JAMES M. BODDEN: Mr. President, this question dealt more with my Portfolio than it did with the other one, therefore I was requested to answer it.

ANSWER. The Chief Engineer has advised that preliminary plans and costings have been completed and will be forwarded to the EEC Commission through the Honourable Financial Secretary. Because of the addition of jet service to Cayman Brac, it was necessary to redesign the building to cope with a projected increase in passengers.

Honourable Members of this House are aware that no funds from General Revenue have been appropriated for a new terminal building in Cayman Brac this year. We will, therefore, have to use EDF funding for this project and as this is a slow process, it may be quite some time before approval can be secured.

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: Mr. President, a supplementary, Sir. There is a sum of $200,000 in the 1984 estimates. There was also a sum of $500,000 in the 1983 estimates. I see here that it is from General Revenue. He refers here that no funds are available from General Revenue. What about the $200,000 that is in the estimates. Could we not use that?

MR. PRESIDENT: Could you identify the $200,000 a bit more precisely?

CAPT. CHARLES L. KIRKCONNELL: Yes, Sir, $200,000 is in Capital Expenditure for the terminal building at Gerrard-Smith Airport.

HON. JAMES M. BODDEN: Mr. President, the question is really in two parts. The Member referred to $500,000. I think every Member of the House is aware that a vote that is not spent by the end of the year is dead as far as that financial year is concerned. So if this $500,000 was in the 1983 figures (unless it was revived for 1984) that would be a dead issue.

The $200,000 that he is speaking about, I am not fully aware of, but I think that is for work on the shoulders and to repair a part of the present runway that has been giving quite a bit of trouble since the new runway was opened.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, before I make a question, Sir, I would say that I am aware that the 1983 estimates go out with the year 1983. I am quite aware of that fact, but there is $200,000, Sir, and it says the terminal building, to the best of my knowledge, and if it is being used for the shoulders I am not aware of it. I would like to get a clarification on this, Sir.

MR. PRESIDENT: Do you have a copy of the estimates?

CAPT. CHARLES L. KIRKCONNELL: No, Sir, I do not.

HON. JAMES M. RODDEN: Unfortunately I do not have a copy of the estimates here with me either, Sir, but if there is $200,000 in the budget this year for the Cayman Brac terminal building, to do anything with that we would really have to do a miracle because the estimates cost of the project, as estimated by the Public Works Department, is $3,510,000. So I do not know what we could really do with $200,000. We might be able to cut the ditches for the foundation.

HON. T. C. JEFFERSON: Mr. President, to the best of my knowledge, I think the $200,000 relates to the loan from EEC.

MR. PRESIDENT: I have a copy of the draft estimates now and the only $200,000 I have so far succeeded in finding in the draft estimates does relate to the European Development Bank fund money. This is item 13 of the Capital Estimates in the draft estimates and I do not know whether they were approved in this form. It shows $500,000 as approved in 1983 and $200,000 is for 1984 estimates which accord with your figures, but they are both European Development Bank fund money. So perhaps that is the explanation, perhaps it is just EDF money.

Unless there is any further supplementary, I will invite the First Elected Member for the Lesser Islands to ask the next question.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 44: Will the Member state what progress has been made to upgrade and improve the Faith Hospital in Cayman Brac?

ANSWER: Since 1980 continous improvements have been made to the Faith Hospital through renovations of facilities, construction of new facilities and through the purchase of technically advanced medical equipment. To demonstrate this progress I have grouped improvements into three (3) categories, capital facility, medical equipment and recurrent supplies. The figures for dollar costs have been rounded off.

Capital Improvements

1. New operating theatre, kitchen, dining room, delivery and recovery rooms ..... CI$100,000
2. Central airconditioning throughout hospital (price to be provided in writing)
3. Renovations (in progress) of
   (a) the old lab.
   (b) X-ray and examining rooms, patients' bathrooms and nursing station ..... CI$ 71,000
4. New cistern ..... CI$ 38,000
5. Laundry ..... CI$ 11,000
6. New ambulance (radio equipment)..... CI$ 12,000
7. New twelve (12) passenger van for transporting children for dental treatment and patients to hospital ..... CI$ 9,000

HON. TRUMAN M. BODDEN (CONTINUING):

Medical Equipment

1.	Autoclave for central sterile supply	CI$	22,000
2.	Delivery table	CI$	6,500
3.	Incubator	CI$	3,000
4.	Transport incubator	CI$	2,500
5.	Cardiac monitor	CI$	3,500
6.	Cardiac defibrillator	CI$	3,000
7.	Infant crib and mattress	CI$	750
8.	Lab microscope	CI$	2,400
9.	Emergency crash cart	CI$	900
10.	Radio and paging equipment including the ambulance	CI$	5,500
11.	Replaced all beds with electric beds	CI$	4,800
12.	Examining lamps and patient screens	CI$	2,800
13.	Advanced X-ray equipment	CI$	45,000
14.	Replaced dental chair and equipment	CI$	2,500
15.	Assorted tables, carts and other smaller medical equipment	CI$	5,000

Staff Changes

	1980	1984
Doctors	1	2
Nursing Supervisors	1	1
Nurse anesthetist	0	1
Nurse midwives	3	3
Senior nurses	3	4
Practical nurses	4	4
Lab assistant	1	1
Ambulance driver	0	1
Security	0	1
Clerical officer	1	1
TOTAL:	15	19

Faith Hospital Storeroom Supplies

Approximate totals for 1983 and 1st quarter of 1984.
Previous years can be estimated on a decreasing quantity.

Apparel	412	Infusion/Admin sets	18
Autoclaving	519	Lab supplies	1,260
Blades and handles	536	Needles/syringes	3,007
Catheters/drainage bags	223	Ortho supplies	584
Diagnostic inst. and access	103	Oxygen supplies and airways	27
Dress/bdges/sponges	5,423	Sundries	2,951
ECG supplies	1	Sutures	621
Equipment	12	Tubes/tubing/ cannulas	109
General supplies	280	Utensils	24
Gloves	1,302		

TOTAL: 25,402 units

CAPT. CHARLES L. KIRKCONNELL: Mr. President, first of all I would like to thank the Honourable Member for some very useful electioneering material for 1984. I would like to be more specific and ask him - my question really related to the $120,000 that was voted in the 1984 estimates. Work has not been started this year to the best of my knowledge to spend this money that was voted for the year 1984. This is really what I was trying to get at. When will this vote support that?

HON. TRUMAN M. BODDEN: Mr. President, on a point of order, if the Member will look at his question and read it literally (I am sure he understands the English language - it states, 'Will the Member State what progress has been made ....". That is the past. And about the election side, he can see the progress made between 1980 and 1984 compared to the little that was made prior to 1980.

MR. PRESIDENT: Order! Order! This is questions and answers, not strict electioneering. But I think it is perfectly fair to say that if the Member had wanted to know what progress had been made to spend the funds voted this year, then the question should have stated that and that the answer given is a proper and fair answer to the question asked.

CAPT. CHARLES L. KIRKCONNELL: I bow to your ruling, Mr. President, but I do not know again - my question got mixed up - I did not put this question in. I had a different question altogether than the one I just asked.

MR. PRESIDENT: I see. Well, if there has been some confusion in the Clerk's office or elsewhere and you had phrased your question quite differently or asked a different question which had gotten lost, I will certainly ask the Clerk to go into this with you and find out what happened in the hope of avoiding similar confusion in the future. And I dare say that the Honourable Member concerned may be kind enough to undertake to provide the information that you would have liked had your question been worded as you had hoped. In other words, what has happened about spending this year's vote for this purpose. If the Honourable Member will undertake to provide .....

HON. TRUMAN M. BODDEN: Mr. President, I would be very happy to do so provided the Member provides a signed, certified copy, so that I am sure that he is asking me the question that he wants to ask.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I should be delighted at any time.

MR. PRESIDENT: Unless there is any further supplementary, that I think concludes Questions and we move to item 3 on today's Order Paper - Bills, The Parliamentary Pensions Bill, 1984, Second Reading continued. The Elected Member for North Side.

THE PARLIAMENTARY PENSIONS BILL, 1984

SECOND READING DEBATE CONTINUED

MR. CREDDOCK EBANKS (CONTINUING): Mr. President, I hope that all Members have had a big breakfast because there may not be a coffee break or a lunch break if we expect to finish debate on this Bill today.

Mr. President, as I have already said, I have devoted my time to this House with every good intention to the country and to the people.

According to critics over this proposed Bill by Government, I would have expected that there would not have been standing room in this building this morning. It is always the half a dozen faithfuls who walk up those stairs and the other half a dozen are critics who try to feed the public. If it was not election time there would not be a few people up there either.

Mr. President, I well remember when Government indicated to take every foot of swamp land in this country claiming it to be Government's. When that meeting was called in the old Town Hall to deal with it, there was not standing room in the inside or on the outside, and there was a battleship out in the harbour.

I was one of the Elected Members, Mr. President, at that time who protested Government's attitude. I felt it was unfair to the inhabitants of the Cayman Islands to be deprived of land that they had made their livelihood from by planting grass and cane, etcetera, to raise cattle and to live.

I told the President of the Legislative Assembly that there would not be a sitting in that building on day unless the barricades were removed because this is Cayman, it is the Caymanians country and they must know what is going on. But I do not see that vast amount of people up in the Gallery this morning or on the outside protesting this.

When it appeared that the Cuban Government was determined to use Cayman as a stepping-stone, I used what ability I had and stood at the airport terminal in the gangway of BWIA defying any Cuban to get on that plane.

Some of these people were just born yesterday. I have been waiting in the nights for some of them to look for the midwife to help bring them into the world.

When we had a ship come in here with a load of prefabricated houses, one high Government employee had the gall to have one brought in for themselves. I was who protested that, to put the ship in the stream until it was decided that that building would go back with the ship.

I know and all Elected Members know, Mr. President, (and if any new Members come into this House they will find out after a while), it is an unthankful, ungrateful and unappreciated position to be in. It is only the people with good, clean intentions to see that their country gets the best of everything who will attempt to take the blows to remain here.

Mr. President, I am not afraid of losing my seat by giving support to this Bill that Government has brought to the House. I have told my electorate over and over when they do not want me they can just tell me. We will not have any hard feelings or falling outs. And I still stand that way. If they do not want to vote me back, it is perfectly alright. I will fare as good as anybody else. I am sure of that.

MR. CRADDOCK ESANKS (CONTINUING): Mr. President, I wonder if Government were to make a request to the public asking for twelve people from the public to work in any capacity or place with Government for one month, without any remuneration, what the result would be if Government even got an answer? Yet, as always when the Elected Members come into the House it is said they are not doing anything.

Mr. President, when Civil Servants are employed they know they will get their monthly salary. They know they will get a pension if they settle for that or a lump sum at the end of their service. They get all their medical, dental and any other care. They get their annual vacation with pay. Mr. President if the regulations are the policy of Government, they are entitled to it, and I would hope that it will continue to be the policy of Government so that the Civil Servants may enjoy these benefits and privileges. But I have to go to the hospital now, I have to push my hand in my pocket. I have to pay for my medicine or go without it. This applies to all Elected Members. I do not know of any Elected Member getting free medical aid or anything else.

Mr. President, what burns me is when we have Civil Servants reaching their retiring age and getting their benefits, but during their term of service they carry on business on the outside. That is quite alright they want a better living and to provide more for their families. This is quite alright with me. But, upon reaching their retirement age, they get their pension and their benefits and then they go to the private sector and further get into the big jobs and draw their big money. It is perfectly alright they still have a family and a future. Let them take care of it. But I fail to see, Mr. President, how any such people can criticize this Government for bringing a motion here for Legislators to get something. If that does reach the bottom of any human feeling, then I do not know what does. It appears that there are only a few people who are supposed to live in this country and get the good from it - the Legislator must live a beggar's life and lose his seat or retire a beggar.

The Elected Members in this House have said more than once that their businesses suffer because they come in here. I believe it, I believe it wholeheartedly. But, if they cannot give support to this Bill before the House, then they ought not let their business suffer to be in here. They ought to attend to their business. I, myself, have been in here for a long time, but I thought it was more important for me to help build this country than think about my business. I do not have any but to plant a sucker and a yam.

Mr. President, there seems to be some feeling expressed that the people are all against this Bill. But if every Member in here were to retire tomorrow their pensions would begin. I think the Bill has in it that one must reach the age of fifty-five. And I believe there are a number of Members in here who have some years to put in before they get to that. However, I hope they have enough interest in the country to try to make that retiring age.

Much of this, Mr. President, I well know is primarily against one or two Members. If this Bill is passed they are expected to use it as papa against me in the North Side district. I know that and in the Bodden Town district where the two machineries are this way. What a people - our people. God help us, especially when we have (as he said) educated people with no commonsense.

MR. CRADDOCK EBANKS (CONTINUING): Some Members indicated that Government should do more for the poor. It would not be the first time that the little bit of subsistence I get I give to the poor, and I think other Members have been doing the same thing. And if they want to give their pensions to the poor, it is perfectly alright. I have no objection to that. But we have some people who they refer to as poor, but they were clever enough to do something about their property and start crying to Government.

Mr. President, if I live to reap any of this I will appreciate it. And even if I live and do not get any and my people give me their support and put me back here, I will come back and put in those same hours for nothing as always.

I am not expecting Government to do this and that for me, or anything for me. Kennedy once said, "Do not ask what your country can do for you - ask what you can do for your country". And I hope, Mr. President, even though there have been some Members who have said they will not support this Bill, I hope they will wake up and give their support to it because I feel it is a justifiable Bill which Government has brought to this House.

I did not look for any gold rush. I intended to put in all the time that my health would allow and by the support of my people for the same thing I started out with - nothing.

I thank you, Sir.

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

MR. D. DALMAIN EBANKS: Mr. President, I too want to give my support to this Bill. I cannot see why all this turmoil and upheaval should come about this Bill because pensions are granted in other countries - pensions are granted here to the Civil Servants with vacations and everything else, but the Legislator, Sir, is not getting anything. First of all they were not even paid and I know that people who work in other countries work and stay with the companies for a pension.

Even back in the United States of America people pay their social security and wait for that time. That is actually the only time they get anything worthwhile to live on. And I cannot see why people should be so narrowminded here and say that the Legislature should not have a pension.

With that, Sir, I give my support.

MR. PRESIDENT: Does any other Honourable Member wish to speak? If no other Honourable Member does, I will ask the mover of the motion if he wishes to exercise his right of reply. I am about to ask him - the Honourable Second Elected Member of Executive Council.

HON. TRUMAN M. BODDEN: Mr. President, this Bill is one that has been the subject of some controversy by a minority of persons.

In every other Commonwealth country there is a law that provides for parliamentary pensions. Our Law follows more closely that of Barbados.

I would like to believe that the public in Cayman would feel that their elected representatives are as good as those in other Caribbean Islands and should be so treated.

Mr. President, mention was made that we should compare the legislation here with other countries - that was raised by the First Elected Member for George Town. Well, Mr.

HON. TRUMAN M. BODDEN (CONTINUING): President, many months ago, (because this Bill has been the subject of talk between the Members - all the Members for probably one year) sometime late last year, to the best of my knowledge, a paper was circulated giving information on Bermuda, Antigua, Barbados and Guyana. This legislation is really, as I mentioned earlier, similar to that in Barbados.

Before going into the justifiability of pensions or in fact of payments to the Legislative Assembly, I would like to look firstly at the people who make up the Legislative Assembly now, who have made up the Legislative Assembly in the past and what the probable future Members will be. And I intend to deal with remuneration generally because a lot of personal issues have been raised and I would like to show Members of this House that a rose by any other name is just as sweet a rose.

In the past, the Legislative Assembly has been predominantly merchants. They fall into the category of being influencial and wealthy and having a lot of time on their hands, and being good businessmen with experience and very able, salaries and pensions were therefore unimportant to them.

At present, the House is made up of some merchants, some businessmen, some technical and some professional. Some Members are younger than was usual in the past, but most significantly the Members who are not merchants or persons who are actually trading in goods, make a living by providing services. There lies a distinction, Mr. President, when it comes to a Member's time. Therefore their income, as professionals or technicians, is largely dependant upon the time that they work. Very simply put, no work - no pay.

Younger Members have less financial resources and savings than older Members. Therefore, Mr. President, if this Honourable House is to give a fair and equal opportunity to everyone, to give an opportunity to Members who depend upon providing services (be such services technical or professional), then I believe that a reasonable salary and pension is both in order and it is necessary. And, Mr. President, that necessity is even more pronounced if the Member of this Legislature is young.

This Bill has been debated upon very personal issues, but I would like to look along with those personal issues while arguing the case against them, to deal with the principles upon which this Bill should be passed and not upon a Member's own financial position.

I know, the public knows, that several Members of this Honourable House and in the past have been wealthy, but not every Member in the future is going to be wealthy. The question very simply is, do you deprive that person of a right to represent their people?

On the question of principles, Mr. President, Members of this Honourable House recently increased salaries to themselves by 100% or so. Executive Council Members' increase took the usual course and was by no means to that extent, so I draw one distinction there because I believe that there has been the levelling of some of this at Members here.

but, let us analyse the present position on principles. A salary is a payment of money. What is a pension? It is a payment of money. Therefore the principle is exactly the same. I cannot be a hypocrite, Mr. President. If a person feels that they should not be paid money, then why distinguish between a pension and a salary. It is still the peoples' money. Every month that money is taken by Members of this Legislative Assembly and I do not in principle see the difference.

I could well understand, Mr. President, if the objection of Members was to the amount, but to object to the

HON. THOMAS M. BODDEN (CONTINUING): principle is beyond me.

I would like, Mr. President, to go on to the justifiability of pensions and the payment of salary to Members of the Legislative Assembly. I believe that there is no more difficult and trying a task in life than being a politician. I believe and I know that I have aged more in the seven years that I have been a Member of this Honourable House than I will ever age again in the next two decades. However, despite the ingratitude or lack of appreciation that is shown to Members by a minority of persons, someone has to run the Government and accept the responsibility and problems that go with it.

Civil Servants are pensioned and I feel that it is only right that it is only fair and equitable that Members of this House should be pensioned also.

The Bill provides that persons who qualify after October, 1959, will receive the benefits of this Bill. Perhaps there is merit in limiting the Executive Council Members to 1972, as I think the First Elected Member for the Lesser Islands mentioned.

I recently received, Mr. President, a newsletter dated back in October and that showed that in the Bahamas, Ministers are paid $46,000 and Members $21,000 - plus they are pensioned.

Very briefly, as was mentioned earlier, the rate of pensions begins after six years at one-third of the salary and after the twelve years it moves to two-thirds. However, this pension cannot be drawn until a person reaches fifty-five years of age. The Executive Council pension is at the rate of one-sixth of the salary for part of each year once again with a maximum of two thirds. Your Excellency has power to increase pensions as you have done in the past in relation to Civil Servants. There are equitable provisions in this Bill for pensions to be paid to a spouse or children at the rate set out in the Bill.

Looking at it from a personal point of view there is a nice little section in this Bill which takes all of the personal issues out of the matter. It is Section 12. Mr. President, that reads that any person who is entitled to an award under this Bill and any Member may at any time in writing irrevocably renounce his right to any benefit or any anticipated benefit under this Bill and thereupon notwithstanding the other provisions of this Bill, this Bill shall have no application to him or in the event of his death, his widow or children. Therefore, if you wish to put your pen where your vote and your opposition is, I have a very short piece of paper that once you sign it, could bring into effect Section 12.

So if you have cleared your conscience and decided that you will not take a pension, then Mr. President let us look at it on its merits. There has been reference to retrospective legislation. This is not literally correct because payments will not be made retrospectively, but it is correct from the point of view that persons who served in the past will be paid pensions.

Mr. President, I would like to look at the basis upon which public servants are paid, look at the merits of payments to Civil Servants. This Government has consistently increased the salaries of Civil Servants and Your Excellency and your predecessors have increased pensions to ensure that salaries and pensions are realistic compared to the private sector.

Let us look at another aspect that has been raised recently in relation to this Pensions Bill. Members of the Legislative Assembly are permitted to carry on their private

HON. TRUMAN M. BODDEN (CONTINUING): business while serving their Government and their country. This is by no means unheard of in the Civil Service either. It is a known fact that with the permission of the Governor, and more pronounced in the past, for many years Civil Servants in Government have carried on very substantial private businesses. The carrying on of that private business, Mr. President, has not deprived those Civil Servants upon their retirement, of drawing very large sums and pensions as a result thereof. Therefore Mr. President, the one recently retired Senior Civil Servant who made a statement reminding Members of this Honourable House that they carry on their private business, and attempted to use it as a reason for opposing part of the Parliamentary Pensions Bill seems not to be logical because it is a well known fact that with Government's permission, he among other members of the Civil Service did carry on businesses, did enter into employment which did not conflict with his Government business, and they did so during a large part of their life in the Civil Service.

Therefore, Mr. President, I discard that objection to this Bill. I would just remind Members and the public, rather, that people in glass houses, whether recently in glass houses, should be careful of throwing stones.

Members in this House have stated that they are here to serve their people, to represent their people; that is correct, and I am sure every Member in this House does so. There are politicians, Mr. President, however who have told the people that they would like to be elected, and that their sole purpose is to serve their people and to get nothing personally, whether gain, fame or anything else from being a member of the Legislative Assembly. They want no compensation, no salary, or pension. They will sacrifice everything for their country. Mr. President, that sounds good, but the public should be beware of such persons, for they have told the public their first lie, and they will go on telling lies of that sort.

I would like, Mr. President, to look at how much time Members in this House and in the Executive Council spend because there have been imputations that we are entitled to nothing because we do nothing. Mr. President, when I became a Member of the Executive Council seven years ago, I spent approximately one quarter of my time on Government's work. Last year I estimate that I spent about two thirds of my time on Government's work. I have worked just about every Saturday, and at least four nights a week to ten or eleven thirty p.m. each night, together with some Sundays when it became an absolute necessity to so work in an effort to keep up with the business of Government.

I take my job in Government very seriously and I put in the time that is necessary to do the job right. Under our Constitution, the Members of Executive Council must deal with all matters other than small matters, within their respective Portfolios, through the Executive Council. Therefore it means that all Members look at all major policies within the respective portfolios except those which are reserved by the Constitution to be dealt with solely by Your Excellency.

As an example, I have read more documents and spent more time in the past four weeks on matters relating to The Rhapsody and the Confidential Relationships Law, than I have read in relation to or spent in time in my own Portfolio, but that is the way that our Constitution works and it works well, and I hope that it will remain that way.

HON. TRUMAN H. BODDEN (CONTINUING):

Mr. President, looking at this purely from a practical point of view, in this day and age you get what you pay for. The Government of this country must work hard. It must be intelligent. It must act prudently, and timely in most instances. There is no-one who at present cannot say that this country is not in a healthy political and financial position. In fact, it must have been painful for just about all critics on Radio Cayman's Open Line recently, before dealing with the question of constitutional change, all having to admit that Cayman was in a very good condition and it should remain so. The truth may hurt, but fact cannot be hidden.

I therefore feel, Mr. President, that this Government is justified in passing the Pensions Bill, same as it is justified in accepting salaries from the Treasury and the people's money every month, and I believe, Mr. President, that the public does not feel hard at paying this small sum of money for Members of the Legislative Assembly. I have only received, and I was hoping perhaps to get these figures before speaking, but I have been told that in relation to the pensions for Members of the Legislative Assembly, the annual amount will be approximately $132,000.00 per annum.

On the basis, Mr. President, that the Executive Council Members are far less being four at present, and in the past only two. I would assume that accepting they are paid a larger salary, that it would be that amount or less for members of the Executive Council.

Putting that in figures, Mr. President, it is .002% of the Annual Budget. It is a minute fraction of 1%, or 13/500th fraction compared to what the Annual Budget is.

Put another way Mr. President, the Reserves that this Government has accumulated since 1976, which were not inherited, could pay the pensions of the Members of this Legislative Assembly for approximately another 80 years. So we are really talking about peanuts when you put it down in dollars and cents. Now if you compare that with the salary that you are drawing every month, then, Mr. President, the principle that this money should go back to the poor people would be far better for Members of this House to also abolish with it the payment of salaries.

Mr. President, it is a very good theory to say that Members coming into this House, new Members can replace us and they can be paid nothing, or can be paid less, but we know in actuality if you pay less, you are going to get a country with less. If you want to have this country continue you have to put in people who are realistic people with intelligence who can promote the country. Sure you can always buy a cheaper product but you are going to get a cheaper product.

You know, Mr. President, an example of this is all of the politicians who have recently been wooing the public for votes in the November Elections. They all say what they are going to do by spending the money, the reserves that this Government has built over the years to do good things for the public, but there is not one of them who has said where they are going to make the money to pay the bills. Mr. President, any fool can spend money but the financial integrity of a country is judged not on its spending, but on its surplus and its reserves.

If we expect people with intelligence, qualifications, and dedication, who can only run the complex business of Government in this country, to give up a substantial part of their time to serve this country, then I think that it is only fair that they be properly compensated.

HON. TRUMAN M. BODDEN (CONTINUED):

Mr. President, as I said earlier, I have little hope of ever getting anything under this Bill, therefore I can speak with the exception of my colleague to my left, the Honourable First Elected Member of Executive Council. I can speak on principle because I have nothing to hope for from this Bill. I am many, many years away from fifty-five years of age. However, Mr. President, I do resent where people attempt to say that this Legislative Assembly, the Members, are really worth nothing. I mean, we produce in here and the finances of the country show this.

Like other Members in this House, I too am well off financially, but I will give you an example of what the loss could be for a young Member because I don't regard myself as a young Member. An example of this the salary in Government per day is less than a professional makes per hour. So you are not looking at draining reserves in the country.

Mr. President, I believe that a decent salary and a pension is necessary to allow the less well off Members to be Members of this Legislative Assembly, and even more important, a pension is necessary to preserve the dignity of the aged Members of the Legislative Assembly who have served. In fact, Mr. President, the whole basis of a pension is to preserve the dignity of people who have worked for and served the country.

The legislature should not be limited to persons who can give up the whole of their time. I would like taking a different flat to drawing Shakespeare's writings about greatness by substituting the word wealth. Some people acquire wealth and some people have it thrust upon them. Very few inherit substantial wealth, most people work for it.

I therefore would ask Members to support this Bill and I would ask them to think about this further proposition, and so should the people think about it. Would you rather have a country which is run by a Government that has produced a surplus in the Treasury, that has a large general Reserve for the future of this country, and pay this small pension, or would you rather abolish the payment of salaries to Members, refuse to pass this Bill, put people in this Legislative Assembly to whom you can pay no salary, perhaps because they are getting no salary now, and need none, but who bring with them neither the intelligence, ability or dedication, and in the end lose far greater an amount of money than you would have spent providing a decent salary and pension for competent members of the Legislative Assembly.

The question is very simple, Mr. President, when you sort out the theories from the practicality, Government is a business and we must apply good business sense to its operation. If you pay nothing, you get nothing, and ultimately the country will end up with nothing.

Mr. President, Section 12 of the Bill allows Members to irrevocably renounce their pensions. Very simply, if you feel that other Members may need a pension or are entitled to a pension, but you Members do not want one, then the Bill has provided for your case. That takes the personal touch out of your vote.

Looking at it another way, Mr. President, on the personal and I would say using it in the polite way, the selfish, meaning the peculiar approach that Members have taken, if the Laws that this House considered were only passed on the basis of whether they were needed for Members of this House, no Laws would be passed. All Laws that come to this House have to be dealt with on principles. We are law abiding people, why pass a Penal Law.

I am using this as an analysis to get away from the fact that if you do not need a pension that does not give you a right to deprive people who do need a pension being paid.

HON. TRUMAN M. BOLDEN (CONTINUING)

Mr. President, as I mentioned earlier, I would not like to be like the dog in the manger when voting on this Bill by taking the approach that I don't need a pension, therefore nobody else should need a pension, therefore we should not pass it.

Can any Member in this honourable House, or any member of the public say without a guilty conscience that Members in the past such as Mr. Willie Farrington or the North Side Member, the Father of this House do not deserve to be pensioned. That is where you are dealing with the principle of this matter.

I am young, many of you are young; it is not really a Law that is going to affect me or affect, well at least not some of you in here, but it will affect people who in the future deserve to have their dignity preserved by drawing a reasonable pension.

Mr. President, having rested my case, and as the second youngest Member in this Honourable House, I am of the firm belief that the only way I could ever reach fifty-five years of age is to remain in politics only for a reasonably short period.

I close, Mr. President, by reminding the good businessmen on the other side of this House that Government is a business, a very complex business, and it must be run by competent people.

To vote against this Bill is to vote against the future of the young people of these Islands, to vote against the young person who has struggled to get a technical or professional degree, to vote against the person who may not be as wealthy as us Members of this House, to vote against the person who has put in decades of years in this House and given their best to their country who now deserve to retire in dignity. I have used synonymously the taking of funds from the public as the principle between drawing a salary or an allowance as we got in the past, and drawing a pension is the same. If a person has to give up the dignity of a reasonable standard of living for him and his family in his old age to represent his people, then possibly we have deprived him of the greatest right in a democracy.

I therefore ask you to vote on this Bill, on its general principles, to take an unselfish approach to it. It is not going to affect the majority of Members in this House, but it is going to affect some Members. It will affect Members who have given their all to this country in the past, and let us accept that this House has already accepted the principle that Members will be paid for the work that they do.

I am therefore asking you that on this vote you let it be won upon the principles of this Bill, that it be not a selfish vote and let your conscience be your own judge.

MR. PRESIDENT: I think it may be convenient if we now take our customary morning break. We are a little bit later than usual in doing so because I didn't want to interrupt the Honourable Member.

I will now suspend proceedings for about fifteen minutes, and hope Members will not take longer than fifteen.

THE HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Please be seated. Proceedings are resumed. Debate on the Parliamentary Pensions Bill.

Does any other Honourable Member wish to speak.

HON. THOMAS C. JEFFERSON: Mr. President, I beg your indulgence for a few minutes, and hopefully I can try to clarify the cost of this Bill, as I see it.

In Clause 2, it reads, "Full parliamentary term means the period commencing on the date of the first sitting of the Legislative Assembly after a General Election and expiring the date of the next ensuing dissolution of the Legislative Assembly;" and parliamentary salary Mr. President, means the sum of $13,260.00.

Going further on to clarify when the pension is payable, it reads; "Subject to the provision of this law a pension shall be paid to any person who:-

a) has since the first day of October, 1959, served as a Member for two full parliamentary terms, or for the periods equal in aggregate not less than six years."

In requesting information on the number of Members who have served in this Honourable House and who would qualify in terms of the number of years served, it appears at the moment, there are twenty-two Members of the Legislative Assembly who have served for six years or more.

To refine this, the number of members, Mr. President, it appears at the moment, looking at the other aspects of the Bill with reference to when would the Member qualify, which states that it is when he attains the age of fifty-five years, and looking specifically at those two areas, as I see it, there are only eight Members at the moment who are over fifty-five, who are not Members at this time, but have served from 1959, or between the period 1959 and today.

That cost, Mr. President, the annual pension for the Members as a Member of the Legislative Assembly would be roughly $55,000.00.

Two of these Members, Mr. President, also served on the Executive Council, and the provisions for the payment of pensions under this Bill dealing with Executive Council Members, are stated in Clause 9, and these two Members, Mr. President, the cost would be $26,928.00, making a total sum of roughly $82,000.00 a year.

Looking at the worst possible position in terms of the expenditure by Government if we were to assume that the list which I was looking at initially, which states there are twenty-two persons who have served in this Honourable House for more than six years; a good number of them, Mr. President, is in these Honourable Chambers with us today. The cost would be $128,180.00 as a Member of the Legislative Assembly

On the Executive Council side, Mr. President, I have been unable to determine the number, or the names of the Elected Members of the Executive Council who served for the period 1959 to 1971.

In the Bill it indicates that if a person has served on Executive Council for one year, he is entitled to one sixth of the Executive Council salary, which is defined in Clause 2 of the Bill, totalling $21,696.00.

HON. THOMAS C. JEFFERSON (CONTINUING)

If we were to assume, Mr. President, the worse position as far as expenditure is concerned, of all Members of this House and all Members of the Honourable Executive Council. If they were all to qualify both in terms of the period served, as well as all of the Members being over fifty-five, or fifty-five or older, the total Bill would be in the range of a quarter of a million Dollars.

With that, Mr. President, I thought it was my responsibility to try to clarify the cost as best as I could, and therefore leave the discussion to the other Members.

HON. JOHN B. McLEAN: Mr. President, the Bill before this Honourable House seeks to introduce a scheme for enabling pensions to be paid to persons who have served for a certain period as an Elected Member, commencing in 1959 until the present date.

Mr. President, in my mind, a pension to a Politician or a Member of the Legislative Assembly is no different from a pension to a Civil Servant. If I was asked to define this, I think I would say that a Member of the Assembly may be looked upon as the provider for the Civil Servant. I would like to ask the question which is the most extraneous, the provider or the spender.

Mr. President, much has been said on this small Bill, and I have no doubt in my mind that as I stand here today and support this Bill, that I am in order. I have taken the matter to my people. They support the idea, therefore I have no worries as to what critics may say.

Mr. President, the late John F. Kennedy once said, "Mothers all want their sons to grow up to be President, but they didn't want them to become Politicians in the process". I can honestly see why, Mr. President, because especially in this country, it seems as if everything that a Politician does, by some it is wrong.

Another thing I would like to mention Mr. President, is the fact that we are to a stage where certain individuals, both in this Chamber and on the outside, seem to take every opportunity to use certain issues as a political football. To me, Mr. President, this is ridiculous. I am here to represent the people of the Cayman Islands, and this I do feel I have been doing for the past eight years, and I will continue to do so.

I feel that with the Bill before us, that although we may have a few, which is always normal, to make noises about it, that if a Census was to be taken today, we would find that the majority would be behind us.

Mr. President, as my Colleague mentioned a while ago, I have no fear of this Bill. I am the youngest Member of this Honourable House, being only thirty-four years old, and I assure everyone that if the strains must continue the way they are, I am one that is not really looking forward to draw pension under this Bill. But why, why should some who are more fortunate than others, try to block the way which could only help in the future, especially for those who are trying so hard to become Members of this Honourable House.

Mr. President, I think that the first soul to be honest with is yourself, and I think in this case there are many, both in the Chambers and outside, that are far from being honest with themselves.

We constantly hear, Mr. President, especially from one or two Members in the Chambers, of the days when it was almost impossible for this Legislative Assembly to meet. Today we are fortunate. I am certain we could stand alongside any other Parliament in the world, and that is not only taking the building into consideration, but taking the dignity of the Members that sit in this Chamber to represent this country. But where are we heading for

HON. JOHN B. McLEAN (CONTINUING)

when we are going to take issues like this one and blow it out of proportion. I think it is downright ridiculous.

Mr. President, I recall some months ago, when the then Clerk, Mrs. McLaughlin, made every effort on the request of Members of this Honourable House, to have copies of Legislation from various countries that have a similiar system for Legislators. It was brought here, it was distributed, and I am certain each Member knew about it. This is no different from any other island in the Caribbean, or any other Legislature in the world.

If anything, again I will say I feel we are doing as good a job, or in some cases, a much better job. This is nothing, Mr. President, that is not due to each and every Member, not those present alone, but those who have fought for years to keep this country on an even keel.

Mr. President, while I support the visit of Her Majesty the Queen, and I am certain I air the views of every person in the Islands, we were justly pleased, but what did it cost us? For one day, I am almost certain, it was close to half a million dollars spent. I look at it as money well spent, but I am just drawing a reference. For a measly $132,000.00, we are here beating our heads against the wall, while for one day everyone was happy to spend half a million.

To go a little further, Mr. President, not too long ago, we were generous enough to donate half a million pounds to the Falkland Fund, to try and to rectify and to run that country, but here we are fighting among ourselves because of $132,000.00. If this is not a ridiculous case Mr. President, I would like somebody to show me one.

I feel it is money well spent, and I have the confidence in the Financial Secretary, that if he felt it was something this country could not afford, he would make those recommendations, and there are only two people that cannot change their minds, and that is a dead man and a fool, and I don't think either one is in this Chamber today. So if such recommendations were made by the Financial Secretary, I am certain every member here would abide by it.

It is my understanding, and I think that the Honourable Financial Secretary has just clarified this, but it is my understanding, Mr. President, that there are some critics on the outside that are preaching that John McLean, Jim Bodden, Truman Bodden and Haig Bodden will be drawing vast sums of money as soon as this Bill goes through. I am proud to know that the Honourable Financial Secretary has just clarified the figures that it will cost for this exercise. How can this country ever survive with people of that sort, who are now projecting for the 1988 elections. God help us if they are ever elected to these Chambers.

Mr. President, I again refer to the words of Lao-Tzu when he once said, "When the best leaders' work is done, the people say we did it ourselves". This is quite true Mr. President, because again I refer to myself, I know for the last eight years I might have drawn a salary from the Cayman Islands Government but I have earned it.

Thank you Mr. President

HON. JAMES M. BODDEN Mr. President, I have sat here this morning and heard quite a few Members debate this Bill, and I have heard some say that they had no prior knowledge of it. This is a bit confuseing because I can remember discussions leading up to this Bill which were held in the Common Hall or the Committee Room of this Legislature, and to which Members were present, and it was decided that the former Clerk of the House would use her good offices to obtain copies of the relevant Legislation in other countries and refer them back to the Members of this House, and I recall that being done.

I recall it being narrowed down to four countries, and with the sort of majority decision that the copy of certain countries' laws would be to the best effect for this ocuntry. So I find it a bit ridiculous to hear Members say that they were not aware of this Bill or the intent of this Bill.

This Bill, in my opinion, has come at an opportune time, and I would have referred to it as an Election Year Law, because it will give the people of the country the opportunity to see the hypocrisy that exists in some of the Members, but we have thought about that also, and there is a way that they can overcome their hypocrisy, and I will deal with that later.

It seems, Mr. President that we have come to a time in the history of this country, when we are being forced to legislate from outside pressure from the Press. It seems like it is not the Politicians who may longer put together the laws of the country, but the publications do.

I recently recall a certain publication saying that there was a $400 increase being voted to the Members of Executive Council. This is only one small part of what is being done against this country today. Some of the Debate that has gone on this morning would make you believe that the person will say, I have wealth and you should do without it.

Mr. President, I feel that I can debate this Bill with a conscience that is clear. I feel that I can stand here, or stand on any street corner in the country and say what I have to say, because, since being in Government, I know I have carried the load that I should have carried. I have been elected to this House since 1972. I have received one cheque as a Legislative Assembly Member, and that was for $15.60. I had it framed for posterity. I have not since collected or signed, or used a penny of the Legislative Assembly salary that would have accrued to me, and I defy any other Member of this House to stand up and equal that.

So I feel I am quite competent because I am not debating for something that will make me rich. I hope to be in this Assembly for a very very long time. I feel as healthy now as I did when I was fifteen, although my hair may not look it, but I still intend by God's help to have a long life as my ancestors had, and as long as I am drag into this building, I am prepared to offer my services to the people of the Bodden District and the Islands as a whole.

I am not a political opponent that is going to be easily whipped. But the thing that reminds me so much of hypocrisy is to ridicule the services of those who served before as well as the present Members.

I constantly hear illusions to the past Members and the services they rendered this country. Well then, some of those past Members happen to be in the position that they have not inherited wealth and they were not able to acquire it. Therefore they suffer, and when those Members were willing to come out and bear the

HON. JAMES M. BODDEN (CONTINUING)

brunt of the political battles and render the service to their country, why in their waning years today, would we not say that they are as entitled to a pension as the Civil Servants who have served have been due it.

I am sure that what I will say here today will be misconstrued, I am used to that. I have been insulted, ridiculed, lied about ever since I entered politics, but I will remind my opponents that it is still just like water off a duck's back. It does not bother me. It is just today like there were political opponents that had surfaced. They are all ready to criticise, but I have yet to see one of them that has been able to come up with any ideas that will tell us how they can better run this country, and how they will provide one penny of revenue for the country. All they are talking about is the social things that they would attend to, and how in the world are you going to attend to such things if you do not have money. Money is the grease that moves the wheels.

I will refer specifically to a certain article which came out in the Press recently by a retired Senior Civil Servant who apparently is aspiring to become a Politician. Well this type of letter is not going to make him a Politician. It is derogatory and misleading. The Bill is not retrospective legislation, but merely states, as is done in many other Laws, the qualifying period, which in this case happens to be since 1959. If we had brought a Bill here to the House that would have said the Members who are in the present House as of November 12th, 1984, then you would have heard something being said, but that has not been done. We have thought about the Members who served before us. It also goes on to state that a group has decided that in addition to what they now receive, that they will receive this pension.

Pensioning to Politicians is nothing new. It is done in about every country in the Caribbean. It is done in the United States of America, and it is done, I am sure, in many, many other countries, so what is the junk about it being done in Grand Cayman.

One article said that the Members of the Executive Council retain the rights and privilege to have outside Government involvement. I wonder what this particular writer was alluding to. This is nothing new. Most Senior Civil Servants have for years had this privilege, some in the form of watch repairs, watch and radio sales. You know the Phillips radio enjoyed a good market in Cayman for many years. How hypocritical can the human being be and still get up in church and preach on Sunday. Is this the kind of man you want to lead the country or help lead the country? To say that the Executive Council is a part time job is so ridiculous that it should be laughed at.

When you consider the responsibility to the Portfolio, responsibility to the public, all the public abuse, this is really going too far Mr. President. I am quite sure and I am aware of it because I have worked in Government House all day and many, many nights until at least midnight, and I can assure you that this particular writer was not in the Glass House at 12 o'clock on a Saturday night doing any Government work. So to say that Executive Council work of an Elected Member is a part time job is very, very ridiculous. This is just another case, Mr. President of a person saying, in adopting the old adage, if my gut is full I cannot hear the empty grumbles in yours.

HON. JAMES M. SOSDEN (CONTINUING)

Contrary to what one publication said, that the Executive Council Members received more than twice $21,667.20 per year, it is quite untrue, and this is a ridiculous thing to be continually happening in our country. It is the Press which people accept as being people that are telling the truth and portraying the truth to the country that is allowed to continue to portray such lies and to get away with it.

I hope I will live to see the day when in the Cayman Islands we can boast of having a responsible Press, but what the Politicians have been able as a rule to obtain is the lack of appreciation and ingratitude from a lot of people.

Mr. President, I don't have to be ashamed of being a Politician or of the work load that I have carried, and I challenge any Civil Servant to be able to equal it. I have been for years a workaholic, and I average at least twelve hours a day, seven days a week working, and it has come to the point where about 95% of that is usually Government work, and then to hear people say that it's a part time job, and there is no responsibility attached to it and soforth, is really going beyond the ridiculous.

This same Senior Civil Servant that spoke out so strongly against the pension for Legislators, this same man on retirement from Government service, received a lump sum payment of $67,150.00. He received one year's leave paid of $35,454.60, and his pension for the rest of his life is approximately $18,600.00, and yet that same man would go out and write this against the Politicians.

Mr. President, it is a good thing that this Legislature will probably enact this into law, because as many of the aspiring Politicians that I have heard of for the upcoming elections, they will need this because to many of them it will probably be the first cheque they ever receive in their life.

So, I would warn the Opposition that most of these are on their tickets, and to be able to keep them with bread and butter on their table, they had better vote this plus another salary increase for them, if they hope to get them in.

Thank you Mr. President.

MR. PRESIDENT: Since our break was rather late we might break a little late for lunch. Does any other Honourable Member wish to speak? If not, I will invite the Mover of the Motion to exercise his right of reply is he wishes.

No other member? Does the Mover wish to exercise his right of reply?

MR. BENSON O. EBANKS: Mr. President, I am sure you realise that that wouldn't happen.

MR. PRESIDENT: I had begun to wonder.

MR. BENSON O. EBANKS: There is one other Member that needs to speak, and I am sure he would not have allowed it to happen either, but in the interest of moving the work of the Assembly along, I will make my contribution now.

MR. BENSON O. EBANKS (CONTINUING)

Mr. President, my opposition to this Bill is not to the thought behind it. I have always felt that Members of the Assembly should be paid for their services and now that it is being proposed to provide a pension, that would fall in the same category.

The reason why I have said this is because until now, unless someone was of independent means, it is fairly well impossible for them to serve in the Assembly, or at least if they had not part time or full time jobs on the outside, and there are persons on the outside who through their type of employment or because they are not working for themselves, that is independently, self-employed, are unable to offer themselves as representatives in the Assembly, and if a salary is being paid, possibly this will enable those persons in future to offer their services. But, Mr. President, having said that, I think we have also heard for many years, promises of providing some form of Social Security payments for the masses of the people, and I feel that our job is to tackle that job first, or at least simultaneously with trying to provide pensions for Parliamentarians.

It is difficult for me to accept that the urgency of pensioning Parliamentarians must take priority over providing some old age pension for the masses in the country.

Now, Mr. President, I want to make a couple of points also on things that have been said by other Members. I think one Member said that the fact that this Bill was contemplated was mentioned in the Throne Speech. That is so, but Mr. President, that is not the only thing that has been mentioned in the Throne Speech, this time or in previous years, that has not come to fruition. I think it was the same Speaker who said that precedents were agreed upon. Mr. President, if that has happened, I have no knowledge of it.

Other Speakers have said that the question was discussed informally in other forums, and it is true that I heard discussions going on in other forums about this, and I want to emphatically say that I have never been a party to agreeing on what any precedent would be for this proposed Bill. I do not recall receiving any paper with the comparisons that have been referred to. I recall my one contribution to this whole debate over the period being to say to Members that I thought they were putting the cart before the horse, in that as far as I was concerned, we were not yet receiving salaries in Cayman, as Parliamentarians, and therefore I failed to see how pensions could ensue.

I said that because I have always known what Members received to be Honorariums, somewhere along the line we were paid a small Honorarium monthly, and then we were paid for the days we attended Meetings of the Assembly or Committees thereof. I do not believe that those payments have any sanction in law such as is being sought for this pension. It was, I would imagine, an extension of the custom of paying Members of Committees subsistence allowances, and it was therefore authorised, as I see it, by the Finance Committee each year, and it came under headings, as far as my memory serves me, Allowances to Members.

It was also said that Members voted themselves an increase of 106% in salary not so long ago. Now, Mr. President, that again is misleading. My recollection of what took place with that was that, I guess it was in the Finance Committee,

MR. BENSON C. EVANS (CONTINUING)
but it was certainly in the course of some Committee Meeting, it was suggested that the procedure of claiming daily was a lot of unnecessary work and bother on Members and the Staff, and that this would be commuted to a monthly allowance. As far as I know the allowances paid to Members differed between the various Districts, and the task of commuting these allowances was left with the Finance Department. I still do not know what I am receiving monthly as a Member in this Assembly. My cheque goes directly to the Bank, and unfortunately, I have not seen my Bank Statement since this has been done, and the first time I heard the question of 100% raised was when the Honourable Financial Secretary used it in rebuttal to some Debate during, I think it was, the Throne Speech, or the last session, and after I questioned it because I had no idea that this was going to take place, and even now, it is not really so because what has been done is that the Daily Allowances that Members claimed has been bulked into commuted allowances on a monthly basis.

I am just saying that, Mr. President, to clear the record, not that I feel that what any Member is receiving at the moment is in excess of payment for what time they are putting in here, or in Committees.

MR. PRESIDENT: If I could interrupt the Member for a moment. Do you expect to be some considerable time further speaking?

MR. BENSON C. EVANS I could be, Mr. President.

MR. PRESIDENT: You could be. Is that a promise or a threat.

MR. BENSON C. EVANS: I have no written speech, so I have a number of notes that I have to cover.

MR. PRESIDENT: Well perhaps it would be convenient, it's nearly ten to one now, for Members if we were to break for lunch now and resume at 2.15 if that will suit you, so I will suspend proceedings until 2.15.

AT 12.50 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.30 P.M.

MR. PRESIDENT: Please be seated. Second Reading debate on a Bill for a Law to provide for parliamentary pensions. The Third Elected Member from West Bay.

THE PARLIAMENTARY PENSIONS BILL, 1984
CONTINUATION OF SECOND READING
DEBATE

MR. BENSON O. EBANKS: Mr. President, if I may, Sir, I would like to revert to a point I made earlier regarding prior discussions referred to concerning this Bill. That is, to the best of my knowledge, no meetings, specific or formal meeting or even held informal meeting, has ever devoted to the study or discussion of the concept of this Bill. The only conversations I have heard about the subject always arose out of some other matter that was before the committee, and these conversations were extraneous to the matters before the committee and I reiterate that at no time were the proposed contents of this Bill discussed with me, or any indications given that it would be brought at this time. Therefore, Mr. President, I was and can certainly agree that other Members would have been surprised at receiving this Bill at this time.

Now, Members of this House, as far as my knowledge goes, Mr. President, have always maintained the position that we are serving as Members for a mere subsistence allowance, and I therefore think that the timing of this Bill is very unfortunate. One Member said that it is a good election year exercise, but I could not disagree with him more. If there was the intention to provide pensions for Members I feel the proper thing to have done would have been to have made such a proposal a part of one's platform or manifesto for the forth-coming elections, which would have given the electorate an opportunity to have a say on the matter.

To pass this Bill at this time without going to the electorate to give them an opportunity to pass their verdict on it, Mr. President, is in my opinion, wrong. I would venture further to say, that if we pass this Bill as a priority to some form of old age pension system for the masses of this territory that the electorate are not going to take kindly to our actions. I do not understand or gather the opposition to this Bill to be from a minority of persons. I have had representations made to me on this Bill by persons who have never in their life mentioned anything political to me in the past.

Now having said that, Mr. President, I am of the opinion that this Bill has the support to be passed into law today, and therefore, or in this meeting, so I propose to spend a little time dealing with the substance of the Bill.

Firstly, Mr. President, I feel the qualifying period, especially in the case of Executive Council salary, is too short. That is, that an Executive Council Member can qualify for a pension after only one year's service as an Executive Councillor. Further, since the salary of an Executive Council Member is computed on the basis of one sixth of the pension payable for each year served or part thereof served in Executive Council, the Member will reach his maximum pension, (that is Executive Council pension) after one term or four years service in Executive Council. That is, he would have an entitlement to four sixth or two thirds of his salary which is the maximum that is payable under the Law after only four years of service, and therefore this gives the Executive Council Member an advantage over the Member of the Legislative Assembly who must serve two terms or six years before he qualifies, and in fact cannot qualify for his full legislative salary until after he has served for nine years. He cannot

MR. BENSON O. EBANKS (CONTINUING): reach his two thirds entitlement until he has served for nine years, so it seems to me that there is inconsistency in the Law there.

Further, Mr. President, it is my opinion that some people who may have served their country in the capacity of a Legislative Assembly Member and who may be in need of some form of assistance, and who to my knowledge at this present time are possibly the only people who are really in need or might be in need of some assistance would not qualify under the Bill. I would have expected in a Bill of this nature some provision to allow the Governor to make an award to a Member who is in needy circumstances, notwithstanding the fact that he might not have completed the number of qualifying years.

Further, Mr. President, I would not have expected to have found Section 12 in the Bill as being irrevocable. I agree there should be some provision in the Bill to provide for Members to forego forever or for a period any benefits that they might have been entitled to under the Law if they so desired, but, Mr. President, no one knows the future, and while a Member might feel comfortable financially at age fifty-five and say that he is going to forego his benefits circumstances may change later in life, and I feel that the provision should enable him if circumstances warrant it later in life, that he be allowed to claim the benefits that he would have otherwise been entitled to. In other words, I accept irrevocable in its normal sense that once you have revoked it you cannot again claim it, and I do not feel that that is doing justice to Members who might have served or might serve in the future.

Mr. President, the cost of this scheme has been estimated and the figures tossed around as I would put it, are as I understand it, figures that would be applicable today in light of those Members who would qualify as a result of their past services, but this does not take into account the future, and a Bill of this nature in my opinion, the financial implications could change quite quickly. Some Members have mentioned that they do not see themselves benefiting under the Bill because of their tender age, but Mr. President, those Members seemed to have forgotten that the Bill provides for a widow's pensions and children's pensions as well, so we do not know really what the future costs of this scheme could be.

Now there is one thing, Mr. President, that this Bill has brought out that I never expected to hear admitted by the Government Bench, and that is, that past Legislators have in fact made some contribution to the development of this country. I am one who has always acknowledged that each generation and each House makes some contribution, and I am glad that at last we have had this acknowledgement from Members.

Finally, Mr. President, I would just like to mention or to clear up one point which I made earlier that on reflection might be misinterpreted, and that is, when I was dealing with the fact that I was not certain what my allowance from the House was because I had looked at my bank statement since it had been paid.

On reflection I realised that some people might interpret that to mean, that that is because I am so well-off, it is not that Mr. President, it is because I am so heavily overdrawn that it would not make any impression on the balance anyway. And secondly, the account is jointly with my wife and that is her responsibility, so I do not peruse the account too often, just check on the wife every now and again.

Mr. President, the plea has been made that Members search their consciences when dealing or when voting on this Bill, and I would like to do the same to Government and ask them to consider the effects of putting into Law such a Bill as is proposed here today, especially as I said, when we have not as Legislators made any provision for any old age pensions for the masses in the country. This is something that I can remember vividly goes back to manifestos published

MR. BENSON O. EBANKS (CONTINUING): as far back as 1972, if not further, and I think in view of that people would look on us very unfavourably if we were to today agree to pension ourselves without having made any attempt to work out some system for those persons who are on the outside without any form of pension. I thank you, Mr. President.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I am speaking very briefly on this debate at the request of another Member of this House to clarify one point. And that is, in relation to parliamentary pensions, to qualify for such a pension you need to have served two terms or at least six years as a parliamentarian have ceased to be a member and have attained the age of fifty-five or (b) incapable by reason of infirmitive body or mind.

The position is quite clear that a person who qualifies under every other category does not become eligible to receive a pension until they attain the age of fifty-five as is specifically laid out in Clause 3 sub-section (4) which says, Where a person ceases to be a member but is not eligible for a pension under this law because he has not attained the age of fifty-five years, then, notwithstanding the other qualifications, the pension for which he would have been eligible at the date when he ceased to be a member shall be paid to him with effect from the date on which he attains the age of fifty-five years . The same restrictions applies to Executive Council pensions,who must qualify for a pension as a Legislator, has ceased to be a Member and have served the minimum period in Executive Council. So no person, even if they had otherwise qualified could get a pension once they ceased unless, and until they became fifty-five. Thank you.

MR. BENSON O. EBANKS: Mr. President, could I ask whether that statement was made in relation to anything I might have said, or whether he is just making a contribution to the debate?

MR. PRESIDENT: I think we will regard it as a contribution, I do not think really that there is an entitlement to ask him whether he was specifically replying to you - though he shakes his head.

Does any other Honourable Member wish to speak?

HON. G. KAIE BODDEN: Mr. President, in considering the Bill which is before the House the main question which should be asked is what value do we attach to the membership of this Legislative Assembly or to membership in the Executive Council. Is it really a worthwhile job, and if it is a worthwhile job is it worth being salaried and is it worthwhile being pensionable? When we consider that every messenger boy in Government is pensionable and receives a salary, are we to attach less importance to the role played or filled by the Members of the Legislative Assembly and Members of Executive Council?

The criteria for any job includes what the job is worth to the person who pays for it, and this rule has applied to all Civil Servants and under our internal Government type of Constitution it should be applied to those members who form a part of the Government, whether they be elected or whether they be Civil Servants.

Prior to 1972 Members of the Legislative Assembly and Members of the Vestry served and received merely a token provision. With the introduction of the 1972 Constitution, which gave to these Islands a very advanced stage of internal self government and which placed upon the shoulders of the Elected Members of the Executive Council full-time jobs which they did not have before, and which also placed upon the other Members of the Legislative Assembly many responsibilities and time consuming activities which they had not been engaged in before. The introduction of that Constitution demanded that if you were to get responsible people to leave their jobs and to serve as Members it would be necessary to provide some remuneration for these people so as to

HON. C. HAIG BODDEN (CONTINUING): compensate for the ill-effects on the businesses by those Members leaving their own work unattended to serve the country. This was what the country wanted.

All Caymanians were saying, we want our Legislators to have more say in the running of the affairs of this country; we want our Legislators to have more to do with the day-to-day activities of our Government. In saying this, the public may not have realised that they were asking for a change in Constitution which would bring in the type of Constitution which we have, a Constitution which is clearly an advanced stage of internal self government. Whether the public likes it or not the Legislature of that day gave to this country an advanced form of internal self government, and this required that internal self government is simply a government where elected people have some say in running the country. We have never had this before, in that the Civil Servants ran the Government and the Elected Members had but very little say in the policy decisions and the many activities which go towards a Government.

Apart from the actual work, what is the office of a Legislative Assembly Member worth? I believe being an Elected Member of the Legislative Assembly is the highest honour that can be bestowed in this country upon an individual. We who have been through many elections, have received the vote of confidence of the majority of the people of the Cayman Islands. I know there are a hand full of people in my constituency who wished that I had never been elected, who wished that my other colleague from that dual constituency had never been elected, but these people are in the minority. The majority of our people have bestowed upon us the high honour of representing them, and I feel that the job which they have given us to do is an honourable one, it is worthy of responsible people, it requires the man's integrity, it requires and demands a commitment to duty, it requires and commands a lot of time, and because of this, I feel that the Legislative Assembly or the Finance Committee was correct back in 1972 when they afforded what at that time was a decent salary to the then Executive Council. Executive Council had never enjoyed what I call a reasonable salary until 1972 when they, together with other Members of the Finance Committee and the approval of the Governor, agreed upon a salary for Legislative Assembly Members and for Members of Executive Council.

I recall in 1976 when I was first elected to Executive Council, in the first salary regrading that was approved the Elected Members of Executive Council refused to take the increase in pay, the reason being that the finances of the Government had not yet recovered from the bankrupt state which we inherited in the November, 1976 election. We felt that we should not put an undue burden upon the Government which one year prior to that had been unable (one year prior to 1976) had been unable to give their own Civil Service a raise. We know that when that raise was agreed upon the Government had to go to the Management Council of the Civil Service Association and ask them to try to persuade the Civil Servants not to accept or not to demand the raise which the Government agreed they should have, because they had fallen far behind. Whether it is admitted or not the fact is, that since that time there has been a turn around in Government's finances and the Government is now able, not only to pay its Civil Servants but also to increase the pension benefits.

I would like to deal with the amendments to the Pensions Law since 1976, in which pension benefits were bestowed upon Civil Servants who before that time did not have those benefits. In 1980 by an amendment to the Pensions Law (Law 13 of 1980) the amending Law, we bestowed upon the widows and children of pensionable officers a pension which had not existed before. That amendment provides that if a pensioner who is a Civil Servant dies that his wife will receive one half of his pension for the balance of her lifetime, and that if there are children under the age of eighteen each child will receive one sixth of that pension. So in this instance the Pension Law had been amended

HON. C. HAIG SODDEN (CONTINUING): in 1980 to make a worthwhile provision available to the orphans and widows of pensioners. There were other amendments which made more liberal the pensions granted to Civil Servants, one that I can think of, and which came into Law only a few months ago, on the 19th of December, 1983, was to provide for an increase in pensions with the approval of the Governor to sort of make up for the devaluation of money over the years. Section 5 of that amending Bill reads, "that the pension may be increased once in any calendar year by an order of the Governor with the prior approval of the Finance Committee".

Now, prior to that there had been no legal authority for old pensioners to have their small pensions upgraded. The same Bill made provision for persons to receive pensions on resignation on or after the 31st day of December, 1982 providing they had completed at least ten years pensionable service and on attaining the age of sixty years. There is also an amendment to allow people to count on to their pensionable time any prior service which had been broken. We also provided for pensioners to receive free medical care, under the old rules a pensioner did not have the same rights to free medical care that a serving Civil Servant had.

With all of these amendments which resulted in liberalisations of the Pensions Law, and which put an increasing burden on the Government's purse, I did not hear one single objection. I did not hear any one say, that out of the hundreds of pensionable Civil Servants that their widows and children should not be pensioned, and yet today we quibble over a pension which will affect a very small group of people. So do you believe that the reason for objecting to this Bill is because they want to protect the Government's purse? They are straining at a knat when they have swallowed a camel.

To admit that the office of a Legislative Assembly Member is not worth pensioning is to admit that these seats should be filled by that frustrated minority, which has been knocking on the doors for sixteen years, since 1968, in an effort to hold one of these seats. Any one who admits that this office is not worth pensioning is admitting that the office itself is not worth anything, and this is a sad admission to come from those people who have been entrusted by the electorate as the people worthy of representing this Government and running this Government.

One of the sad facts of life is that five out of every six persons at age sixty-five are broke. Although these people had forty years to prepare for their old age we find that very few of them do it, and the young man every day spends the old man's money and the old man after working for forty years finds himself with nothing, and that was why pensions became a part of salaries. Do you know for many years in the Colonial Service why we got away with low salaries? It was because we had that karat of the pension, and this kept many people in the service when they could have gone out and found other jobs. They decided to stick with this because it provided security for the old age, and this is how the pensions' scheme became an integral part of the salary scheme, we pay you a low salary but we will provide other benefits which in the long run will be real money. So, any Member who says today that he cannot accept a pension or should not receive a pension should not take the salary.

Unfortunately, there seems to be no provision for the renunciation of the salaries, but the Bill before the House has in it what I call a Japanese provision. A Japanese provision the Japanese are known for saving face so that a person does not lose his face, and this has a saving face provision in Section 12 of this Bill, where any Member whose conscience bothers him that he is not worthy of the pension which he receives can irrevocably renounce the pension for all times. Any Member who feels that he should not be pensioned or that some other person should not be pensioned can save his face by signing the renounciation forms, which I expect will be made by the Governor in

HON. G. HAIG BODDEN (CONTINUING): Council when they start to make the regulations which are permitted under this Bill. And so, one need not have a conscience that bothers him when he pockets this pension, he can make it right with his soul now by taking the oath of renounciation, which means, that he gives up the pension which he believes is not fair to take from the poor tax payers. I wonder this time next year how many renouncations the Financial Secretary will have received under this Bill?

One Member did not seem to be against the renouncation providing he could take it back later on if an when the time came, but if the renouncation is to be worth anything at all it must be a renouncation for all times. In fact, the whole tone of the opposition to this Bill is, we wish it had not come at this time to test our metal, we wish it had come in 1981 at the beginning of our term, or hopefully, if we are elected, it had come in January of 1985; and then perhaps they could without any need to go out and save face, without any need to pacify an aggravating conscience, they could then sit down and say, "We believe that the office of a Legislative Assembly Member is an office that is worthy of a pension".

I recall in the early days of my life as a salesman, I wrote an application in which I asked the man for a big premium which would have given me a big commission. In fact, the premium for that plan was more than my annual salary, and I would have earned from that plan eighty percent of the previous years' pay in that one sale. He looked at me and said, "I need this insurance but it is expensive", and I said, "yes, you need it, and the reason why it is expensive is because the company hires people like me to take care of your needs". Needless to say, he bought the plan, because he felt that I had done a good job of not only showing him his needs but offering the solution, and I believe that ninety percent of the people in these Islands will agree that it will cost, as the Financial Secretary explained, a few dollars to provide a pension for the Legislative Assembly Members, but they will also agree that we want to attract the best, and if we are going to attract the best we will have to pay whatever it costs.

Now you noticed I did not say, "attract the rich people", because I do not believe good people are found amongst the very rich. You see, without a salary and without a pension as the Elected Executive Council Member for Health said, "you would preclude a certain type of people". You would get in the House as you had in the old days, the merchants who could afford to leave their business, it would run, the cloth would sell, the sugar would sell, whether they were here or not. Professional people, technical people and people on salaried jobs could never afford to give up the time, and so are we going to continue to encourage a system which existed in politics throughout the world from time immemorial. When the only people who had a right to vote were people who had a right to serve in the parliaments, were those people who had substantial holdings, substantial wealth, which they had inherited in nine times out of ten, and if we are to get away from this system, and if we expect to attract good people we will have to pay them. Of course, the reverse could also be true, and I am beginning to see this now because you can attract the unemployed, and what is even worse, the unemployable. As my colleague from Bodden Town said, "you might even attract those who will see a pay cheque for the first time.

If the people of my constituency believe that I am not worthy of a pension, which I never hope to take as I do not intend to resign and I do not intend to retire, but if they believe I am not worth that, well, they can keep their votes because I know I am worth it. I am not afraid to tell anybody that.

HON. G. HAIG BODDEN (CONTINUING): We come here year after year and we vote increases. I am not talking about the eighty thousand dollars that the Financial Secretary said would be required to pension those people who could be pensionable today, excluding the current Members, I am not talking about that kind of money. I am talking about the three million dollar increase we just gave to the Civil Service, this is real money. I supported the increase because I believe that a workman is worthy of his hire, and if you have a Civil Servant that is producing as the Head of a Department, as a manager, as messenger boy or whatever he may be, he needs his money just as much as the man out in the private sector working for a bank or in a business, and these people should be paid. What I am against, is paying people that do not produce, but once they continue to produce I believe they should be paid.

We come here year after year and we make substantial commitments to pay our Civil Servants and our politicians, and in doing this I do not see any placards on the street about paying the Civil Servants. I do not see any letters in the press, I do not see any vicious articles, I do not hear any Annancy stories, I do not hear any sad tales of woe, why, at this time? If other Members want to take their prestige down a couple of steps, that is up to them, but I believe that the public expects that we will perform well and expects that we will continue to demand the respect of the public by receiving from them the remuneration which we have earned.

The Member from West Bay said, that he had heard a statement this morning that he never expected to hear from the Government Bench, and that statement was that the Legislators of the past have performed well. I believe the Legislators in the past performed to the best of their abilities, and I believe that at the time all of them were elected the Cayman electorate did as they will do in November, elect the best people that come forward, and I think our electorate is so educated and so sophisticated, and so steep in politics that they will know to pick the best.

I feel that in Bodden Town, ever since I came to knowledge, the Bodden Town people have elected the best out of those that come forward. Now, there may be two better people than the two Bodden Town representatives, there are better people, but they did not come to the polls in 1980 and I do not know if these people will come out of hiding in 1984 so that the Bodden Town people can elect them and pay them a pension or a salary. You see, we are blamed because some people cannot get elected and I feel sorry for these people, because if I had my way I would give them every vote there is in Bodden Town just to see what they would do for one day, but I only have one vote which I can control,and that is my own. So their dilemma is not that I have kept them from being elected, but that the Bodden Town people know what they want.

The Member who made that statement that he did not expect to hear us say that past legislators have done a good job gave me the impression by his attitude to this Bill that the past legislators were not worth anything, because the opposition to this Bill seeks to deny those people who since 1958 have been Members of the Legislative Assembly. He is saying by his objections to this Bill, that it is not worth pensioning these people from 1969. Some people write letters and say, "well, there are good guys around may be we could consider them , but why go back", and I want to deal with that because this is at the bottom of the fundamental of a pension scheme.

Whenever a pension scheme is introduced the company putting it in or the organization putting it in must make provision for the past services of the workers who have built the company. If they fail to do this, the pension plan is of no effect, and I am sorry that some Members here and some people on the outside mixed up the difference between the payment for past services and retroactive legislation. There is in this Bill no retroactive legislation. There is simply a provision

HON. G. HAIG BODDEN (CONTINUING): to reward certain people who served this country since 1959 as Members of the Legislative Assembly.

I feel the Bill does not go far enough and should go back to provide a nominal pension for those few vestry men and justices of the peace who served in the Legislative Assembly prior to the 1959 Constitution. May be there are only a handful of them left, but I think they would appreciate it and we would then be giving substance to the theory that the Legislators of the past have built a good foundation for us to work upon, not coming here and objecting to a Bill which would provide payment for those few Members who have served since 1959.

Now some Members are concerned that this payment for past services may cause the Government a large expense. Some of them are concerned that there will be large increases in the amount of retiring Members of the Legislative Assembly, but we can only go by the track record of the experience of the attrition of Members from this Assembly.

Let us look at it in detail since 1972. Since 1972 there has been no change in North Side, no person from North Side would be eligible for a pension if he were a Member in 1972. There has been no change in Bodden Town, so that no person who was a Member in 1972, since the November, 1972 election, could be eligible for a pension under this. There has been one change only in East End, there have been two changes in Cayman Brac and one of those Members would not count since he has gone to where you would not need a pension. There have been three changes in George Town and two in West Bay, so there are only seven Members that the effluxion of time has taken away from the Legislative Hall since the November, 1972 election. And this is an average of less than one point five persons that have left in the twelve years, so if this is the rate at which people will be coming in the future under the pension scheme, you do not have to worry about any burgeoning debt for pension plans.

And then to show the truth that the people behaved in the past as they behave in the current time, the Financial Secretary gave certain statistics which show that us from far back as 1959 there have only been in one category of the pension, nine people who would qualify. In another, there would be twenty-two, but twelve of them are serving here now, so the attrition rate, or I should say, the addition to the pension scheme would be 19 people coming into it between 1959 and 1984, a period of twenty-five years. So it is virtually impossible for the Government to go broke by pensioning less than one new legislator each year.

We have nineteen people in twenty-five years that would be eligible for the pension. So when I see on the front pay page of the paper that a would-be-aspirant said, that if we pass this Bill the Government will go broke. I had to say, it is a good thing that we have a democracy, and anyone who aspires to political office can do so; on the other hand, it is a good thing that we have a democracy and only those people who can command the majority of the votes can ever be elected, and because of this, I think the country will remain safe.

Dealing with the statistics given by the Financial Secretary, he has shown the worse possible case that he could make out for the finances, and that case would be, that if all the Legislators who left since 1959, and all of these current Members that are here should lose the next election he would have to pension the twelve of us plus the other ones that I mentioned, and that would cost the Government two hundred and fifty-eight thousand three hundred and fifty-six dollars a year providing that all of us were fifty-five years. Some Members have made it clear that they are not in that age group yet, and I know the people of my vintage are not fifty-five either, although I have no intention of disclosing my age at this time.

HON. G. HAIG BODDEN (CONTINUING): So, if every Member here was age fifty-five today, and if every Member here lost the next election, and if every Member who served since 1959 was eligible for a pension the pension Bill would be two hundred and fifty-eight thousand three hundred and sixty-five dollars a year. The true picture is, that none of these things are going to happen, all of us are not going to be fifty-five, all of us are not going to lose at the next election. So the largest cost that can come to this Government is set out on the front page, a figure of eighty-one thousand dollars per year or six thousand and something dollars per month.

Now can you imagine this. Government is going broke, because if this Bill goes into effect the Government is going to pay out six thousand dollars in pensions. It is a pity those people were not around on Monday morning to hear the Financial Secretary give those vital statistics on revenue and expenditure. He said that the revenue collected this year was seventeen million dollars, and the expenditure up to the end of the quarter in March was eleven million and we have accumulated a surplus of six point three million dollars in the first three months of this year, which is an average of over a two million dollar surplus in the first three months, and somebody is afraid that we may go broke paying a pension to those people who served from 1959 up until 1980 and not currently in the Legislative Assembly.

I wonder if that same person or other people like him, because there are many out there like him, know where that surplus came from. Do they think that surplus came from the messenger boy or do they think that it came from the people who make the policies for this Government, the people who legislate the laws, the people who find the ways to collect revenue? But if that were the only good news I would not bother to dwell upon it.

The year 1983 ended with a surplus. You were given the figures in the March Throne Speech, in excess of one point two million dollars. You were also told that apart from the surplus which we ended in 1983, and apart from the surplus which has been accumulated since January of 1984, we have a reserve figure of eleven point two million dollars, and this has come about since 1976.

In 1976, we inherited a bankrupt Government, we inherited a Government that had borrowed beyond its capacity to repay because it was then costing eleven percent of the recurrent revenue to service the debt, now it costs two or three percent. So we had not only spent all the reserves that had been built up over the last three hundred and fifty years, but we had a Government that could not pay it debts, and what is even worse of all, showing a deficit.

The 1976 deficit was two point five million dollars. And this is what these Legislators have done, they have turned this country around and they do not deserve a pension.

MR. PRESIDENT: I do not know whether the Honourable Member is drawing to a close, if so, I would not interrupt him, if not we are past .....

HON. G. HAIG BODDEN: I am certainly not, Sir, I expect to be here tomorrow.

MR. PRESIDENT: Well, in that case I think perhaps both you and other Members deserve a little refreshment.

I will suspend proceedings for approximately fifteen minutes.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed. The Fourth Elected Member of Executive Council

HON. G. HAIG BODDEN: Mr. President, one Member suggested that it is wrong to provide a pension for Assembly Members, and not look at providing an old age pension, and in fact, I do believe there are other people on the outside, or a few people that have said this. One person, one political aspirant, has promised that he will institute a system to provide these pensions.

However, I would like to point out the difference between a social security system and a pension for employees. The pension for employees is paid to a limited number of people: the social security system would be paid to everybody above a certain age, and if we were going to do that, we would have to find out how we would fund it, because it would not take $6,000 per month, but it would take, 1.5 million dollars per month in the first year, and if we look at the figures from the census taken in 1979, we will find that at that time, there were 915 people between the ages of 60 and 70, 518 people between the ages of 70 and 80, 170 people between the ages of 80 and 90, and 42 people above the age of 90, making a total of 1,639 people, or 3.9% of the population above the age of 60.

If we add say 10% to that for the increases in the population since 1979, we come up with a figure of 1,792 people, or to round it off, say 1,800 people above the age of 60.

Now, if the Government will provide a social security scheme for these people, and would give them say $400 per month, that would be $1,800 a year, or for round figures, $5,000 per year. So if you take the 1,800 people and pay them $5,000 per year, you come up with a bill in the first year that would cost 9 million dollars, and remember this is merely to provide a pension, this does not provide anything for widows, or orphans. So if this is to be done, the Government and the candidates that are putting this forward will have to tell the public where they are going to raise the money from, because I do not see it being put in, well it cannot be put in physically for less than the figures mentioned here.

So, it is a good thought, and I hope that one day, the finances of this Government will be in such a position that we can provide such a scheme, but it cannot be done without proper funding, and if this is to be done, I believe a separate administration would have to be set up to administer the funds, to invest the funds, and it would have to be properly thought out with collections coming in, maybe in year one, and payments starting in year five, or something like this. But certainly, there is no argument to say that you should not provide $5,000 a month for the Legislature, because you cannot provide 1.5 million for a social security scheme.

I was amazed to hear the Member from West Bay, who had been the former Member of Health, mention social services, because, during his administration, they were non-existent.

HON. G. HAIG BODDEN: In 1972, the vote for poor relief was $3,150. In 1976, when he left the portfolio, that vote had been increased by only $9,000 to a total of $12,468.

Under the leadership of the present Member for Health, Education and Social Services, that vote alone rose from $12,000 in 1976, to $100,000 in 1982, and the figure for this year's spending will be more than double that amount , and I believe somewhere in the region of $260,000. So if he had the concern for poor relief in 1976 which he manifests today, that vote could not have remained at $12,000.

The pension, as I already mentioned, is a part of the salary, and is a part of the total package payable to employees. If we look at the civil service over the years, we will see that many benefits have been available to them, benefits which have cost the Government money, but benefits which I believe they were qualified to receive.

To name just a few of them. Civil Servants receive paid vacation, free airline tickets, responsibility allowance, uniform allowance, clothes making allowance, acting allowances, motor car allowance, bicycle allowance at one time, meal allowance, overtime allowance, there is even an allowance in lieu of private practice, housing allowance, medical benefits, and today, this Assembly which has voted all of these things, are against an allowance for past service, for those people who served since 1959, and provided the money to pay for all of these allowances.

I want to continue to deal with some of the criticisms to this Bill, and one newspaper, or what passes for a newspaper, the Herald, had an article written, I suppose, by their consultant for all things, on pensions. That article, written by a person devoid of any actuarial expertise, unacquainted with any mortality tables, and put forward as being the gospel truth, and it is ludicrous to think that a correct financial analysis could be given, especially when the people did not have the facts of the costs. They did not know the components that go into the computation of such an exercise, and yet they come up with an answer that is unworkable.

Only in this Meeting I was delighted to hear the Report from the Financial Secretary on a recent action taken by the Finance Committee to provide an additional $250,000 to provide housing for Civil Servants. I supported this increase. Between 1983 and 1984, a total of $400,000 had been voted to help Civil Servants improve their homes and this is under part of a package to encourage the Civil Servant to perform well. Yet, it seems to be a criminal offence to encourage the political arm of Government to serve well.

We see in the estimates that a sum of $230,000 has been allocated for a self help housing project on Watler Road. So, with all of these amenities being provided, how is it the provider is never mentioned. Do you think it is right for the father to be left out and the children given everything, and then if there are any crumbs left, the father would receive it.

One Member seemed to have had a little difficulty with his memory with regard to the discussions on this Bill, and with regard to ever hearing about it. Some Members feel that they did not have sufficient time to take this to their constituencies, and I thought that Member knew the answer to that, because the answer was given in a reply that came from London when he together with other Members filed a petition to London to stop the Housing Authority Bill.

HON. G. HAIG BODDEN (CONTINUING): They were told, in other words, that there is nothing that says that a Member must take a Bill to his constituency. A Member receives a Bill and it is up to him to take it to his constituency and if he does not have the time because he is engaged in other activities, that is his problem.

This matter of pension was discussed at a Committee Meeting at which I had been present and the Clerk of the Legislative Assembly had been asked to get model legislation from other territories so that our legal department could draft an amendment suitable for the purpose.

On page 19 of the Throne Speech, which was delivered on the 24th of February, the paragraph reads - "The Government will introduce a Bill providing for Elected Members of the Assembly to receive pensions. This will be based on comparable legislation elsewhere.". Certainly if that Member had the interest which he now seems to have, he could have found out what was afoot from the 24th of February if he had not been present at the Committee Meeting when the first discussion was held.

So no Member can claim that he has not been acquainted with the matter of Parliamentary Pensions. He may say that he did not attach much weight to it at the time and did not give it priority, but one cannot claim that one did not have sufficient opportunity to discuss the substance of the Bill.

If we examine the existing pension provision in our Estimates it can be seen that the figure mentioned by the Honourable Financial Secretary as being the top figure that could be used paled to nothing. $810,402 will be paid as gratuities for Contracted Officers during 1994. Increase to pensioners is $95,151. Severence pay to daily workers - $6,000 and retiring benefits of pensions to Civil Servants - $931,552, making a total of $1,843,105 estimated in November to be paid out during this year. And because of the salary increases, and because of the increase to pensioners, because of the increase in the cost of living index and because it is later proposed to make an additional increase to other pensioners who now receive very small sums indeed the full pension gratuity and severence pay for this year will exceed probably $2 million. So we are talking about a sum of money for the Legislative Assembly Members which pales into insignificance when compared to the total Pension Bill.

If the Members' interest, as they would let us believe on the eve of this election, is to cut down on pension benefits and to save money, this is where they would strike - not at the $6,000 per month that would be paid to nine people who could receive pensions for having served since 1959.

It is never possible to blame the Members of Executive Council for money that is spent by the Government. It is impossible for us to spend money. Under the Constitution the money is voted by Finance Committee which is comprised of the twelve Elected Members and the Executive Council in Finance Committee is always in a minority position as we only have four votes and need to get at least another three from the Elected Bench in order to vote money for anything. So Elected Members cannot blame Executive Council for spending Government's money and in fact some of the opposition on the outside even go further and seek to blame the two Sodden Town Members for spending Government's money when we have no control over the purse.

Mr. President, I had declared that I would speak until tomorrow, but during the coffee break I was mildly persuaded by the other Members that I should stop before the adjournment and you, Sir, agreed to continue after four-thirty so that we can get on with some of the business of the House. I regret that I

HON. G. HAIG BODDEN (CONTINUING): have to close my debate after such a short time, but the message I want to leave is that as far as I am concerned the Members of the Legislative Assembly of the Cayman Islands are amongst the best Parliamentarians in the world. We deserve the respect of the public. I can say that we have earned it. We have perhaps made a few mistakes along the way, but by and large we have performed well.

If one listens to the opposition and to some of the nonsense that is written in the newspapers, one would believe that the Elected Members are some little kindergarten children. And these criticisms come from people in a frustrated minority people who will never get elected in this country and so they will always be out there telling you how to run the Government. They will be telling you how chickens lay eggs - something they will never know about. You see, anybody can find out how a chicken lays an egg. You can study it in a book: you can get a graph and you can even lift up the tail and watch the whole process, but unless you are that chicken you will never know the sensation of laying an egg. And so until these people can get themselves elected, which they will never do, they will never know the sensation of running a Government; they will never know the problems they will always have to tell you how chickens lay eggs.

MR. PRESIDENT: Does the mover of the Motion wish to exercise his right of reply?

HON. D. H. FOSTER: Very briefly, Mr. President. I would just to like to thank Members for supporting the Bill and those who were not in full support of the Bill, I still thank them for their criticism and their points made. I will not prolong it anymore, Sir. I commend the Bill to Members.

MR. PRESIDENT: The question is that a Bill to provide Parliamentary Pensions be given a Second Reading.

QUESTION PUT: AYES AND NOES.

MR. PRESIDENT: The ayes have it.

MR. BENSON O EBANKS: Could we have a division on that, Sir?

MR. PRESIDENT: Very well, will the Clerk please carry on.

DIVISION

AYES	NOES
Hon. D. H. Foster	Mr. Benson O. Ebanks
Hon. Michael J Bradley	Mr. W. Norman Bodden
Hon. T.C. Jefferson	Miss Annie Huldah Bodden
Hon. John B. McLean	Capt. Charles L. Kirkconnell
Hon. Truman M.Bodden	Capt. Mabry S. Kirkconnell
Hon. James M.Bodden	
Hon. G. Haig Bodden	
Mr. D. Dalmain Ebanks	
Mr. Craddock Ebanks	
9	5

MR. PRESIDENT: I declare the motion carried by nine votes to five.

BILL GIVEN A SECOND READING AND PASSED BY MAJORITY.

MR. PRESIDENT: The next item on today's Order Paper is another Bill.

THE COURT OF APPEAL (AMENDMENT) BILL, 1984

FIRST READING

CLERK: THE COURT OF APPEAL (AMENDMENT) BILL, 1984.

MR. PRESIDENT: A Bill entitled The Court of Appeal (Amendment) Bill, 1984, is deemed to have been read a first time and is set down for a Second Reading.

SECOND READING

CLERK: THE COURT OF APPEAL (AMENDMENT) BILL, 1984.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move the Second Reading of a Bill shortly entitled The Court of Appeal (Amendment) Bill, 1984.

Mr. President, I think it only fit and proper that I give, to Members of this House, a brief historical summary of why this Bill is now both timeous and necessary.

Honourable Members of Executive Council will be aware that the present Constitution was enacted as the Cayman Islands (Constitution) Order, 1972, and came into operation on the 22nd August, 1972.

In that Constitution there was, at Part V, one section, section 43, which said that, "Subject to the provisions of this section, the Court of Appeal for Jamaica shall have such jurisdiction to hear and determine appeals (including reserved questions of law and cases stated) from the Grand Court of the Islands and, in connection with such appeals, such powers and authorities as may be conferred upon it by any law for the time being in force in the Islands.". There was a subsection saying that, "The foregoing subsection shall not apply to appeals relating to any matter in respect of which this Constitution or any other law provides that the decision of the Grand Court of the Islands is to be final.".

That was a brief provision making the Court of Appeal for Jamaica as the place where appeals went to from the Grand Court of the Cayman Islands.

Because of the brevity of the Constitutional references, this Legislative Assembly in 1975 passed its own domestic Court of Appeal Law (Law 9 of 1975) and as the Memorandum of Objects and Reasons there stated, the purpose of this Law is to make new provisions for the jurisdiction, powers and authorities of the Court of Appeal in respect of appeals from the Islands under the provisions of the Cayman Islands (Constitution) Order, 1972.

There were contained in that Court of Appeal Law some thirty-one sections which spelt out in detail what the jurisdiction, both in civil and criminal matters and the

HON. MICHAEL J. BRADLEY (CONTINUING): other powers and duties of the Court of Appeal of Jamaica should be when sitting in appeal judgment from Grand Court decisions.

That Court of Appeal Law remained unchanged from 1975 to now. But, as Honourable Members of the House are well aware, the Cayman Islands (Constitution) Order, 1972, was earlier this year amended by the Cayman Islands (Constitution) (Amendment) Order, 1984, (United Kingdom Statutory Instruments 1984, No. 126). And that Constitution (Amendment) Order came into operation on the 12th of March, 1984, even though by section 1, subsection 3, the provisions of certain other sections should not have effect until such date as the Governor, by proclamation published in the Gazette, appoint.

Section 4 of that Order relates to qualifications of electors. Section 2 of it relates to qualifications for elected membership, but the part that is relevant to this Bill presently before us is section 5 which substitutes Part V of our present Court of Appeal Law, a completely new and comprehensive Part V into the Constitution and provides in our Constitution new Sections 49, 49A, 49B, 49C, 49D, 49E, 49F and 49G.

These new provisions make and bring into being a new Cayman Islands Court of Appeal which is the superior court of record from all appeals from the Grand Court thus changing the provision whereby the Court of Appeal for Jamaica was automatically the Court of Appeal on appeals from the Grand Court.

The provisions regarding our new Court of Appeal are, in the Amendment to the Constitution, much more extensive than the original Section 49 was. But, extensive as those provisions are, because of it coming into force, certain sections and certain provisions of our own present Court of Appeal Law need to be altered. And the object of this Bill, in respect of which I am moving the Second Reading, is to so alter them.

As you will see, Mr. President, Sir, and as Honourable Members will see, in the Bill there are some nine clauses and they are a number of amendments which it is sought to move.

Clause 1 seeks to provide for this Amendment Law to come into force on the same day as the relevant part of the Constitution, and that day will be on the 1st of September, 1984, since there has already been under the Constitution (Amendment) Order that date given under Clause 1(3) as the date when Clause 5 shall have effect.

Clause 2 merely seeks to substitute a new definition of the Court of Appeal as that of the Islands and not of Jamaica.

Clause 3, which is the most substantial alteration to the principal Law, the Court of Appeal Law, seeks to add two new sections, Sections 2A and 2B which make provision for the number of the seniority of the Judges of the Court of Appeal and for the appointment of the Registrar of the Court of Appeal and other officers.

Clauses 4, 6, 7 and 8 seek to make a number of consequential amendments to the principal Law as a result of the proposed constitutional amendments, and these are principally by the provision for certain things to be done by the newly created Registrar of the Court of Appeal.

Clause 5 seeks to add to section 11 of the principal Law, a provision that at present appears in section 18 which it is sought to be amended by Clause 9, and Clause 9, itself, provides for the system of transmission of documents in cases of appeal

HON. MICHAEL J. BRADLEY (CONTINUING): from the Clerk of the Grand Court to the Registrar of the Court of Appeal.

The final Clause in the Bill, Mr. President, Sir, is a short Clause which says section 29 of the principal Law is repealed. And I must confess, when I received this from my draughtsman, I looked at it and was not at all sure why this was necessary because section 29, which it is sought to repeal, presently states, and I quote, "In addition to every person having right of audience before the Court in its jurisdiction generally as a Court of Appeal, every advocate, barrister, solicitor and attorney-at-law having the right to appear and practise before the Grand Court in any capacity shall have the right to appear and practise in a similar capacity before the Court when exercising the jurisdiction conferred upon it by this Law.".

And then I realised the reason for this. This had to appear previously in the Law because the Court of Appeal which we went to was not a Court of Appeal within the Cayman Islands, but with a Court of Appeal of another country, namely that of Jamaica and the right of audience before that Court of Appeal in Jamaica was not necessarily the same right of audience as was contained in our Laws, either in our Grand Court Law or by our Legal Practitioners Law, 1969. And there had to be an expressed revision in our Court of Appeal Law since at that time it was the Court of Appeal of Jamaica that everybody who had a right of audience here, would have a right to a right of audience in the Court of Appeal of Jamaica in respect of cases coming on appeal from our Grand Court.

Now that we have our own domestic Court of Appeal of the Islands, this is no longer necessary as the right to appear in that Court is clearly given to every attorney-at-law who is admitted to practise under the provisions of the Legal Practitioners Law, 1969.

I think, Mr. President, it is fair to say that none of these nine Clauses, which are contained in the Bill, are in any way controversial. They have been prepared following the constitutional amendment: they have been submitted to the Chief Justice for his comments and he has approved of them: they have been submitted to the Law Reform Advisory Committee, which I chair, which is an ad hoc advisory committee to assist in revision of the Law - in fact at the time they were submitted, both the Judiciary and that Advisory Committee suggested a number of other amendments which could suitably be made to our Court of Appeal Law. The amendments suggested were numerous and it was thought better to bring the minimum necessary, consonant with the constitutional amendment, rather than delay it until later in the year. But, it is hoped, Mr. President, that within the next twelve months there will be an opportunity to present to this House a new revised and streamlined Court of Appeal Law.

With these few words, Mr. President, Sir, I beg to move the Second Reading.

MR. PRESIDENT: Before I put the motion, since it is just after half-past four and since I believe it is the wish of Members that we should continue beyond the time provided for under Standing Order 10, I will invite the Honourable First Official Member to move an appropriate motion suspending Standing Orders.

SUSPENSION OF STANDING ORDER 10(2)

HON. D. H. FOSTER: Mr. President, if it is the wish of the House, Sir, I would like to move the suspension of Standing

HON. D. T. FOSTER (CONTINUING) Order 20(2) to enable us to carry on after four-thirty, Sir.

MR. PRESIDENT: The motion is that, in accordance with the provisions of Standing Order 92, Standing Order 10(3) be suspended to enable the House to continue beyond four-thirty. My understanding is that Members considered it would be appropriate to continue for approximately one hour and I shall be guided by that wish unless anything to the contrary is said in the debate on this motion.

So the motion is for the suspension of Standing Order 10(2). Does any Honourable Member wish to speak? ..... I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 10(2) SUSPENDED.

MR. PRESIDENT: In that case the motion that a Bill for a Law to amend the Court of Appeal Law, be given a Second Reading is now open for debate. Does any Honourable Member wish to speak? ..... If not, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE CUSTOMS (AMENDMENT) BILL, 1984
SUSPENSION OF STANDING ORDER 46(1)

MR. PRESIDENT: Suspension of Standing Order 46 (1).

HON. T. C. JEFFERSON: Mr. President, in accordance with Standing Order 92, I move the suspension of Standing Order 46 (1) so that the Customs (Amendment) Bill, 1984, may be taken.

MR. PRESIDENT: The question is that, in accordance with the provisions of Standing Order 92, Standing Order 46 (1) be suspended to enable the First and Second Readings of the Customs (Amendment) Bill, 1984. Does any Honourable Member wish to speak? ..... I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 46 (1) SUSPENDED.

FIRST READING

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1984.

MR. PRESIDENT: A Bill entitled A Bill for a Law to Amend the Customs Law is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1984.

HON. T. C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled A Bill for a Law to Amend the Customs Law (second revision).

Mr. President, this is a short amendment. Clause 1 deals with the conferring upon the Customs

HON. T. C. JEFFERSON (CONTINUATING): Officer the power to arrest any person who is suspected of being of breach of certain sections of the Customs Law; and Clause 3 deals with section 21(4) which is now no longer necessary.

Clause 6(a) of the Customs Law (second revision) reads, "to arrest without warrant any person liable to be detained under this Law". If my understanding is correct, Mr. President, the Law does not find who can be detained. And the other aspect of it, Mr. President, even if it did, I think at this stage the practicalities of it are a bit cumbersome: for example, if a Customs Officer or Officers come across a person who is perhaps five miles away from these Islands and is suspected of smuggling, it is going to present some problem for the Officer to detain him until the police arrive.

The amendment seeks to give the Officer the authority to arrest under certain sections of the Customs Law.

Clause 50 deals with offences against Officers such as bribes of the Officer or assaulting of the Officer, or in any way obstructing the Officer in carrying out his duties. Clause 51 deals with smuggling. Clause 52 deals with engagement in smuggling. Clause 53 - presumption of being engaged in smuggling and lastly, Mr. President, Clause 54 deals with the evading of custom import duty.

Perhaps, Mr. President, it is unfortunate that we in the Cayman Islands have come to the position to amend the Law for this particular purpose, but we have seen many unpleasant dealings in the last year and in order to be responsible as a Government, the amendment in this case is necessary because of the practicalities of the matter.

Clause 2, which deals with section 21(4), is no longer necessary, Mr. President, because at the time when the Customs Law was enacted there was a shortage of storage space in George Town. That section basically said, and it is still Law, Mr. President, as we know, "No goods shall be permitted to remain on deposit in any warehouse for a period in excess of one year.". As we know, Mr. President, there are many warehouses in George Town there is much space that could be rented and for the swift operations of imports and the clearing thereof, I think this particular section is no longer necessary.

I commend the Bill to Members.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Customs Law (second revision) be given a Second Reading. The motion is open for debate.

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

MR. BENSON O. EBANKS: Yes. Mr. President, I have a question on the third paragraph of the Bill where it seeks to revoke subsection (4) of section 21.

I thought, when I read the Bill, that it had a completely different intent from what it appears from the mover is intended. As I understand this section, warehouse here means a warehouse, not the Government warehouse, but an approved warehouse where goods, upon which duty has not been paid, may be stored. It is an approved warehouse and I thought that the Bill was seeking to limit the time that they would be able to hold those goods there for one year. But I now gather a different interpretation from the mover and I am wondering what the real intent of the Bill is - that section of the Bill, because warehousing

MR. PERSON O. EDAIKE (CONTINUING): there, in my interpretation, refers to an approved warehouse where persons move things like liquor, cigarettes and such and pay the duty when they are taken out of secured areas within that warehouse.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak, I will ask the mover whether he wishes to exercise his right of reply to elucidate the one point .....

HON. T. C. JEFFERSON: Mr. President, I rise to thank Members for their support of the Bill.

In terms of the question being posed by the Third Elected Member for West Bay, my understanding is that we are talking about a Government warehouse. The warehouse at the airport has been used for many years, Mr. President, as a storage facility rather than the use for which it should be properly put. And that is the reason for this amendment.

MR. PRESIDENT: I will put the question that a Bill for a Law to Amend the Customs Law (second revision) be given a Second Reading.

QUESTION PUT: AGREED BY MAJORITY. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Maybe we can elucidate the warehouse point further at Committee Stage if need be.

THE COMPANIES MANAGEMENT BILL, 1984

SUSPENSION OF STANDING ORDER 46(1)

MR. PRESIDENT: Suspension of Standing Orders.

HON. T. C. JEFFERSON: Mr. President, in accordance with Standing Order 92, I move the suspension of Standing Order 46(1) to enable the Companies Management Bill, 1984, to proceed through the First and Second Readings.

MR. PRESIDENT: The motion before the House is that, in accordance with the provisions of Standing Order 92 Standing Order 46(1) should be suspended to enable the First and Second Readings of the Companies Management Bill, 1984, to be taken. Does any Honourable Member wish to speak? ..... I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 46(1) SUSPENDED.

FIRST READING

CLERK: THE COMPANIES MANAGEMENT BILL, 1984.

MR. PRESIDENT: A Bill entitled a Bill for a Law to License and Control the business of Company Management and to provide for connected and related matters to deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: THE COMPANIES MANAGEMENT BILL, 1984.

HON. T. C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to licence and Control the business of Company Management and to provide for connected and related matters.

The object of the Bill, Mr. President, is to provide a system of licensing and control of persons and companies engaged in the business of providing managerial services for profit or reward in respect of other companies.

The provisions of the Bill deal with the licensing of persons engaged in such business and the restrictions and conditions which apply to such licensees. Powers are proposed to be granted, under the Bill, to the Inspector with regards to the general supervision and control, to the Financial Secretary with regards to protection required to companies for which such managers act and to the Governor regarding the power to revoke or suspend licences.

Mr. President, in November last, whilst delivering the Budget Address, I made mention of a Select Committee, for which I will propose a motion at a later time, to be established to consider this particular subject.

As indicated in that Budget Address, Mr. President, we would, at the Select Committee, allow any member of the public to come and make representation on any aspect of company management legislation.

We had representations, Mr. President, from many institutions, many individuals - they were all heard - they were all very appreciative of the time given by the Select Committee and as a result, Mr. President, we have before us today a Bill, perhaps a historical Bill, Mr. President, as in the search by Government to try to find some country with a law to deal with company management proved very unsuccessful. Perhaps there is a country, Mr. President, but we could not find one. Therefore, this Bill has been put together by the experiences of people in the business sector of these Islands by the experience of the Members of the Select Committee and it does give discretion in some areas the power to deal with certain aspects which could not be properly defined due to the complexity of the item.

I believe, Mr. President, that should the House pass this Bill, it is going to be seen as one of the major accomplishments during 1984. Most of us, if not all, are aware of the needs to ensure confidentiality and professionalism when dealing with a person's funds; when dealing with assets owned by a company. And I think that this piece of legislation, although perhaps, Mr. President, not one hundred percent in the first instance (I do not think any legislation is, given the circumstances of this one), is a Bill and hopefully a Law that the financial community of the Cayman Islands has been asking for for some time and they are going to welcome this piece of legislation with open arms.

I commend the Bill to Members, Mr. President.

MR. CRADDOCK EBANKS: Mr. President, I humbly ask to be excused at this time, Sir?

MR. PRESIDENT: The motion before the House is that

MR. PRESIDENT (CONTINUING): ... a Bill for a Law to License and Control the business of Company Management and to provide for connected and related matters, be read a Second time.

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

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

SUSPENSION OF STANDING ORDER 14(1)

HON. JAMES M. BODDEN: Mr. President, under the provisions of Standing Order 82, I would like to move the suspension of Standing Order 14(1), so that the Government Motions may be placed on the Order Paper and dealt with before the Committee Stage and Report on Bills.

Thank you.

MR. PRESIDENT: They are on the Order Paper I think already, it is just a question of shuffling the order. The motion before the House is, then, that Government Motions, item 3(b) on the Order Paper, should be taken before we go into Committee to deal with the Bills.

Does any Honourable Member wish to speak to that motion? ..... If not, I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 14(1) SUSPENDED.

GOVERNMENT MOTIONS

MR. PRESIDENT: The next item will be Government Motion No. 5 of 1984.

GOVERNMENT MOTION NO. 5/84
APPOINTMENT OF SELECT COMMITTEE

HON. JAMES M. BODDEN: Government Motion No. 5 - Appointment of Select Committee. The motion reads as follows -

> "That this Honourable House do, in accordance with Standing Order 69 of the Legislative Assembly Standing Orders, 1976, constitute a Select Committee to consider and report upon the Laws of the Cayman Islands which now regulate the relationships between employers and employees, and to make recommendations as to whether any changes in such Laws are necessary or desirable and if it is so considered, to make recommendations as to what amending or new legislation is, in its opinion, necessary or desirable
>
> AND that this Honourable House do appoint all the Members of the Legislative Assembly, both Elected and Official, to be Members of such Committee and that the quorum for a meeting of such Select Committee shall be seven Members.

HON. JAMES M. BODDEN (CONTINUING):

AND that the said Select Committee do make its report to this Honourable House in the month of or before the month of September, 1984.".

The reason for this motion, Mr. President, is that we have a new labour code drafted, but as it is such an important piece of legislation we feel that the House should take time in a Select Committee to deal with it rather than in the open House at the beginning.

I commend it to the Members. Thank you.

MR. PRESIDENT: I will not read the full motion right through again, but the motion before the House is Government Motion No. 5 recommending the appointment of a Select Committee and it is open for debate. Does any Honourable Member wish to speak?

MR. BENSON O. EBANKS: Mr. President, if I understood the mover of this Motion correctly, he said that there is a draft Bill in existence relating to this matter - that is the relationship between employer and employee and in view of that I am wondering, Mr. President, why the Bill was not brought to the House and sent to a Committee. It would seem to me to be a much more business-like way of having dealt with the matter.

As it is now, the Committee, following Standing Orders on Committees, cannot strictly deal with the draft Bill which the Member says he has in his possession because the Committee, according to Standing Orders, can only deal with matters referred to it by the Legislative Assembly, as in the case of the Bill which has been referred to. And I am surprised to hear that there is a draft Bill and that we are taking this route of appointing a Committee to study, generally, existing laws and to make recommendations.

It seems to me that following this procedure, if we are going to stay within Standing Orders of the House, it is possible that we will not get the necessary legislation on the books before the House is dissolved in September. Whereas, if the Bill had been brought it could have certainly been brought back to the House from the Committee and passed in the September Sitting.

I know that there is precedence, Mr. President, in dealing with legislation in this way. When I say precedence, it has recently become familiar and much often used tool of Government to appoint these Committees, but this is the first time that I have heard it said that there is a draft Bill which could in fact have been brought and sent to the Committee instead of this resolution.

I am therefore wondering whether any useful purpose is going to be served by this resolution unless we are going to breach Standing Orders dealing with procedure in Committees.

As I said, I am cognisant that this has been happening, but I am not satisfied that it is strictly in accordance with the Standing Orders of the House that we study a Bill in Committee and bring it back at the same time as we are bringing the Report of the Committee to this House. Now this is what happens when this method of formulating a Committee to study legislation is used. This is what has been happening - we have been coming back with the legislation as part of, or certainly

MR. BENSON O. EBANKS (CONTINUING): appended to the Report and bringing it to the House in the same Sitting. In fact, it has sometimes, I believe, been published when the Report comes to the House and that certainly cannot be in keeping with Standing Orders. And for that reason I am reluctant, as much as I want to see this legislation before the House, and I wonder why the Member did not bring the Bill. As I said, that would have been the businesslike way of having achieved his objective.

I am not, at this point, Mr. President going to vote against the Select Committee because it is possible that the learned Honourable Second Official Member can convince me, with his legal knowledge, that my interpretation of the Standing Orders is wrong, but I am reserving the right to raise that matter when we get into Committee.

Thank you.

MR. PRESIDENT: I think that, if I may just comment for a moment before the Honourable Member replies, it may technically have been wrong to refer to the document mentioned by the mover of the Motion, as a Bill because it has not yet been introduced to the Legislative Assembly and it therefore is, as it were, a draft series of proposals rather than a draft Bill. If it is a draft series of proposals, then I see no reason why the Select Committee should be debarred from considering it just as a Committee can, when reviewing other legislation as requested in and required by the motion, consider whatever other recommendations or proposals it wishes for changes.

HON. JAMES M. BODDEN: Mr. President, I am somewhat shocked to hear this type of speech from the Member in objecting .....

MR. PRESIDENT: I think perhaps the Honourable Member is exercising his right of reply: if so, I would just like to be sure that there is no other Member who wishes to speak first. If there is not, you may certainly..... No, very well, I am sorry to have interrupted you, but I did not want to deny others a chance.

HON. JAMES M. BODDEN: Allright, Sir. This Member is constantly complaining that he is not kept abreast of what is going on; that there is inside secrecy he should know and so on and so forth. I was a bit wrong in stating after the Motion that there had been certain preparation made towards this Bill, but I was only trying to be decent enough to the Members of this House to make them cognizant of the fact that we had done some preparation in regard to this. This is an important piece of legislation.

If the Members would wish to call a Special Meeting, I would be pleased to ask you to call a Special Meeting (I am sure I can get five Honourable Members on our side to do so) to bring the House back to deal with it in a Meeting here. But, I thought this would be, and other Members concurred, the best way to do it.

If the Member objects to the Bill he can make a Minority Report and append it when it is submitted back to the House. So I do not see what he is alarmed about, other than to just hear himself talking.

MR. PRESIDENT: The question is that .....

MR. BENSON O. EBANKS: But maybe you do not see finesse under Standing Orders.

MR. PRESIDENT: Order! Order!

HON. JAMES M. BODDEN: Not if you prepared them, I would not.

MR. PRESIDENT: The question before the House is that Government Motion No. 5 be passed.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 5/84 PASSED.

MR. PRESIDENT: And I think that the Motion itself does contain provision, both for the composition of the Select Committee and for a quorum. So that is in order.

GOVERNMENT MOTION NO. 6/84

HOUSING DEVELOPMENT CORPORATION

MR. PRESIDENT: Government Motion No. 6.

HON. JAMES M. BODDEN: Government Motion .....

MR. BENSON C. EBANKS: Mr. President, what about the Chairman, Sir?

MR. PRESIDENT: I think I will leave the Committee to appoint its own Chairman which is, as I understand it, permissable under Standing Order 69(2).

HON. JAMES M. BODDEN: Government Motion No. 6 - Housing Development Corporation. The motion reads as follows -

> "That this Honourable Legislative Assembly, in accordance with the provisions of section 20(1) of the Housing Development Corporation Law, 1981, (Law 14 of 1981) approve that the Government of the Cayman Islands do guarantee the payments of the principle and interest of the borrowing by the Housing Development Corporation of the sum of $ million United States dollars by way of mortgage debentures issued by the Corporation bearing interest at the rate of five percentum per annum and redeemable at maturity on the first day of April, 2004.".

Mr. President, this was a result of a Finance Committee Meeting and there was only one objection by the Members of Finance Committee to bring this before the House. I did so. It was not my first intention to do so because I would have preferred for it to have stood in its original form. But, as the majority of Members wanted it done this way, I consented to bring the Motion.

MR. PRESIDENT: Again I will not read the full Motion, but the Motion is Government Motion No. 6 dealing with the Housing Development Corporation and it is open for debate. Does any Honourable Member wish to speak?..... If not, I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 6/84 PASSED.

GOVERNMENT MOTION NO. 7/94

SELECT COMMITTEE ON INTOXICATING LIQUOR

MR. PRESIDENT: Government Motion No. 7.

HON. JAMES M. BODDEN: Mr. President, Government Motion No. 7 - Select Committee on Intoxicating Liquor. The Motion reads -

"That this Honourable House do, in accordance with Standing Order 63 of the Legislative Assembly Standing Orders, 1976, constitute a Select Committee to consider and report upon the Laws of the Cayman Islands which now regulate the sale and consumption of intoxicating liquor within the Cayman Islands and also report upon the Laws of the Cayman Islands which now regulate music and dancing in premises which are licensed to sell intoxicating liquor, or where food or refreshments are sold, or where a charge is made for admission, and to make recommendations as to whether any changes in such Laws are necessary or desirable and if it is so considered, to make recommendations as to what amending or new legislation is, in its opinion, necessary or desirable.

AND that this Honourable House do appoint all the Members of the Legislative Assembly, both Elected and Official, to be Members of such Committee and that the quorum for a meeting of such Select Committee shall be seven Members.

AND that the said Select Committee do make its Report to this Honourable House in the month of or before the month of September, 1994.".

Thank you.

MR. PRESIDENT: Again I will not read the full text of the Motion which is Government Motion No. 7, recommending the appointment of a Select Committee to consider the Law about the sale of intoxicating liquors and allied matters.

The Motion is open for debate. Does any Honourable Member wish to speak?..... If not, I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 7/94 PASSED.

MR. PRESIDENT: Again, the Motion itself provides for the composition of the Select Committee and for a quorum, and again, in accordance with the provisions of Standing Order 69(2), I propose not to make a nomination, but to allow the Committee to elect one of its Members as Chairman.

We now have finished the Motions and go back again to the Bills. The House will now go into Committee to study a Bill entitled the Legal Practitioners (Amendment) Bill, 1994, and other Bills.

COMMITTEE ON BILLS

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1984

MR. CHAIRMAN: The House is now in Committee. A Bill for a Law to Amend the Legal Practitioners Law, 1969.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I take it we can go in these Committee stages in accordance with previous procedure whereby if there is any, merely typographical or punctuation changes that I, in consultation with the Clerk, can do them and need not bother the House.

MR. CHAIRMAN: I have noticed quite a number of printing errors. It might do no harm as we go through clauses just to draw attention to them in case the Clerk and/or the Honourable Attorney-General have not themselves spotted them, but if Members are content we will not move amendments each time, we will just take note of those. Would that be agreeable to Members? ..... Yes, I sense it would. So amendments will be amendments of substance and not the correction of typographical errors.

CLERK: CLAUSE 1 - SHORT TITLE.

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

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - AMENDMENT OF SECTION 2 OF LAW 9 OF 1969.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, there is, in line one, in the spelling of the word "practitioners" and I have circulated to Honourable Members a notice of intention to move a Committee Stage amendment after I have obtained your leave as Chairman, Sir, in accordance with Standing Order 52(2) which I now request.

MR. CHAIRMAN: Leave is granted and I think the notice of the amendment proposed has been circulated to Members.

HON. MICHAEL J. BRADLEY: Indeed, Sir.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I know in our Interpretation Law, Sir, Islands mean Cayman Islands, but I would suggest that we add "Cayman" in front of the word "Islands", to read "Cayman Islands". I think it would sound better if we made that amendment.

HON. MICHAEL J. BRADLEY: Mr. Chairman, perhaps, Sir, before we come to that I could move my amendment to which notice has been given, namely that Clause 2 of the Bill be amended by the deletion of the words "in subsection (1)".

The reason for this, Sir, is that I have noticed that whereas this Clause 2 specifically refers to subsection (1) of section 2 of the principal Law, the principal Law in 1972 was amended by deleting subsection (2) and also changing subsection (1) into the substantive section. So these words are

HON. MICHAEL J. BRADLEY:(CONTINUING) inaccurate. I beg to move that ...

MR. CHAIRMAN: So perhaps we can take that amendment first. Does any Member wish to speak to that amendment? ..... If not I will put the question that the Clause be amended ..... Yes?

MR. BENSON O. EBANKS: Mr. Chairman, just that I would like to hear that explanation again. I am afraid he lost me.

HON. MICHAEL J. BRADLEY: With pleasure, Mr. Chairman. In 1972, by Law 11 of 1972 which was an amendment to the Legal Practitioners Law, 1969 (the principal Law), Section 3 of that 1972 Law said that Section 2 of the principal Law is amended by deleting the bracketed figure 1, appearing in the first line thereof and by deleting subsection (2) thereof.

What happened at that time was that previously there had been two subsections to section 2. They got rid of subsection (2) and therefore it was innocuous to call the remaining subsection, subsection (1) and it became the substantive section.

MR. CHAIRMAN: I am not sure I have, but I have accepted it. If there is no further question I will put the question that Clause 2 be amended as proposed by the Honourable Second Official Member.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: The First Elected Member for the Lesser Islands has a further amendment.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, Sir, I was suggesting that we put "Cayman" in front of "Islands" so it would read, ""Court of Appeal" means the Court of Appeal of the Cayman Islands."

I am aware, Mr. Chairman, that Islands in our Interpretation Law means Cayman Islands, but I just thought it would sound better.

HON. MICHAEL J. BRADLEY: If it was only that, Mr. Chairman, I would hardly agree with the First Elected Member for the Lesser Islands, but my concern is that our Constitution in the new Part V, Section 49, specifically says, "there shall be Court of Appeal for the Islands". And I would hesitate to use a phrase other than that contained in the Constitution.

CAPT. CHARLES L. KIRKCONNELL: Thank you, Sir.

MR. CHAIRMAN: So you will withdraw the proposed amendment?

CAPT. CHARLES L. KIRKCONNELL: Yes, Sir.

MR. CHAIRMAN: In that case, unless any Member has any further comment or point to make, I will put the question that Clause 2 as already amended, by agreement, stand part of the Bill.

QUESTION PUT. AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: CLAUSE 3 - AMENDMENT OF SECTION 15 OF THE PRINCIPAL LAW.

HON. MICHAEL J. BRADLEY: Typographical error, Mr. Chairman, in the newly to be substituted subsection (1); delete comma at the word Attorney-at-Law in line one thereof.

MR. CHAIRMAN: Unless there is any further comment or debate, I will put the question that Clause 3, subject to the minor typographical correction, do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE LEGAL PRACTITIONERS LAW, 1969 (LAW 9 OF 1969).

MR. CHAIRMAN: The question is that the Title and Enacting Clause stand part of the Bill?

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

THE CRIMINAL PROCEDURE (AMENDMENT) BILL, 1984

MR. CHAIRMAN: Next, the Criminal Procedure (Amendment) Bill, 1984.

CLERK: CLAUSE 1 - SHORT TITLE.

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

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - AMENDMENT OF SECTION 27 OF LAW 13 OF 1975.

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

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3 - AMENDMENT OF SECTION 66.

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

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4 - AMENDMENT OF SECTION 71.

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

HON. MICHAEL J. BRADLEY: I think the Third Elected Member for West Bay mentioned this the Second Reading speech.

MR. BENSON O. EBANKS: Yes, Mr. Chairman, this was the section that gave me some concern in the Second Reading yesterday.- why this proviso should only be put in in respect of any prosecution instituted under section 61 of the Traffic Law? The reason given, I think, or as I understood it, in the presentation of the Bill by the Honourable Second Official Member was because section 61 carried the mandatory punishment of losing a licence for at least a period of one year. And I question why this was being put in when there were other mandatory sentences in respect, for example, of the Misuse of Drugs Law, and, I am sure, other Laws.

I believe that in the winding up, or in some discussion or whatever, the Honourable Second Official Member agreed with the submission and said that maybe there could be an amendment at this stage. And there was also an indication by him that he was bringing a more comprehensive amendment, I believe, or another law or whatever, maybe at a different Meeting.

So I am in the hands of the House really with this. If the Honourable Member feels that it would be useful to put the other offences here or sections of the Law here, I would support it. If he feels that it could be better done later, I would not push it. And, in fact, having read the section over again last night, I wonder whether the amendment is necessary at all inasmuch as the section of the Criminal Procedure Code - in my opinion if there is a mandatory sentence, would not the Judge be bound by that anyway if it is within the Law?

HON. MICHAEL J. BRADLEY: With your permission, Mr. Chairman, Sir, this specific Clause was brought in this Amending Bill because there had been a well argued case made out some time ago by an eminent counsel practising here to the Magistrate's Court, but notwithstanding the mandatory provisions as regarding suspension of driving license for a conviction under Section 61 of the Traffic Law, but nevertheless the discretion still remained with the Magistrate by virtue of Section 71 of the Criminal Procedure Code to grant an absolute discharge.

The Magistrate at that time listened to the submission thought there was some merit in it, but determined on other causes that he would not, at that time, exercise that power even if he had it.

I have felt that in this particular instance, and Government itself, that it is inappropriate in this very limited case that such power to give absolute discharge and not to suspend should be with the Court. I would be reluctant without carefully considering all the Laws in which minimum sentences and mandatory sentences are imposed, to rush it in hastily here, Sir I had at one time thought that we could extend it to the Misuse of Drugs Law, but, since, I intend bringing changes to that back before the House this year. Basically I agree, in principal, or have no objection in principal to what the Member says, but I would not like to rush into it and find out that we had done more than we intended to do. If I could give him my assurance, I will carefully consider.

HON. TRUMAN M. BODDEN: Mr. Chairman, I believe what the Member is referring to , and perhaps a simple way of doing it when the amendment comes back is just making a provision that the discharge shall not relate to any offence of which the maximum penalty exceeds, say, three years or five years, or where there is a mandatory sentence.

MR. BENSON O. EBANKS: As I said, Mr. Chairman, I am not going to push the matter .....

MR. CHAIRMAN: I am told that the tape has run out which is perhaps a lesson to us that we should be finishing: and we did say that we would continue for an hour which is, by my watch, going to end in a moment. I am sure Members would not wish to continue the debate at a time when the tape was not functioning. So, perhaps, at this stage we can break off proceedings.

I think, technically, the House must reconvene to adjourn, so we will note that we have completed the first three Clauses and are debating the fourth Clause of a Bill to Amend the Criminal Procedure Code, but in the meanwhile the House will resume.

HOUSE RESUMED

MR. PRESIDENT: The House has resumed.

I am not reporting the Committee Stage ..... (Please be seated). I shall not, at this stage, report what has so far taken place in Committee; I shall wait to do that tomorrow - just the adjournment.

ADJOURNMENT

HON. D. H. FOSTER: Mr. President, I move the adjournment of this House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT: The question is that this House do now adjourn until 10-00 o'clock tomorrow morning. Does any Member wish to speak? ..... I will put the question.

QUESTION PUT - AGREED. AT 5:39 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, 9TH MAY, 1984.

SECOND MEETING OF THE 1954 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON WEDNESDAY, 5TH MAY, 1954
THIRD DAY

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON. D. H. FOSTER, C/O, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLD	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. T. C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. TRUMAN M. BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON. JAMES M. BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. D. DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BENSON O. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. W. NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT. MABRY S. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

THIRD DAY

WEDNESDAY, 9TH MAY, 1984

GOVERNMENT BUSINESS
BILLS:-

1. SUSPENSION OF STANDING ORDER 46(1)
TO BE MOVED BY THE HONOURABLE THIRD OFFICIAL MEMBER TO ENABLE ALL REMAINING STAGES OF THE COMPANIES MANAGEMENT BILL, 1984 TO BE TAKEN.

2. COMMITTEE ON BILLS

(a) The Criminal Procedure Code (Amendment) Bill, 1984 (CONTINUING)
(b) The Criminal Procedure Code (Amendment) (No.2) Bill, 1984
(c) The Parliamentary Pensions Bill, 1984
(d) The Court of Appeal (Amendment) Bill, 1984
(e) The Customs (Amendment) Bill, 1984
(f) The Companies Management Bill, 1984

3. REPORTS ON BILLS

(a) The Legal Practitioners (Amendment) Bill, 1984
(b) The Criminal Procedure Code (Amendment) Bill, 1984
(c) The Criminal Procedure Code (Amendment) (No. 2) Bill, 1984
(d) The Parliamentary Pensions Bill, 1984
(e) The Court of Appeal (Amendment) Bill, 1984
(f) The Customs (Amendment) Bill, 1984
(g) The Companies Management Bill, 1984

4. THIRD READING OF BILLS

(a) The Legal Practitioners (Amendment) Bill, 1984
(b) The Criminal Procedure Code (Amendment) Bill, 1984
(c) The Criminal Procedure Code (Amendment) (No.2) Bill, 1984
(d) The Parliamentary Pensions Bill, 1984
(e) The Court of Appeal (Amendment) Bill, 1984
(f) The Customs (Amendment) Bill, 1984
(g) The Companies Management Bill, 1984

TABLE OF CONTENTS

	PAGE
Suspension of Standing Order 46 (1)	1
The Criminal Procedure (Amendment) Bill, 1984 - Committee Thereon (Continuing)	2
The Criminal Procedure (Amendment) (No.2) Bill, 1984 - Committee Thereon	7
The Parliamentary Pensions Bill, 1984 - Committee Thereon	13
Division	18
The Court of Appeal (Amendment) Bill, 1984 - Committee Thereon	19
The Customs (Amendment) Bill, 1984 - Committee Thereon	20
The Companies Management Bill, 1984 - Committee Thereon	22
The Legal Practitioners (Amendment) Bill, 1984 - Report Thereon	27
The Criminal Procedure Code (Amendment) Bill, 1984 - Report Thereon	27
The Criminal Procedure Code (Amendment) (No.2) Bill, 1984 - Report Thereon	27
The Parliamentary Pensions Bill, 1984 - Report Thereon	27
The Court of Appeal (Amendment) Bill, 1984 - Report Thereon	27
The Customs (Amendment) Bill, 1984 - Report Thereon	27
The Companies Management Bill, 1984 - Report Thereon	28
The Legal Practitioners (Amendment) Bill, 1984 - Third Reading	28
The Criminal Procedure Code (Amendment) Bill, 1984 - Third Reading	28
The Criminal Procedure Code (Amendment) (No.2) Bill, 1984 - Third Reading	28
The Parliamentary Pensions Bill, 1984 - Third Reading	28
Division	29
The Court of Appeal (Amendment) Bill, 1984 - Third Reading	29
The Customs (Amendment) Bill, 1984 - Third Reading	29
The Companies Management Bill, 1984 - Third Reading	29
Adjournment	30

WEDNESDAY 9TH MAY, 1984

10:00 A.M.

MR. PRESIDENT: Please be seated.

I see that on the Order Paper, the first item is the suspension of Standing Order to enable the Companies Management Bill various stages to be taken. Subject to advice I think that probably should come before the Third Reading, because we have already suspended Standing Orders to enable the First and Second Readings of that Bill, which we had, and to enable the committee stage, I take it but, I am not quite sure, perhaps the suspension that we - If I am advised that we ought to suspend again at this stage .....

HON. D.A. FOSTER: Mr. President, Sir, I think you are perfectly right if my memory serves me right. On yesterday's Order Paper we suspended that and did the First Reading.

MR. PRESIDENT: Yes, that is right. It is only a question of whether that enables us to deal with the committee stage too.

HON. MICHAEL J. BRADLEY: I think, Mr. President, Sir, that it is not a question of the suspension of Standing Orders as sometimes happens to enable more than two Readings to be taken the same day, it is the on going necessity to keep Standing Orders suspended for all stages of it because at all stages it fails to comply with Standing Order 46(1), which refers to copies having reached every Member not less than seven days before it is proposed to read it a First Time.

MR. PRESIDENT: Then presumably the suspension will have to be in respect of both Bills, in respect of which we suspended Standing Orders yesterday - not only the Companies Management Bill, but also the Customs (Amendment) Bill. We did in both cases suspend Standing Orders to enable the First and Second Readings to be taken yesterday, and if we are going to be consistant, and if your argument is correct then we shall have to suspend Standing Orders today in order to enable us to continue with the remaining stages, committee and Third Reading of both Bills.

HON. MICHAEL J. BRADLEY: Unless of course it is the situation as I suspect it may be, that we had reached day 6 of the Customs Bill yesterday but have now reached day seven of it today, which means it is in order.

MR. PRESIDENT: Yes, I think perhaps that is so.

HON. MICHAEL J. BRADLEY: I think the Clerk has nodded to me.

MR. PRESIDENT: Yes, I think the Clerk has probably got it quite right that we do need to suspend Standing Order 46(1) to enable - to do exactly what it says on the Order Paper. In which perhaps we might as well do it at this stage.

HON. THOMAS C. JEFFERSON: I am very happy to, Mr. President.

SUSPENSION OF STANDING ORDER 46 (1)

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 82 I move the suspension of Standing Order 46 (1) to enable the remaining stages of the Companies Management Bill to be taken.

MR. PRESIDENT: The question is that in accordance with the provisions of Standing Order 82, Standing Order 46 (1) be suspended to enable

MR. PRESIDENT (CONTINUING): all the remaining stages of the Companies Management Bill to be taken.

Does any Honourable Member wish to speak?

QUESTION PUT: AGREED. STANDING ORDER 46(1) WAS SUSPENDED.

MR. PRESIDENT: In that case since when we broke off proceedings yesterday we had been in committee, the House will now return to committee to continuing studying the Criminal Procedure (Amendment) Bill. The House is now in committee.

THE CRIMINAL PROCEDURE (AMENDMENT) BILL, 1984

COMMITTEE THEREON (CONTINUING)

MR. CHAIRMAN: We were yesterday when we broke off discussing Clause 4 of the Bill, but my recollection is, we had not completed our discussion of it. I think the point had been raised that consideration might be given to including similar provisions to that included in Clause 4 in respect of other legislation which provided for mandatory minimum sentences, and I think that the Second Official Member had said that that was a point that he would like to consider, but that it needed careful study, and that he might bring a further Bill about the matter to the Assembly in due course, if I understood it correctly, but that he would be reluctant to take an off-the-cuff decision without looking at it carefully or reluctant to advise the Assembly to take an off-the-cuff decision. I think the Member who had raised the point had expected satisfaction, but if I am incorrect about that no doubt Members will put me right.

MR. BENSON O. EBANKS: I accepted the information stated by the Second Official Member.

MR. CHAIRMAN: I will ask then, if any Member has any further point to raise in respect of Clause 4. If not I will put the question that Clause 4 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. INSERTION OF NEW SECTION 105A.

MR. CHAIRMAN: The question is that Clause 5 do stand part of the Bill.

I have noticed three or four typographical or similar errors in Clause 5. The marginal note, there needs to be an "n" on the end of section and the new section 105A subsection (5) paragraph (b) about the sixth line "anytime" I imagine should be two words. The new Clause section 105A subsection (7) paragraph (b) "publication" needs to be spelt correctly, and paragraph (c) second line "anybody" should probably be two words and I think it is the eighth or ninth line of paragraph (a) where it goes "shall be" I think that "shall be" should govern both (b) and (c).

HON. MICHAEL J. BRADLEY: I was going to mention that, Sir, but basically its the lay-out that can change the meaning of it. Subsection (7) should start - the first three lines and then all of (a) and (b) and all of (c) up to the word "periodical," should be indented, there should then be a new sentence started "shall be" which would go up to the margin, because "shall be guilty of an offence" governs (a), (b) and (c).

MR. PRESIDENT: Other Members may have spotted other printing or typographical errors, but those were the ones that I noticed.

HON. MICHAEL J. BRADLEY: There is another "publication" in sub-section (8) in the penultimate line.

MR. CHAIRMAN: If as yesterday the committee is prepared to agree that the Second Official Member and the Clerk may between them correct what are plainly typographical errors we can simply take note that they will do so.

Does any Honourable Member wish to speak as to the substance of Clause 5? If not I will put the question.

MR. BENSON O. EBANKS: I have a question on this, Mr. Chairman. If the reason for this section is as was stated to keep certain evidence from a prospective juror prior to the actual trial in Grand Court. It seems to me that that is defeated by the permission contained in sub-section (5), where, as I see it, there is no restriction on what can be reported once the committal has taken place.

MR. CHAIRMAN: I did not read it like that, but .....

MR. BENSON O. EBANKS: Subsection (5) says, "It shall not be unlawful under this section to broadcast matters other than that permitted by subsection (6)- (a) where the court determines not to commit the accused person, or determines to commit one of the accused persons, for trial, after it so determins; or (b) where the court commits the accused person or any of the accused persons for trial, after the conclusion of his trial". I would think the "trial" would cover it, Sir. I am sorry about that.

MR. CHAIRMAN: I think it is alright.

MR. BENSON O. EBANKS: Yes, Sir.

HON. TRUMAN M. BODDEN: Mr. Chairman, that follows word for word the English Statue, Sir.

MR. CHAIRMAN: Yes.

MR. BENSON O. EBANKS: I was worried that this was when you get out, but I see the trial is the operative word.

MR. CHAIRMAN: Either he is not going to be tried at all or the trial has been completed, that was how I read it.

Any further point? In that case I will put the question that Clause 5 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. AMENDMENT OF SECTION 160.

HON. MICHAEL J. BRADLEY: Mr. Chairman, for the avoidance of doubt could I make it clear to Members that it is my understanding that we are in committee stage on Clause 6 as it is so contained on the penulti-mate page of the green copy - and then we go on to a new Clause 7 on the white copy. In other words this is the entirety of Clause 6.

MR. CHAIRMAN: That is right. On the bottom of that page in the green copy which itself is Supplement No.3 printed with Gazette no.9, because I think there is two green copies. So, as long as Members have Supplement No.3 printed with Gazette No.9, then it is the set Clause 6 at the end of the penultimate page of that, and it is "Amendment of Section 160".

Does any Honourable Member wish to speak to Clause 6. In that case I will put the question that Clause 6 do

MR. CHAIRMAN (CONTINUING): stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

MR. CHAIRMAN: Before the Clerk reads Clause 7 I will remind you as indeed the Second Official Member has just done, that Clause 7 is on a white sheet of paper which was distributed before we had the first reading when I explained the muddle that had been with the printing, and it is Clause 7 as on the white sheet that we shall be discussing.

CLERK: CLAUSE 7. AMENDMENT OF SCHEDULE I.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE CRIMINAL PROCEDURE CODE (LAW 13 OF 1975.

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

MR. BENSON O. EBANKS: Mr. Chairman, I am sorry, and if I am out of order in going back, tell me so.

In looking at sub-section (5) of Section 5 again. (a) does seem to stand on its own since there is "or" following it, and in the circumstances it appears to me there that there is a loop-hole.

HON. TRUMAN M. BODDEN: What kind of a loop-hole, Mr. Chairman?

MR. BENSON O. EBANKS: Well, subsection (5) starts by saying, "It shall not be unlawful under this section to publish or broadcast a report of committal proceedings containing any matter other than that permitted by subsection (6)", which means, as far as I am concerned, there is no restriction on what can be published. And (a) says "where the court determines not to commit the accused person, or determines to commit one of the accused persons, for trial, after it so determines; or" and then we come to (b). Now I, awhile ago thought (b) took care of it, but (a) seems to stand out there and leave a loophole. I may be wrong, but that is the impression I have.

HON. TRUMAN M. BODDEN: Mr. Chairman, I have the English Statue that this was lifted from, and if I may just read it, because it is drafted with two negatives. The reason for it in the drafting is, because the Draftsman did not wish to make it lawful he merely wish to not make it unlawful, and the section is section 8 subsection (3) of the Magistrate's Court Act, 1980, and it says this, "It shall not be unlawful under this section to publish or broadcast a report of committal proceedings containing any matter other than that permitted by subsection (4) below - '(a) where the Magistrate's Court determines not to commit the accused or determines to commit none of the accused for trial after it so determines. (b) where the court commits the accused or any of the accused for trial after the conclusion of his trial or as the case may be, the trial of the last to be tried". Then it goes on "and where at any time during the enquiry".

MR. CHAIRMAN: If I may interrupt the Honourable Member, I think that may have helped, because what you read out says "commit none of" and ours says "commit one of". I think perhaps there has been typing error.

Under our new proposed Section 105A sub-section (5) paragraph (a) third line, it says "determines to commit one of", what you read out was "none of".

HON. TRUMAN M. BODDEN: That is correct, this has "commit none".

MR. CHAIRMAN: I am sure "commit none" would make sense.

HON. TRUMAN M. BODDEN: It does.

MR. BENSON O. EBANKS: If you commit one you do not achieve what we are saying here.

HON. TRUMAN M. BODDEN: It should be "none", that is correct.

MR. CHAIRMAN: Now we had already in committee passed that Clause, so I think I will have to ask somebody to be kind enough to move that we suspend Standing Orders to enable us to reconsider or recommit Clause 5.

The Second Official Member has moved that in accordance with Standing Order 82, Standing Orders be suspended to enable us to recommit Clause 5 of the Bill. May I have from somebody an amendment, possibly from the Third Elected Member for West Bay since he first raised the point.

MR. BENSON O. EBANKS: I am quite happy for the Second Official Member to correct this.

MR. CHAIRMAN: Your are quite happy for the Second Official Member. Well, would the Second Official Member care to propose that Clause 5 be amended in the sense we have been discussing.

HON. MICHAEL J. BRADLEY: Yes, Mr. Chairman, Sir. I was one of the Members who was speaking looking up the actual manuscript copy submitted to the Clerk for publication and it is quite clear that in it, it said, "It shall not be lawful under this section to publish or broadcast a report of committal proceedings etc., where it determines to commit none". So what was in fact submitted and was sent round in white copies originally to Members was correct, and in fact it is this green copy that is in error.

I would therefore beg to propose, Sir, with your leave, which I hope is granted without notice under 52(2), that Clause 5 be amended in respect to the proposed new Section 105A by the deletion of the word "one" in the fourth line of paragraph (a) of subsection (5) and the substitution therefor of the word "none".

MR. BENSON O. EBANKS: Third line on copy.

MR. CHAIRMAN: I think it is the third line.

HON. MICHAEL J. BRADLEY: Third line, my apology, Sir.

MR. CHAIRMAN: And in fact, I suppose conceivably, although it is a significant and substantial change it is nonetheless the correction of a printing error, and is covered by the general authority that the committee gave to the Second Official Member to correct printing errors, because that is clearly what it is. If the white copy that reached Members said "none" and .....

HON. MICHAEL J. BRADLEY: But I am still very grateful to the Honourable Third Elected Member for West Bay to be our invigilator, and there has happened in a case before, Sir, that a minor typographical error in the Misuse of Drugs, where instead of saying "seventy-five percent" it was printed as "five percent" necessated afterwards a further amendment.

HON. TRUMAN M. BODDEN: Mr. Chairman, while on that, the other two printers errors are in the fifth line after the word "tried" and the "," the "and where" should be indented to cover both paragraphs. On the line after that, "anytime" should be separated, it should be two words, "any" and "time".

What I would say, Mr. Chairman, this seems like a lot of waste of the House's time, and I think the Printers should be asked "would they please get this thing correct", because here you have fifteen people sitting down passing Laws and it is extremely difficult to see the leaving out of one alphabet, and I worry that we may well make an error. You know, they should have somebody who goes through this and produces a correct Bill.

MR. CHAIRMAN: I am in full agreement with that.

HON. MICHAEL J. BRADLEY: Since it is a matter of substance, Sir, could I propose with your leave a further amendment which is to change the indentation as it was in the circulated typewritten copy, which basically is that subsection (5) starts with the first five lines up to the hyphen, then (a) and (b) or as much of (b) as goes to the word "tried," in the fifth line are indented and then "and where" onwards is on the next line and out to the margin, because it governs both sub-paragraphs.

MR. CHAIRMAN: I do not think I put the question, but if I .....

MR. BENSON O. EBANKS: Which is the "and where" you are referring to?

MR. CHAIRMAN: The new proposed Section 105A, which is within Clause 5, subsection (5) paragraph (b) line five. Are you with me? "The trial of the last to be tried, and where at any time", and from "and where" onwards governs both sub-paragraph (a) and (b).

CAPT. C.L. KIRKCONNELL: Mr. Chairman, the Supplement No.2 Gazette No.9 has it correct.

MR. CHAIRMAN: That one had other things incorrect, but in correcting they made new mistakes, I am afraid. So I think we can take it that the general authority given to the Second Official Member and the Clerk to correct printing errors and the rest covers all the additional points which we have just been discussing, as to the word "none" and "one" and as to the layout of Clause 5. So I do not think we need to formally put the question regarding them, and I return to the stage which we had reached, which was that the Title and the enacting Clause stand part of the Bill.

I would just ask whether any Member wish to speak on that, if not, I will put that question.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes that Bill.

HON. MICHAEL J. BRADLEY: There is another typographical error, Sir, in sub-section (11), the word "instituted" on the second line.

MR. CHAIRMAN: Next, the Criminal Procedure (Amendment) (No.2) Bill, 1984.

THE CRIMINAL PROCEDURE (AMENDMENT) (NO. 2) BILL, 1964

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: CLAUSE 2. AMENDMENT OF SECTION 67 OF LAW 13 OF 1975.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. Unless any Honourable Member wishes to speak, I will put the question.

MR. BENSON O. EBANKS: Mr. Chairman, I think this might be the appropriate place for me to get an explanation, really, of what is the purport or the gist of the new section 67A (1) that is being proposed, that is, where the person can address the Court.

MR. CHAIRMAN: I think that is Clause 3, we are on Clause 2 now.

MR. BENSON O. EBANKS: I am aware of that, Sir, but it does affect what we are taking out.

HON. MICHAEL J. BRADLEY: I wonder, Mr. Chairman, has the Honourable Member received a copy of the proposed committee stage amendments that I have circulated yesterday.

Section 67 is proposed to amend in accordance with Clause 2. It is proposed to insert a new Clause 3 amending Section 136 of the Code, and it is proposed to renumber the present Clause 3 as Clause 4, and then make two amendments to that so that the substantive words of Clause 3 come almost at the end of the Criminal Procedure Code so that is is quite clear that it refers to Grand Court as well as Summary Court proceedings.

MR. BENSON O. EBANKS: Yes, I am aware of that. But what I am still not clear on is the explanation given in the winding up on the second debate of this about the un-represented person having all of the rights that he now has to address the Court and what not. As I understand it, he cannot do that without going in the Box and being prepared to be cross-examined. Am I not right in my interpretation on that?

HON. MICHAEL J. BRADLEY: With respect, Mr. Chairman, rather jumping the gun to the substantive Clause, but if it helps the committee I will .....

MR. BENSON O. EBANKS: If I can explain why I am raising it at this point, is because it is germain to the amendment we are now proposing.

MR. CHAIRMAN: You mean you might object to the amendment now being proposed unless satisfied about the other point. I understand that.

MR. BENSON O. EBANKS: Yes, Sir.

HON. MICHAEL J. BRADLEY: With reference, Mr. Chairman, to the un-represented person, the words in the proposed new section that bite concerning that is "this subsection shall not affect the right of an

HON. MICHAEL J. BRADLEY (CONTINUING): accused person, if he is not represented by counsel, to address the court or jury otherwise than on oath on any matter on which, if he were so represented, counsel could address the court or jury on his behalf". So what, the right that is still preserved there is for an non-represented person to do all the things in court that is counsel if he were represented could do, and does not take any of those away from them. What it does .....

MR. BENSON O. EBANKS: It takes away the right though, to give the unsworn statement and then make him liable to cross-examination by a learned prosecutor.

HON. MICHAEL J. BRADLEY: It prevents him from giving the unsworn statement, because his counsel, if he were represented, would not be able to say those things. Before, if he was represented by counsel, counsel could do all the normal pleadings, the introduction, the cross-examination of witnesses not on oath, he then counsel at the end could put his accused person that he represents into the box - (not into the box) - could put the accused person up and the accused person not on oath could make an unsworn statement. If the person is unrepresented he can do all the things that he could do before, except make the unsworn statement at the end. It does not mean that he cannot cross-examine, it does not mean he cannot address the jury .....

MR. BENSON O. EBANKS: Does a person who will be unrepresented really have that ability? I have only seen in account in one case where such a person seemed to have done a good job for himself, and in fact, got off.

HON. MICHAEL J. BRADLEY: All I can say, Mr. Chairman, Sir, is that nothing a prosecutor hates more is an accused who is representing himself, because it is much more difficult to prosecute such a case because it is found that the court in the interest of justice leans backwards and at time practically acts as counsel for the defence for an unrepresented person.

MR. BENSON O. EBANKS: I just have one last question, Mr. Chairman, and that is, if in the opinion of the Second Official Member having seen that there are separate sections for different courts, if he is satisfied that the magnitude of the case that would be tried in summary court warrants taking away this privilege, bearing in mind of our legal aid system, as I understand it, is much more restricted than it is, say, in the United Kingdom. It lists the number of offences that you can get help in a much more restricted - are you satisfied that we should use it for the summary court as well as .....

MR. CHAIRMAN: I think really questions of this kind are straying (a) a bit beyond committee stage discussion and (b) a bit beyond what is normal or are normally allowed even in debate. I am not sure that any Member of Government is obliged to answer about what his opinion is about some kind of .....

HON. MICHAEL J. BRADLEY: Well, it is not being obliged, Mr. Chairman, Sir, it is within my portfolio responsibilities, if I was not able to support every word of it I would not have brought it.

MR. CHAIRMAN: So, I think we should now .....

MR. BENSON O. EBANKS: Just on a general point on that, Mr. Chairman, I think that when we are in committee dealing with these Bills it is up to us to get information as is possible, and that is the .....

MR. CHAIRMAN: Well, I have been fairly liberally in allowing backbench members opportunities to gain information in committee .....

MR. BENSON O. EBANKS: And with regard to the last remark made by the mover, I mean, we have three or four amendments before us now, so you know it shows that there has been a catch or second thoughts or whatever.

HON. TRUMAN M. BODDEN: Mr. Chairman, I would have thought that now that the Honourable Member is getting near to being a lawyer he would not have to ask legal questions to the Second Official Member.

MR. CHAIRMAN: Let me now see whether I can put the ....

MR. BENSON O. EBANKS: I do not think anyone becomes that perfect, Sir.

HON. MICHAEL J. BRADLEY: I have room for two more clerks now.

MR. CHAIRMAN: I have not brought my gavel down with me, I will have to do so in future when we move into committee.

The question is that Clause 2 do stand part of the Bill. Unless any other Member has further points to raise I will put that question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

MR. CHAIRMAN: I think that notice has been given of an amendment which would insert a new clause immediately following Clause 2. So I will ask the Second Official Member whom I give leave if he will move that amendment.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, thank you.

In accordance with Standing Order 62(1) I beg to move that the Bill be amended by the addition immediately following Clause 2 of the following new clause:-

"Amendment of s.129 of the Code.	3. Section 129 of the Code is amended by deleting", or to make an unsworn statement," in the ninth and tenth lines of subsection (2)".

If I may just explain to Members that basically Clause 2, which we have just approved in committee, and this new Clause which is a consequential amendment to the insertion of the substantive Clause in old Clause 3. If I can read 129 as it presently stands to Members, 129 (2) says:- "When the evidence of the witnesses for the prosecution has been concluded, and the statement or evidence (if any) of the accused person before the committing court has been given in evidence, the court, if it considers that there is evidence that the accused person, or any one or more of several accused persons, committed the offence, shall if they are not being defended by counsel inform each such accused person of his right to address the court, either personally or by his counsel (if any), to give evidence on his own behalf, or to make an unsworn statement, and to call witnesses in his defence, etc.,".

This Clause that I am proposing to insert removes the words "or to make an unsworn statement" while it is preserving all the other rights of the accused in that particular Section 129 (2).

MR. CHAIRMAN: So the question before the committee now is that the Bill be amended by inserting a new Clause 3,(the wording of which has been read out) - immediately following Clause 2. Does any Honourable Member wish to speak to the amendment? If not, I will put the question that the amendment be agreed.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: I will now put the question that the new Clause 3, the one that has just been read out, do stand part of the Bill.

QUESTION PUT: AGREED. **NEW CLAUSE 3 PASSED.**

MR. CHAIRMAN: There is now a second amendment of which notice was also given at the same time which renumbers the previous Clause 3 and makes certain amendments to it, and I give leave to the Second Official Member to move this. I would bring to his notice and invite his consideration of the question that the former Clause 4 of the Bill should, it seems to me, be renumbered Clause 5 and that perhaps his amendment should itself be amended to cover that point. Perhaps, it would also be helpful if simultaneously I remind Members that the green copy that they now have contains a mistaken final page, and that they should substitute for that final page the white sheet which was circulated before this Bill was given a first reading, and which contains the correct end part of what was Clause 3 now renumbered Clause 4 and of what was Clause 4 now renumbered Clause 5. I am afraid this is rather complicated, but if the Second Official Member would like to move .....

HON. MICHAEL J. BRADLEY: Thank you, Mr. Chairman, Sir.

May I move with your help, Sir, - (you have not given permission) - that Clauses 3 and 4 of the Bill be renumbered as Clauses 4 and 5, and that the newly renumbered Clause 4 be amended by the deletion of the numbers "67" and "67A" where those numbers respectively occur and the substitution therefor of the numbers "179" and "179A".

If I may briefly explain, Mr. Chairman, Sir, that whilst this is a new independent section and stands on its own, and whilst it is a tenant of law that margin notes and headings of parts and titles of parts do not affect the sense or substance of the Bill or of the Law, it was quite properly brought to my attention by the First Elected Member for the Lesser Islands that the placing of this new substantive Clause 67A after Section 67 puts it into Part IV of the Criminal Procedure Code, which has got a heading "Procedure in trials before the Summary Court". Since it is obviously intented from the wording of it as it refers to court or jury, and there is no jury in the Summary Court, and since there was quite likely an uncertainty in doubt in the mind of the First Elected Member for the Lesser Islands - (and I am sure of other persons too) - whether or not it applied to Grand Court proceedings. I have thought it fit and proper to move this amendment so as to reposition the new Clause into the Bill under Part X Miscellaneous, that is the reason for the change, instead of putting it half way through the Criminal Procedure Code I am shifting it, if the House so agrees, near the end under Miscellaneous so that there is no doubt in the minds of any person that it applies to both Summary and Grand Court proceedings.

Thank you.

HON. MICHAEL J. BRADLEY (CONTINUING): Could I now mention a typographical error, Sir, which is in the new section, six lines down, "subjection" should read "subsection".

MR. CHAIRMAN: And three lines further down the first word "an" should read "on".

HON. MICHAEL J. BRADLEY: Yes. Could I also say, Sir, that the whole of this section should be indented in the same manner as the first five lines, and also subsection (3) should be equally be indented so that it is all indented right through, Sir. Perhaps the Clerk could bring that to the notice of the printer. Thank you.

MR. CHAIRMAN: So apart from correcting printing errors the question before the committee is, that there should be an amendment such that Clauses 3 and 4 of the Bill be renumbered as Clauses 4 and 5 and that certain amendments be made to the renumbered Clause 4.

Does any Honourable Member wish to speak to that amendment. If not, I will put the question that the amendment be approved.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: Unless any Member wishes to speak to the Clause as amended, I will put the question that the Clause as amended do stand part of the Bill.

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

CLERK: CLAUSE 5. SAVING.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I beg permission of the Chair under Standing Order 52(2) to move an amendment of which notice has not been given.

MR. CHAIRMAN: Granted.

HON. MICHAEL J. BRADLEY: Thank you.

Now that we have added an extra Clause the first line should be amended by deleting "2" and "3" and substituting "2, 3 and 4", I beg to so move. And could I also bring to the notice of the Clerk that under (b), unless my spelling is wrong, "commital" should have two "t's".

MR. CHAIRMAN: So again, apart from the correction of a typographical error there is an amendment proposed to the newly renumbered Clause 5 such that the first line of it should read "Nothing in Section 2, 3 and 4 applies".

Does any Honourable Member wish to speak to the amendment. If not, I will put the question that the amendment be approved.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: Unless any Member wishes to speak to the Clause as amended, I would put the question that Clause 5 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 AS AMENDED WAS PASSED.

HON. MICHAEL J. BRADLEY: Mr. Chairman, I am not sure whether it is necessary to recommit since it is not part of the law, I do not consider it is, but the Honourable First Official Member quite rightly brought to my attention that the margin note of the newly renumbered Clause 4 is incorrect, that it should say "insertion of new s.178A". I apologise for not noticing it timeously, but I think that it not being part of the law, it is one of the .....

MR. CHAIRMAN: I took it that the motion that we approved amending where it says "178A" should be substituted for "87A" could be read as covering the marginal note as well, so I think that is alright.

CLERK: A BILL FOR A LAW TO AMEND THE CRIMINAL PROCEDURE CODE (LAW 16 OF 1975).

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: The Parliamentary Pensions Bill, 1984.

THE PARLIAMENTARY PENSIONS BILL, 1984

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

HON. D.H. FOSTER: Mr. Chairman, I beg leave of the Chair, Sir, under Standing Order 52(1) to introduce an amendment which was circulated yesterday, Sir. In the margin it would be "Short title and commencement" and after the figures "1984" "and shall come into operation on the first day of January, 1985". The amendments are in accordance with this white sheet signed by me, Sir.

MR. CHAIRMAN: Leave granted. . I think Members have had a copy of the notice of amendment, so I will first, unless any Honourable Member wishes to speak on the amendment I will put the question that the amendment proposed be agreed.

QUESTION PUT: AGREED. AMENDMENTS PASSED.

MR. CHAIRMAN: The question then is that Clause 1 as amended stand part of the Bill. Unless any Honourable Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSE 1 AS AMENDED WAS PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

HON. D.H. FOSTER: Mr. Chairman, again I seek your leave, Sir, under Standing Order 52(1) to put another amendment forward as circulated on another white piece of paper yesterday that Clause 2 of the Bill be amended by the insertion of the words "except where the context otherwise requires" after the word "Law" in line one thereof.

MR. CHAIRMAN: Leave granted.
I think that once again Members of the committee would have received a sheet yesterday giving notice of the proposed amendment, although actually the notice says the Honourable Second Official Member was going to move, but never mind.

HON. MICHAEL J. BRADLEY: I feel the mover of the Bill has quite

HON. MICHAEL J. BRADLEY (CONTINUING): rightly resumed responsibility and rapped me over the knuckles for daring to move amendments that he should move.

MR. CHAIRMAN: I glad to see that you look so contrite about it.

The question before the committee then is, that Clause 2 be amended in the sense just proposed. Does any Honourable Member wish to speak?

HON. MICHAEL J. BRADLEY: Perhaps I could just explain the Honourable mover's reason for this amendment, and that is, that in this section the word "pension" is giving a meaning as being a pension payable pursuant to section 3, which refers to parliamentary pensions. There is further later provision in Clause 9 for Executive Council pensions, so therefore we have to put in the words "except where the context otherwise requires" because obviously in the context of Clause 9 such is obviously otherwise required, and it is for that that I am putting in this technical expression so that when the Law comes to be construde in the courts, if ever, that there is not doubt. Thank you.

MR. CHAIRMAN: So, unless any Honourable Member wishes to speak I will put the amendment to the committee for approval.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: Unless any Honourable Member wishes to speak to the Clause as amended, I will put the question that Clause 2 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED WAS PASSED.

CLERK: CLAUSE 3. WHEN PENSIONS PAYABLE.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

HON. MICHAEL J. BRADLEY: I fear you caught this side by surprise with the celerity with which you went through it there, Sir. Could I mention a typographical error, the penultimate line of the page which contains the first portion of Clause 3, "Where a person ceases to be a member but it not eligible","but is not eligible".

MR. CHAIRMAN: Yes, thank you. I had noticed that one, I should have drawn it to attention, I am sorry.

CLERK: CLAUSE 4. RATE OF PENSION.

MR. CHAIRMAN: In Clause 4, I have noticed one or two typographical errors. Clause 4 (1) (b) last line "praliamentary should be "parliamentary" and 4(1) (c) second line the last word should be "lese" the "l" seems to have been missed out.

Subject to those typographical printing errors being corrected, and to any further similar corrections, the question is that Clause 4 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. CESSATION OF PENSION.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. GRATUITY AND REDUCED PENSION.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. WIDOW'S PENSION.

MR. CHAIRMAN: Firstly, there is a typographical error I have noticed in Section 7(1)(ii) on the fourth line where "seciton" should be "section" and secondly, notice was given - (I will leave the First and Second Official Members to debate the question of who is giving it) - that an amendment to this Clause be made, and I give leave in accordance with Standing Order 58(1) for the motion to be introduced. Members should have had a copy of it yesterday, so perhaps the First Official Member, if I am right will .....

HON. D.H. FOSTER: Yes, Mr. Chairman, I seek your leave again, Sir, under Standing Order 52(1) to introduce an amendment to Clause 7, that Clause 7 of the Bill be amended in sub-clause (3) by the deletion of the words "the parliamentary salary" where they appear in line four thereof and the substitution therefor of the words "one year's parliamentary salary".

MR. CHAIRMAN: So I will ....

MR. BENSON O. EBANKS: Mr. Chairman ..... finish that amendment, Sir.

MR. CHAIRMAN: Well, I was going to put the question that the amendment be approved or at least to ask whether any Member of the committee wish to speak on the question that the amendment be approved.

HON. MICHAEL J. BRADLEY: Just to make clear, Mr. Chairman, that it refers to one year's salary because the phrase before was "the parliamentary salary" without reference to a period of time.

MR. CHAIRMAN: I will put the question that the amendment be approved.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: I will now put the question that Clause -
(MR. BENSON O. EBANKS: Mr. Chairman ..) - Well, I am going to give a chance to debate, but let me finish what the question is - that Clause 7 as amended do stand part of the Bill. Now, if a Member wishes to speak.

MR. BENSON O. EBANKS: Yes, Sir. It is understood that I opposed the Bill going into Law, but seeing that it is, I would just ask, particularly the Second Official Member, to have a good look at Clause 7 subsection (1) little (ii) and satisfy himself that the last part of that in particular does not defeat what they are trying to achieve with the total section.

HON. MICHAEL J. BRADLEY: I am trying to read the mind of the Honourable the Third Elected Member for West Bay, perhaps without actually proposing an amendment to it he could indicate to me his worry.

MR. CHAIRMAN: I will confess, I found it terribly difficult to understand, but having read it about four times I come to conclusion it did make sense.

MR. BENSON O. EBANKS: It make sense, but I am wondering if - it seems to be contradictory.

MR. CHAIRMAN: Well, when I say, make sense, I mean it explains what I thought it was intended to achieve.

MR. BENSON O. EBANKS: To explain what I am drifting after, it appears that subsection (1) is divided into two categories of persons, one who is in receipt of a pension and (b) a person who is entitled to it but not yet receiving it. The little (ii) the last part of it seems to indicate that the person entitled would have had to have been awarded, not that he would have been awarded but that the award had already taken place.

HON. MICHAEL J. BRADLEY: My understanding, Mr. Chairman, Sir, is that this covers the case of a person who has served for two terms or not less than six years but dies either while he is still serving as a Member and so ineligible, or has not reached the age of fifty-five; and in that case his widow gets half of what would have been payable to him if he had not died, but if he had gone on to satisfy the requirement of section 3 with regard to age, or to having ceased to be a member. What it is doing is putting the widow of a person who dies in harness or dies under the age of fifty-five in the same position as the widow of a person who was a person who had actually started getting a pension, so that there is no unfairness between the two.

MR. CHAIRMAN: That is as I understood it.

MR. BENSON O. EBANKS: Yes, I am quite aware of that. The point that I am making is that little (ii) down to "pension" in the fourth line of (b) of little (ii) seems to meet that requirement, if it stop there it would seem to be alright, but you are going on to say "and had been awarded", so it appears that you are adding a second qualification there.- "and had been awarded a pension".

HON. MICHAEL BRADLEY: I think it is for the purpose of making it clear that the two stages would have been satisfied for, the requirements has been satisfied and the actual process of awarding. Which word makes the Member unhappy?

MR. BENSON O. EBANKS: What I am saying is -(your example)- the person who dies in a seat would not have been awarded, the award of pension would not have taken place.

HON. D.H. FOSTER: Yes, but does that not refer to small (a) of 7(1)(a). You are dealing with two things, in receipt of a pension or has served.

MR. CHAIRMAN: If I understood you right, what you are saying is that the last line and a half of the proposed Clause 7 sub-clause (1) paragraph small (ii) "and had been warded a pension computed in accordance with section 4" is superfluous, but even if superfluous I do not think it is self defeat I do not think it adds or detracts from the meaning.

HON. MICHAEL J. BRADLEY: I think, Mr. Chairman, if you read it with the right emphasis on it "would have been payable to him with effect from the date of his death if he had not died but had satisfied the requirements of 3 and had been awarded a pension in accordance with 4".

MR. CHAIRMAN: I think you could safely omit the "and had been" without altering the sense, but I do not think that it does any harm.

HON. MICHAEL J. BRADLEY: If it does not cause the Financial Secretary any unhappiness and Members are worried about the words "and had been awarded a pension computed in accordance with section 4", I do not think the Honourable mover would have any objections to moving to delete them.

Would the Honourable the Third Elected Member for West Bay be happy if somebody else moved such an amendment?

MR. BENSON O. EBANKS: Mr. Chairman, I am not supporting the Bill, I am only pointing out what I see as a fundamental flaw in the Bill. If the Members who are supporting it are happy, so be it, but I am sure they will be back here amending this Bill if it goes through that way because it is making a second criteria.

HON. MICHAEL J. BRADLEY: Well, Mr. Chairman, let us put it through as it is and give the Honourable the Third Elected Member the satisfaction of saying "I told you so" if we have to.

MR. CHAIRMAN: I think that might be the best, because if the Third Elected Member for West Bay does not actually wish to move an amendment, and if the Government side does not think an amendment necessary, we reach a position of stalemate. So subject to any further point any Member wishes to raise I propose to the put the question that Clause 7 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 AS AMENDED PASSED.

CLERK: CLAUSE 8. CHILDREN'S PENSION.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. EXECUTIVE COUNCIL PENSION.

MR. CHAIRMAN: The question is that Clause 9 do stand part of the Bill.

My recollection is, I may be wrong about this, but my recollection is that during the Second Reading debate the question was mentioned that service after 1972 rather than service after 1959 should be counted, but I have not had notice of any amendment to that effect. I do not know whether the mover intended to .....

HON. MICHAEL J. BRADLEY: I cannot speak for the Honourable mover, but I feel sure that if any Member wish to move such an amendment that he would consider it favourable.

MR. CHAIRMAN: If nobody does wish to move such an amendment I will put the question that Clause 9 of the Bill do stand.

HON. MICHAEL J. BRADLEY: One typographical error, Sir, before you actually put it. On the third line of sub-clause (2) the semi-colon should be a colon after the word "Council".

MR. CHAIRMAN: I will put the question that Clause 9 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10. AWARDS TO BE PAID OUT OF REVENUES.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: CLAUSE 11. PENSIONS NOT ASSIGNABLE.

QUESTION PUT: AGREED. CLAUSE 11 PASSED.

HON. G. RAIG BODDEN: Mr. Chairman, can I ask why they voted "no" to the Renunciation?

MR. CHAIRMAN: We are just coming to that Clause now.

MR. BENSON O. EBANKS: The Member is anticipating himself.

CLERK: CLAUSE 12. RENUNCIATION.

MR. CHAIRMAN: The question is that Clause 12 do stand part of the Bill. Does any Member wish to speak?

MR. BENSON O. EBANKS: Mr. Chairman, similarly as with the other contribution I made I am against the Bill in total, but it seems to me to be an unreasonable provision that the renunciation be an irrevocable one.

As I pointed out in my Second Reading debate when I was discussing the merits of the Bill, it would seem that a person could assume at age 65 that they are comfortable financially and would undertake to forego the drawing of any benefits that might be available to them under this Bill, but circumstances could change down the line. I feel that if the Bill is going to become Law the renunciation should not be irrevocable, but in a form that could be done for a time as long as the person felt so inclined, but if circumstances change that they needed the money and requested it they should be able to get it, it should not be a final and unqualified and irrevocable renunciation.

MR. CHAIRMAN: Are you seeking permission to amend the Bill or are you simply passing a comment.

MR. BENSON O. EBANKS: I am recommending the amendment to the Government Bench to make it, Sir.

MR. CHAIRMAN: But you are not proposing an amendment yourself?

MR. BENSON O. EBANKS: I am not proposing.

HON. TRUMAN M. BODDEN: Mr. Chairman, the Government Bench is well aware of what this section means, and who would like to have the scenario of these Members here signing that renunciation, perhaps not being in this Legislature in a few months and revoking it, it would defeat the whole idea of being sincere with your vote.

In 1937, even when the King abdicated the Throne he did not have a right to go back after he changed his mind. The renunciation is in there, if you genuinely are against this then renounce, you have no rights under it. Why should it be that you renounce now and in another four years or another few months time then you will after using it politically now, just reverse it out.

MR. BENSON O. EBANKS: Mr. Chairman, my comment was not intended to be related to myself, it was not a personal consideration it was a general consideration for persons past, present and future.

MISS ANNIE R. BODDEN: Mr. Chairman, I would just like to say this, Sir, that I opposed the Bill up to a point, but I am so alarmed at the way that some Civil Servants have looked on us as regular leeches, I believe the word would be, trying to get Government money. I think it is a disgrace, afterall, I have served here for twenty-two years and at one stage in my life I would have been glad for Government to give me a little hand-out because I did not have a penny in my name. Well, I am above that now, thank God, but it could be with all my struggle to save I could strike clamity and be sick and my savings could go overnight, it would not be exactly overnight but in a very short time if I had to go and pay large medical bills.

I feel, Sir, that having served twenty-two years, and if I actually needed money, which I hope and pray and trust that I shall never, that I would have the privilege to come and say, "well, I am asking for such and such a small amount", I would never request it unless I needed it, and I will never accept it to dish out to anybody else, I have sworn that in my mind. I feel, Sir, that I will not sign any revocation because circumstances could change in my life, and I, Annie Huldah Bodden have not a soul to depend on and I have been through an experience where I did not have one penny in my name and not a soul, including Church, Government or anybody else would give me one cent. I am not going to sign it, but I have been told that there was a coloured man who said outside, I do not know who he was, that he has completely lost faith in Annie Bodden, he is not going to give her a vote. Well, if I get one X at the election that is not going to bother me, the one I make for myself, because thus so far I have served for the love of this country from before I was sixteen years old and I intend so to do.

MR. CHAIRMAN: But I have not heard any proposal for an amendment to the Clause, although there has been substantial discussion of it, so unless any other Member has a point to make I will put the question that Clause 12 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 12 PASSED.

HON. G. HAIG BODDEN: Mr. Chairman, can I have a division on 12?

DIVISION

AYES	NOES
HON. D.H. FOSTER	MR. BENSON O. EBANKS
HON. MICHAEL J. BRADLEY	MR. NORMAN W. BODDEN
HON. T.C. JEFFERSON	CAPT. CHARLES L. KIRKCONNELL
HON. TRUMAN M. BODDEN	CAPT. MARY S. KIRKCONNELL
HON. JAMES M. BODDEN	
HON. G. HAIG BODDEN	
MR. DALMAIN D. EBANKS	
MR. CRADDOCK EBANKS	
8	4

HON. JAMES M. BODDEN: Mr. Chairman, it looked like these Members would have wanted to keep that one in instead of taking it out.

MR. BENSON O. EBANKS: Mr. Chairman, I understand what is going on, I do not know if anybody else does.

HON. TRUMAN M. BODDEN: It is very good to know that, Mr. Chairman, I would not have liked these votes to be misunderstood.

MR. CHAIRMAN: I declare that the motion that Clause 12 do stand part of the Bill has been passed by 8 votes to 4 with one abstention.

CLERK: CLAUSE 13. REGULATIONS.

QUESTION PUT: AGREED. CLAUSE 13 PASSED.

CLERK: A BILL FOR A LAW TO PROVIDE PENSIONS TO PERSONS WHO HAVE SERVED AS MEMBERS OF THE LEGISLATIVE ASSEMBLY AND THE EXECUTIVE COUNCIL, TO PROVIDE PENSIONS FOR THE WIDOWS AND CHILDREN OF SUCH PERSONS, AND TO PROVIDE FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THOSE PURPOSES.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: It is now the time or even slightly passed the time when customarily we take a short break, my impression is that perhaps the remainder of our business will proceed more quickly, if Members would like to take a short break, I imagine Members would like to try and finish the meeting by lunch time. If Members would like to take a short break in the expectation that the rest of our business will pass quickly, I will suspend proceedings for ten or fifteen minutes, but I think, let us not make it more than fifteen minutes this morning.

HOUSE SUSPENDED

HOUSE RESUMED

MR. CHAIRMAN: Please be seated. The House is still in committee. The Court of Appeal (Amendment) Bill, 1984.

THE COURT OF APPEAL (AMENDMENT) BILL, 1984

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE AND COMMENCEMENT.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2 OF LAW 9 OF 1975.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. INSERTION OF NEW SECTIONS 2A AND 2B.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill. I think probably that the words about half way through Clause 3 before the proposed new section 2B, the words "Registrar and other officers" should come out to the side.

HON. MICHAEL J. BRADLEY: It should be a margin note.

Mr. Chairman, could I also mention two typographical errors, one is to the margin note "sections" should be "sections" - margin note of the substantive Clause, Clause 3 of the Bill and also at the top of the page instead of bracket 20, it should be bracket 2 close bracket.

MR. CHAIRMAN: So, subject to those corrections .....

HON. MICHAEL J. BRADLEY: Sorry, Sir. Subsection (2) the word "Judges" should be followed by a colon, not a semi-colon.

MR. CHAIRMAN: Subject to those and any other printing errors which the Second Official Member and the Clerk may between them discover, the question is that Clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. AMENDMENT OF SECTION 10.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. AMENDMENT OF SECTION 11.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. AMENDMENT OF SECTION 16.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. AMENDMENT OF SECTION 17.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. SUBSTITUTION OF SECTION 18.

MR. CHAIRMAN: There are one or two printing errors I think in Clause 8, the whole of the proposed 18 should be indented, and I imagine that Clause 8 should start "Section 18" and not "Section 8".

HON. MICHAEL J. BRADLEY: Yes.

MR. CHAIRMAN: But subject to those and any other printing errors which the Second Official Member and the Clerk may discover and correct, the question is that Clause 8 do stand part of the Bill. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. REPEAL OF SECTION 29.

MR. CHAIRMAN: In Clause 9 the word "principal" needs another "i" in it, I think. But subject to the correction of that printing error, unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE COURT OF APPEAL LAW (LAW 9 OF 1975).

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: The Customs (Amendment) Bill, 1984.

THE CUSTOMS (AMENDMENT) BILL, 1984

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 9.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 21.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill. Unless any Honourable Member wishes to speak .....

HON. THOMAS C. JEFFERSON: Mr. Chairman, I would just like to elaborate a bit more on the reason for this particular amendment to the Customs Law, second revision.

Clause 3 deals with Section 21(4), which reads "No goods shall be permitted to remain on deposit in any warehouse for a period in excess of one year". This also relates, Mr. Chairman, to in-bond warehouses which as we all know are accumulating considerable amount of goods and it is difficult for them to keep track of a particular item to know whether it is there for a year or more. As the Customs have adequate control in terms of what is in the warehouse, and the bond that they have provided to Government as security as far as the customs duty is concerned, this particular subsection of Section 21 is no longer necessary. That is the amendment to the Law.

MR. CHAIRMAN: Unless any Honourable Member wishes to raise a further point I will put the question.

MR. BENSON O. EBANKS: Mr. Chairman, only that if that is the purport or the intent of the amendment, it would seem to me that there should have been a consequential amendment to Section 22(1)(e), that should have been taken out.

HON. THOMAS C. JEFFERSON: It is correct, Mr. Chairman, we intend to move a consequential amendment.

MR. CHAIRMAN: Are you moving an amendment at this stage?

HON. THOMAS C. JEFFERSON: No, Sir, I would prefer we deal with Clause 3 and then move to add an extra clause.

MR. CHAIRMAN: I see. So in that case, may I put the question that Clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, with the permission of the Honourable mover of the Bill I beg in accordance with Standing Order 52(1), having hopefully obtained leave of the Chair under 52(2) to move an amendment.

MR. CHAIRMAN: Leave granted.

HON. MICHAEL J. BRADLEY: I beg to move that the Bill be amended by the insertion immediately following Clause 3 of the following new Clause:-

"Amendment of s.22. 4. Section 22 of the principal law is amended, in subsection (1), by -

(a) the deletion of "; or" at the end of paragraph (d) thereof and the substitution therefor of a fullstop; and

(b) the deletion of paragraph (e)."

MR. CHAIRMAN: The motion before the committee is that a new Clause 4 be added to the Bill to amend Section 22 of the principal Law in subsection (1) by deleting the word "or" at the end of paragraph (d) and deleting paragraph (e). The full text of the proposed amendment having been read out by the Second Official Member.

Unless any Honourable Member wishes to speak to the proposed amendment, I will put the question that the new Clause 4 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE CUSTOMS LAW (SECOND REVISION).

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: A Bill for A Law to licence and control the Business of Company Management and to provide for connected and related matters, as this is a longish Bill I have invited the Clerk in accordance with the procedure for which provisions made in Standing Orders to take several clauses at a time.

THE COMPANIES MANAGEMENT BILL, 1994

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

CLAUSE 2. INTERPRETATION.

CLAUSE 3. APPLICATION ETC. OF LAW.

CLAUSE 4. BUSINESS OF COMPANY MANAGEMENT.

CLAUSE 5. INSPECTION OF COMPANY MANAGERS.

HON. MICHAEL J. BRADLEY: Mr. Chairman, can I take it that we need not trouble the House with typographical amendments, because in Clause 2 alone there are some ten or eleven that I have.

MR. CHAIRMAN: I think if Members will agree we may trust the Second Official Member and the Clerk as we have agreed in other cases to make the necessary corrections -(printing and typographical errors)- and note again the desirability of trying to ensure that when these Bills come before the House that printing is done with greater care.

So the question is that Clauses 1 to 5, I think, stand part of the Bill.

HON. MICHAEL J. BRADLEY: Mr. Chairman, I had the courtesy of receiving from one of the Members a number of comments on the basis of our last draft and some of which I had not an opportunity to talk to the mover of, but as Chairman of the select committee which considered this I see no objection to the amendments as so stated. I am not sure whether the Honourable Member, who is the First Elected Member for the Lesser Islands, would wish to move them himself or whether he .....

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I would prefer the Second Official Member to do so, Sir.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, in Clause 2 the first proviso to the definition of "business of company management", that the words "the keeping of statutory returns" before "keeping" if we could insert the words "preparation, filing and". It has been pointed out to me that these words really should be included as they are part of the normal type of business.

I may say, Mr. Chairman, I have not had an opportunity to consult with the other Government Members on these, and I am merely highlighting them on behalf of the First Elected Member for the Lesser Islands.

HON. TRUMAN M. BODDEN: Mr. Chairman, I think that that is fair and correct, Sir.

MR. CHAIRMAN: Are there any other amendments to Clauses 1 to 5.

HON. MICHAEL J. BRADLEY: Yes, Sir.

There is a further amendment to the same proviso that the words "the convening and conduct meetings" should be added there.

MR. CHAIRMAN: Sorry, could you read it again.

HON. MICHAEL J. BRADLEY: On line 2 where it says "the conduct of Directors' and General Meetings" that if the words "convening and" were added before the word "conduct".

HON. TRUMAN M. BODDEN: Mr. Chairman, normally the only people who convene a meeting are the directors or in certain instances, shareholders. If I am not a director or a shareholder of a company I cannot convene a meeting. I do not mind it going in, but it would impute that they have this authority to convene the same as a person not a member of the Legislative Assembly, not yourself really, could not convene a meeting. I do not mind it going in, I just do not see the reason for it.

HON. MICHAEL J. BRADLEY: Mr. Chairman, than I do not feel that we would press it if it could just be left out.

Mr. Chairman, Sir, it has been suggested that we need to define "statutory returns". I do not really think so, I think that the terms "statutory returns" in relation to a company means the ones they are bound to make under the Companies Law, and unless the Honourable Second Elected Member of Executive Council feels, I would not press that one.

It has been further suggested that we provide as part of that proviso "as things not constituting the business of companies management, the issuance of shares and the recording of transfers and redemptions approved by the appropriate resolution of the managed company".

HON. TRUMAN M. BODDEN: Mr. Chairman, that is really getting into company management business, if you are going to act as a transfer agent, then I think you are into the management business.

MR. CHAIRMAN: I will assume that the Second Official Member would not be moving an amendment to that effect. If the First Elected Member for the Lesser Islands wish to do so, obviously that would be his prerogative.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I am leaving it entirely to the lawyer, Sir.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, as has been said by the Financial Secretary, and as I think, it is quite clear to the all Members of this House, this Companies Management Law is a new Law in every sense. It has not got a parallel elsewhere in the world that I know of it, and I feel that we will have no hesitation or reluctance when it is put on the statute book when we see how it works to come back to the House again if there are any teething problems.

MR. CHAIRMAN: Are there any further amendments you wish to propose to Clauses 1 through 5?

HON. MICHAEL J. BRADLEY: Yes, Mr. Chairman, Sir. If you look at Clause 4 sub-clause (7) and look at Clause 4 sub-clause (9), it has been very correctly pointed out in these notes that I received that basically they cover the same substance, and my initial reaction would be to propose that sub-clause (7) be deleted, that sub-clauses (8) and (9) be renumbered as sub-clauses (7) and (8) and that the new renumbered sub-clause (8) which was (9) be amended by the addition of the words immediately at the start thereof of "It is a condition of a licence that". In other words, cross out (7) completely and have (9) saying, "It is a condition of a licence that the holder", because at the moment it is a condition of licence that the licen se notify the Governor of a change in the information supplied in the application. Under (9), the holder of a licence shall,as soon as possible inform the Inspector of any changes.

It may be that Members would wish, if that was acceptable, to change "Inspector" in that last sub-clause to "Governor".

HON. TRUMAN M. BODDEN: I think that would be better than if, administratively something needed to be done it could be done.

HON. MICHAEL J. BRADLEY: So could I, with your permission under Standing Order 52(2) move an amendment of which no notice has been given?

MR. CHAIRMAN: I was going to get all the amendments to Clauses 1 through 5 first, and then as it were, combine them into one motion. So is there another or not?

HON. MICHAEL J. BRADLEY: No, Sir.

MR. CHAIRMAN: So, leave is given for the moving of a motion which would seek to amend Clause 2 of the Bill, the first proviso to the definition of the term "business of company management", and Clause 4 of the Bill by the deletion of sub-clause (7), the renumbering of sub-clauses (7) and (8) as (8) and (9), and the rewording of sub-clause (8) as renumbered to say, "It is a condition of a license that the holder of a licence under this Law shall, as soon as possible after any such change has occurred, inform the Governor".

I think that I have got the only two amendments which you did decide to move, and may be you would like to confirm that you wish formally to move them now.

HON. MICHAEL J. BRADLEY: I wish so to move.

MR. CHAIRMAN: I hope all Members have understood what is being moved, that is an amendment to Clause 2 and an amendment to Clause 4. If any Member in doubt, I will try and read them through more fully again, but they have been spelled out in the course of this discussion.

MR. CHAIRMAN (CONTINUING): So, the first question before the committee is that Clauses 3 and 4 should be amended as proposed. I will put that question.

QUESTION PUT: AGREED. CLAUSES 2 AND 4 AMENDED.

MR. CHAIRMAN: The question now is that Clauses 1 through 5 as amended in the cases of 2 and 4 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 1 TO 5 PASSED.

CLERK: CLAUSES 6. SHARES, ETC. NOT TO BE ISSUED OR TRANSFERRED WITHOUT APPROVAL.

CLAUSE 7. USE OF WORDS, "COMPANIES MANAGEMENT BUSINESS".

CLAUSE 8. DUTIES OF LICENSEE.

CLAUSE 9. ANNUAL RETURNS, ETC.

CLAUSE 10. POWER OF SEARCH.

MR. CHAIRMAN: The question is that Clauses 6 through 10 do stand part of the Bill.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, among these comments which I received from the First Elected Member for the Lesser Islands, there was one concerning Clause 9 sub-clause (3), which was that that sub-clause (3) be amended to make it an obligation to maintain the required minimum share capital. I think that is subject to something that I personally cannot speak for other Members, would be happy to see in, and if that was so I would propose in due course that at the end of that where it says "licenced business" to put in "and that he has at all times maintained the minimum required share capital. Perhaps the Second Elected Member of Executive Council .....

HON. TRUMAN M. BODDEN: I agree with that, I was just checking back on Section 4 to see whether there might have been a requirement there, but perhaps .....

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I would ask the Second Official Member if he would just read that over again please.

HON. MICHAEL J. BRADLEY. Could I ask your leave formally to move.

MR. CHAIRMAN: Yes, leave granted.

HON. MICHAEL J. BRADLEY: The motion is that Clause 9 of the Bill be amended in sub-clause (3) thereof by the addition immediately before the end thereof of the words "and that he has maintained the required minimum paid up share capital.

MR. CHAIRMAN: That is slightly different to what you read out before, but if that is definitely, you missed out the words "at all times" this second occasion.

HON. MICHAEL J. BRADLEY: Well, I have no objections to reinstating it, I thought it perhaps tautological.

MR. CHAIRMAN: I am quite happy to accept what you read the second time as long as what you read the second time is definitive, "and that he has maintained the required minimum paid up share capital". That is the sort of definitive wording, and that the definitive addition

MR. CHAIRMAN (CONTINUING): at the end of Clause 9 sub-clause (3), "and that he has maintained the required minimum paid up share capital". Is that correct?

HON. MICHAEL J. BRADLEY: Yes, Sir.

MR. CHAIRMAN: So unless any Member wishes to speak I will put the question that Clause 9 be amended as proposed.

QUESTION PUT: AGREED. CLAUSE 9 AMENDED.

MR. CHAIRMAN: I will now put the question that Clauses 6 through 10, Clause 9 as amended, stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 6 THROUGH 10 PASSED.

CLERK: CLAUSE 11. POWER OF FINANCIAL SECRETARY TO REQUIRE INSURANCE.
CLAUSE 12. PRESERVATION OF SECRECY.
CLAUSE 13. SUSPENSION OF LICENCE.
CLAUSE 14. REVOCATION OF LICENCE.
CLAUSE 15. APPEALS.

MR. CHAIRMAN: The question is that Clauses 11 through 15 do stand part of the Bill. No further amendments being proposed, does any Honourable Member wish to speak? I will put the question then.

QUESTION PUT: AGREED. CLAUSES 11 THROUGH 15 PASSED.

CLERK: CLAUSE 16. OFFENCES.
CLAUSE 17. REGULATIONS.
CLAUSE 18. GUIDELINES.
CLAUSE 19. AMENDMENT OF TRADE AND BUSINESS LICENSING LAW (REVISED).
THE SCHEDULE.

MR. CHAIRMAN: The question is that Clauses 16 through 19 and the Schedule do stand part of the Bill. Unless there is any debate I will put the question.

QUESTION PUT: AGREED. CLAUSES 16 THROUGH 19 AND SCHEDULE PASSED.

CLERK: A BILL FOR A LAW TO LICENCE AND CONTROL THE BUSINESS OF COMPANY MANAGEMENT AND TO PROVIDE FOR CONNECTED AND RELATED MATTERS.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on a Bill entitled "The Criminal Procedure Code (Amendment) Bill" and other bills. The House will resume.

HOUSE RESUMED

MR. PRESIDENT: Reports on Bills. The Legal Practitioners (Amendment) Bill, 1984.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1984

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled "The Legal Practitioners (Amendment) Bill, 1984" has being considered by a committee of the whole House with one amendment of substance and a number of typographical amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. The Criminal Procedure Code (Amendment) Bill, 1984.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1984

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled "The Criminal Procedure Code (Amendment) Bill, 1984" has been considered by a committee of the whole House and has been passed with one amendment of substance and a number of typographical and setting amendments.

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

THE CRIMINAL PROCEDURE CODE (AMENDMENT) (NO.2) BILL, 1984

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled "The Criminal Procedure Code (Amendment) (No.2) Bill, 1984" has been considered by a committee of the whole House and passed with three amendments and a number of typographical amendments.

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

THE PARLIAMENTARY PENSIONS BILL, 1984

REPORT THEREON

HON. D.E. POSTEN: Mr. President, Sir, I have to report that a Bill shortly entitled "The Parliamentary Pensions Bill, 1984" was considered by a committee of the whole House and passed with three amendments.

MR. CHAIRMAN: The Bill is accordingly set down for Third Reading. The Court of Appeal (Amendment) Bill, 1984.

THE COURT OF APPEAL (AMENDMENT) BILL, 1984

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled "The Court of Appeal (Amendment) Bill, 1984" has been considered by a committee of the whole House and passed without amendment other than those which relate to typography or typesetting.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. The Customs (Amendment) Bill, 1984.

THE CUSTOMS (AMENDMENT) BILL, 1984

REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled "The Customs (Amendment) Bill, 1984" was considered by a committee of the whole House and passed with one amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. The Companies Management Bill, 1984.

THE COMPANIES MANAGEMENT BILL, 1984

REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled "The Companies Management Bill, 1984" was considered by a committee of the whole House and passed with three amendments, and additionally, typographical errors, Mr. President.

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

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1984

THIRD READING

CLERK: The Legal Practitioners (Amendment) Bill, 1984.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled 'The Legal Practitioners (Amendment) Bill, 1984" be read a Third time and passed.

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

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1984

THIRD READING

CLERK: The Criminal Procedure Code (Amendment) Bill, 1984.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled "The Criminal Procedure Code (Amendment) Bill, 1984" be given a Third Reading and passed.

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

THE CRIMINAL PROCEDURE CODE (AMENDMENT) (NO.2) BILL, 1984

THIRD READING

CLERK: The Criminal Procedure Code (Amendment) (No.2) Bill, 1984.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled "The Criminal Procedure Code (Amendment) (No.2) Bill, 1984" be given a Third Reading and passed.

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

THE PARLIAMENTARY PENSIONS BILL, 1984

THIRD READING

CLERK: The Parliamentary Pensions Bill, 1984.

HON. D.H. FOSTER: Mr. President, I beg to move that a Bill shortly entitled "The Parliamentary Pensions Bill, 1984" be given a Third Reading and passed.

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

CAPT. CHARLES L. KIRKCONNELL: Could we have a division on that please, Sir?

MR. PRESIDENT: very well.
I will ask the Clerk to take a Division.

DIVISION

AYES	NOES
Hon. D.H. Foster	Mr. Deneon O. Ebanks
Hon. Michael J. Bradley	Mr. Norman W. Bodden
Hon. Thomas C. Jefferson	Miss Annie H. Bodden
Hon. Truman M. Bodden	Capt. Charles L. Kirkconnell
Hon. G. Haig Bodden	Capt. Mabry C. Kirkconnell
Mr. Dalmain D. Ebanks	
Mr. Craddock Ebanks	
7	5

MR. PRESIDENT: I declare that the Motion has been passed by seven votes to five. The Court of Appeal (Amendment) Bill, 1964.

THE COURT OF APPEAL (AMENDMENT) BILL, 1964

THIRD READING

CLERK: The Court of Appeal (Amendment) Bill, 1964.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled "The Court of Appeal (Amendment) Bill, 1964" be given a Third Reading and passed.

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

THE CUSTOMS (AMENDMENT) BILL, 1964

THIRD READING

CLERK: The Customs (Amendment) Bill, 1964.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled "The Customs (Amendment) BILL, 1964" be given a Third Reading and passed.

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

THE COMPANIES MANAGEMENT BILL, 1964

THIRD READING

CLERK: The Companies Management Bill, 1964.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled "The Companies Management Bill, 1964" be given a Third Reading and passed.

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

ADJOURNMENT

HON. D.H. FOSTER: Mr. President, if I move this adjournment incorrectly please do not hesitate to correct me, Sir.

I move the adjournment of this House until Monday the 3rd of September, 1984 when we plan to have the next sitting.

MR. PRESIDENT: That is certainly, I think the planned date for the next sitting, it is of course possible that there may have to be a sitting before then, and we simply, I think, take note of the fact but for the moment subject to the wishes of Members there is no reason why we should not adjourn until the date we have so far proposed for the next meeting.

So the motion is that this House do now adjourn until 10:00 a.m. on the 3rd of September, 1984. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED. AT 12:43 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. ON MONDAY THE 3RD SEPTEMBER, 1984.

SPECIAL MEETING OF THE 1994 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON MONDAY, 30TH JULY, 1994

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON. D. H. FOSTER, CVO, CBE, JP	*FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS*
HON. J. BRIAN WILKINSON	*ACTING SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION*
HON. T. C. JENNINGS	*THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT*
HON. JOHN B. McLEAN	*MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES*
HON. THOMAS M. RUTTER	*MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES*
HON. JAMES M. BODDEN	*MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE*
HON. G. HAIG BODDEN	*MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS*

ELECTED MEMBERS

MR. J. GARSTON SMITH	*FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. D. DALMAIN EBANKS	*SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. BENSON O. EBANKS	*THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. W. NORMAN BODDEN, MBE	*FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
MISS ANNIE HULDAH BODDEN, ORE	*THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
CAPT. MARRY S. KIRKCONNELL	*SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS*
MR. CRADDOCK EBANKS, OBE, JP	*ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*

APOLOGIES RECEIVED FROM CAPT. CHARLES L. KIRKCONNELL, THE FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS.

ORDERS OF THE DAY

MONDAY

30TH JULY, 1984

1. PRAYERS

TO BE DELIVERED BY THE REV. E.L. KING

2. ADMINISTRATION OF OATH

3. OTHER BUSINESS

BILLS:-

PRIVATE BILL

THE GENERAL ORIENTAL INVESTMENTS LIMITED BILL, 1984

(i) SUSPENSION OF STANDING ORDERS 76(1)(b) AND (c) AND 82(1)(b)

TO BE MOVED BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL IN ACCORDANCE WITH STANDING ORDER 82.

(ii) PRESENTATION OF BILL

READING OF PETITION BY MOVER, THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

IN ACCORDANCE WITH STANDING ORDER 81(2) THE PRESIDENT SHALL PUT THE QUESTION THAT THE PROMOTERS BE ALLOWED TO PROCEED.

(iii) FIRST READING

(iv) SUSPENSION OF STANDING ORDER 82(3)

TO BE MOVED BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL IN ACCORDANCE WITH STANDING ORDER 82 TO ENABLE THE BILL TO BE GIVEN A SECOND READING ON THE SAME DAY AS THE FIRST READING.

(v) SECOND READING

(vi) SUSPENSION OF STANDING ORDER 82(4)

TO BE MOVED BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL IN ACCORDANCE WITH STANDING ORDER 82.

(vii) COMMITTEE THEREON

(viii) REPORT THEREON

(ix) SUSPENSION OF STANDING ORDER 47

TO BE MOVED BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL IN ACCORDANCE WITH STANDING ORDER 82 TO ENABLE THE BILL TO BE READ A THIRD TIME.

(x) THIRD READING

4. ADJOURNMENT

TABLE OF CONTENTS

	PAGE
Prayers	1
Oath of Allegiance Administered to Mr. John Brian Wilkinson	1
The General Oriental Investments Limited Bill, 1984 – First Reading	2
Second Reading	2
Committee Thereon	18
Report Thereon	30
Third Reading	30
Adjournment	30

SPECIAL MEETING OF THE 1984 SESSION OF THE LEGISLATIVE ASSEMBLY

MONDAY, 30TH JULY, 1984

10:00 A.M.

MR. PRESIDENT: The Assembly is in Session. I will invite the Rev. King to say prayers.

PRAYERS

REV. E.L. KING: Let us pray. Almighty God, from whom all wisdom and power are derived. We beseech thee to direct and foster the deliberations of the Legislative Assembly, now assembled, that all things may be ordered upon the best and surest foundation for the glory of thy name, and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elisabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales, and all the Royal Family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us

Especially we pray for the Governor of our Islands, the Members of the Executive Council, and the Members of the Legislative Assembly, that they may be enabled faithfully to perform the responsible duties of their high office.

All these we ask for thy great name's sake.

Amen

Our Father
Which art in Heaven,
hallowed be thy name,
Thy kingdom come,
Thy will be done in Earth
As it is in Heaven.
Give us this day our daily bread,
And forgive us our trespasses as
We forgive them that trespass against us,
And lead us not into temptation,
But deliver us from evil,
For thine is the kingdom,
The power and the glory,
For ever and ever.

Amen

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

Amen

OATH OF ALLEGIANCE ADMINISTERED TO MR. JOHN BRIAN WILKINSON BY THE PRESIDENT OF THE LEGISLATIVE ASSEMBLY

MR. PRESIDENT: Thank you, and welcome to the Legislative Assembly.

Please be seated.

As I think Members already know, this is a Special Meeting which has been summoned in accordance with the provisions of the Standing Orders for the purpose of considering a Private Members' Bill, which is shortly entitled The General Oriental Investments Limited Law, 1994. So that the only business before us is the Bill.

And Members will note from the Order Paper that the suspension of certain Standing Orders will be moved. My understanding is that the Hon. Truman M. Bodden is moving the Bill, and I invite him now to move the suspension of certain Standing Orders in order to enable its introduction and Presentation.

SUSPENSION OF STANDING ORDERS 16(1)(b) and (c) AND 62(1)(b)

HON. TRUMAN M. BODDEN: Mr. President and Honourable Members. In accordance with Standing Order 82, I move the suspension of Standing Orders 16(1)(b) and (c), as well as Standing Order 62(1)(b).

MR. PRESIDENT: The Motion before the House is that in accordance with the provisions of Standing Order 82, Standing Orders 16(1)(b) and (c) and 62(1)(b) be suspended. My understanding is that Standing Order 16(1)(b) and (c) provides for petitions to be in part at least hand written and in fact, this particular Petition has been typed or printed.

Does any Honourable Member wish to speak to the Motion. If not, I will put the question.

QUESTION PUT: AGREED. STANDING ORDERS SUSPENDED

PRESENTATION OF BILL

HON. TRUMAN M. BODDEN: Mr. President, I wish to present the Petition, and I shall now read it. It is to the Honourable President and Members of the Legislative Assembly of the Cayman Islands:

> "The Petition of the undersigned, General Oriental Investments Limited, a Company registered under the Companies Law, Chapter 22 of the Cayman Islands as amended, of Box 309, Grand Cayman, Cayman Islands, B.W.I., respectfully showeth that:
>
> 1. The Petitioner has caused the Bill of which a copy is hereunto annexed, to be prepared for giving effect to the purposes set forth in the Memorandum of Objects and Reasons, and the preamble to the Bill.
>
> 2. The objects of the said Bill cannot be effective without the authority of the Legislative Assembly, whereupon your Petitioner prays that your Honourable Assembly will give leave to bring in the said Bill and your petitioner as in duty bound, will ever pray.
> Dated this 11th July, 1994.

HON. TRUMAN M. BODDEN (CONTINUING):

Dennis A. Franklin - Director
General Oriental Investments Limited,
Box 309,
Grand Cayman,
Cayman Islands, B.W.I.

Before me: T. Ridley
Notary Public

Presented by the Honourable Second Elected Member of Executive Council - Truman M. Bodden

W. Lauer - Acting Clerk of the Legislative Assembly

MR. PRESIDENT: In accordance with the Provisions of Standing Order 61(2), I shall be putting the question that the promoters be allowed to proceed, because my understanding is that the Bill has been now introduced on the basis of a Petition in accordance with the provisions of Standing Order 61(1)(a) and that Notice of the Bill has been given by publication in the Gazette and by publication in newspapers in accordance with the provisions of Standing Order 61(1)(b), (1) and (2).

The question therefore is that the promoters be allowed to proceed in accordance with the provisions of Standing Order 61(2).

Does any Honourable Member wish to speak to that Motion. If not, I will put the question.

QUESTION PUT: AGREED

THE GENERAL ORIENTAL INVESTMENTS LIMITED BILL, 1984

FIRST READING

CLERK: The General Oriental Investments Limited Bill, 1984.

MR. PRESIDENT: The General Oriental Investments Limited Bill, 1984, is deemed to have been read a first time, and is set down for Second Reading.

SUSPENSION OF STANDING ORDER 62(2)

HON. TRUMAN M. BODDEN: Mr. President. In accordance with Standing Order 82, I move the suspension of Standing Order 62(2).

MR. PRESIDENT: The question before the House is that Standing Order 62(2) should be suspended in accordance with the Provisions of Standing Order 82, in order to enable the Bill to be given a second reading today.

Does any Honourable Member wish to speak to that Motion.

MR. BENSON O. EBANKS: Mr. President, I think that Standing Order 62(3) should also be suspended at this time, since the Bill has not been put on any order paper, or ordered for the second reading on any particular day.

MR. PRESIDENT: The second reading does appear on today's Order Paper. Admittedly, it can appear only on the basis that it will be taken if Standing Order 62(2) is now suspended, but my view would be that it isn't really necessary to suspend Standing Order 62(3) as well, because I record today as being the day, or be it conditionally ordered for the second reading.

MR. PRESIDENT: (CONTINUING)

So unless the Second Member, the Honourable Second Elected Member of Executive Council, felt that he too wished Standing Order 68(3) to be suspended, I would not myself, consider its suspension necessary.

So unless any other Honourable Member wishes to speak I will put the question that Standing Order 62(2) be suspended.

QUESTION PUT: AGREED. STANDING ORDER 62(2) SUSPENDED.

MR. PRESIDENT: Item 3(v) the Second Reading if the Clerk would read.

SECOND READING

CLERK: The General Oriental Investments Limited Bill, 1984.

HON. TRUMAN M. BODDEN: Mr. President, I move the Second Reading of the Bill entitled the General Oriental Investments Limited Bill, 1984.

Mr. President, this Bill is the first of its type of Private Bills that this House has seen. In the past I have moved Bills as Private Bills mainly relating to churches which wish to be incorporated for specific purposes within the Cayman Islands. The General Oriental Investments Limited Bill of 1984, is in my opinion a stride forward in seeking a share of a new type of business, and spreading the base of the Cayman Islands economy in the financial field. There will be, I would expect, large and reputable Companies, such as this, in the future, which will require that specific provisions of the Companies Law be either amended or altered to suit the specific needs of that Company, and I would hope that this House, in the future, would find it welcome to continue to allow the introduction of these Bills, and the passing of them.

This Bill has been published in adequate time, and despite some of the suspension of the Standing Orders today, the material aspect, in my opinion, of the procedures under these Standing Orders, is to ensure that the public has had adequate time to look at the Bill. That has been fully satisfied and several months have elapsed during which the public has had a right to look at it.

But, Mr. President, it is not controversial. It seeks, really, certain amendments to the Companies Law in relation to this specific Company, which, I believe, are good, and should be ultimately put into our General Companies Legislation.

So I would therefore ask Members to bear with me, as we steer through the complex procedure which still exists for Private Bills under our Standing Orders, and that they would give the Bill their complete support.

Thank you.

MR. PRESIDENT: The motion before the House is that a Bill entitled, "The General Oriental Investments Limited Law, 1984" be given a second reading.

The motion is open for debate.

MR. W. NORMAN BODDEN, M.B.E: Mr. President, this Bill which seeks to enact certain provisions, and to provide variation of certain requirements of the Companies Law, in relation to General Oriental Investments Limited, has my full support.

The fact that a prestigious Company of this size and resources, has chosen the Cayman Islands above other countries in what is fast becoming a highly competitive market, to me is a very definite expression of faith in our future, and confid--ence in the stability of this country.

The Company, of course, having made this decision, naturally expects the means of protecting its interest in the case of any eventualities, which is not unreasonable.

I trust that this exercise will serve to pave the way for other Companies seeking the favourable facilities and good business conditions we have to offer, to register in the Cayman Islands, and thus prove a boost to our Company registration activities to the benefit of all concerned.

Since General Oriental Investments has found these certain provisions and variation necessary, there will undoubtedly be other Companies in similar positions, and as had been suggested by the Mover, I would therefore expect that eventually, whatever amendments to our General Companies Law that are considered necessary to make this territory more attractive to Companies wishing to register here, will be brought to this House for consider--ation.

With those brief remarks, Mr. President, I support this Bill.

Thank you.

HON. C. RAIG BODDEN: Mr. President, in considering the Bill before the House, it is necessary to pause and take a look at the financial services which the Cayman Islands now offer the entire world.

The Cayman Islands have become the third largest financial centre. The Islands have been universally accepted as a place where large multi-national and multi-million dollar Corporations can find a safe place for their headquarters.

I believe the reason why Oriental Investments Limited have come here, is because we have received abroad such glowing reports from the Press.

I, with your permission, would like to quote just two or three of these reports to show that the faith which Oriental Investments Limited have placed in the Cayman Islands, is well justified.

A recent article appearing in February of 1984, in Trade Publications, which were distributed in London and Europe, headed the article by calling the Cayman Islands, the Switzerland of the Caribbean, and to quote two short paragraphs from it, the article reads:

> "While other Caribbean destinations have been plagued by an increasing reputation for petty and sometimes not so petty crime, coupled with occasional political upsets, as in the case of Grenada, Cayman has built on its reputation as the Switzerland of the Caribbean. That reputation rests originally, on the Islands group's status as a leading banking, insurance and tax haven, a highly profitable growth industry, whose trickle down effect has acted against any social unrest."

HON. G. HAIG BODDEN (CONTINUING): We have been reasonably successful in getting across to the public that you are safe in the Cayman Islands. Our publicity has leaned heavily on the British tradition that results from Cayman's status as a Crown Colony of the United Kingdom, and another glowing article names the Cayman Islands as a Banking centre with ingredients for success. And to quote from it, this article by Roger Hardman says:

> "It seems that 1984 is also the year when rival tax havens are due to have their problems. In Switzerland, the move by the Opposition Social Democrat Party to loosen the Bank Secrecy laws, is being watched with gleeful anticipation. So are the political problems in Panama, where a disputed election result has led to street riots and a state of confusion almost guaranteed to drive sensitive foreign investors to look for a new home for their money.
>
> The banking community in the Caymans feels it is ideally placed to take advantage of any little local difficulties elsewhere. As a British Crown Colony, its political stability is good. Locals laugh at any suggestion that they might become independent. The Government even gave one million pounds (should have been one million dollars) to Britain to help in the Falklands war.
>
> The tax structure on the Islands has been specifically designed for its use as an offshore centre. The growth of the Caymans as an offshore centre has led to its having an impressive financial infra-structure. Just about every international bank of any consequence, including all the British Clearers, and most of the Acceptance Houses, have offices there. There are more than 500 firms of Accountants and Solicitors, with offices on the Islands, and numerous Trust Companies. Both the Banking Supervisor and the Acting Superintendent of Insurance are British. The Caymans are not short of clients. Business is booming, and this small country of just 50,000 (should have been 18,000) now ranks sixth in the world league tables of bank deposits."

I have found hundreds of articles written recently, 1983 and 1984, attesting to our stability. I could not find any negative articles in the foreign press. However, I did find one in our local press, and with your permission, I would like to quote that article. Just one or two short paragraphs from it will suffice. This article which appeared in the Nor'wester was derogatory of the financial industry altogether. This article was an insult to the people of the Cayman Islands, and it was written by Mr. Roy Bodden, who is a Candidate for the upcoming Election, and it reads:

HON. G. HAIG BODDEN (CONTINUING):

> "As far as the economic development of the Cayman Islands is concerned, certain fundamental questions remain unanswered, such as, can our present economic prosperity continue much longer. Is it sound policy to base a nation's economy on cornerstones as parasitic and sensitive as a tax haven and tourist resort. Should we not try to develop agricultural self-sufficiency."

The article, the paragraph, needs no comment other than to say I am surprised that someone in our community has so little faith in the tax haven business in the Cayman Islands.

Recent events have shown the strong actions which this Government not only took, but intends to take in the future if anyone or any country threatens the security of our financial industry. We have made it clear that, and this was brought out by a landmark case recently settled in our Grand Court, where the Chief Justice ruled that there would be no interference and no prying into accounts in Cayman Banks, particularly where the tax haven industry is concerned. The second event was where the Cayman Islands, in an agreement between the United Kingdom and the United States, made it abundantly clear that we will do all in our power to assist in stamping out the drug trade, and that accounts in the Cayman Islands, will not be used for the lodging of money that has come from drugs or other illicit purposes.

This had been enshrined in our Law from its inception when the Confidentiality Law made provision for information to be given in matters that are considered criminal and common to the United States and Cayman or to Cayman and any other country.

Today is a special day as mentioned both by the President, when he opened the Session, and by the Mover of the Bill when he presented the Bill which is before the house. This is a special session of the House called to deal with a particular Bill. There are reasons for this. If one looked at the morning paper one would see that Sir Geoffrey Howe, the British Foreign Secretary, arrived in Peking on Friday of last week to discuss with the Chinese Government the future political situation of Hong Kong.

The Company which has now located its head office in the Cayman Islands, has left, or is about to leave Hong Kong, and I would think that the time is ripe for multi-national Companies to leave Hong Kong. We know that quite recently, another very large Company, the Mathieson Group left Hong Kong, and have re-located in Bermuda, so we are fortunate in having attracted one of the very large Companies, and we expect that others will follow. So, there is, in my opinion, urgency for the Bill, because the position of Hong Kong is not yet clear. It is true that the Chinese Government have said that when they take over Hong Kong, when the British Lease expires in 1997, they will allow Hong Kong's social and economic systems to continue for another fifty years. Yet they have put a stipulation saying that unless an absolute pact is signed prior to September of this year, they will institute their own systems in Hong Kong. So the position is not clear and this must certainly be disturbing to multi-national Companies.

HON. G. HAIG BODDEN (CONTINUING): The Bill before the House is presented in the favour of Oriental Investments Limited, and if one looks at the recent articles which have appeared in the Press in London and in the United States on this Company, one will see that this is a Company of no mean order.

Reading from the Financial Times, 5th July, 1984, I read, and I quote with your permission:

> 'The U.S. interests of this Company include the Grand Union Supermarket Chain, and Diamond Land which as Diamond International was acquired in 1982 for 545,000,000 dollars. Many of Diamond's forest products interests have since been sold off, but the Group has been involved in the takeover wrangle for Continental Group, a large packaging, energy and forest products group."

And there are other articles dealing with Sir James Goldsmith's financial empire, but it is sufficient to say that amongst the many assets owned by this Company, are the 336 supermarkets in the United States, the 1.6 million acres of some of the best timber land in the States, and one of the largest publishing firms in France. So it is indeed a large Company, and the fact that such a large Corporation has seen fit to make Cayman its home, must be a plus in our favour. It must be a star in our crown, and certainly it will encourage many other such giant Companies to move their operations here.

Why did Oriental Investments select this Island when they could have chosen many other places to go? We are a very modest people, but I think, first of all, they must know that we have never adopted, have never tolerated any communist or socialist ideas. We believe, in Cayman, in the free enterprise system where the profit motive is uppermost. We speak English, which is useful when English today is spoken in more than 50% of all the places where business would be done. We are conveniently located geographically. We have one of the best communications systems in the world, and this is the most essential ingredient for business to function smoothly.

The establishment of our national Airlines, Cayman Airways, guarantees that the business man can move frequently, quickly, efficiently, and whenever he wants to move. We have a good telephone and telex system, all the organs of communications are present, and are of the highest standard. We are a Crown Colony, and we expect to remain one unless the country is taken over by the radicals. The small minority that is itching for independence have failed so far to even get one seat in the Legislature, and the majority of our indigenous Caymanians are a happy, high spirited and industrious people. We have a vibrant economy, no unemployment, a surplus in the Treasury, and a huge reserve of 11.2 million dollars, and a balanced budget for 1984.

Our banking laws guarantee absolute confidentiality for our clients, except for those who deal in drugs. Now I hear some Lawyers are worried about losing their drug clients. So these are some of the reasons why we are holding this special sitting of Parliament today. One more entity wants to come to the Cayman Islands to benefit from our benevolent laws, and to be stamped forever with the magnanimity of the Caymanian respect for law and order.

HON. G. HAIG BODDEN (CONTINUING): The Bill is a special Bill. Our Standing Orders make provision for Private Bills to be introduced. Up until today, the only Private Bills that have come have been the Bills for the churches. Every major church in the Cayman Islands benefits from a Private Bill, which has been passed to allow the church to carry on business, to own property, and to be a legal entity in our society.

The passage of this Bill will confer upon Oriental Investments Limited certain benefits which will be peculiar to them. It re-instates in many parts, provisions of our Companies Law, and will not be in conflict with the Companies Law.

The Bill allows for the issue of shares at a premium. It allows for the purchase of shares and it sets out certain emergency provisions or measures which can be taken, and there are one or two areas in which miscellaneous provisions vary the general law.

So this short one-day session will probably go down in our Banking history, and our financial history as a red letter day, a day when we have given substance to the many advertisements that we have put out to attract this type of Company. This will give an incentive to other large Companies to come here and find a safe area in a country whose only ambition is to provide for the welfare of its people and to give to all those who visit us, the umbrella of political stability.

MR. J. CARSTON SMITH: Mr. President, I will assure you, Sir, that my contribution won't be as long as the previous speaker was.

Mr. President, the object of this Bill before this Honourable House today is to expedite the transfer pursuant on a scheme of arrangement under the law, Hong Kong law, of the share capital of General Oriental Limited, a Company incorporated under the Laws of Hong Kong, to protect and facilitate the business and operation of the said Oriental Investment Limited under the Laws of the Cayman Islands.

This Bill, Mr. President, in my opinion, is a straightforward Bill, so I do not intend to burden this Honourable House with a lengthy debate, so I'll confine my remarks very briefly.

Mr. President; the offshore banking business is one of the mainstays of the economy of these Islands. It supplies jobs for our people, and also much training is offered to our young people. Licence fees from Banks and Trust Companies, and other Companies, make up a large part of our revenue, and for this, Mr. President, we are very grateful.

These Islands, Sir, have a good reputation because they are known for their political stability and wisdom of their Legislators, may God bless us and grant us this wisdom and stability in the years ahead.

As a result of this wisdom, Mr. President, and stability, we have attracted some of the largest Banks and Companies in the world, and in supporting this Bill before us here today, I am proud to be a part of this Honourable Legislature, and I am also proud to welcome General Oriental Investments Limited, one of the really large Companies, and may they prosper in the Cayman Islands, even beyond what they have prospered in other countries.

Mr. President, the very fact that such a large Company has selected the Cayman Islands as its headquarters, shows that the Cayman Islands have won the respect of all business communities.

MR. J. GARSTON SMITH (CONTINUING): In conclusion, Mr. President, let me say this is only the beginning of the advent of many such large Companies to our Islands.

Mr. President, I support this Bill wholeheartedly, and I thank you very much, Sir.

MISS ANNIE HULDAH BODDEN, OBE: Mr. President and Honourable Members, I rise to support this Bill.

I am very confident that this is the most wealthy the Cayman Islands have been in the past sixty years. I have been associated with the Government and its workings from the tender age of 12 years, and in those far off days, Sir, we have been extremely lucky to have obtained such wealth. We have come from rags to riches, and I must say, Sir, that it must be due to the fact that we have a stable Government, and most of all, our attachment to the British Crown.

Mr. President, when I hear so much ridicule, so much talk, so much, everything that is wrong about this Government, it makes me sick, because, I would like to know where in the world we would find a Government who has prospered like we have, and it must be through the working of the Government and its people to have attained this.

I think, Sir, that most of the things that we hear so degrading, what the Government has not done. Will the people that are making those remarks stop and think what they have done that has enabled us to get to this stage where we are now, and I support the Bill, and I feel that we should be honoured that this little grain of sand in the large oceans of the world should have such confidence placed in her, as a Company of this magnitude and wealth to want to establish its headquarters here.

I appreciate what has been done for us through the ages, and most assuredly, I feel that we shall continue to prosper provided we keep the right people in the House.

MR. CRADDOCK EBANKS, JP: Mr. President, in the wisdom of legislators, just a few years ago, with due respect to our neighbouring Jamica, that we felt that we should sever relationship with that country, being a part of it, became a Crown Colony, and endeavour to continue to maintain the welfare and interests of the Cayman Islands, and to build, continue to build on the foundation that was laid by our forefathers. We felt, Sir, that if we, the Cayman Islands had lost its identity, and I believe I am safe Sir in saying, if we had, we would have only been another of the disastrous Caribbean.

I could be lengthy, Mr. President, but I will not at this stage because we have got the proof of our labour, the Legislators and the people of this country: whether it was our determination and we have lived up to that, to build a good, clean Government, a Government with respect, a Government with integrity, which if one should read the Trean daily, they would get quite upset from time to time.

I read a part of an article a few weeks back, where one candidate for the upcoming Election, or has declared himself as a candidate, one of the things of their main intention is to try to restore the integrity of this Government. When one reads such as that, they must wonder really if those type people have been following the workings of the Government and what interest did they have or display during this Government's operation, or the maintenance of their working to establish and keep a good clean Government with the high standards of integrity.

And if it was not, Mr. President, for the integrity and the stable Government that over the years, whether

MR. CHADDOCK EBANKS JP (CONTINUING): politicians and the people, the majority of the people on the outside has supported, then we wouldn't have a country that the world is clamouring to get a foothold in, some place that they could even come in for one day seemingly.

I wonder if Cayman was put into the estate of this Company in the United States in their acreage, would we even be found in a million or a million and a half acre property. Yet, such a Company, such people with the billions of investments, billions of returns, have looked the world around and over - let us go to Cayman because it's a little rock in the middle of the ocean that's got a good clean, stable Government. And when you've got people, investors of such magnitude can make such choice the world over then why should we have a few radicals saying that this country is doing nothing, and getting no place, and the people are not getting this, and the people aren't getting that.

Mr. President, I support this Bill that is brought to the House, even though it is the first of its kind, and I am glad, and I am happy that those types of investors are happy to be a part of us in their investment, to do business, and it will certainly be of benefit to our people and the country on the whole, and I give it my whole support, Mr. President, and as has already been said, there seems to be the opening of a gate for other such large, magnificent investors, to come in to do business as well.

So, I give it my support, Mr. President, and I trust that it will prove to be 100% beneficial to this country and its people.

I thank you Sir.

MR. PRESIDENT: I think it may be convenient for Members if at this point, before another Member starts speaking, we take our customary short morning break. So I will suspend proceedings for approximately fifteen minutes.

AT 11.15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.44 A.M.

MR. PRESIDENT: Please be seated. Second Reading Debate resumed. Does any other Honourable Member wish to speak?

CAPTAIN MABRY S. KIRKCONNELL: Mr. President, I rise to support this Bill now before the House, the General Oriental Amendment Investment Limited Bill, 1984.

I am proud to be a Member of this Honourable House when history is being written in our financial affairs. I think it attests to the stability of this country, that a company of the magnitude of this one would choose to establish its corporate headquarters here in the Cayman Islands, and I welcome them.

I look forward to others who can be beneficial to us, following suit. I attribute their choosing the Cayman Islands because of our British Crown Colony status, and our stability, and it is my hope, Mr. President, that this day will long be remembered as a day that we made a brave step forward.

And in conclusion, Mr. President, I give this Bill my full support, and look forward to others to follow.

MR. D. DALMAIN EVANS: Mr. President, I too want to give my support to this Bill. I feel that it does us proud to have a Company of the magnitude to point out the Cayman Islands as a base for its coming business.

I am sure, Sir, that if it wasn't for the Government of the Cayman Islands, our stability, and the people of the Cayman Islands, that a Company like this would never choose us as a place for a business. And with this Company working here, Sir, I hope and pray that it is only paving the way for other Companies of the same magnitude to also accept the Cayman Islands as their headquarters.

There have been a lot of comments which are bad about our future, but I am sure that these people before they came to the Cayman Islands, had investigated the Government and the people, and everything about this Island that was needed before they chose this Island for their base.

And with that, Sir, I'll close with saying, it has my wholehearted support.

I thank you very much.

MR. PRESIDENT: Any other Honourable Member wish to speak.

MR. BENSON O. EVANS: It appears that the First Elected Member of Executive Council has his ready, Sir.

HON. JOHN B. McLEAN: Mr. President, when I am ready to make a speech, I catch your eye and I stand up and do my speech.

MR. BENSON O. EVANS: Mr. President, I didn't intend to speak at this time, but since we hope to finish today, I will make my contribution now.

I support the Bill before us in general terms, and as I progress, I will point out the one or two areas in which I feel some amendment is necessary.

As I listen to some of the Members speak, Mr. President, although I realise that this year is an election year, and you can expect a lot of rhetoric, I wondered whether I had the correct Bill before me, because as far as I am concerned, the Bill seeks to incorporate a Company and register it on our books, in the same fashion as any other Company would do except that because of the lack of certain provisions in our Companies Law, which the General Oriental Investment Company Limited seeks to have in its Memorandum of Objects and Reasons, or of its Memorandum and Articles of Incorporation, we are obliged to incorporate in this Bill.

Now, the first misconception that I would seek to dispel is the fact that this Company is moving its headquarters into the Cayman Islands. I see nothing in this Bill to suggest that the Company is moving its headquarters to Cayman. It is true that the Company or a sister Company which is incorp--orated in Hong Kong and doing business there, is seeking to establish a Company here which will serve as an insurance policy for the day, if they have to move out of Hong Kong. But I don't believe that Members should be of the opinion, nor should they give the public the impression that we are about to see an influx of people, or increased opportunities for employment of local persons immediately.

MR. BENSON O. EBANKS (CONTINUING): In fact, Mr. President, one of the provisions which this Bill seeks to incorporate is a provision which would enable this Company to remove its assets from the Cayman Islands' control at the twinkling of an eye. So I don't think that we should get any false apprehensions as to what this Bill really seeks to do.

The Mover of the Bill, Mr. President, said that he hoped that in future the Legislature, or Members would continue to entertain such Bills. I have the contrary view, Mr. President. I would hope that maybe, this will be the one and only time that it will be necessary for us to bring such a Bill before the House, because, we have been talking for some time about amending our Companies Law, which would embody many of the provisions which are contained in this Bill, and which, but for the lack of those amendments, would not be in this Bill.

The few which have not already been identified as desirable amendments to our Bill, or had not been identified at the time this Bill was presented, are now very obvious, and I understand, meet the general requirements and conditions of the new English Companies Law. So that I would hope that Government would take early steps to have our Companies Law amended in a fashion that maybe Bills of this nature would be unnecessary, and that is not to say, Mr. President, if we had a similar application tomorrow before we could amend the Companies Law, then I would not support a similar Bill. But I am making the point that I would prefer to see our Companies Law amended generally to cater for the things that are sought to be catered for in this Bill, so that we do not have to legislate what I term, special interest legislation, because in principle, I am against that.

There, as I said Mr. President, is nothing, or only one or two ideas that are novel in this piece of legislation, in fact, some of the provisions in this are already contained in other tax haven jurisdiction legislation, company legislation, and I know that Government has been considering making similar amendments to our legislation.

I agree, Mr. President, that this country, over the years has shown stability, and I am confident that it will continue to do so. I believe we have also demonstrated that this is a democratic society, and I do not believe that one should read into this Bill more than is intended, because I am sure Mr. President, that even the signatories to the petition which gave birth to this Bill can sense the feeling in the air that come November 10th, there will be a change in the composition of this House, and for that reason, I think it shows confidence in the entire 18,000 inhabitants of the Cayman Islands.

I am not going to get into any more political rhetoric over the Bill at this point, Mr. President. I just thought I would throw that in to make sure that Members understood where we were going, and where we came from.

Now, speaking on the Bill specifically, Mr. President, in Section 3, Sub-section (1), a penalty is stipulated for making a false declaration in one respect of the Bill, and that is the section which I drew Members attention to in my opening remarks, the emergency measures which the Company may take to remove its assets from the Island, or to transfer assets from one Company to another with ease and at the twinkling of an eye, after making a certain declaration.

MR. BENSON O. EBANKS (CONTINUING):

Now another novel provision in this Bill, Mr. President, is the way in which the premium collected on shares if they are sold, that a premium may be handled, and the purchase of shares by the Company other than from profits even, and that as I understand it is to be accomplished, or can be accomplished once again, two Directors sign a voluntary declaration and dispatch it, a sworn affidavit and dispatch it to the Registrar of Companies.

I believe that that section of the Bill should carry a penalty the same as the Sub-section 4 or, let me be more general, and that is Section 3 of the Law so what I am really saying, Mr. President, the Bill in my opinion should carry a general penalty clause, rather than have it stuck on at the end of one section of the Bill. I do not believe that this will in any way detract from our attractiveness as a place to be incorporated and registered. In fact, I think it will enhance our image, because, frankly, the little amount that has been mentioned by way of fine, is below what somebody would get, or could get for smoking, experimenting in smoking their first marijuana cigarette, and the offences envisaged here, are very serious offences. And I think that the punishment should match the offence.

Mr. President, I have raised the matter of the penalty before, and while I am one who believes in, shall I say, government in the sunshine, open government, and would not mind discussing this matter in open in a full committee of this House, I believe that a better course for us to follow with this Bill, would be to take it to a Select Committee, adjourn the House, take it to a Select Committee as is provided for under Standing Order 68, Sub-section 5, and then set an adequate penalty clause into the Bill, draft the amendment to the satisfaction of all concerned, and bring it back and report it, and insert it in the Bill.

I am aware, Mr. President, that in order to do that we would have to take cognizance of Standing Order 70, Sub-order 8, but this can be done with the consent of the House, the agreement of the House, and I would hope that the Member piloting this Bill would see it acceptable, that instead of us doing a committee section on the Bill in the whole House, we would adjourn for a short period, go into a Select Committee and do the necessary drafting and amendment there.

With those few words, Mr. President, I will close my contribution to this Bill.

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

HON. T.C. JEFFERSON: Mr. President, the Bill before this honourable House today, will represent a positive mark in the annals of history of the economic development of these Islands.

We are challenged by the need to be ever cognizant of what attracts international business to the Cayman Islands. Additionally, we need to keep a watchful eye on what our competitors are offering, when attracting similar business to their shores.

HON. T.C. JEFFERSON (CONTINUING): It appears, Mr. President, if we are to attract business of this international quality in the future, it may again be necessary to do an Act of this type, which amends certain provisions of the Companies Law. Although the provisions of the Bill fall within the United Kingdom Companies Law, guidelines, or along the lines of the United Kingdom Companies Law, the Bill, while filling certain legal requirements to General Oriental Investments Limited, sets out the requirement to pay to Government an additional Annual Fee as well.

As some people say, Mr. President, we have a good thing going to which I agree, but we must look to the long term development of these three Islands.

This Bill, Mr. President, is a good example of how the long-term development of this country is likely to take place, and that is the private sector and Government working together to accomplish our developmental goals.

Mr. President, earlier speakers referred to the transfer of business from Hong Kong, such as General Oriental Investments Limited, but I am sure, Mr. President, we will need to be selective as the manpower of these Islands is limited.

Certainly, Mr. President, there are many types of business in Hong Kong that the Cayman Islands do not wish to attract, but I am sure that there are an equal type and quantity which we can select. We must always remember the need to maintain a stable social environment, high quality of service, a responsible Government, financial prudence, and political stability.

I humbly ask all, Mr. President, who live in these Islands, to assist us to promote the development of these Islands for a better quality of life for all. I welcome General Oriental Investments Limited to incorporate and to operate from these beautiful Islands of ours.

An earlier speaker, Mr. President, referred to Companies moving assets at the twinkling of an eye. This is true, Mr. President. In my mind the only way of restricting the flow of capital or assets is by the introduction of an Exchange Control Regulation Law, which we repealed in 1995; therefore the Companies who have assets and are registered in our Registrar of Companies Office at present, have no restriction as to whether they can move their assets or not.

To conclude, Mr. President, I wish to thank all the Members of the Assembly for their contribution to the Bill, although I am not the Mover: it is part of my portfolio and I am certain that in the future, we will see significant spin-off from the arrival of General Oriental Investments Limited in these Islands.

Thank you, Mr. President.

MR. PRESIDENT: Does any other Honourable Member wish to speak? If not I will ask the Mover of the Motion whether he wishes to exercise his right of reply.

HON. TRUMAN M. BODDEN: Mr. President, and Honourable Members, the pessimist sees a disaster in every opportunity, and the optimist sees an opportunity in every disaster. In this world we are not permitted to stand still, and the world progresses because of optimism, and Cayman has progressed to where we are because of optimism and good leadership.

HON. TRUMAN M. BODDEN (CONTINUING): We have seen the stagnation economically in the early and mid 1970s, and it perhaps has arisen because of the lack of foreseeability of the leaders at that time, to see measures such as this being good for the Cayman Islands.

Having said that, Mr. President, I wish to thank the Members who supported this Private Bill and I will deal only with one main aspect of it, and that is in relation to the movement of assets under the provisions of the Law.

This same machinery exists from a legal standpoint, under the Law of Trusts, in which assets can be automatically removed in certain instances, but in practice I have found as a Lawyer, that it is something that is rarely used. It is a mechanism which is there in the event of a total disaster, and I said, this is a very forward looking Government, and I am certain that I have no fear whatsoever of that provision going in here, or of it going in in the general Law.

We operate this country openly, and if anyone wishes at any stage to withdraw, they have every right to withdraw. That is the basis of the democratic system and good government that exists here, and indeed if it wasn't you would not get a Company of this standing coming here. So I am not worried about it, and I don't think it will ever be used.

The Sections that the Honourable Third Elected Member For West Bay referred to. He is quite right that these points were raised, and unfortunately, Mr. President, I had been in London until this weekend just gone, and it appears that these were not sorted out by the people assisting, the Attorneys, and himself, and I am quite happy to move that the...

MR. BENSON C. EVANS: On a point of order, Mr. President, I had nothing to do with the presentation of the Bill, so the Attorneys had no reason to correspond with me to offer an amendment.

I understood the proposed amendment would be going to the Honourable Member.

HON. TRUMAN M. BODDEN: Well, let's put it this way, Mr. President, at this stage I am attempting to give him a solution to the problem that he has raised.

Whatever it is, Mr. President, in life the solution is always what I think is most important and I am prepared to move the Amendments to Section 3, Sub-section 1, and also to add a further Sub-section 3 to Section 5 to bring this more in line with what I feel it should be, and these will be circulated to Members fairly shortly.

I noted, Mr. President, that in passing, the same Member who just interrupted me, even though I did not give leave under the Standing Orders by sitting, mentioned that there will be a change in the composition of the House later this year, and I did not realise that he was getting ready to vacate his seat.

Having said that, Mr. President, I would ask Members that they support this, that they also bear with me to move this into a Committee of the whole House, rather than going through the tedious procedure laid down for the Private Bill through the Select Committee, and in fact, Mr. President, it is always the Third Elected Member for West Bay who talks about having these Bills debated openly, so I am a bit surprised to see such a change of tactics, when it comes to a very simple Bill such as this.

HON. TRUMAN M. BODDEN (CONTINUING): Finally, Sir, I would once again thank Members for supporting this, and I would hope that the Third Elected Member for West Bay will support a good Bill, and will join me in welcoming General Oriental to the Cayman Islands.

MR. PRESIDENT: The Motion before the House is that a Bill shortly entitled the Bill of The General Oriental Investments Limited Law, 1981, be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING

SUSPENSION AND APPLICATION OF STANDING ORDERS

HON. TRUMAN M. BODDEN: Mr. President, I beg to move in accordance with Standing Order 78, the suspension of Standing Orders 62(4), (5), (6), (7) and (8).

MR. PRESIDENT: The Motion before the House is that in accordance with the provisions of Standing Order 78, Standing Orders 62(4), (5), (6), (7) and (8). I'll say that again. Standing Orders 62, Sub-orders (4) through (8), be suspended.

My understanding is that the purpose of the suspension will be to enable the Bill to be taken in Committee of the whole House in the usual way, rather than to be taken in Select Committee, which would be the procedure, rather time consuming and cumbersome as has been said, provided in Standing Orders for Private Bills.

Does any Member wish to speak?

MR. BENSON O. EBANKS: Yes, Mr. President. Out of an abundance of caution, I am not going to oppose the suspension of all of the Standing Orders which the Mover has proposed, but it was for the identical reason why I suggested the suspension of Standing Order 62(3) this morning, I think it is, because if as under Order paper, Standing Order 62(4) is suspended and the Bill does not go to a Committee, it would seem that the same procedure as anticipated this morning would follow, that is they would fall away, and the Bill would automatically go into a Committee of the whole House. So I'm not opposing it, but I'm just showing why I raised the point which I did this morning, and out of an abundance of caution I think they should all be suspended.

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

Well, if I may just comment, I think the Honourable Member may well be right that if Standing Order 62(4) is suspended the others fall away, but nevertheless, I'm on the side both of the Mover and of the last speaker that it can do no harm on this occasion to be cautious.

So I will put the motion.

QUESTION PUT: AGREED. STANDING ORDERS 62(4), (5), (6), (7) AND (8) SUSPENDED

HON. TRUMAN M. SODDEN: Mr. President, I now wish to move that the Bill be referred to a Committee of the whole House in accordance with Standing Orders 49 to 53. I think, Mr. President, while it is implied, I would rather be cautious there, and apply them expressly, so that we may deal with it under those provisions.

MR. PRESIDENT: I think that's wise. The motion is that the Bill should now stand committed to a Committee of the whole House as if the provisions of Standing Orders 49 to 53 applied.

Does any Honourable Member wish to speak?

Then I will put the question.

QUESTION PUT: AGREED

MR. PRESIDENT: The House will now accordingly go into Committee to study a Bill entitled a Bill of the General Oriental Investments Limited Law, 1964.

HOUSE IN COMMITTEE

MR. CHAIRMAN: It may be convenient for Members if I first mention one point, on my copy, and it may be on a number of Members' copies. A few printing errors have been corrected, commas inserted where they should appear, but have not been printed, and the lay-out of some of the Clauses slightly altered where words have been indented which should not have been indented or vice versa.

The normal wish of the House has been that the Attorney General should be given leave to make such corrections as may be necessary where printing errors of that kind have occurred, and I wonder whether it would be the wish of the House that the Attorney General, in consultation with the Mover, should be authorised so to do on this occasion, and then we would not have to point them out as we go through.

Would that be convenient for Members?

THE GENERAL ORIENTIAL INVESTMENTS LIMITED LAW, 1964

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED CLAUSE 1 PASSED

CLERK: CLAUSE 2. DEFINITIONS.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. Does any Honourable Member wish to speak? If not, I will put the question.

QUESTION PUT: AGREED CLAUSE 2 PASSED

CLERK: CLAUSE 3. EMERGENCY MEASURES.

MR. PRESIDENT: I think an amendment to Clause 3 has been circulated. I imagine perhaps the Mover will wish to seek permission under the appropriate Standing Order.

HON. TRUMAN M. BODDEN: Yes Sir, under 52, Sub-order 2, I would ask, Sir, for leave to introduce this.

MR. BENSON O. EBANKS: Mr. President, I think the Member has transcribed his figures. He means 25.

MR. PRESIDENT: Sorry? 52(2), I think is right.

HON. TRUMAN M. BODDEN: That is correct, Sir. I asked to apply these Standing Orders, therefore the one I have to waive is the one that I've applied, and it's 52(3).

However, Mr. President, since the Honourable Member keeps raising these other ones to suspend, if he will move it, I'll support him.

MR. PRESIDENT: My understanding would be, that the Member would have to first seek leave in accordance with Standing Order 23, to suspend Standing Order 52(2), in order to be able to introduce an amendment without giving the necessary notice, and then having been granted the suspension, seek leave to introduce the amendment. I think that's probably the right procedure, and subject to the Member's agreement, and I see he agrees, that's what I shall take it we are doing. And I think that's quite right, at least that's my understanding of what the procedure should be.

MR. BENSON O. EBANKS: Yes, he wants to get permission to waive the two days' notice.

MR. PRESIDENT: That's right, and have my permission to introduce it. So that's the substance of it. He wants to waive Standing Orders to waive the two days' notice, and to have my permission to introduce the amendment.

MR. BENSON O. EBANKS: I was looking at motions, not the procedure in Committee.

MR. PRESIDENT: I think we are now straight on what is being requested. Does any Honourable Member wish to speak. If not, I will put the question.

QUESTION PUT: AGREED

HON. TRUMAN M. BODDEN: Mr. President, I ask to amend, that Clause 3 be amended -

(i) by substituting "three years" for "six months" in the sixth line of sub-section (2).

(ii) by substituting "fifteen thousand (CI$15,000)" for "two thousand five hundred (CI$2,500)" in the last two lines.

HON. TRUMAN M. BODDEN (CONTINUING): Mr. Chairman, I would like to place on record that this has been done in agreement with the Attorneys for the General Oriental Company itself, and also the subsequent Amendment I will be proposing, Sir.

MR. CHAIRMAN: The Amendment proposed to Clause 3,(3) as in the note circulated to Members is that "three years" be substituted for "six months", and "fifteen thousand CI Dollars" for "two thousand, five hundred CI Dollars".

Does any Member wish to speak.

MR. BENSON O. EVANS: Yes, Mr. Chairman, we are reaching the stage now where I indicated, not that I didn't like government in sunshine, but I like to know where I am going whenever I say yes to something, and we may have, this might call for some extra explanation, and the question I am raising is whether the "three years" and "fifteen thousand Dollars" have been lifted from any other penalty clause in existing laws on our books, or for similar offences, or whether this is just a figure that we are in each instance, pulling out of a hat.

HON. TRUMAN M. BODDEN: Mr. Chairman, I never pull things out of a hat. I consider them carefully, and this is what, in my considered opinion, is a just and equitable penalty for this Section and the following Section.

MR. BENSON O. EVANS: Maybe the Member, if I re-phrase the question, the Member would understand what I am asking more clearly.

Is there a precedent which we are using to insert the penalty, or is the Member setting himself up and inviting us to become judges in imposing these fines, or these penalties. I am asking if there is any precedent to which I could be referred that we would know that it's in line with similar offences in those precedents.

HON. TRUMAN M. BODDEN: Mr. Chairman, I cannot, on a very short notice like this begin to go through, to endeavour to assist the Member in seeing the precedent on it, but I would just point out Mr. Chairman, that every time we pass a Bill in this House, we make precedents, and I do not mind, afterwards, if he wishes, to look up comparative sections in the Companies Law, but the answer I must give him is that I have not based this on any specific section, it is what I regard as just and equitable under the Bill, Sir.

MR. BENSON O. EVANS: In the circumstances then, Sir, could the Second Official Member help me, or help the House.

HON. J. FORTAN WILKINSON: Mr. Chairman, Sir, there are precedents, not for this particular term of years, but there are precedents for longer terms of years in the Penal Code dealing with these type of offences, perjury, giving false evidence, false swearing, deceiving witnesses, and so on, and I think the feeling is that, bearing in mind the penalty in respect of these other offences, three years is a reasonable penalty for this particular type of offence, and also for an offence contrary to Clause 5, which we are coming to shortly.

HON. O. MAIC BODDEN: Mr. Chairman, it seems to me that we are quibbling with the matter of how we arrived at the penalties, and this seems to be secondary to the main argument. The proposed penalties in the Clause seem to have been too small for dealing with the type of offence which is considered, the offence considered is related to the actions of a Director or Directors of the Company, and they are serious offences, and the penalties should be in keeping with the offence. If the Member would tell the House whether he feels the penalties are too little or too great, maybe some Member could assist him, but he has not chosen to disclose his feelings on the Section which we are considering, because the circulated amendment to the House, is to increase the penalties, and if he has any objections to the increase of the penalties, he should say so, and then the Chair, or perhaps other Members might be able to throw some light on whatever is clouding his thoughts at this time. But, to put up an argument that because the Bill does not say, or Members do not say how they arrived at 'three years', he finds it difficult to accept it, and for that reason wants the Bill to go to a Select Committee.

I think this is unreasonable, and certainly is not a matter that should take up the time of the House.

MR. BENSON O. EBANKS: Mr. Chairman, as usual the Member seems to be confused, Sir. In my Second Reading debate, I made it quite clear that I thought six months, and twenty five hundred dollars were inadequate, and that the penalty should be increased to reflect the magnitude of the crime.

Now what I am anxious to find out is whether we are increasing it sufficiently, for example, the Second Official Member stated that there are provisions in the Penal Code for similar offences in excess of what is being proposed in the Amendment, and since I do not have the Penal Code before me, I would like, for the benefit of myself, and the Member from Bodden Town, to hear what those maximum penalties would be under the Penal Code.

MR. CHAIRMAN: The Member raised a point, and I think that point has been answered. He may not be wholly happy with the answer, but I think it has been dealt with.

I wonder, does he wish to propose an Amendment, or can we vote on it and see what the wishes of the Committee are.

MR. BENSON O. EBANKS: Only if I can find out. I think the Second Official Member was leafing through the Penal Code when he made the statement, and I don't think it's unreasonable for him to tell us what these maximum sentences he is talking about would be, or penalties rather.

HON. TRUMAN M. BODDEN: Mr. Chairman, the offence created by Section 3 is not now a criminal offence under the Companies Law, or indeed under any Law, so this as I see it Sir, puts the declaration as an addition to the powers and duties of the Directors, therefore, we are not going to find anything relating to this Section in the Companies Law, and to really get to a stage where you have to find a precedent for everything that is done, is taking away the sovereignty of this House.

MR. CHAIRMAN: Well it seemed to me that there couldn't be a precise precedent, because if there was something in the criminal Penal Code, which was the same offence, there would be no point in putting this section in here at all. This must create a slightly different offence, and has to have its own penalty. The penalty has not to be reasonable, I imagine that's the wish of the House.

MR. BENSON O. EBANKS: I think the word used was similar.

HON. TRUMAN M. BODDEN: Mr. Chairman, what will be found for the help of the Member is that those oaths are oaths of public importance relating to the public generally, they are like in a criminal trial or that sort of thing, which must be different from these specific offences, and there is nothing similar in the Companies Law as far as I can see, because the directors can carry out the powers under the Companies Law. They have to swear no declaration, and they are not subject to criminal liability, and if minority interests are not protected, then there is a certain procedure that can be followed through the Courts to deal with the action that is taken.

MR. CHAIRMAN: Unless any other Member wishes to...

MR. BENSON O. EBANKS: Mr. Chairman, I would just like to get one thing clarified. I would like to ask the Member if he is suggesting that directors are not criminally liable for their actions as Directors of companies.

HON. TRUMAN M. BODDEN: Mr. Chairman, this is perhaps the distinction I keep drawing to the Honourable Member when he tries to put his own interpretation to my legal thinking.

What I have said is that there is not a similar criminal offence, for the directors exercising their powers under the Companies Law, as has been created in this Section.

MR. CHAIRMAN: Unless any other Honourable Member wishes to speak I will put the question.

MR. BENSON O. EBANKS: Mr. Chairman, I asked the question that I did in the beginning because I have reservations about the amendment in the form it is drawn. As I see the amendment here, these will be the specific penalties, not the maximum penalties, and I would prefer to see Laws drawn in a fashion that gives the Court discretion to impose up to...

HON. TRUMAN M. BODDEN: Mr. Chairman, we have been down this road at least a dozen times, and it is abundently clear that there are two ways of drafting this, and a Penalty is always discretionary unless made mandatory.

I would just like perhaps, which may clarify the Honourable Member's mind, is to read out, if you will permit me, Section 74, the Companies Law, which perhaps can assist him in this respect.

It says:-

> 'Where a duty is imposed by this Law on any company, director or officer of any company, and no special penalty or fine has been provided for the breach of such duty, then any such company director or officer guilty of such breach, will be guilty of an offence,

HON. TRUMAN M. BODDEN (CONTINUING):

shall be liable on conviction to a fine not exceeding one hundred dollars".

MR. BENSON O. EBANKS: "Not exceeding" - that's what I am saying

HON. TRUMAN M. BODDEN: One hundred dollars.

MR. BENSON O. EBANKS: No. We are not discussing the amount now. I am discussing the wording of the Amendment. I like the wording "not exceeding".

HON. TRUMAN M. BODDEN: Mr. Chairman, in this Honourable House, it is not what the Honourable Members in minority like, it is what is legally correct, and really it is getting to a point where if he does not understand the Law, Sir, then I think he should try to get elucidated from someone who understands it before he moves these points.

The Honourable Attorney-General can tell him that penalties are not mandatory unless they are expressly made mandatory, and I really am not changing At this time.

MR. BENSON O. EBANKS: Mr. Chairman, I think that we have ample precedent in this House.

MR. CHAIRMAN: Do you wish to move an Amendment or..

MR. BENSON O. EBANKS: Yes Sir. I suggest that..

HON. TRUMAN M. BODDEN: Does he mean that he is moving, Sir, or is he suggesting?

MR. BENSON O. EBANKS.. I'm going to move when I get it ready. I would like to move an Amendment, Mr. Chairman, that in the fourth line of Sub-section 4 of Clause 3, after the word period, that is, "for a period", I would like to substitute "not exceeding three years".

MR. CHAIRMAN: That is the fifth line you are talking about, not the fourth.

MR. BENSON O. EBANKS: I am saying Sub-paragraph 4 in the fifth line, yes.

MR. CHAIRMAN: I think you said the fourth line.

MR. BENSON O. EBANKS: "For a period not exceeding three years". and then similarly in the next proposed amendment that has been circulated, after the word "fine", I would like to move an amendment to substitute the words "not exceeding".

MR. CHAIRMAN: For the word "of".

MR. BENSON O. EBANKS: Between "fine" and "of", to insert "not exceeding fifteen thousand CI Dollars".

MR. CHAIRMAN: Actually, you delete the word "of", in both cases.

MR. BENSON O. EDANKS: Yes, 'to a fine not exceeding fifteen thousand CI Dollars', instead of the "two thousand, five hundred".

MR. CHAIRMAN: Am I right, really in effect, you are proposing an Amendment to the Amendment.

MR. BENSON O. EDANKS: Yes Sir.

MR. CHAIRMAN: If I can just get the position right. In other words you are not changing the proposed maxim which would stay at three years imprisonment, and fifteen thousand for the fine, but you are wishing to change the word "of" in two cases to the words 'not exceeding' to make clear that these are maxim and they are not mandatory.

MR. BENSON O. EDANKS: Exactly, Sir.

HON. TRUMAN M. BOWDEN: Mr. Chairman, I take a Point of Order. That motion is not properly before the House, and the Member can figure out why.

MR. BENSON O. EDANKS: Mr. Chairman, I assume, Sir, that you are giving me the same leeway that you gave the Member to bring it in at the last minute.

MR. CHAIRMAN: You haven't actually asked for it yet. I think you had better ask for it first, to be on the safe side.

MR. BENSON O. EDANKS: Well, may I have permission under Standing Order 52(2) to propose the amendment which I have made.

MR. CHAIRMAN: I think what you have to do is what the Member, well I explained what I thought the Member was doing, that is seek leave under Standing Order 82, to waive the period of notice specified in Standing Order 52(2), and provided that the period is waived, then leave also to introduce an Amendment of which no notice has been given.

I think that's what I shall assume that you are asking, just as I assumed it with the other Member.

MR. BENSON O. EDANKS: Exactly Sir. I didn't think it was necessary to call attention to 82, because I thought that everybody would know...

MR. CHAIRMAN: No, I think we'd perhaps better get it quite right.

HON. TRUMAN M. BOWDEN: Mr. Chairman, I think he's overlooked one point, because under 52(2) you can only give leave to bring an Amendment into the Bill itself. So, if he's trying to extend that to the Amendment, he can't do it. A vote must be taken on the Amendment first. If it fails, then we go on with his. So what he's left with, he can't deal with the amendment to the Bill only after we have cleared my Amendment.

MR. CHAIRMAN: I haven't been accustomed to that practice in the House here before, in other words, my recollection is that on occasion we have considered Amendments to Amendments and nobody has thought that out of order.

MR. CHAIRMAN: (CONTINUING): And without consulting Erskine May carefully, I couldn't say for certain, but I don't really read 52(2) as ruling it out of order to have an Amendment to an Amendment, and I think it may be simplest and quickest, and therefore in accordance with the wishes of the Committee, if I accept an Amendment to an Amendment, and put it and we will see if it gets carried or not.

HON. TRUMAN M. BODDEN: From the point of expediency I agree, but I'm just trying to get through to the Member, if he's going to play legal, so am I.

MR. DENSON O. EVANS: If the Member would refer to 52(6), Mr. President, he would clearly see that Amendments to Amendments are anticipated, and if I was given two seconds I would find the specific Standing Order which refers to Amendments to Amendments, but, if he reads (6), he'll see that that's anticipated.

HON. TRUMAN M. BODDEN: Mr. Chairman, (6) looks to me to be very relevant. It says if an Amendment refers to or is not intelligible without a subsequent Amendment. Mine, I submit is completely intelligible. It is good modern legal drafting.

MR. DENSON O. EVANS: Go on and read the whole of it.

MR. CHAIRMAN: I think, order, order. We've had enough exchanges for the moment.

There is now firstly an Amendment to the Amendment. Now that is that in two places the words "not exceeding". I am sorry, I am misleading the House, in fact, it isn't an Amendment to the Amendment, it's really an Addition to the Amendment. It doesn't alter anything in the Amendment.

MR. DENSON O. EVANS: Mr. Chairman, since the Member wants to get legal ,I would refer him to Standing Order 27, which proves, thatI don't even have to ask for suspension of Standing Orders to do what I have done, an Amendment to an Amendment requires no leave.

MR. CHAIRMAN: That's with Motions.

MR. DENSON O. EVANS: If you read, Sub-regulation 19 of 52, you will see that 25 and 27 as applied to Motions, will apply to Amendments in Committee.

MR. CHAIRMAN: Quite right. Now, I was trying to put the question.

The question is that the Amendment that had been moved by the Second Elected Member of Executive Council should be added to, by adding the words "not exceeding" before the words "three years" in the first part of the Amendment, and again before the words "fifteen thousand" in the second part, and by deleting the word "of" in the printed version of the substantive, Sub-clause 6 of Clause 3, that comes immediately before the words "six months" and the words "Cayman Islands" , so that if the Amendment to the Amendment were carried, and if subsequently the Amendment itself as amended were carried, we should have the relevant part of that Clause reading:

> "to imprisonment for a period not exceeding three years or to a fine not exceeding Cayman Island Dollars fifteen thousand".

HON. TRUMAN M. DODDEN: Mr. Chairman, could I get it very clear what we are voting on.

MR. CHAIRMAN: We are voting on whether the words "not exceeding" should be included, and the words "of" deleted.

HON. TRUMAN M. DODDEN: In my Motion? No I'm just trying to find out.

MR. BENSON O. EBANKS: That is correct.

MR. CHAIRMAN: Yes, we are voting on Mr. Benson's Motion first, that is that your Amendment should be altered by adding the words "not exceeding". If Mr. Benson's motion gets carried, then your Amendment is itself, if Mr. Benson's motion doesn't get carried, then we come back to your Amendment. I am sorry it's so complicated, but that's my understanding of the position.

So all Members understand, all we are voting on at the moment is whether the words "of" should be taken out twice, and the words "not exceeding" substituted for it.

QUESTION PUT: AYES 5 NOES

MR. CHAIRMAN. I THINK THE NOES HAVE IT.

MR. BENSON O. EBANKS: Could we have a division, Sir?

DIVISION

AYES	NOES
Mr. Benson O. Ebanks	Hon. D.H. Foster, CVO,CBE,JP
Mr. W. Norman Dodden, MBE	Hon. J. Brian Wilkinson
	Hon. T.C. Jefferson
	Hon. John B. McLean
	Hon. Truman M. Dodden
	Hon. James M. Dodden
	Hon. G. Haig Dodden
	Mr. J. Gerston Smith
	Mr. R. Dalmain Ebanks
	Miss Annie Huldah Dodden, OBE
	Capt. Mabry S. Kirkconnell
	Mr. Craddock Ebanks, OBE, JP

MR. CHAIRMAN: I declare the Motion lost. I made it 12 votes to 5. So we can now turn back to the Amendment in the form in which it was originally circulated, in which you have it in front of you, and unless any Member wishes to speak further I will put that question, that Clause 3 of the Bill be amended in the manner set out in cyclostyle note circulated to Members.

QUESTION PUT: AGREED. AMENDMENT PASSED BY MAJORITY

CLERK: CLAUSE 4. Issue of Shares at Premium.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill. Unless any Member wishes to speak, I will put the question.

QUESTION PUT: AGREED CLAUSE 4 PASSED

CLERK: CLAUSE 5. Purchase of Shares.

HON. TRUMAN M. DODDEN: Mr. Chairman, under Standing Orders 82 and 52(2), I once again ask the leave of the Chair to introduce the Amendment that I have circulated, Sir.

MR. CHAIRMAN: The question is that in accordance with the provisions of Standing Orders 82 and 52(2), Standing Orders be suspended as necessary, and leave be granted to introduce an Amendment which has been circulated, but of which the usual length of notice has not been given. Unless any Member wished to speak, I will put the question.

QUESTION PUT: AGREED STANDING ORDERS 82 AND 52(2) SUSPENDED

MR. CHAIRMAN: The Member now has leave to put the Amendment.

HON. TRUMAN M. DODDEN: Mr. Chairman, I ask that Clause 5 be amended by the addition of the following new Sub-section (3):

> "Any Director of the Company making a declaration under the provisions of sub-section (1) without having any reasonable grounds for the opinion required to be given under such sub-section shall be guilty of an offence and liable upon conviction by a court of summary jurisdiction to imprisonment for a period of three years or to a fine of Cayman Islands Dollars fifteen thousand (CI$15,000) or to both ."

MR. CHAIRMAN: The question before the Committee is that a new Sub-clause 3 of Clause 5 should be added, the wording of which has just been read out.

Does any Honourable Member wish to speak.

MR. BENSON O. EBANKS: Yes. Mr. Chairman, I would like to offer an amendment to that, Sir. That in the seventh line, "of" at the beginning of the line be taken out, and the words "not exceeding" be substituted therefore, and where the word "of" appears before Cayman Islands Dollars, that "of" be deleted and "not exceeding" be substituted therefor .

MR. CHAIRMAN: And would I be correct in assuming that you are seeking leave in accordance with Standing Orders 82 and 52(2) to propose that Amendment.

MR. BENSON O. EBANKS: No Sir, my understanding is that under Standing Orders 26 and 27, an Amendment to an Amendment does not require notice, so that it can be moved at any time without notice, so that no permission is required.

HON. G. HAIG DODDEN: Mr. Chairman, I don't agree with that. We is still confusing amendments to motions with amendments to Bills in Committee.

MR. CHAIRMAN: No, I don't think so, because I hadn't first spotted this. But Standing Order 52(10) applies theprovisions of Standing Orders 26 and 27 to Bills in Committee, which I hadn't spotted.

MR. BENSON O. EBANKS: Yes, Mr. Chairman. You can understand that the Member's under a bit of pressure now, but he should be able to understand that.

MR. CHAIRMAN: Order, Order. In that case, the question now is that the additional Sub-section proposed as an amendment by the Second Elected Member of Executive Council should be itself amended by the deletion of the word 'of" at two places in the seventh line of the new Sub-section as circulated to Members, and should be replaced in each case by the words "not exceeding", and it's that amending Motion of the Third Elected Member for West Bay's that we shall be voting on in the first instance, just as we did with Clause 3.

Does any Honourable Member wish to speak. If not, I will put the question that the proposed additional Sub-section should be amended as moved by the Third Elected Member for West Bay.

QUESTION PUT: AYES AND NOES

MR. CHAIRMAN: I THINK THE NOES HAVE IT.

MR. BENSON O. EBANKS: Could we have another division, Sir?

DIVISION

AYES	NOES
Mr. Benson O. Ebanks	Hon. D.E. Foster, CVO, CBE, JP
Mr. W. Norman Bodden, MBE	Hon. J. Brian Wilkinson
	Hon. T.C. Jefferson
	Hon. John S. McLean
	Hon. Truman M. Bodden
	Hon. James M. Bodden
	Hon. G. Haig Bodden
	Mr. J. Gonston Smith
	Mr. R. Dalmain Ebanks
	Miss Annie Huldah Bodden, OBE
	Capt. Mabry S. Kirkconnell
	Mr. Craddock Ebanks, OBE, JP

MR. CHAIRMAN: I declare that motion defeated by 12 votes to 2.

We now move to the amendment in the form in which it was originally introduced by the Second Elected Member of Executive Council. That is the form in which it has been circulated to Members.

Does any Honourable Member wish to speak to that. If not I will put the question that Clause 5 be amended by the addition of the new Sub-section proposed.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 5 PASSED BY MAJORITY

MR. CHAIRMAN: I will now put the question that Clause 5 as amended do stand part of the Bill. Does any Honourable Member wish to speak. If not, I will put the question.

QUESTION PUT: AGREED. CLAUSE 5 PASSED AS AMENDED

CLERK: CLAUSE 6. MISCELLANEOUS PROVISIONS VARYING GENERAL LAW.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. DEEMING PROVISION.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. FEES.

MR. CHAIRMAN: The question is that Clause 8 do stand part of the Bill. Unless any Honourable Member wishes to speak, I will put the question.

MR. BERSON O. EBANKS: Yes, Sir, I would just like to point out that the tremendous figure referred to by one Member that we would collect annually in addition is in this Section as $2,500 a year.

MR. CHAIRMAN: I will put the question.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. SAVING OF RIGHTS.

MR. CHAIRMAN: The question is that Clause 9 do stand part of the Bill. Does any Honourable Member wish to speak? If not, I will put the question.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: A BILL FOR A LAW FOR THE ENACTMENT OF CERTAIN PROVISIONS IN RELATION TO GENERAL ORIENTAL INVESTMENTS LIMITED, A COMPANY REGISTERED ON 14TH JUNE, 1984 UNDER THE COMPANIES LAW, CAP. 22 AS AMENDED AND FOR VARIATION IN RELATION TO SUCH COMPANY OF CERTAIN REQUIREMENTS OF THE COMPANIES LAW, CAP. 22 AS AMENDED.

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

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on a Bill entitled "The General Oriental Investments Limited Law, 1984". The House will resume.

HOUSE RESUMED

THE GENERAL ORIENTAL INVESTMENTS LIMITED LAW, 1984

REPORT THEREON

HON. TRUMAN M. BODDEN: Mr. President, I beg to report that a Bill entitled the General Oriental Investments Limited Law, 1984, was considered by a Committee of the whole House and was passed with the circulated amendments set out in the Committee stage of the Bill, and I would ask that I not have to read these again, please.

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

SUSPENSION OF STANDING ORDER 47

HON. TRUMAN M. BODDEN: Mr. President, in accordance with Standing Order 82, I move the suspension of Standing Order 47 to permit the Bill to be read a third time in this Session today.

MR. PRESIDENT: The question before the House is that in accordance with the provisions of Standing Order 82, Standing Order 47 be suspended in order to enable the Bill to be read a third time today. Does any Honourable Member wish to speak? I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

THIRD READING

CLERK: The General Oriental Investments Limited Law, 1984.

HON. TRUMAN M. BODDEN: Mr. President, I beg to move the Third Reading of a Bill entitled "The General Oriental Investments Limited Law, 1984".

MR. PRESIDENT: The question is that a Bill entitled a Bill of the General Oriental Investments Limited Law, 1984 be given a Third Reading and passed. Unless any Honourable Member wishes to speak, I will put the question.

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

ADJOURNMENT

HON. D.H. FOSTER: Mr. President, I move the adjournment of this House to a date to be advised. Is that correct, Sir?

MR. PRESIDENT: I think to the 15th August, 1984. Members have been advised already.

HON. D.H. FOSTER: In which case then Sir, I move the adjournment of this House until the 15th August, 1984.

HON. C. HAIG BODDEN: Mr. President, on the adjournment motion, I would just like to say that I wish to congratulate the Honourable Lady Member, who had been ill, and is now back with us again, and to let her know that we her friends, look forward to supporting her at the election in November.

MISS ANNIE HULDAH BODDEN: Mr. President and Members, I thank you all for your kindness and for supporting me ... (INAUDIBLE) .... I shall continue my race in the election and hope to serve for at least the next coming four years. Thank you, Sir.

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

If I properly may, perhaps as President, I would like to join in congratulating the Lady Member on her recovery, and to say how delighted we are to welcome her back again to the House. I would not comment on the possible outcome of the elections, I do not think that would be proper, but I know that we are delighted to see her back with us at the moment, and glad that she is evidently feeling so much better.

The question now is that the House adjourn until Wednesday the 15th August, 1984.

QUESTION PUT: AGREED. AT 12:17 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 15TH AUGUST, 1984

THIRD MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON WEDNESDAY, 15TH AUGUST, 1984
FIRST DAY

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG., CVO - PRESIDENT

GOVERNMENT MEMBERS

HON. D.H. FOSTER, CVO., CBE., JP.	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLB.	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. T.C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. JOHN B. MCLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES
HON. TRUMAN M. BODDEN	MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. JAMES M. BODDEN	MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. GARSTON J. SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. D. DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BENSON O. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. W. HORMAN BODDEN, MBE.	FIRST 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. CHARLES L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT. MABRY S. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CRADDOCK EBANKS, OBE., JP.	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FIRST DAY

WEDNESDAY, 15TH AUGUST, 1984

1. PRAYERS

2. PRESENTATION OF PAPERS AND REPORTS

(i) FINANCE COMMITTEE

REPORTS OF MEETINGS HELD ON 23RD MAY, 1984, 28TH JUNE, 1984 AND 1ST AUGUST, 1984.

TO BE LAID ON THE TABLE BY THE CHAIRMAN, HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

(ii) HOUSE COMMITTEE

REPORT OF MEETING HELD ON THE 13TH JUNE, 1984.

TO BE LAID ON THE TABLE BY THE CHAIRMAN, ELECTED MEMBER FOR NORTH SIDE.

(iii) REPORT OF THE AUDITOR GENERAL

ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDING 31ST DECEMBER, 1982.

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

(iv) CAYMAN AIR HOLDINGS LIMITED

FINANCIAL STATEMENTS ENDING 30TH JUNE, 1983.

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

3. GOVERNMENT BUSINESS

(a) BILLS:-

FIRST READINGS

(i) The Travel Tax (Amendment) Bill, 1984

(ii) The Evidence (Amendment) Bill, 1984

(iii) The Registered Land (Amendment) Bill, 1984

(iv) The Firearms (Amendment) Bill, 1984

(v) The Narcotic Drugs (Evidence) (United States of America) Bill, 1984

SECOND READINGS

(i) The Travel Tax (Amendment) Bill, 1984

(ii) The Evidence (Amendment) Bill, 1984

(iii) The Registered Land (Amendment) Bill, 1984

(iv) The Firearms (Amendment) Bill, 1984

(v) The Narcotic Drugs (Evidence) (United States of America) Bill, 1984.

COMMITTEE ON BILLS

(i) The Travel Tax (Amendment) Bill, 1984

(ii) The Evidence (Amendment) Bill, 1984

(iii) The Registered Land (Amendment) Bill, 1984

(iv) The Firearms (Amendment) Bill, 1984

(v) The Narcotic Drugs (Evidence) (United States of America) Bill, 1984

REPORTS ON BILLS

(i) The Travel Tax (Amendment) Bill, 1984

(ii) The Evidence (Amendment) Bill, 1984

(iii) The Registered Land (Amendment) Bill, 1984

(iv) The Firearms (Amendment) Bill, 1984

(v) The Narcotic Drugs (Evidence (United States of America) Bill, 1984

THIRD READING ON BILLS

(i) The Travel Tax (Amendment) Bill, 1984

(ii) The Evidence (Amendment) Bill, 1984

(iii) The Registered Land (Amendment) Bill, 1984

(iv) The Firearms (Amendment) Bill, 1984

(v) The Narcotic Drugs (Evidence) (United States of America) Bill, 1984

(b) MOTIONS:-

GOVERNMENT MOTION NO. 8 - BROADCASTING OF PARLIAMENTARY DEBATES.

TABLE OF CONTENTS

	PAGE
Prayers	1
Report of Finance Committee Meetings held on 23rd May, 1984, 25th June, 1984 and 1st August, 1984 - Laid on the Table	1
Report of the Auditor General - Accounts of the Cayman Islands Government for the year ending 31st December, 1983 - Laid on the Table	3
Cayman Air Holdings Limited - Financial Statements ending 30th June, 1983 - Laid on the Table	4
Government Motion No. 8 - Broadcasting of Parliamentary Debates	5
The Travel Tax (Amendment) Bill, 1984 - First and Second Readings	5
The Evidence (Amendment) Bill, 1984 - First and Second Readings	13
The Registered (Amendment) Bill, 1984 - First and Second Readings	14
Bill referred to a Select Committee of the Whole House	16
The Firearms (Amendment) Bill, 1984 - First and Second Readings	17
The Narcotic Drugs (Evidence) (United States of America) Bill, 1984 - First and Second Readings	20
Adjournment	37

WEDNESDAY, 15TH AUGUST, 1984

10.00 A.M.

MR. PRESIDENT: The Assembly is in Session. I will invite the Rev. King to say prayers.

PRAYERS

REV. E.L. KING: Let us pray.

Almighty God, from whom wisdom and power are derived, we beseech thee to direct and prosper the deliberations of the Legislative Assembly assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, and honour and welfare of thy people.

Bless our Sovereign Lady, Queen Elizabeth, the Queen Mother, Philip the Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal Family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety, may be established among us. Especially, we pray for the Governor of our Islands, the Members of the Executive Council and the Members of the Legislative Assembly that are now assembled, that they may faithfully carry out their mission and the duties entrusted to them.

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

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

The Lord bless you and keep you: the Lord make His face to shine upon you and be gracious unto you. The Lord lift up His countenance upon you, and give you peace. Amen.

MR. PRESIDENT: Please be seated.

"Presentation of Papers and Reports."

(1) The Honourable Third Official Member of Executive Council.

REPORTS OF FINANCE COMMITTEE MEETINGS HELD ON 23RD MAY, 1984, 28TH JUNE, 1984 AND 1ST AUGUST, 1984 - LAID ON THE TABLE

HON. T.C. JEFFERSON: Mr. President, I beg to lay on the table of this Honourable House the Reports of the Finance Committee for the 23rd May, 28th June, and the 1st August, 1984.

MR. PRESIDENT: So ordered.

HON. T.C. JEFFERSON: Mr. President, the Meeting of 23rd May approved a total supplementary expenditure of $98,600.

A breakdown of that, Mr. President, is as follows:

HEAD 26 - SUB-HEAD 2-32
LOCAL PROMOTION
$30,000 which represents Government's contribution to the development of the Hall Post Office project in West Bay.

HEAD 3, that is an error Mr. President, it should be HEAD 7 - Police - SUB-HEAD 14 - 6. $68,600 to purchase extra communication equipment necessary for the performance of Police operations.

HON. T.C. JEFFERSON:

At this same Meeting, Mr. President, a discussion was held with regard to the United Kingdom Ship Registry proposals.

The Committee agreed that the Chairman should write to the United Kingdom Department of Transport, Marine Section to enquire on the following points

1. To request additional information on the registering of ships under 500 tons.

2. To request additional information on the registering of ships under 150 tons.

3. To enquire whether the Cayman Islands might fill the Ship Registry vacuum when the United Kingdom withdraws from Hong Kong in 1997, and to enquire further in a Clause of the Document with regard to obligations to register.

The Meeting of 20th June, Mr. President, approved a total supplementary of $658,000.

$4,000 for the Legislative Assembly, additional funds to meet expenditure of the Cayman Islands Commonwealth Parliamentary Association branch for the remaining months of the year.

$150,000 to provide for additional Courtrooms, offices for the Puisne Judge, and offices on the Ground Floor of the Court Building.

$500,000 for the Gerard Smith Airport money at Cayman Brac, to upgrade the runway to recommended standards.

Also at this Meeting, Mr. President, Finance Committee approved a virement of $150,000 from funds provided for the abattoir to the development of the East End interior roads, which is for agricultural purposes.

The Finance Committee also approved the extension of the Cayman Islands Government's overdraft for a further year at Barclays Bank for a sum of $2,000,000.

And additionally, Mr. President, Finance Committee gave its blessing to the erection of a building at the Northward prison to take effect of a decision made by the Court.

The Meeting of 1st August, approved a total supplementary of $512,919:

HEAD 17 - SUB-HEAD 20
PURCHASE OF LANDS

Funds provided for the purchase of land West Bay representing Parcels 10, 11 and 12. These parcels of land, Mr. President are purchased for playing fields and other re-creational purposes.

Finance Committee also gave approval to the Governor, Mr. President, to appoint five appeal Court Judges.

It was also agreed at this meeting that Government having purchased the Tower Corporation building should provide a small office for the Members of the Legislative Assembly, in order for them to meet with their constituents as necessary.

Thank you Mr. President.

MR. PRESIDENT: In accordance with the Provisions of Standing Order 57, paragraph (2), the House is deemed to have agreed the Motion.

"Presentation of Papers", the Elected Member for North Side.

REPORT OF HOUSE COMMITTEE MEETING HELD ON THE 13TH JUNE, 1994 - LAID ON THE TABLE

MR. CRADDOCK BODDEN, OBE, JP: Mr. President, I move that the House Committee Report held on the 13th June, 1994, be laid on the table.

MR. PRESIDENT: The Motion is that the House Committee Report of 13th June, 1994, be laid on the table.

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

QUESTION PUT: AGREED HOUSE COMMITTEE MEETING OF 13TH JUNE, 1994 LAID ON TABLE

MR. PRESIDENT: "Presentation of Papers", the Honourable Third Official Member.

REPORT OF THE AUDITOR GENERAL - ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDING 31ST DECEMBER, 1993 -LAID ON THE TABLE

HON. T.C. JEFFERSON: I beg to lay on the table of this Honourable House the Auditor General's Report for the year ended 31st December, 1993, and for the Report to be referred to the Public Accounts Committee.

MR. PRESIDENT: The Motion before the House is that the Auditor General's Report on the Accounts for the year ended 31st December, 1993 be laid and be referred to Public Accounts Committee.

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

QUESTION PUT: AGREED AUDITOR GENERAL'S REPORT ON ACCOUNTS FOR THE YEAR ENDED 31st DECEMBER, 1993 LAID ON TABLE

HON. T.C. JEFFERSON: Mr. President, I would like to make a few remarks on the Auditor General's Report in order to perhaps clarify some points in it.

It is, Mr. President, a very lengthy one, some 62 paragraphs, but I think it can be condensed into nine Government Departments, of which there are thirty two Statutory Authorities and two Publicly owned Companies. One of the four is audited by his Department.

Of the nine Departments, only sections of some of them are being reported upon. For example, the Public Library of the Department of Social Services, The Dental Office and Hospital Fees of Personal Health Services, the Pirates Week Committee of the Portfolio of Tourism, Aviation and Trade. Although the Report, Mr. President, in my view has some unnecessary remarks, overall it demonstrates the absence of inefficiency, and the good position of the financial records of Government.

HON. T.C. JEFFERSON: At the risk of being immodest, Mr. President, in my view, at present, the Treasury Records are in the best position since I've joined the Service.

We have during 1993 concentrated on strengthening the staff structure of the Treasury, and permit me to congratulate them for their performance.

We have analysed and put to bed, accounts which in some cases dated back to 1979.

Allow me also, Mr. President to correct a few inaccuracies in the Report. In paragraph 21 it is stated that the Port Authority is indebted to the Government for $146,306. It should be a lesser sum, Mr. President, it is in the range of $120,000.

The Auditor General also makes some comments in relation to the British Postal Orders, and we have analysed these since he did his Report. It appears that had the Department perhaps had more staff, or taken more time, he would have found what we arrived at. The $5,677 which needs, I think, a bit more information than he has in his Report, is really a result of the Pound parity in relation to the time these British Postal Orders were cashed. It ranges from 1979, when the relationship was 1.64 CI Dollars to the Pound to 1984, when the value was 1.74 to the Pound. That difference, Mr. President, in over a period of five years, and the exchange loss is the sum of $5,677.

Additionally, Mr. President, there is a reference to International Reply Coupons, still dealing with the Post Office. There have been claims submitted, and there is an ongoing correspondence on the subject. It deals with a country in West Africa, and the United Kingdom Post Office Headquarters are presently dealing with it. The Auditor General may be correct. We may not collect it because the country does not, or will not pay the sum due to us.

We have also looked at the Philatelic Bureau since he submitted his Report, and we are satisfied, having done a significant amount of analysis, that the Philatelic Bureau is now put on a sure footing.

Thank you Mr. President.

MR. PRESIDENT: "Presentation of Papers." The Honourable Third Elected Member of Executive Council.

CAYMAN AIR HOLDINGS LIMITED - FINANCIAL STATEMENTS ENDING 30TH JUNE, 1993 - LAID ON TABLE

HON. JAMES M. BODDEN: Mr. President, I request that the Audited Financial Statement ended 30th June, 1993, of Cayman Air Holdings be laid on the table.

MR. PRESIDENT: So ordered.

Item 3. Government Business. It has been represented to me that it may be the wish of the House that we take Item 8., that is Government Motion No. 9, Broadcasting of Parliamentary Debates before we take Item 4., the Bills, the point being that unless the Motion is passed, it will not be possible for Radio Cayman to broadcast any of the proceedings of this Meeting, so that if we went ahead with the Bills and spent the whole of today debating the Bills, there could be no broadcast this evening of the day's proceedings. There might be a possibility later after we'd passed the Motion. But it's been represented to me that Members might wish the proceedings to be broadcast today if possible, and with the leave of the House, I will therefore alter the order and invite the Mover of the Motion, the First Official Member to introduce Government Motion No. 9.

GOVERNMENT MOTION NO. 8.

HON. D.R. FOSTER, C/O,CBE,JP: Mr. President, I beg to move Government Motion No. 8, which reads as follows:

> In accordance with immunities, powers and privileges conferred upon the Legislative Assembly of the Cayman Islands by the Cayman Islands Constitution Order, 1972, the Legislative Assembly Immunities, Powers and Privileges Law (Revised), and all of the written Laws, be it HEREBY RESOLVED that Radio Cayman being a Broadcasting Station operated from within the Cayman Islands by the Government of the Cayman Islands, is hereby authorised to broadcast recordings of the proceedings of the Legislative Assembly as are hereafter named:-
>
> 1. Question Time.
> 2. Presentation of Papers, Reports and Committees speeches thereon.
> 3. Debate on Second Readings of all Bills set down for the sitting on Wednesday, 15th August, 1984.
> 4. Debate if any on Government Motions.

MR. PRESIDENT: I will not read out again the full wording of that Motion, which the First Official Member is moving and has just read, but the Motion itself, Government Motion No. 8, is now open for debate. Does any Honourable Member wish to speak? If not, I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 8 PASSED.

MR. PRESIDENT: We can now go back to Item 3(a), Bills, First Readings.

THE TRAVEL TAX (AMENDMENT)BILL, 1984

FIRST READING

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1984.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Travel Tax Law, 1976, is deemed to have been read a first time, and is set down for Second Reading.

SECOND READING

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1984.

HON. T.C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to amend the Travel Tax Law, 1976. Law 11 of 1976.

The objects and reasons of the Bill, Mr. President, are to seek an increase from $2.40 to $3.20 on the Travel Tax payable in respect of Cruise Ship Passengers.

Mr. President, an increase of 80¢ in my view, will create no hardship for anyone, and the respective agents of cruise ships, some of them, have been informed personally by me of our Government's intention to increase the Travel Tax, thus allowing them to put together their brochure which will affect their winter season.

HON. T.C. JEFFERSON (CONTINUING): Secondly, the Bill has been published in sufficient time to give everyone adequate time to make whatever adjustments they need to do in their Room Rates on these Cruise Ships, and I recommend the Bill to the Honourable Members, Mr. President.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Travel Tax Law, 1976, be given a Second Reading. The motion is open for debate. If no Honourable Member wishes to speak. The Third Elected Member for West Bay.

QUESTION PROPOSED: DEBATE ENSUED.

MR. DENSON O. BLANKS: Mr. President, this Bill, in itself is not controversial or impressive. However, my prepaving gathering information has told me that recently, the Port Authority purchased some anchors, which are intended to be used as permanent mooring for cruise vessels. I understand that the cost of those anchors was in the region of $20-30,000, and while this is desirable in my opinion, since they will be permanent moorings, and prevent, or remove the necessity of ships anchoring in various spots at different times, thereby preserving our natural resources and environment, in other words, protecting the destruction of coral by having permanent moorings. I understand that it is the intention, or it was the intention of the Port Authority under the Port Authority Law, which permits such a charge to be made, to recover that investment by charging a berthing fee. I understand that this was also cleared by the Port Authority with the Cruise Ships, and it was going to result in a fee of, I don't recall whether it's 80 or 85¢ per passenger, and I am wondering whether this Amendment has been put forward with the full recollection of that intention, since I would presume Government must have given its blessing to the purchase of those moorings, and instead of an 80¢ increase per passenger, if both charges are levied in 1985, it would become more like $1.60 or $1.65 per passenger, and I do not believe that if that is the case, the increase could then be termed small.

Coupled to this I understand, Mr. President, that at least one of the Cruise Lines that pioneered the Cruise Ship business into the Island has served notice that some time in 1985, they will cease calling at this port because they have purchased their own island elsewhere, and will be making use of it.

I am not sure whether Government has been made aware of this. I am sure that they would, but I am not in a position to say since they have not discussed it with me.

Now, Mr. President, I appreciate that the permanent mooring situation might in some respects inhibit the number of boats that could be accommodated in George Town, as opposed to the random anchoring that is now permitted, but maybe this is a good time for Government and the Port Authority to consider putting some permanent moorings in West Bay, and building a landing facility there, which I have advocated for some time.

It would take the pressure off of the town, and it would give the people an opportunity to see the best part of the Island first. That they would see the garden city of this Island, and it would bring added business to the district, and alleviate the congestion that occurs in town when we have three and four cruise ships at the same time.

MR. BENSON O. EBANKS (CONTINUING): In view of what I have said, Mr. President, I would hope that the Mover of the Bill, or maybe the Member responsible for the Port Authority, or the Member under whose Portfolio this operation falls, would give some clarification to Members as to whether or not such a fee as I mentioned, that is a berthing fee will be charged for anchoring or tying to these permanent moorings, because I feel that if that is the case, maybe Members would have a different approach to this increase in the Travel Tax, which, as I said, by itself, is fairly innocuous, but if it is coupled to another increase, it would be a very steep increase indeed.

And, Mr. President, my view is that once levy is made against something like the cruise ship passengers, maybe the best way to increase the revenue from that source, is to increase the number of tourists, and not by increasing the fee and thereby discouraging those who may now even come. And as I said, if my suggestion of taking some of the cruise ships to West Bay is followed, we would have double or triple the capicity to handle the tourists, and I know that we would give them.....

HON. G. HAIG BODDEN: Mr. President, there is no relationship between the Bill before the House and a berthing fee for ships which may tie up at a permanent mooring sometime in the future.

The Bill before the House, as Members know, has been published for some time. The idea had come to Executive Council long before the Rhapsody incident.

It is always necessary for Government to have more revenue each year, if it is for no other purpose than to keep up with inflation, because the cost of all materials and services rise each year, as well as the cost of any new capital expenditure. It is therefore necessary to have increased revenue if we are merely to stay afloat. Increased revenue can come from two sources, one is to increase taxes in a particular area, the other way is to have an expansion of the economy, and in this particular case would be an increase in tourist arrivals.

Members can attest that the policy of the present administration over the last eight years to increase the economy, to expand the economy so that Government...Mr. President, I do not know what the first Speaker on this Bill did to the power, but he certainly started it on a course which seems to interrupt the proceedings for the balance of the day.

However, to continue my speech, the second method of increasing revenue.....

MR. PRESIDENT: I think the Serjeant-at-Arms has probably gone out to try to establish what's happening, but let the Member continue.

HON. G. HAIG BODDEN: Mr. President, if there is another interruption, I would suggest that we take the coffee break so that there will be time for the electricians to check on the problem.

The policy of the present administration has been over the eight years, to expand the economy, and this expansion has been accomplished as can be seen by the dramatic rise in Government revenue over the eight years from the revenue of maybe 12 to 13 million in 1976, to a revenue of fifty million this year, and all of this has been done with little or no increases in taxation on the local economy, and in fact it has been done with a reduction in taxes in many areas.

HON. G. HAIG BODDEN (CONTINUING): For example, one of the first actions of this Government was to reduce the import duty from 33-1/3% to 27½% on motor vehicles, and this immediately brought about an increase in revenue from this source.

We also have taken off the duty off meat food items, and perhaps this has resulted in the many robust looking and well fed people we see on this Island.

But there has been a constant drive to expand the economy, and I would think that in this year, it is imperative that there be a continued expansion, because, if one can believe what one hears from the public platform, and from the newspapers, is that if the present administration is replaced, each new Member of the twelve that will sit here has a programme, which if they are going to implement, will bring us a deficit bigger than the one that the United States has. We hear about social programmes to be initiated. We hear about houses to be built for every man, woman and child in the Cayman Islands regardless of how rich that person is, and these things are going to take money, because we have not heard from a single would-be applicant where the money's going to come from. So there has to be an expansion of the economy, and an increase in revenue if we are going to hand over the administration to the would-be aspirants. And even this morning in the debate on this Bill, I have heard of a new project, which if it is to be implemented, will cost many millions of dollars, and that is a dock and harbour in West Bay where tourists can land, and where ships can tie up in an area that is totally unsuitable for it, and would probably cost forty million dollars to implement.

So the pressure is on the Government to accept these monumental projects including the cruise ships landing in West Bay, and many other far-out projects, which it is my opinion are simply the rantings of politicians to get elected. (Interruption by Third Elected Member for West Bay).

Mr. President, this Member must behave himself. I am not yielding to him. He should have the knowledge from his years here that when a Member is speaking, he has no right to interrupt, unless I choose to give way, and I certainly do not choose to give way. If he can't take the medecine, I suggest that he take his coffee break now.

To continue with the Bill before the House, the Financial Secretary, or the Third Official Member, in introducing the Bill, indicated that this Bill would increase the Travel Tax on tourist ship arriving passengers, by $1.00 U.S. per arrival. This is a modest increase, and will result in the fee which is charged going from US$3.00 per person to US$4.00 per person, or from CI$2.40 to CI$3.20.

The Bill is introduced early so that the Tax can be made known to the cruise ship companies, and they can attach it or include it in their billings to their passengers who will be booking at this very time for next year's cruises.

The Member who spoke on the Bill made note of the fact that the Port Authority has purchased four anchors which will be embedded in the coral in the harbour, and so provide permanent moorings for two ships at a time. This project has been discussed with the Agents of the cruise ships that come here, and it has their full support because it will be much safer for a cruise liner to tie up to these moorings, rather than to be anchored. Also, it will be a help to the ecology in that there will be less strain on the coral and sponges which are destroyed by the anchoring of ships in the harbour.

HON. G. HAIG BODDEN (CONTINUING): It is also true that under the Port Authority Law, it is possible to charge a berthing fee to a ship which is permanently moored, and such a fee is not charged on a per passenger rate, as the Travel Tax. It is a fee which would be charged to the ship, and the ship itself or the shipping company has the obligation to pay that fee. The Travel Tax Law levies a Tax on the arriving passenger, and the arriving passenger has an obligation under the Law to pay that Tax, just the same as a departing passenger from the Island has an obligation to pay the Tax, and the Member may have confused the method of collection with the principle of the Tax. In that on the Travel Tax, the Travel Tax is collected. (Interruption from Third Elected Member for West Bay).

Mr. President, I will not allow an interruption to my speech. This Member knows that....

MR. PRESIDENT: Will both Members please sit. Was the Third Elected Member for West Bay rising on a Point of Order, or not.

MR. BENSON O. EBANKS: No Sir, I was rising to see if the Member would give way.

MR. PRESIDENT: In that case no, thank you, please sit. The Member has not given way so I am afraid you must stay seated, and the Member continues his speech.

MR. BENSON O. EBANKS: Yes Sir, I was just serving notice, that I intend to exercise my right under the Standing Orders.

MR. PRESIDENT: If you mean that you wish a right to give a personal explanation, that is noted, and you have an opportunity at the end of the speech by the speaker.

HON. G. HAIG BODDEN: Mr. President, if I may continue my speech, after having been so rudely and unnecessarily interrupted.

One must not confuse the method of collection of the Travel Tax with the principle of the Tax, and by that I mean that the airlines....

HOUSE SUSPENDED DUE TO POWER LOSS

HOUSE RESUMED AT 11.52 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. The Second Reading Debate on the Travel Tax Amendment Bill. The Fourth Elected Member of Executive Council.

HON. G. HAIG BODDEN: Mr. President, I conclude by supporting the Bill before the House.

MR. BENSON O. EBANKS: Mr. President. Under Standing Order 34(2), I wish to offer an explanation on a matter raised by the last speaker.

MR. PRESIDENT: That is in order. I would just remind the Member that the terms of the Standing Order include a Proviso that you may not introduce new matters, or seek to strengthen your former position by new arguments.

MR. BENSON O. EBANKS: Yes, Mr. President, I am very cognisant of that proviso.

The time that I sought to make the explanation, the Member had charged that I had confused the difference between a berthing fee and a landing fee.

I would just like to point out that I was not at all confused. I understand the difference clearly, and in fact the figure of 85¢ which I quoted per passenger in my speech, I know to have been based on the capacity of each vessel entering the port, divided into the berthing fee which the ship would be charged based on its size. In fact, if one accepts that the berthing fee is a separate item and the ship travels with less than capacity passengers, the charge per passenger will rise commensurately, and there is no escaping the fact that that fee, even though it is paid by the shipping company is a cost of doing business, and will eventually be passed to the passenger.

The Landing Tax is also collected from the Shipping Company at the moment.

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

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I do not rise, Sir, to oppose the Bill, but I would like to issue a warning to Government of the consequences of each of these little so-called increases, which are gradually, and slowly but surely, being assessed against cruise ships.

These increases, Mr. President, are being passed on to the passengers or tourists. We are in a very highly competitive market. The tourists today are counting, not dollars, but they are counting their cents, and we must not erode our position any further by gradually increasing, putting one small increase here, one small increase there, because, it all adds up, whether related or not. The total sum is what the Shipping Company base their charges to their passengers on, whether it is an anchorage fee; whether it is an increase in the Travel Tax: all of these are added together and the tourists are the people who are paying it.

The other day, Sir, we passed into law, or imposed rather, a duty on Duty Free items. At that time they said this was very, very small, insignificant, but, Mr. President, that one stroke, or one passing of the Bill has caused the Cayman Islands to lose its duty free status and we can no longer claim that we have a duty free port. There are so few items left that one could not term the Cayman Islands any longer a duty free port.

We should be very mindful of what we are doing, and just be careful, Sir, that we do not kill the goose that laid the golden egg.

Thank you.

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

MR. CRADDOCK EBANKS, OBE, JP: Mr. President, it is a feeling of a majority of the populous that tourists are all rich people, but I am aware that is not the case. I believe that the rich that may come as a tourist, whether he is in his million or his billions, he is more cautious than spending 80¢ added to whatever might be the fee, or 80¢ added to his landing fee or his tickets or what, he questions it far more, far quicker than the ordinary tourists.

MR. CRADDOCK EBANKS, OBE., JP. (CONTINUING): Yes, it is not very much being asked, but these things do add up, and while I am not out for opposing the proposed Amendment at this time, it would be good if Government could look into other avenues if they feel that a minimum taxation should be raised in certain areas to continue to develop the country, and to keep the country on a safe financial footing.

But they say when these small things are all put together and add up, it is very noticeable, and I feel that we are at the stage where we need to be careful in looking into such as this, while, as has just been said, we are in a very competitive market, business. It is good for us to endeavour to try to hold what we have got, and not to try too fast to grab a few more cents that might make us lose some dollars.

So, I am hoping, Sir, that this Amendment will be, if it is considered, then the Government will find other areas that minimum taxation could be levied on, to bring in the amount of revenue that might derive from such an Amendment as this, Sir.

So with those few remarks, Sir, I give my support to this proposed Amendment at this time, but as I say, we need to be careful.

HON. JAMES M. BODDEN: Mr. President, one more time, I think, we are spending more time, really, in debating the small issue, and the cost will be greater, than the money we derive from it.

Sometimes, I am astounded to see the amount of Debate that can be provoked out of a small subject, and if it is being done for political purposes, then I am afraid we are not going to get very far with it.

Here we are looking, Sir, at a ticket that probably cost the average person on the cruise ship, that is the cruise ships that operate to Grand Cayman, about $700, and we are talking about adding one more dollar to that $700. Bear in mind that some of these cruise ships may charge for a room on a weekly stay, probably as high as $1,500, but I am speaking about the average of it probably being $700.

By bringing this Bill today, we are giving sufficient notice to cruise ship operators, that they can add it in when their tickets are probably raised in price the first of the year, but someone, I think, spoke about greed, and I will remind this House, as I reminded someone in the audience in Bodden Town the other night, when they brought up a question concerning crime, and I said to them in that Meeting, that one of the great causes of crime was greed, and it is greed in your community today, that will kill the goose before anything else. And when I speak about greed, I speak about greed in a very broad sense. It is like an injection concerning the duty free stores.

The duty free stores in the Cayman Islands, are very noncompetitive, the reason for it being, greed in a lot of cases, because the profit that is taxed on to the item, is an astounding amount. In some cases 2 and 350% of the original price. Now if we are going to be worried about what will kill the goose that laid the golden egg, it is that type of greed. It is not the 1/700th part of an increase that we are debating today.

I being in charge of tourism, have to deal with many problems in regards to tourism, to try to keep the Island on a level keel.

HON. JAMES M. BODDEN (CONTINUING): One of the big problems again, that I have spoken out about, is the high hotel rates. If our tourism is going to be affected, it is going to be affected by the high tourist hotel rates that are charged in the Cayman Islands. The average hotel room in the Cayman Islands, is today going at a very, very high rate. We from the Department of Tourism have tried to do something about it. We have not succeeded because we have not had cooperation.

The other thing, Mr. President, that will probably kill off tourism in the Cayman Islands, before anything else will, will be the support of radical political groups by some people who may think they can control these radical political groups, but they only can control them as long as the hen is eating the corn out of your hand. When the hen strays from the nest, you can no longer control it.

So to sum up, Mr. President, I think that this House need not be alarmed about a $1 rate increase in the arrival tax, when it is tacked on to an average $700 bill, but we must concern ourselves with greed in the hotel sectors and the duty free stores, and the support of the radical political groups that are emerging.

Thank you.

MISS ANNIE H. BODDEN, OBE: Mr. President, and Members of this Honourable House. As far as I am aware, the departure tax now is $4.00 CI per passenger, and this Law for a Bill to amend the Travel Tax which would apply to tourists on these ships, is barely US$4.00. So as far as I know that we are charging far more for the departure tax than we are for the incoming passengers in this. And, while the amount is small, I feel that we should try, as far as possible, to make this the final Bill where we shall increase these rates if it is to affect the tourist industry.

When Prince Philip was here, many years ago, I remember there was a gathering right out where this building is now, and he made a speech, and he said: "Be sure never to kill the goose that laid the golden egg", and I am afraid that if we continue doing things to up the charges against these people, we might eventually do that.

While I do not disagree with the Bill, I would implore us as legislators to try, in the future, I am sure some of us will get back here, that we should not make any small increase regardless of how small the amount is, against this trade, which we depend so much on.

Thank you, Sir.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak, I will ask the Mover of the Motion whether he wishes to exercise his right to reply.

HON. T.C. JEFFERSON: Thank you Mr. President. I wish to thank the Honourable Members for their support of the Bill, although they have raised some concern about the amount, and how it will affect the tourist traffic to these Islands.

Whenever we do an increase in a tax, Mr. President, we generally look to see what other countries catering to tourists in this area are also charging, and I believe if everyone examines it in that light, they will see, as far as Travel Tax is concerned, that Cayman remains quite competitive indeed.

HON. T.C. JEFFERSON(CONTINUING): The last Amendment, Mr. President, to the Travel Tax Law, in respect of cruise ship passengers, was done in 1979, and roughly five years later we are talking about a CI $00 increase.

Personally, Mr. President, I do not think this affects the cruise ship passengers' decision to come to the Cayman Islands at all.

During the debate, Mr. President, one speaker made reference to duty being charged on luxury items , and I realise that in his speech he said "the other day", it is a common Caymanian phrase. But just to put the record right, Mr. President, it was done in 1981, and we are talking about a 5% increase on some items, and 10% on other items.

With regard to another speaker, who made mention of anchors being bought by the Port Authority. Yes, Mr. President, four anchors were bought each of these anchors weigh fifteen tons, and the cost of these anchors, including chain and shackle, was $78,000. In addition to this, Mr. President, the Smitsag International firm gave to the Port Authority, two anchors which are left for the Port Authority to take up from where they presently are located.

Thank you Mr. President.

MR. PRESIDENT: The question is, that a Bill entitled the Bill for a Law to amend the Travel Tax Law, 1976, be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Bills, First Reading.

THE EVIDENCE (AMENDMENT) BILL, 1984

FIRST READING

CLERK: THE EVIDENCE (AMENDMENT) BILL, 1984

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend The Evidence Law, 1978, is deemed to have been read a first time, and is set down for Second Reading.

SECOND READING

CLERK: THE EVIDENCE (AMENDMENT) BILL, 1984.

HON. MICHAEL J. BRADLEY, LLD: Mr. President, Sir, I beg to move that a Bill shortly entitled The Evidence (Amendment) Law, 1984, be read a second time.

Honourable Members will recall at the last but one sitting of the Legislative Assembly in May of this year, that a small four clause Bill amending the Criminal Procedure Code was passed. The main purpose of that Amendment Bill to the Criminal Procedure Code, was to abolish the right of accused persons to make unsworn statements from the dock, because of the abuses that had been created in recent years by defendants, and accused persons going in, making unsworn statements from the dock, in which they cast allegations on persons who had no right of reply thereto.

This substantive Provision was a new Section 179(a) in the Criminal Procedure Code, and the other Sections of that Amending Bill, were consequential amendments to eliminate references to such unsworn statements.

It is part of this process, Mr. President, Sir, that this two-clause Bill is before the Members here today, and it is purely a consequential amendment following on the passing of the previous Bill.

HON. MICHAEL J. SPADLEY (CONTINUING): As at present stands, in Section 1[a] of the Evidence Law, 1978, which is Law No. 3 of 1978, there is a provision that, and I quote: "Nothing in this Law affects Section 88 of the Criminal Procedure Code, or the right of any person charged with an offence, to make a statement without being sworn". It is sought by Clause 2 of this Bill, to eliminate those words, "or the right of any person charged with an offence, to make a statement without being sworn", and thus bring the Provisions of the Evidence Law into line with those of the Criminal Procedure Code.

May I commend this Bill to the House.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Evidence Law, 1975, be given a Second Reading.

The Motion to open for Debate. If no Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Bills, First Reading.

THE REGISTERED LAND (AMENDMENT) BILL, 1984

FIRST READING

CLERK: THE REGISTERED LAND (AMENDMENT)BILL, 1984

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Registered Land Law (Revised), is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: THE REGISTERED LAND (AMENDMENT)BILL 1984

HON. JOHN B. McLEAN: Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to amend the Registered Land Law (Revised).

Mr. President, the Bill before the House seeks to make a few changes to the Registered Land Law (Revised), to iron out some anomalies in the legal position of the Registered Proprietor, brought to light by a recent judgement of the Court of Appeal, and also by a judgement of the Grand Court.

Mr. President, it is my intention to refer this Bill to a Select Committee of the whole House where, if necessary, certain amendments can be made, and also to give each Member a chance to have some input.

If it is the wish of Members, I will also be happy to provide any Member with the relevant cases which I refer to.

Mr. President, I commend the Bill to the House, and ask the support of all Members.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Registered Land Law (Revised), be given a Second Reading, and if I have understood the Mover correct, perhaps he is incorporating in that same Motion, the proposal that the Bill be referred to a Select Committee of all the Members of the House, which should be appointed in accordance with the Provisions of Standing Order 69(1), and which should report on the Bill. Have I understood you correctly?

HON. JOHN B. McLEAN: Yes, Mr. President.

MR. PRESIDENT: The Motion to open for debate.

MR. BENSON O. EDWARDS: Mr. President, I did not intend to speak on this Bill. The Mover has covered basically the points which I had hoped to raise. There is one small typographical error, but we can deal with that when we get in the Committee stage.

The only other point I would make that it is down on the Order Paper today to go to the Committee so I do not know whether it is necessary to remove that in light of what the Member has said, or that would be the appropriate time for him to move the Motion to send it to a Select Committee rather than the Committee of the whole House.

HON. JOHN B. McLEAN: Mr. President, I am aware of that, but in light of what has taken place in this House in the past, as far as Members having input into Bills, I felt it would be better for us to take our time and to thrash this out in a Select Committee.

MR. PRESIDENT: So I think that if the present Motion is passed, in other words, a Select Committee is appointed, the item on today's Order Paper proposing that this Bill go to the usual Committee of the whole House, will simply fall away.

HON. G. HAIG DOUCET: Mr. President, I was going to say that under Standing Order 49(1), the Bill would have automatically been committed to a Committee of the whole House had not the Member made the Motion to send it to a Select Committee.

MR. PRESIDENT: That is quite right.

HON. MICHAEL J. BRADLEY, LLD. Mr. President, Sir, I was about to rise to refer your attention to 49(1) of Standing Orders, and my understanding is that the Motion to move it to Select Committee shall be made immediately after the Bill has been read a Second Time, so I think technically it needs to be two separate Motions.

MR. PRESIDENT: Yes, I think you are quite right. I had not spotted Standing Order 49(1), I am afraid, I had only looked at 69(1). I was taken slightly by surprise when the Mover stated that he intended to propose a Select Committee, so I think I have been guilty of misleading the House, and the Motion before us now is simply the ordinary Second Reading Motion, but the Mover of that Motion has given notice, in effect that he will introduce another Motion if the Second Reading is passed in order to enable the Bill to be referred to a Select Committee. But on that basis, I think, the debate can proceed. Does any other Honourable Member wish to speak.

In that case I will put the question, that a Bill entitled a Bill for a Law to amend The Registered Land Law (Revised), be read a second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: I take it that the Mover would now wish to introduce a Motion under the Provisions of Standing Order 69(1), and that probably he would need to seek the leave for the suspension of Standing Orders in order to introduce it.

HON. MICHAEL J. BRADLEY, LLB: With respect, Mr. President, Sir.

MR. PRESIDENT: I may be wrong, yes I have not...

HON. MICHAEL J. BRADLEY, LLB. Standing Order 24(9)(ii) is a Motion which may be made without notice.

MR. PRESIDENT: Quite right, yes I was searching for that and had not found it. Well in that case, if you need leave, which I do not think in fact you do, but if you did, I would give it to you. In any case, please carry on and introduce your Motion.

HON. JOHN S. McLEAN: Mr. President, I beg to move a Motion to refer to a Select Committee a Bill for a Law to amend The Registered Land Law (Revised), and that the quorum for the Committee be set at seven, and like I mentioned in my deliberation before, that the Committee be made up of the full House.

MR. PRESIDENT: The Motion before the House is that the Bill whose Second Reading has just passed, a Bill for a Law to amend the Registered Land Law (Revised), be referred to a Select Committee consisting of the whole House, and that a quorum in respect of that Committee be seven Members.

Does any Honourable Member wish to speak to that Motion?

If not, I will put the question.

QUESTION PUT: AGREED. BILL REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE WITH THE QUORUM BEING SEVEN MEMBERS

MR. PRESIDENT: In accordance with the Provisions of Standing Order 88(2), I may nominate a Chairman of the Select Committee.

If the Mover of the Bill and of the Motion to refer it to Select Committee wished to Chair the Select Committee himself, I would be happy to nominate him, but if he regarded the matter as primarily a legal matter, as has often been the case, I would be equally happy to nominate the Second Official Member.

HON. JOHN B. McLEAN: Mr. President, that is fine with me because we will be relying on his legal knowledge anyway.

MR. PRESIDENT: Well, if the Second Official Member has no objection.

HON. J. MICHAEL BRADLEY, LLB: I thought perhaps the Second Elected Member?

MR. PRESIDENT: I think, perhaps, the Second Official Member, I will nominate to be Chairman of that Committee, and I will express the hope that the Committee can report shortly. It will not matter if it cannot report until early next month perhaps.

MR. PRESIDENT- I think pe-haps we have time for one more First Reading, and maybe even a Second Reading.

THE FIREARMS (AMENDMENT) BILL, 1994

FIRST READING

CLERK: THE FIREARMS(AMENDMENT)BILL, 1994

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend The Firearms Law is deemed to have been read a first time, and is set down for Second Reading.

SECOND READING

CLERK: THE FIREARMS (AMENDMENT) BILL, 1994

HON. D.H. FOSTER, CVO,CBE,JP: Mr President, I beg to move the Second Reading of a Bill for a Law to amend The Firearms Law (Revised)

Mr. President, Section 40 of the present Law provides for certain exemptions, or for certain people to be exempted from the Provisions of the Law. This two section Amendment just seeks to add Members of the Prison Service from the Provisions of the Firearms Law, that is to say in respect of firearms in their possession as Prison Officers. To make it quite clear, in case there is doubt in anybody's mind it would not just be that a Prison Officer is allowed to walk around with a gun, or as the case may be. This Provision is being made in case it is ever needed; because this Amendment is put forward now, does not mean that Prison Officers are going to carry guns, so let it be quite clear that the Provision is being made in case it is ever needed.

In any event, the guns would have to be issued by the Police etcetera, and so on and so forth. But it is merely a part of a tidying up of Prison Rules, Regulations and things that need to be done to give us the necessary power in case of emergencies, etcetera. And this is one small amendment to this particular Law.

And I recommend it, and ask for the support of the House, Sir

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend he Firearms Law (Revised) be given a Second Reading.

The Motion is open for debate. If no Honourable Member wishes to speak, I will...Third Elected Member for West Bay.

QUESTION PROPOSED: DEBATE ENSUED.

MR. BENSON O. EBANKS: Mr. President, I have no hesitation in supporting this Bill. As I see it, it barely,or merely restores the position that existed when the Prison Service was under the Police, in that the Police Officers were exempted under the Law.

MR. DENSON O. EBANKS: Nevertheless, in giving my support to this Bill, I would draw the attention of the relevant authority to the fact that I would hope that before firearms are issued to the Officers, that they are given proper and adequate training in the use and handling of firearms, that an occurrence such as occurred with the Police some time ago would not recur, and with these few words, I support the Bill.

MISS ANNIE R. BODDEN, OBE: Mr. President, and Honourable Members, I rise to support this Bill, but I would say, Sir, that those people at the prison who are given this authority to have firearms, that they are very competent people, people who will not use a gun foolishly, and destroy people innocently.

I remember when I was first working out in the office at one Christmas, a very high Police Officer was intoxicated, and he was chasing there another of his sub-officers, and he came to the office window where I was working. He held us up: "Get out of this place, or I will shoot you immediately". I was so frightened, I jumped out of the window, and by the time I found myself, I was up where the Ty-Kits building is now.

I remember, many years ago, the Honourable Member for East End said that he did not think that we should allow police to walk the streets armed as if we were a Republic. But, if the occasion arise that they need to use firearms, they should be so instructed to use these firearms discreetly.

Thank you, Sir.

HON. TRUMAN M. BODDEN: Mr. President, I support this Bill, and I have three points to make, even though these had been repeated earlier, and it is firstly that firearms are dangerous weapons and they should only be used in cases of necessity. Secondly, the persons using the firearms should be given proper training, and thirdly, there should be a strict control over the storage of these firearms when not in use.

Thank you.

HON. G. HAIG BODDEN: Mr. President, my contribution will also be brief, and I would like to emphasise the fact that it is necessary for the Prison Officers to be given the proper training before they are authorised to carry weapons.

The Member for West Bay cited an unfortunate incident which happened at the Governor's Residence some time ago, but this is only one of the many we have had. I would have thought the Member would have cited a case that was much closer to home. Because, when he was in charge of the Social Services, the Town Hall at West Bay was guarded by a man with a loaded 12-mage shotgun, and the result was the head was blown off of a twelve year old boy. and so the Member from West Bay...

MR. DENSON O. EBANKS: Mr. President, I rise on a point of personal explanation, Sir, or elucidation.

HON. G. HAIG BODDEN: Mr. President, I am not prepared to give way.

MR. PRESIDENT: Very well, at the end of your speech the Member will have an opportunity to..

HON. G. MAIC BODDEN: This was an unfortunate incident, and since that tragic event, different steps have been taken to make sure that the Town Halls are no longer guarded by men armed with shotguns.

The Bill gives the authority to the Commissioner to licence guns for the Prison Officers, and so allow them to use weapons, which I think is a good thing in the situations with which our Prison Officers, our Police Officers have to deal with in today's world.

I would hope that the use will be restricted only to those special cases where it is absolutely necessary to use force.

MR. BENSON O. EVANS: Mr. President, it is unfortunate that the Member should have taken this opportunity to raise an incident over which, he knows, that I had no control.

Well, first of all, let me say that I had nothing to do with the issuance of the firearms, to the person nor was the requirement of the for a requirement that the person be armed. If the Member will read the Law, he would see that watchman at Government premises are not exempted under the Law, therefore, the licence under which the person carried that weapon would have had to have been issued by the Commissioner of Police under whose authority all firearms licences are issued. I could have had no responsibility for issuing that licence.

Now, I will sound a warning, Mr. President, I am mindful of the restrictions under which I am make this rebuttal, but I will sound a warning, that I am very well aware of why that person was issued a licence, and I would implore those people who are trying to make political hay out of this incident, to be careful, or maybe the skeleton will be dragged out of their own nests.

MR. PRESIDENT: Does any other Honourable Member wish to speak. If not I will ask the Mover whether he wishes to exercise his right of reply.

HON. D.H. FOSTER, CVO., CBE., JP: Mr. President, just to thank the Members for their support, and to give them my assurance that any of the Prison Officers using weapons of that nature will certainly have received training before they are issued with them, Sir.

Thank you.

MR. PRESIDENT: The question before the House is that a Bill entitled a Bill for a Law to amend the Firearms Law (Revised) be given a Second Reading.

QUESTION PUT: AGREED BILL GIVEN A SECOND READING

MR. PRESIDENT: I propose now to suspend proceedings and suggest, if this is convenient to Members, that we resume at 2.15 p.m.

HOUSE SUSPENDED AT 12.45 P.M.

HOUSE RESUMED AT 2.15 P.M.

MR. PRESIDENT: Please be seated.
Bills First Reading. Bill No. 6.

THE NARCOTIC DRUGS (EVIDENCE)(UNITED STATES OF AMERICA) BILL, 1984

FIRST READING

CLERK: THE NARCOTIC DRUGS (EVIDENCE) (UNITED STATES OF AMERICA)BILL, 1984

MR. PRESIDENT: The Bill entitled The Narcotic Drugs (Evidence) (United States of America) Bill, 1984, is deemed to have been read, and is set down for Second Reading.

SECOND READING

CLERK: THE NARCOTIC DRUGS (EVIDENCE) (UNITED STATES OF AMERICA) BILL, 1984

HON. MICHAEL J. BRADLEY, LLD: Mr. President, Sir, I beg to move that a Bill shortly entitled The Narcotic Drugs (Evidence) (United States of America) Bill, 1984, be read a second time.

In this, my opening sentence, I gave the short title of this Bill. I think it is useful to do what is not normally done, Mr. President, Sir, and that is to give the full or long title to this Bill, which is"a Bill for a Law to facilitate the obtaining of evidence required in or for the purpose of investigations and proceedings in the United States of America, in pursuance of obligations under the Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25th March, 1972, and for purposes connected therewith, and incidentally thereto".

As you see, it is in pursuance of obligations under the single Narcotics Convention, 1961.

May I also do, Sir, what I do not normally do, because I presume in other occasions, that since a Bill is published with its Memorandum of Objects and Reasons, that not only the Honourable Members of this Chamber, but the public at large through the media have had the opportunity to read them, and that is the Memorandum of Objects and Reasons, and the one published with this Bill states:

"The Government of the United Kingdom, including the Cayman Islands, and of the United States have entered into an Agreement concerning the Cayman Islands, with the object of ensuring that every necessary facility is afforded to the Attorney General of the United States for obtaining evidence required in respect of investigations and proceedings relating to trafficking in narcotic drugs."

The purpose of this Bill is to provide for the Law to give effect within the Cayman Islands to the aforesaid Agreement during its continuance, and to define the procedural and other arrangements between the Attorneys General of the Cayman Islands and of the United States when a request is made for information to be obtained in the Cayman Islands.

HON. MICHAEL J. BRADLEY, LLB. (CONTINUING): This Bill builds upon the practice and procedure already existing under an Agreement between the Cayman Islands and the United States of America made in 1952.

It will be noted that, under Clause 3, this proposed Law will only have an effect in relation to matters within the ambit of the Single Convention on Narcotic Drugs, 1961, as amended in 1972, and that, under the Certificate in the First Schedule, the United States Attorney General undertakes that any such information will only be used for the purpose defined in the Agreement.

Clause 6 makes consequential provisions for the protection of persons who are required to make information available, but which otherwise would be confidential or secret.

Clause 10 contains provisions for the enforcement of the arrangements set out in the Bill, and for the issue, when necessary, of a warrant to search for the seized documents not produced when required.

Honourable Members of the Legislative Assembly, in my opinion, this is one of the more significant pieces of legislation to be presented to this House in recent years. It is less than twenty years ago since the Cayman Islands started evolving into an offshore financial centre, and during this short space of time, it has evolved, it has built itself up to be one of the foremost, direct, straightforward and reputable offshore centres to be found anywhere in the world.

It has acquired this status. It has had investments made here by virtue of a number of reasons by virtue of our stability by virtue of our position as a dependent territory of the United Kingdom by virtue of the efficiency of administration in Government, and in the private sector, and by virtue of the fact that the Governments of this country have made it abundantly clear that they are concerned to be a proper offshore financial centre, that they are concerned to protect the investments of people who come here, but that they are also equally concerned to make sure that the integrity of the Cayman Islands is preserved, and not to permit it, at any time, and on any occasion to be used as a centre whereby drug money, narcotics money of any other kind, or money the fruit of criminal activities can be sheltered.

As part of the process of building up the offshore finance industry, it was found expedient, some eight years ago, in 1976, to pass the Confidential Relationships Preservation Law, which was a Law which gives sanction to the duty of non-divulgents of information imparted under conditions of professional confidence, whether express or applied.

That Law was only enforced three years, Mr. President, Sir, when in 1979, with the experience of those years, a number of very substantial amendments were made to that Law, the most significant of which was that the Law was amended to provide that information which was confidential, which otherwise, it would be an offence to release, could be released in certain circumstances if among other considerations in a criminal case, it was in the requirements of the interest of justice.

That, Mr. President, Sir, was 1979. In the five short years since then, the world has changed, the Caribbean, the Western Hemisphere has changed. Since then, the Cayman Islands has continued to build its strength and reputation as a financial centre.

HON. MICHAEL J. BRADLEY, LLB. (CONTINUING): In the rest of the world, and in the Western Hemisphere particularly, there has arisen increasingly in every country, a drug problem, a problem of narcotics trafficking of an international scale, of a vast scale, a problem that has affected us, slightly thank God, but still has affected us, and the nit has affected us, as Members know, the Police of this country, the legal administration of this country, and this Legislative Assembly have taken all the steps possible within their domestic jurisdiction to ensure that, as far as possible, we shall remain as little tainted by the world-wide epidemic of narcotics problems.

The United States of America, unhappily, has been much, much more troubled with this problem, and it has become one of the greatest problems to the law enforcement agencies of the United States.

The Cayman Islands have, Mr. President, Sir, over the years, co-operated quietly and efficiently with the drug administration authorities, with the FBI, with the police authorities there, co-operation to ensure that as far as possible, that narcotics operators should not in any way be given any aid or assistance in either territory to carry out their evil work in the other one.

The problem grew, and the problem grew with the United States in such a manner that they resorted in their method of law enforcement to enlarging the concept of extra-territoriality that they claimed in respect of their jurisdiction over persons or banks or establishments within their jurisdiction or who come within that.

The mother country, United Kingdom and the Cayman Islands have resisted and still resist the concept of this unbounded claim of extra-territoriality, and as Honourable Members may know, there has been going on for over a year a case in the United States, where we have with the permission of the Court, gone in as a friend of the Court, as amicus curiae in relation to one of these cases, and opposed with the United Kingdom Government the concept and the claim that was being made in that respect.

So, Mr. President, Sir, you had developing a situation, where because of the problems of narcotics, the US authorities were using machinery that they were doing in many ways for legitimate purposes of narcotic control, but machinery that affected in many ways potentially, our offshore finance industry.

The problem had developed over the years: it needed a new solution. There was we had been set out in the Memorandum of Objects and Reasons, an administrative agreement made between the United States and Cayman, whereby, if information was given to us which satisfied us that the request for information was in relation to genuine criminality, that authority could be given for documents and information to be released without there being breach of the Confidential Relationships Protection Law. The problems continue to exist, and because the United Kingdom Government were contemporaneously carrying on a long and complex series of negotiations with the United States Government on the whole field of extra-territoriality, and Members of this House may like to be reminded, as I am sure they know, that the extra-territoriality which was being exercised by the United States in respect of the matters that concerned us most, was only one aspect of it.

HON. MICHAEL J. DUDLEY, LLD. (CONTINUING): The United Kingdom, as you know, had been concerned about extra-territoriality claims by the United States in respect of the Siberian gas pipe line; in respect of sanctions, and in many other directions, in respect of anti-trust law.

As happens on many, many occasions, the aims of the United Kingdom Government and of its dependant territory, the Cayman Islands, were at one, and negotiations were entered into on the one side between the United Kingdom Government and the Cayman Islands Government, and on the other side, the United States Government, to see in relation to this particular aspect of extra-territoriality, whether any agreement could be reached, any method found, in relation to what the American authorities particularly identified as the narcotic drugs problem.

If I may now, Mr. President, Sir, go back some twenty-three years to 1961. In 1961, the United Kingdom Government and the United States Government signed a Convention which was the Single Convention on Narcotic Drugs. That Convention entered into force on December 13th, 1961, and the United Kingdom Instrument of Ratification of that was lodged shortly thereafter, and that Instrument of Ratification of the Single Narcotics Agreement was entered into and ratified by the United Kingdom on its own behalf, and also on behalf of a number of territories for whom the United Kingdom held the responsibility for external affairs, including the Cayman Islands.

That being so, for the last twenty years, the United Kingdom and the Cayman Islands, and the United States, Sir, have been bound by that Convention, and one of the two significant articles in that Convention in relation to the Bill before Members is Article 35. Article 35 of that Convention, which is entitled 'Action against the Illicit Traffic', among other things says, "having due regard for their constitutional, legal and administrative systems, the parties shall assist each other in the campaign against the illicit traffic of narcotic drugs, make arrangements at the national level for co-ordination of preventive and repressive action against the illicit traffic, co-operate closely with each other and with the competent international organisations, with a view to maintaining a co-ordinated campaign against the illicit traffic, ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner, and ensure that where legal papers are transmitted internationally for the purposes of prosecution, the transmittal be effected in an expeditious manner to the bodies designated by the parties."

Article 36, the next article of the Convention is similarly significant. It is entitled 'Penal Provisions', and it states that "subject to its constitutional limitations, each party shall adopt such measures as shall ensure that cultivation, production, manufacture, distribution, transportation, importation, and any other action which is contrary to the provisions of this Convention, shall be punishable offences when committed intentionally," and further saying that, "subject to the constitutional limitations of a party, its legal system and domestic laws, international participation in , conspiracy to commit and attempt to commit any of such offences, and preparatory acts and financial operations in connection with the offences referred to in this Article, shall be punishable offences as provided in Paragraph One".

HON. MICHAEL J. BRADLEY, LLB. (CONTINUING): Mr. President, Sir, the Convention was enforced, the Convention was binding upon the Cayman Islands, the United Kingdom and the Government of the United States, and for that reason the attentions of the parties were directed to trying to come to an agreement, which was an agreement under that Convention, in accordance with the terms of that Convention, and carrying out their obligations on that Convention.

After a long series of negotiations between the United Kingdom and the United States, and with the Cayman Islands as a party to those negotiations, both by negotiations and directly between the United Kingdom and the Cayman Islands, and as parties with the United States, eventually, after many months, many hard months of work, many months of intensive negotiation; on the 26th July, less than four weeks ago, an exchange of letters was made at Lancaster House between the Government of the United Kingdom and Northern Ireland and the Government of the United States, concerning the Cayman Islands, and on matters connected with, arising from, or related to, or resulting from any narcotics activity referred to in the Single Convention on Narcotic Drugs, and that exchange of letters which had attached to it the Agreement, is the reason why this Bill, the purpose of which is to implement that exchange of Letters, is before this House today.

The procedure in the Bill is new, it is revolutionary, and it is reasonably simple, and hopefully, extremely efficient. The application of this implementing legislation, shall apply only to any narcotics activity referred to in Article 36 of the Convention, and the procedure under this Bill is that when the United States Attorney General certifies to the Attorney General of the Cayman Islands in a certain form and manner, which is set out in the First Schedule to the Bill in front of this House, that person or persons identified by him are involved in matters the subject of Article 36 of the Narcotics Convention, and that documentary information relevant to the investigation or resolution of that matter, is located in these Islands, that he, the Attorney General of the United States, makes a request and certifies to the Attorney General of the Cayman Islands in relation to such matters, and I think that it is relevant for Members to refresh their memory concerning the First Schedule of this Bill, which sets out in detail what such Certificate shall consist of, and, with your permission, Sir, I will read:

"The Certificate shall:

(i) Be signed by the Attorney General of the United States;

(ii) In respect of Grand Jury proceedings identify those proceedings by Grand Jury number, and in respect of an indictment, identify such indictment by caption and docket number;

(iii) Certify that the Attorney General of the United States has reason to believe that a matter falling within the scope of the Agreement has arisen;

(iv) Request that the Attorney General of the Cayman Islands secure the documents identified by the United States Attorney General;

(v) Declare that the information is relevant to the successful resolution of the matter; and

(Mr. President, Sir),

(vi) Undertake (and this is an undertaking by the United States Attorney General in person) that, save with the consent of the Government of the Cayman Islands, the information will not be used for any purposes other than the resolution of matters encompassed by the Agreement," (the Single Narcotics Agreement).

HON. MICHAEL J. BRADLEY, LLB. (CONTINUING): Mr. President, Sir, upon receipt of such a Certificate, the Cayman Islands Attorney General shall adopt the procedure in the Second Schedule to the Bill, namely, that he, the Attorney General of the Cayman Islands issues a notice to the Assistor, that is the person whom it is believed has the information, requiring him to produce it within fourteen days, or such longer period as may be given for good reason, that once that information is given by the Assistor, it shall be communicated back to the, by the Attorney General of the Cayman Islands back to the United States Attorney General.

The provisions of the Bill are short, are simple, and follow almost exactly, Mr. President, Sir, the exchange of letters. If upon the basis of that documentary information which has been obtained, and which will only be used for the purposes of the Agreement, in order to establish evidence within the framework of the Evidence Laws of the United States, testimony is required, the provisions of Clause 7 apply, and Clause 7 of the Bill relates to what is called Foundation Testimony, and Foundation Testimony is testimony given by a witness solely for the purpose of securing the acceptance as admissible evidence in proceedings in the United States of documentary evidence referred to in a Certificate.

This Foundation evidence shall be by way of Affidavit taken in the Cayman Islands, by way of depositions taken in the Cayman Islands, or by way of voluntary appearance by a witness at proceedings in the United States.

There is provision that where it is seen to carry out a drugs prosecution effectively in the United States on the basis of the documentary evidence obtained by this procedure, that such deposition or Affidavit is necessary, there is power to enforce an Assistor or other person to give such deposition or affidavit in the Cayman Islands, and under this Clause 7, a person, an Assistor who gives such Foundation Testimony in the Cayman Islands, enjoys here all the rights, privileges, as regards immunity, self incrimination, privilege and incapacity as would be enjoyed by any witness in any proceedings in the Grand Court of the Cayman Islands.

If he wishes to go voluntarily to give evidence in the United States, he may do so. There is no provision here in any way, which compels a person without his own voluntary wish, to go to the United States, or give evidence in any other place other than by way of Affidavit or deposition in the Cayman Islands.

Once a person has co-operated to this extent, further provision is made protecting that person, and those protections are set out in Clauses 8 and 9 of the Bill.

Clauses 8 and 9 of the Bill provide that such a person does not commit an offence under the Confidential Relationships Preservation Law, does not commit an offence under the Banks and Trust Companies Regulation Law, both of which impose the normal secrecy requirement, and even more important, provides that where such disclosure or testimony is made, it shall be deemed not to be a breach of any confidential relationship between the person giving it and any other person, and that no civil claim or action shall lie against the person making such disclosure.

There are, of course, Mr. President, Sir, contained in Clause 10 of the Bill, the normal enforcement provisions.

HON. MICHAEL J. BRADLEY, LLB. (CONTINUING): To give teeth to the terms of the Agreement, to give teeth to this Bill, there has to be power to sanction the person who ignores the order made by the Attorney General of the Cayman Islands, who fails to produce the documents, who informs people without permission, or who does not when requested to do so, give the appropriate deposition, or Affidavit.

As I have said, Mr. President, Sir, the provisions of this Bill are new, they are simple, they should be efficient, they should be expeditious. They are also related strictly to narcotics offences, and they will, Mr. President, Sir, in my opinion, without any doubt, strengthen the position of the Cayman Islands as an offshore financial centre, because it will prove to the United States and to the world that we have integrity, that we have honesty, that we can be an offshore financial centre without having to accept or take, or lodge, or harbour, tainted money.

We have said often before, Mr. President, Sir, we do not need it, we do not want it, and I think my colleague the Financial Secretary has often in his speeches, and budget addresses identified that as the aims of this territory.

Mr. President, Sir, the Bill in front of us does not recite, because it is not necessary for the implementation of this legislation, some further recitations, but it may interest Members to have their memories refreshed about them.

The first one is that the Agreement which was signed on the 25th July between the United Kingdom and the Cayman Islands and the United States, comes into operation on the date that the United Kingdom Government notifies the United States Government in writing that the Cayman legislation implementing this Agreement has come into effect.

The Agreement is not yet in effect: it will not be in effect until this legislation becomes a Law of these Islands.

The second thing to point out is, Mr. President, Sir, that there is a provision that this Agreement will expire fifteen months after it comes into operation unless extended by mutual agreement, but a further provision which is that after the expiration of two months from the coming into operation of it, either the United Kingdom Government, including Cayman, or the United States Government may terminate it by giving one calendar month's notice in writing.

There is a provision in there, Mr. President, Sir, if it does not work, if it is being abused, three months from the date it comes in, it can go out again. I think, Mr. President, Sir, I hope Mr. President, Sir, that that provision is in out of abundant caution, because, I think that in this Agreement, and in this legislation there has been a great step forward made in encouraging respect and confidence between the United States authorities dealing with this problem, and the Cayman Islands authorities, and in relation to that, Mr. President, Sir, can I say before finally commending this Bill to the Honourable Members of this House, that perhaps the most significant aspect of the Agreement is Clause 6(i) of the Agreement, not of our legislation, of the Agreement, and if I may read it:

> "No Federal Subpoena, including a Grand Jury Subpoena relating to documentary information located in Cayman, in any matter falling within Paragraph 2(i) of this Agreement will be enforced in the United States without the prior agreement of either the United Kingdom Government or the Cayman Government."

HON. MICHAEL J. BRADLEY, LLB.(CONTINUING): This is a remarkable, and a far reaching clause to be put in an International Agreement, because it is the first time, Mr. President, Sir, ever, to my knowledge, that the United States Government has in any way abrogated or admitted or said that it will not enforce its claims to the fullest hilt as regards extra-territoriality. It has been a hard won Agreement. It has taken, as the man who was Prime Minister of England some forty years ago said, 'blood and sweat and toil and tears' to reach it.

Lots of us have burnt midnight oil on it. We have done and expended a great deal of time on it. We have done so because we thought, as I said, that this is one of the more significant Bills that could come before this House in recent years, that it will be a Bill that will not in any way break the fabric of the finance industry of the Cayman Islands, but will help to strengthen it because it has been made abundantly clear that the scope of the Agreement, the scope of this Bill before the House, relates to narcotic matters, relates to narcotic information, relates to narcotic money, information and money which we in the Cayman Islands do not need or want.

Mr. President, Sir, may I commend this Bill to the Honourable Members of the Assembly.

Thank you.

MR. PRESIDENT: The question is that a Bill shortly entitled a Bill of the Narcotic Drugs (Evidence) (United States of America) Bill, 1994, be given a Second Reading.

The Motion is open for debate. Does any Honourable Member wish to speak. The First Elected Member for Georgetown.

QUESTION PROPOSED: DEBATE ENSUED.

MR. W. NORMAN BODDEN: Mr. President, in this day and age when the word extra-territoriality has found its way into our every day conversations, it is not surprising that we would eventually be faced with the type of legislation that is before this Honourable House today for consideration.

A Bill for a Law to be called the Narcotics Drugs (Evidence) (United States of America) Law, which when it becomes law will give effect to the Agreement signed on the 26th July, 1994, between the United Kingdom including the Cayman Islands, and the United States of America, dealing with narcotic drug activity.

As is well known, this Agreement has already been signed, and all this Bill is doing is seeking to legalise what has already been done.

Whenever the Attorney General of the United States has reason to believe that there is information held in the Cayman Islands relating to narcotic drug trafficking which he needs, this Bill sets out the procedure to be followed in order for him to obtain that information.

Mr. President, I have to state that phrases such as "has reason to believe" as well as "certain other discretionary power that is being provided for", and the fact that our Court is not involved in the process, all give me considerable concern.

MR. W. NORMAN BODDEN (CONTINUING): Nevertheless, I do share the view that some arrangement had to be reached with the United States to somewhat avoid, and as far as possible, relieve to some extent the harassement of members of our financial community, as regards drug related Subpoenas. And too, there can be little doubt that the many unfavourable Press releases abroad regarding illegal drug related activities in our Islands, have tarnished our image, and we must let it be known in no uncertain terms, that we will not allow this country to become a playground for crooks, nor harbour their proceeds from illegal trade. But, at the some time, we must be able to maintain the conditions which will safeguard our tax haven operations, and under which we will continue to attract new legitimate business to our shores, unmolested and free from heavy pressures, and unnecessary interferences.

Mr. President, there is such a thing as might overcoming right, and these powerful and mighty countries, with all due respect, must find a way of controlling their own nationals without causing hardship to smaller countries which are striving to maintain economic independence.

Having said that, Mr. President, I nevertheless fully recognise the need for our country to join forces with other countries around the world, and particularly with the United States of America to take preventive, and repressive action in the war that has been declared against drug trafficking.

I support the view that the first line of attack must be cutting off of the source of revenue derived from illegal drug trade, and regardless of my reservations about this Agreement that has been signed, I have to fully and unreservedly support what has prompted it and brought it about as far as the Cayman Islands are concerned.

The plague of drug abuse, once America's problem, has become a serious threat to the entire world. It reaches far into the lives of families of every class, and to every level of society, the rich, the middle class, and the poor. The human toll is staggering, and statistics prove that at least 30% of drug abusers are young people under twenty years of age. The expertise and financial resources of those operating this drug trade must not be underestimated. Even the great United States of America, which has been admitted here, cannot accomplish this task and win this war alone. The full co-operation and assistance of all countries, small and large, are needed, if this battle is to be won.

In the interests of the youth of today, and generations to come, I feel that we can do no less than to assist and make our contribution. This contribution may cost us in dollars and cents, but it is probably money that we are better off without, and more importantly, no monetary value can be placed on the lives it can help and perhaps save.

It can, of course, be said that the Government of the United States, and its agencies will use every means at their disposal to capture and recover every dollar they claim as their's. On the other hand, we in the Cayman Islands, are striving to maintain the conditions that will encourage the growth of our financial industry. In this we can at times, find ourselves at cross purposes, but surely the great United States, which has always been our good neighbour to the North, knows full well that our economic survival depends almost entirely on the continuing success of our financial industry.

MR. W. NORMAN BODDEN (CONTINUING): In their quest to conquer what they claim, they will hopefully be ever conscious of this fact, and not interfere to the extent of our ruination, which could bring a once proud and independent people to their knees, dependent on hand-outs from them or other countries, for survival. We cannot let this happen, nor can they.

I support this Bill, Mr. President, and needless to say, the whole country will be patiently waiting, and watching with interest the outcome in the three months trial period that lies ahead, and further, after the nine months period has elapsed, before the next step is taken, that of negotiating a law enforcement treaty.

That is my contribution, Mr. President. Thank you very much.

MR. PRESIDENT: I am sure some other Honourable Member must wish to speak, but if none rises I shall have to ask the Mover of the Motion whether he wishes to exercise his right of reply. The Third Elected Member for George Town.

MISS ANNIE E. BODDEN: Mr. President, and Members of this Honourable House, as far as I am concerned, this is a very serious Bill, and one that we should well study and note exactly what it means.

Now, I do not put myself in the position to know all the legal terminology of bills. I do know that there is a lot of public comment on that we are selling our rights to the United States. You can read articles with page and page calling us down for this action, but as far as I am concerned, drugs are becoming and have become the greatest enemy to the youth of the world.

We read of all kinds of people, Presidents' sons, grandsons, all kind of people being destroyed by this thing, drugs.

Mr. President, say forty or forty-five years ago, what we now call ganja, was almost unknown in Grand Cayman, but from that stage, it has developed until now, I would say that we are the trans-shipping agent in the Caribbean Sea, and I feel that we should do everything to try to stamp out this evil.

Of course, I am somewhat afraid that all this will bring some retribution, I should say, to our financial industry. We have to be very careful that the might and power of this great United Nation with all its influence, money and all the rest of it, cannot eventually, if given full charge to go ahead with what they want, destroy our economical position. We cannot afford that, and neither can we afford drugs to be trafficking through this Island, like I am sure it is now.

Several years ago, when I said in this Honourable House that drugs were becoming a very serious matter in this Island, I was laughed at. The person in charge of this Honourable House at that time, said I was making fun, I did not know what I was talking. I sure know what I was talking, and today it has grown and grown and grown until it has become a disease almost as bad as cancer.

I will support this Bill, and I hope and trust, and I depend on the explanation given by the Honourable Second Official Member that this thing is to the best interests of the Cayman Islands, and I can only hope and pray that it will in no way destroy our now economical position.

Thank you, Sir.

MR. PRESIDENT: Member for North Side.

MR. CRADDOCK EBANKS: Mr. President, to endorse what the lady just said, as to when she made a statement in this House that drugs were being seeded in this little Island, I remember her making those statements, and I remember the smiles that came across from the Officer, in connection with her making those statements, and I am wondering, Mr. President, if the populace, the people of this little Island, if they will awaken to the fact that there should not be any limit and bounds with this Government to try to eliminate the destruction already into this country by drugs.

Mr. President, if we look around and see what money cannot buy, what money does not have any value to be compared with the lives of some of our young people, and families that are being destroyed, wrecked and ruined by drugs. If all the money that we have got in all the Banks could be proved to be drug money, why should we want it to remain here, since it has got a toll on the human being and, as I just said, the destruction of youth and the wrecking of families and homes. Why should we want such money as that to be in our Banks, in our stores, in circulation, or any place else.

members of the public, 'why is about these drug peddlars, why one that is dealing in drugs this one is dealing in it'.

I have been asked many times by it that you people do not do something do you not do something about this you know this one is selling it,

Now, because it has reached the highest effort that this Government has launched out on to try to help slow down, at least, the drug trafficking, the use of drugs in the Islands, it is a storm being raised on the outside, telling you in one breath, why do you not do something about something soon you attempt to do something about it when the temperature goes up on the outside, like you do not leave it to the people, why do you not bring them in and let them decide what we should do about it.

My few years in this house, Mr. President, it has to be the first time in the last sixty-nine months that what the public is being fed with, that they should decide these Bills that come to the House.

I am not trying to say, Mr. President, that they are at some stage that an input from the public is not justified or does not fill the proper place, but what is being fed to the public, it is your country, you should have a say in the passing of these Bills. Keep them back for three months, six months, so the public can have time to scrutinise them. It would not take that much time, Mr. President, if they spent less time around the clubs, probably helping procure a sale of drugs.

Mr. President, I would be lengthy on this but I am not going to be. But if the passing of this Bill can help in any way stop the drug dealers, the drug peddlars, the drug pushers, I support it, and I do hope, Sir, that when the next nine to twelve months, or fifteen months is up, we will be able to go all the way in whatever signing might be necessary.

In connection with this piece of legislation that we are now here to consider, what I can never digest all the way, why should leniency be dealt out to criminals. When a hard backed man of thirty, forty or fifty years are prepared for a half a million dollars to destroy five hundred youths, or a thousand youths. Those are the things that I think of, Mr. President. To know for a dollar somebody will attempt to destroy the life of somebody that could be valuable, could be a good man or woman to their country, and live a good clean life.

MR. CRADDOCK EBANKS (CONTINUING): So I do hope, Mr. President, with those few remarks, other than I said at the end of the period, suggested that we will, the three Governments, the United States Government, the United Kingdom Government and the Cayman Islands Government, will be satisfied to go all the way in this matter, that we may be able to assist and help slow down the peddling, the pushing of drugs, and save the lives of some of our young people.

I thank you, Sir.

MR. PRESIDENT: I think perhaps this may be a convenient moment to take our customary afternoon break, and I will therefore suspend proceedings for approximately fifteen minutes.

HOUSE SUSPENDED AT 3.25 P.M.

HOUSE RESUMED AT 3.50 P.M.

MR. PRESIDENT: Debate on the Second Reading of the Narcotic Drugs (evidence) (United States of America) Bill. Does any other Member wish to speak. If no other Member wishes to speak, I shall call upon the Mover to exercise his right of reply if he chooses. The Third Elected Member of Executive Council.

HON. JAMES M. BODDEN: Mr. President, I think one previous speaker has said that this is probably one of the most notable pieces of legislation that has been passed in this Chamber, and I think I would tend to agree with that statement.

Drugs of all sorts have become a world-wide problem. Years ago, we might have believed that it did not exist in this country, but we have been proven wrong many, many times in that respect. Drugs have become world-wide, one of the largest businesses that exist, and it is a shame, the amount of grief that this particular subject has brought to so many people, not just in this country, but in countries abroad. The damage that it has wrought on society, and people has been uncountable, and we should be very proud if we are able to assist in some small way in helping, not only ourselves, but in helping another country to stem the tide, and stem the flow of this product.

All countries today of the world have the problem; they all try to fight it in many different ways. We have put in some fairly tough laws here, with tough sentences; not all people approve of this, and we get people crying for leniency from time to time, but I am of the opinion that we have not yet gone far enough, as far as putting tough sentences into our local laws. I think that in the very near future, we will once again have to look at tightening up certain areas of our local law and imposing some stricter sentences.

It is true that the lifeblood of the Cayman Islands is the offshore banking business, commonly referred to as the finance sector of the Island, coupled with tourism. Both of these have been called fickle industries, and quite true. We have discussed in this Chamber this morning something in regards to tourism, because we have to be very gentle with that. The next thing is in the banking sector. We cannot be all things to all men, but we have to give as a Government every support that is possible to the financial side of the business in this Island. We have to afford them the support of Government and we have to protect our banking secrecy.

HON. JAMES M. RODDEN (CONTINUING): People say that this is the first foot into the door as far as the United States Government is concerned, and the breaking of our Secrecy Laws. It is no doubt that we have had a lot of trouble with the United States over the past years, and I would say, understandably so, but we look on taxation a lot different than they did. Taxation was what brought America into being as a great country. All of us remember the story about the Boston tea party. Well, unfortunately, the taxes in the United States have got out of hand, and we do not view it in the same way as they do, so it has brought the difference of opinion on many different occasions.

The past few years, we have been headed into an endless headlong fight, I would say, with the United States authorities. Something had to give. This small territory with its limited resources, could not have endured much longer into this headlong rush, and in the end, I think, we have much more to gain by what we have done, or what we are about to do, than the United States has to gain.

It is true, that with our help, the Americans may be able to ferret out some of the criminal money that has apparently been lodged in our Banks. If that money exists here, and I have no doubt, but for what there is some of it, then I think it is incumbent on Government to help flush it out in every way that we can. I think it is also incumbent on the banking community to assist Government in doing this.

Therefore, when we entered originally into these discussions, we knew that we were not going to have an easy time of it. But with persistence, and a good team of negotiators, we have been able to get some concessions, really, that the United States has not afforded in their agreements with some of the other foreign countries much larger than ourselves.

If this approach was not made, I am of the opinion that in a very short time we may have seen the collapse of the entire offshore banking system as it related to the Cayman Islands. By doing what we are about to do, I believe, we will extend the lifetime of it for many years yet to come.

We have, throughout the years, given limited assistance to the United States authorities, most of it through our judicial system. They have found out that it is difficult to cope, in many cases, through a prolonged judicial system, and be able to get convictions in the United States. Therefore this is a short cut to it, and I hope that not only the people of this country, but the people abroad, will view it in the similar sense to the way we view it.

I am very pleased to know that although this could have been interpreted as a very controversial subject, that the Members of this House, on both sides of it, apparently have seen the wisdom in what we have done, and apparently support it.

It is very good to know, and it shows to the entire world that we can, although we differ, have co-operation when the country's well-being is at stake.

We have given appropriate notices to the American authorities that we are prepared to abrogate this Agreement at any time that they do not live up to the letter of the law and try to sidetrack us.

I have no doubt in my mind but for what there will be some inconsistencies on the part of the United States Government, but I only hope that cool heads can prevail, and that we can make this Agreement work, and that it can last and that we can bring stability to the offshore banking industry, as well as to our country.

HON. JAMES M. DODDEN (CONTINUING): Mr. President, I feel very honoured to speak on this subject, and once again I would say that I am very thankful that all the Members of this House, apparently are in agreement that it is for the preservation of the pillars of society of this country.

Thank you.

MR. PRESIDENT: Any other Honourable Member wish to speak?

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise, Sir, to support the Bill before this Honourable House, and as I have said before, do feel that if we had spent time streamlining our laws instead of, I call it lambasting the United States authorities, in the Budget Address in November, 1983, we would have been much further ahead, and this Bill today, might not have been before this House.

I would like to thank the Attorney-General for his very able address to this House. I think it is one of the best speeches I have heard. He has made it abundently clear what our position is. He has covered it from one end to the other, and whatever I may say now, would merely be a repetition of what he has already so ably put forward today.

Mr. President, I feel that this Bill, which backs the Agreement signed with the United States authorities, will restore the stability of the Cayman Islands as a financial centre. Our duty is to co-operate and assist to stamp out drug trafficking, both morally and legally.

Mr. President, drug trafficking five years ago was completely alien to the Caymanian society, and our way of life. Our heritage is a Christian one, which has not only enabled us to survive, but to excel in a complex and competitive world.

This country, Mr. President, was not built up by narcotic traffickers, nor alcoholics. It was built up by hardworking, honest Caymanians. They are the people who brought the country to its present state of prosperity. Drug trafficking, Mr. President, has become a multi-billion dollar industry, equal to that of General Motors and the big oil companies.

Very few of us, and I think very few Caymanians realise just what we are up against. I am eternally grateful to know that we have a big brother to the North who is able to help us, because it is getting roots here, Mr. President, and our youth are being destroyed daily.

We are not only doing the world a great service, we are doing ourselves, because this country cannot exist if we continue on the present road that these drug traffickers are trying to guide this country, or rather in the direction in which the drug traffickers are trying to drive this country.

I have no sympathy for drug traffickers. Their greed for money blinds their eyes to the damage and destruction that they are causing their fellow human beings. I say we must stop it at all costs.

The Cayman Islands have existed for three hundred years without having anything to do with drug trafficking, and I would rather see us go back to starvation than to see our youth and our country being destroyed by these drug traffickers whose only aim in life is to get money as quickly as they can, wherever they can, however they can.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): I must congratulate the team which went over to the United Kingdom to represent our little Islands. I know when they went over, that they were not in a very strong position. I think they have played their cards well, and I think we have got an Agreement which, (quite honestly) I think, there is room for improvement. After we have had this trial period, I am hoping that the Sections I am referring to will be reviewed in order that we can make amendments to protect ourselves as far as the tax haven is concerned, because our aim, Mr. President, is to get rid of the drug traffickers, and any crime related money which is in the Cayman Islands today.

There are people here in our country, honest people, who have used our tax haven, and have contributed to the welfare of this country, and we wish to keep them here. In the United States and the United Kingdom, we know that avoidance of taxes, in most instances, are considered a crime; this is not a crime as far as we are concerned. They must take care of their problems. I do not feel that we can allow any fishing expedition to take place here, as our Islands will be ruined for ever and a day if we allow it.

I am only hoping, and will be watching over the initial period to see what the authorities have in mind. It will not be too long, Mr. President, before we will know the intentions; it will quickly come to light. We have put good faith in this Agreement; as the Second Official Member said, long hours of toil and sweat, and I sincerely hope that it will bear fruit, and that we the people of the Cayman Islands will once again be able to hold our heads high and proud, and to become the tax haven which other countries envy.

I thank you, Mr. President.

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

MR. BENSON O. EBANKS: Mr. President, I read recently that there is a lawyers' adage which says, "when the facts are on your side, argue them, when the law is on your side, argue it, when neither is on your side, just argue." They also have another adage, Mr. President, "when the facts do not fit your case, find another set of facts."

I believe that politicians sometimes also adopt this adage. Mr. President, while I realise that some form of accommodation had to be reached with the United States on the matter of narcotic dealings, I am not satisfied that the Bill before us today, is the best we could have done.

It is very interesting, or I listened with very much interest, Mr. President, to the introduction of this Bill, in which the Mover referred to the two sections of the Single Convention on narcotic drugs, 1961, as amended by the Protocol of March 1972, and it is very interesting to note that in the preamble to each of those sections, there was something to this effect. Having due regard to the Constitution, its legal systems and local laws of each of the signatory countries.

Mr. President, my whole problem with this Bill, is the fact that it circumvents our legal system. It is completely an administrative law and procedure which is being provided, and here I would like to pause to make it very clear that I share the views of those persons who have said that we do not need nor do we want narcotics trafficking in our country, nor the financial gains which may be derived from them.

MR. DENSON O. BROOKS (CONTINUING): I endorse that one hundred percent, and I notice too Mr. President, that woven through some of the deliberations that have preceded me seems to be the thread that all Members of the House support the Bill which we are about to pass, and for the sake of clarity, I want to revert to what I said earlier, and that is that unlike one or two earlier speakers, I cannot accept that we have got the best deal that we could have, out of these negotiations.

I accept that we were obliged to make some accomodation, or reach some accommodation with the United States on narcotic trafficking, but I am not satisfied that we have the best deal we could have extracted, and, Mr. President, the records of this Honourable House will prove and substantiate that I favour negotiation on these matters, but I do not favour surrender or recapitulation to the extent that our entire financial industry could be placed in jeopardy.

Someone has said that our economy is based on the financial industry and tourism, which are two fickle industries, and I could not agree more, and this is what has me worried, Mr. President, because nothing is more fickle than capital and one's accumulated wealth.

The other thing is that I am not sure if anyone has yet determined how closely related is our financial industry and what we term our tourist industry, and it would be interesting if a study was carried out to determine this. I have heard estimates which range as far as, or as far as saying sixty plus percent of our tourism is finance related. Now, Mr. President, while I have said that I do not support, nor do we want in this country, narcotics related money, or any business that could be generated by it, on the other hand, I am a strong defender of our offshore finance industry, as it relates to legal transactions, and it seems to me that somehow, some of us have been convinced that the only money, or only business which is transacted in the Cayman Islands is narcotics related.

The system and concept of minimising taxation should not be new to the authorities in the United States. They have, in their own laws, and in their own country what is generally called tax shelters, and it is not necessarily a means of avoiding taxation, but a means of minimising it, and if we are able to structure our laws in such a way as to make these principles of tax shelters more attractive by operating them from offshore areas such as the Cayman Islands, then I am not sure what anybody should come crying to us about.

Mr. President, in the introduction to the Bill, the Honourable Second Official Member said, quite rightly, that the procedure in the Bill is new, revolutionary, simple to implement, and hopefully, effective. My problem in accepting that statement, Mr. President, is the fact that it is too novel, and appears to me, too simple to implement, and if I may, Mr. President, return to the point of supporting, Members supporting this Bill, I would like to clear the air once and for all on that matter.

It is true that Members of this House were given, what I have seen referred to in a Press release relating to the financial community or business community, a sight of the Agreement, and of the Bill, but Mr. President, it was in fact a sight, and whenever a question was raised, we were basically told that this was cut and dried, to re-open this would re-open that, and to re-open that would re-open this, and that therefore, our suggestions were basically of no avail.

MR. BENSON O. EBANKS (CONTINUING): So, I want to make it clear that my support for this Bill is restricted and bound to the extent that as far as I can see, and realising the voting power of the Government bench, that it is an accomplished fact, and that as I said, some accommodation had to be reached, and therefore that is the extent to which my support of this Bill extends.

The Mover mentioned that, I think it was, in 1965, the Confidential Relationship Preservation Law was introduced, and that by 1967, if my memory serves me correctly, or 1969,.....

HON. MICHAEL J. BRADLEY, LLB: On a point of information, 1976 and 1979.

MR. BENSON O. EBANKS: Oh yes, Mr. President, I was ten years out, but I had the span of time correctly, and thank you for the correction on the dates.

Yes it was passed in 1976, and by 1979 it was amended. Now, Mr. President, it is my contention that if, and it still is my contention, that if we had sat down and put our efforts into streamlining the procedures under our Confidential Relationship Preservation Law, for example, it seems that one of the great hurdles and obstacles in that Law, and the greatest objection of the United States Authorities to that procedure, is the fact that our Courts were involved, and therefore the process was sometimes long and cumbersome.

But, Mr. President, if it was felt that an accommodation had to be reached, surely, it was not beyond the realms of capability and possibility, and it still is not, to have inserted into that Law, certain time limits and so on, by which information would be given and the rest of it. And it is my belief that if we had travelled that route, we would have had a much more comfortable situation, and a much more acceptable Law.

Mr. President, to bear out my fears and reservations about this Bill, I am going to have to refer to certain sections of the Bill, and obviously of the Agreement. I do not intend to go into too much of either of these, I just want to highlight a few of the points that give me some concern.

For example, in Paragraph 7, which reads:

> "Foundation testimony, with respect to documents to which this Law relates, shall be by way of Affidavit, depositions taken in the Cayman Islands, voluntary appearance by a witness at proceedings in the United States in respect of matters to which this Law applies."

Now, if that section, Mr. President, had stopped there, I would have had no problem with it, but it goes on to read:

> "Or in accordance with such other procedure as may be agreed between the Government of the United States and the Governments of the United Kingdom and of the Cayman Islands."

It seems to me, Mr. President, to widen or nullify, to some extent, the first provisions of that section.

MR. BENSON O. EBANKS (CONTINUING): The enforcement of the Bill, Mr. President, the Enforcement Section, Section 10. It is interesting to note that the penalty in this clause exceeds the penalty which we have been operating with under our Confidential Relationship Preservation Law, and this gives me cause for concern, because we turn the page and we find where in Sub-paragraph (3) -

> "Where any documentary information has not been produced as requested in pursuance of a notice served under this Law, the Attorney-General of the Cayman Islands or any police officer of the rank of Inspector or above acting on his instructions may apply to any court or Justice of the Peace for the issue of a warrant to search for and seize any such documentary information, and thereupon the court or Justice of the Peace shall issue a warrant to search for and seize the information sought".

Mr. President, as I said, I object generally to this Bill being a Bill of administrative enforcement as opposed to a Bill enforceable in accordance with our judicial system. But I have distinct reservations about this Section. We already, under our Banks and Trust Companies Regulation Law, and the Confidential Relationship Preservation Law, the provision for the Inspector of Banks or, with his sanction, police officers and so on, to make searches, and I know that we are relying on the good faith and commitment of the United States, who have said that they will not use information obtained in these ways. Are you suggesting an interruption, Sir?

MR. PRESIDENT: I was hoping that you might finish dealing with this one particular point. I did not want to stop you until you had, but if you were going to be a long time on this point, then I should be breaching Standing Orders if I did not interrupt you. If you are going to finish in a few seconds.

MR. BENSON O. EBANKS: Mr. President, I am not reading from notes, or a prepared text, so that I could not say how long I am going to be. I would be dishonest if I told you I did not believe I was going to be a while longer.

MR. PRESIDENT: No, No, sorry, I understand the speech may go on for some time; I wondered whether your dealing with this one particular point you might...

MR. BENSON O. EBANKS: Since I have just entered upon this one, Mr. President, I would welcome the interruption according to Standing Orders.

MR. PRESIDENT: Well in that case then, I think let us interrupt you in accordance with Standing Orders.

ADJOURNMENT

HON. D.E. FOSTER: Mr. President, I move the Adjournment of this House until 10.00 a.m. tomorrow morning.

MR. PRESIDENT: The Motion is that this House do now adjourn until 10.00 a.m. tomorrow morning. Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. HOUSE ADJOURNED AT 5.35 P.M. UNTIL 10.00 A.M. ON THURSDAY, 16TH AUGUST, 1972

THIRD MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON THURSDAY, 16TH AUGUST, 1984
SECOND DAY

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG., C'O - PRESIDENT

GOVERNMENT MEMBERS

HON. D.H. FOSTER, CVO., CBE., JP.	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLB.	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. T.C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. JOHN B. MCLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES
HON. TRUMAN M. BODDEN	MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. JAMES M. BODDEN	MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. CARSTON J. SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. L. DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BENSON O. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. NORMAN W. BODDEN, MBE.	FIRST 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. CHARLES L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLAND
CAPT. MARY S. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLAND
MR. CRADDOCK EBANKS, OBE., JP.	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

SECOND DAY

THURSDAY, 16TH AUGUST, 1984

1. GOVERNMENT BUSINESS

(a) BILLS:-

SECOND READING

The Narcotic Drugs (Evidence) (United States of America) Bill, 1984 - CONTINUATION OF DEBATE ON SECOND READING

COMMITTEE ON BILLS

(i) The Travel Tax (Amendment) Bill, 1984

(ii) The Evidence (Amendment) Bill, 1984

(iii) The Registered Land (Amendment) Bill, 1984

(iv) The Firearms (Amendment) Bill, 1984

(v) The Narcotic Drugs (Evidence) (United States of America) Bill, 1984

REPORTS ON BILLS

(i) The Travel Tax (Amendment) Bill, 1984

(ii) The Evidence (Amendment) Bill, 1984

(iii) The Registered Land (Amendment) Bill, 1984

(iv) The Firearms (Amendment) Bill, 1984

(v) The Narcotic Drugs (Evidence) (United States of America) Bill, 1984

THIRD READINGS ON BILLS

(i) The Travel Tax (Amendment) Bill, 1984

(ii) The Evidence (Amendment) Bill, 1984

(iii) The Registered Land (Amendment) Bill, 1984

(iv) The Firearms (Amendment) Bill, 1984

(v) The Narcotic Drugs (Evidence) (United States of America) Bill, 1984

(b) MOTIONS:-

SUSPENSION OF STANDING ORDER 24(6)

TO BE MOVED BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL IN ACCORDANCE WITH STANDING ORDER 82 TO ENABLE GOVERNMENT MOTION NO. 2 TO BE TAKEN.

GOVERNMENT MOTION NO. 2 - RESOLUTION AMENDING THE DEVELOPMENT PLAN, 1977

TABLE OF CONTENTS

	PAGE
The Narcotic Drugs (Evidence) (United States of America) Bill, 1954 - Continuation of Second Reading Debate	1
Mr. Benson O. Ebanks	1
Hon. Truman M. Bodden	8
Hon. G. Haig Bodden	24
Adjournment	46

THURSDAY 16TH AUGUST, 1984
10:00 A.M.

THE NARCOTIC DRUGS (EVIDENCE)(UNITED STATES OF AMERICA) BILL, 1984
CONTINUATION OF SECOND READING DEBATE

MR. PRESIDENT: Please be seated. Proceedings are resumed. The Second Reading of the Bill entitled The Narcotic Drugs (Evidence)(United States of America) Bill 1984. The Third Elected Member for West Bay.

MR. BENSON O. EBANKS: Mr. President. When the adjournment was taken yesterday evening, I was dealing with Section 10, Sub-Section 3 of the Bill dealing with enforcement, and specifically with the powers of search and seizure of documents, and I had reached the point where I said that we are relying on the faith and commitment of the United States who have said that they will not use information obtained in such a way in any other way.

Earlier I had called attention to the fact that in our Banks and Trust Companies Regulation Law, and in our Confidential Relationships Preservation Law, there was already power given to the Inspector of Banks to make certain inspections. I would have thought, Mr. President, that it would have been acceptable and sufficient if this Clause had read something to the effect that the Attorney General may cause the Inspector of Banks, etc. This would have put the matter back into existing procedures and we would have had the Penalty Clauses of those two Laws in effect.

Mr. President, the danger of this action, as I see it, is that while the Inspector of Banks could be expected to be sensitive to material which he might have come across in the process of his search, not relating to the document in question, unfortunately, Mr. President, one cannot rely entirely on the provisions here with the same faith.

While it is true that the document being sought is entirely in relation to Narcotics, my understanding of this Section is that if the Assistor has said that he does not have the document requested, and the Police Officer or the Attorney General is to search for that document, then it means that he has to go into the premises concerned and turn up every file and document within those premises to satisfy himself that it is not concealed somewhere. In fact, I would assume that it would extend to even the living premises of the party involved. Anywhere that he may even conduct a business, and that is a very wide power, Mr. President.

Now, I know that some people will in rebuttal of that submission, use the argument that the request for the information will have to carry a Grand Jury or subpoena or Indictment Number, and I might as well dispose with the Grand Jury Proceedings as I understand it here.

As I understand the Grand Jury Proceedings, Mr. President, except that it is much wider, less controlled, less restrictive than our preliminary enquiries, it operates in a similar fashion, but the Indictment normally follows a Grand Jury investigation, but it does not always follow that every Grand Jury investigation results in an indictment. Therefore, it is my contention that the Grand Jury Proceedings can open up a fishing expedition in this operation. All the Grand Jury needs to do is to convene, give the Docket a number, and then they go fishing, and once they come across a name, they see that there is some connection in Grand Cayman between the person suspected in the United States of narcotics and the person who is doing business in the Cayman Islands, then they have a heyday and a free-for-all as far as I am concerned.

MR. BENSON O. BLANKS (CONTINUING)

What is even more concerning, or disturbing, Mr. President, about this procedure, is that all subsequent documents are in fact the entitlement of the United States Attorney General under the one original request.

What I am saying is if by requesting a simple Draft which has been sent from the United States to Grand Cayman and paid in to an account, and if an account number appears on that cheque, their eyes are then opened to the fact that that person has an account in Cayman. They then summon the documents on that account. If there is any cross-reference on that ledger, account to another account, they can then go and ask for that account, and frankly they have a heyday.

Now I want to make it clear, Mr. President, that I am not condoning wrongdoing in narcotics, but given the exuberance of other United States Authorities in stamping out Offshore Tax Havens, it is not unreasonable to expect that they will know when a narcotics investigation is going on. You may as well say that you can keep a secret in Cayman as to say that you can be assured that secrets will be kept between various departments in the United States, even though they will not pass on the specific information. But what is to stop someone, an agent of the IRS from contacting someone in Cayman whom they know are conducting a search, and saying to them "You know while you are looking through that office, look for John Doe's name, see if that doesn't come up. I am interested in him".

Now, having gone this far, Mr. President, I might as well tell you of something that has come to my knowledge within the last two days. That has no bearing on this particular Bill, but it proves, it serves to prove the point that I am saying.

I happen to know that a 1983 automobile was sold to an unsuspecting young lady earlier this year as a new car. The owner had an original log book, shown as the original purchaser of the car and with the license plate that was on the automobile as the original license plate. The young lady looked herself out of her car, and when she went to the dealer to get a key made, she was told there was no record of this gentleman having purchased an automobile from them. It transpired that what in effect had happened, was he had bought the car second-hand, and somehow had obtained what should have been at least a duplicate log book and carried the original information on it. He had obtained a new log book presenting himself as the original owner of the car. In other words, this action facilitated a fraud.

So what I am saying is, Mr. President when we are talking about circumventing the courts, we are taking some very, very calculated risks.

The other thing in this connection, Mr. President, that is very bothersome and worrying to me, as, of course, is the whole Bill, being an administrative procedure, is VI of Section I in the First Schedule Request and Certificate. I have already dealt with the II regarding the identification of the document or of the proceedings by the Grand Jury, Number and Indictment Caption and Docket Number. I have dealt with that in my last submission. I would only add that as I read II, that does not mean that we are dealing in this situation with Grand Jury Proceedings and Indictment Proceedings only, and I think that when we go to the agreement, my contention will be borne out

MR. BENSON O. EBANKS (CONTINUING)

But to get back to VI of I, it says: "Undertake that save with the consent of the Government of the Cayman Islands, the information will not be used for any purpose other than the resolution of matters encompassed by the Agreement.

This, Mr. President, as I see it, again further broadens the power of the Government to cooperate with Authorities in the United States. Mr. President, if I had not heard so much about, expressed by persons concerned, and by this I mean Members of this Assembly, about the might of the United States, and what they could do, and all the rest of it, this type of discretion wouldn't worry me as much as it does. But it seems to me that some people believe that unless we give away our heart string, the United States can do just what they want with us, and I insist that as long as we negotiate in good faith, they will have to see those negotiations to a successful conclusion, and we need not sell our birthright to reach an agreement with them.

I have heard people say that what if they cancel your rights to fly into the United States. Mr. President, that's not as easily done as said. There are International Agreements that govern these things, and as long as we do not breach those agreements they cannot arbitrarily withdraw our rights. I have heard if we don't do this or we don't do that, they will stop selling you cornflakes and potatoes. There are agreements which govern that. There is a general agreement on Tariffs and Trades, and we might be small, Mr. President, but we are not pawns.

The worrying thing about this Bill, the most worrying thing about this Bill, Mr. President, coming after the fact that it circumvents our Laws, and that it does so unnecessarily in light of what the introducer of the Bill quoted to us yesterday, is the fact that this Bill gives to the United States, or the Attorney General of the United States, power in the Cayman Islands which he does not enjoy in his own country. He cannot in the United States circumvent the legal process. It was proven just a few years ago, that the President of the United States is not above the Law, and here we are knuckling down, giving the Attorney General of the United States powers in our jurisdiction which he does not enjoy in his own.

I have also heard it said, Mr. President, that if this Legislature or this Government had failed to reach this agreement, or if this Bill was not legislated, that the mother country would use its reserve powers under the Constitution to enforce the legislation. Mr. President, I say without fear of successful contradiction, that no Government in the United Kingdom would dare introduce into Parliament a Bill similar to this, which takes away the rights of the Court or circumvents the judicial process.

Therefore, I have no fear that the mother country would have imposed this upon us. I agree they would put pressure for us to negotiate, and I think we should negotiate, I've said that from as early as last year, but I don't think that we should surrender.

Mr. President, one other thing. In the Agreement, Article 6 Exclusivity, which reads:

> "No Federal Subpoena, including a Grand Jury Subpoena (and this I wnt underlined), related to documentary information located in Cayman in any matter falling within Paragraph 21 of this Agreement(that's where the

MR. BENSON O. EVANS (CONTINUING)

> narcotics related offences are mentioned) will be enforced in the United States without the prior agreement of either the United Kingdom Government or the Cayman Government".

Mr. President, as this has been heralded as the panacea of our problems with narcotic related matters; it has been heralded as the victory of this negotiation, and I want to call Members' attention to the fact that this undertaking relates entirely to documentary information which is defined in the Bill. My understanding of this paragraph is that this does not include or exclude anyone from being harassed under the guise of a material witness. It relates to documentary evidence only, and the information is supposed according to the Bill and the Agreement to be provided in the Cayman Islands, that is the foundation testimony under Rule 15 of the United States Federal Rules of Criminal Procedure.

Now I asked to see, or to have a sight of that, Mr. President. I was told it was not available, but I was assured that that was the section of the United States Law which made Affidavits given or taken overseas legal in proceedings in United States Courts. Now, Mr. President, if that in fact was the case and the United States Government had no intention of going any further, I wonder then why 3(e) (5) is in the Agreement, and I read:

> "Should it become necessary for the successful conduct of the proceedings in the United States, that foundation testimony be obtained, the United States Attorney General or his designee may request the Assistor to attend the relevant Court in the United States to provide such testimony".

I was led to believe and I believe that the public was led to believe that the Affidavit taken under Rule 15 of the United States Federal Rules of Criminal Procedure was sufficient, that it was adequate and need not have any corroboration by individual or personal testimony, and I am left to wonder Mr. President, what would, this is saying here, notice this one does not have request him to voluntarily attend; this one says may request him to attend. So if John Doe who the United States or who is giving testimony in Affidavit form, and he refuses to go when requested to the United States, but he has reason to pass through the United States, what happens if he is banned by a Federal Agent who requests him to accompany him to a place to give evidence, and he refuses. What is his fate? I have not been able to receive a satisfactory explanation on that point.

Mr. President, I understood the Mover of this Bill yesterday in his introductory remarks and I certainly hope that I was wrong in what I understood him to say, but I understood him to say that the provision under Article 10 of the Agreement relating to the expiration of this Agreement, which reads:

> "This Agreement will expire fifteen calendar months from the date of its coming into operation unless it is extended by the mutual agreement of the Governments of the United States, and the United Kingdom including Cayman."

MR. BENSON O. EBANKS (CONTINUING)

Now I understood the Mover to say that this would expire in fifteen months unless it had been extended by him with your permission, and I think he meant your permission as Governor and not as President of this Assembly.

Would you like the floor Sir?

HON. MICHAEL J. BRADLEY:

On a point of explanation I think it would be good if a transcript of the proceedings were available. I do not remember saying that. If I did say it, I did not intend to say it, because it would not be true.

MR. BENSON O. EBANKS:

Well Mr. President, that is what I understood and maybe he can go back and get the tapes and rebut me or enlighten me in his winding up.

HON. MICHAEL J. BRADLEY:

What if...if the member would sit down for a minute...by a slip of the tongue the Member did say that, and only the tapes will reveal whether he did or not, it seems to me the fact of the matter is that he has now explained to the House that he certainly did not intend to say that, and that that is not in fact the case - if I have understood the Member correctly.

So to an extent the point falls away and it's to an extent academic.

MR. BENSON O. EBANKS:

It falls away to the extent that he might not have said it, Mr. President, but it doesn't fall away from my argument because there is nothing in this Bill to say when this Bill expires, and this Bill is required to give validity to this Agreement, and I would have expected to have seen in this Bill an expiry date fifteen months from the date of coming into operation of the Agreement, because it is a limited Bill, it has application to this Agreement only, since the Legislature has to pass the Bill, any extension of this Bill or of the Agreement consequent upon this Bill, should be the prerogative of the Legislature. And I would hope that it is not the intention to use administrative authority for the extension.

Mr. President, I think I can summarise my contribution on this Bill in a couple of minutes.

a) Having regard to the preamble to the two sections of the Single Convention on Narcotic Drugs 1961 as amended by the Protocol of the 25th March, 1972, read to this Honourable House by the Mover in his presentation yesterday, it is my contention and submission that we, the Cayman Islands need never to have circumvented our legal system to meet the requirements of that Convention. I contend that we could have, if we had been prepared to act timeously, amended our Confidential Preservation or Relationships Preservation Law in such a manner as to have met the requirements of the United States and the United Kingdom Authorities.

MR. BENSON O. EBANKS (CONTINUING)

Now, Mr. President, you will recall yesterday in my opening remarks I said that there was a Lawyers' adage which went something like this...When the facts are on your side, argue them. When the law is on your side, argue it, and when neither is on your side, just argue... And a further adage that when the facts don't fit your case, find another set of facts, and I am sure that I will hear attempts to discredit , particularly this suggestion. I will hear legal arguments to discredit this suggestion, and here I want to spend a little time and explain what I am saying.

In the first instance I believe in the separation of powers. I believe in the separation of the powers of the Legislature or the Legislative arm of Government, the Legal arm of Government, and the Administrative arm of Government. But this Legislature can legislate laws, and today we are discussing a Bill which circumvents the due process of law completely. We are talking about a special piece of legislation dealing entirely with the transfer or exchange of information between countries, and it is my contention that we could legislate a law, we could have amended our Confidential Relationship Law in such a manner as to meet the hurdles which the United States Authorities were encountering in its present form.

We are not talking here about a person's rights or privileges or the penalty of death, or whatever. We are talking about a piece of legislation dealing purely with the exchange of information on narcotics related matters, and it would not be unknown to have provided within that Bill a special format and procedure for dealing with it. In fact, Mr. President, there are rules of court which every litigant must follow. Naturally they are not legislated as I understand it here, but nevertheless they have the force of law, and we could have done something similar. We are getting a new Puisne Judge which should release some of the pressure on the Chief Justice, and if necessary, if it was found necessary to hire another Judge just to administer this Bill I think it would have been preferable than what we have done, which I consider is a complete sell-out, or surrender.

I don't want to give the impression that I am imputing any improper motives to persons who may have negotiated it,so for"sell-out"substitute "surrender".

We have other laws on our books, Mr. President. They are rare occasions, but we have Laws on our books which because of special circumstances reverses the onus of proof. So what I am talking about is in fact not novel, it exists, but the Mover of this Bill has said that this is new, it is revolutionary and hopefully simply and effectively implemented. If we had the judicial process, those persons who are doing business legally within this country would have had less fear, and, Mr. President, the reason for my saying that is that as a part of this Agreement we have undertaken to enter into negotiations on other matters, and having got their foot into the door on one aspect of the Bill or of their headaches, it's going to be more difficult, you know, Mr. President, if somebody can get one foot in the door and get their two hands on the threshold it's much harder to push them out than if you can keep them from getting that foot in the door. And that is why I am taking the time to make these submissions.

MR. BENSON O. EBANKS (CONTINUING)

Now, Mr. President, I have also heard it said that the only people who are objecting to this Bill are people who must know that they have problems with narcotics or narcotics related business. I think that is an irresponsible statement for anybody to make, and I do not subscribe to it, and I want to make it clear that, to the best of my knowledge, I have no skeletons in my closet. I am talking as a free agent with a free mind, and with no preconceived ideas, and nothing to hide or to protect.

Mr. President, I have spoken much longer on this Bill than I intended to speak. It was my intention, or it was my attitude, that the less said about this Bill, the better. But during the course of the Debate yesterday, or of the proceedings yesterday, I scratched my head, and I concluded that we might fool ourselves, and we might fool some of the public, but we would not be able to fool the Accountants, Lawyers and Tax Advisors in the United States who would in the normal course of business, be sending clean business to the Cayman Islands from the United States, because, Mr. President, no one to the best of my knowledge, unless it is a very new novice in the business locally, sets themselves up as a Tax Advisor to their clients. His advice is always, you go back to the United States, get your advice from your accountant, your lawyer or your tax advisor, as the case may be, and if he tells you that this particular scheme works, and it is within our Laws, we will talk business, but nobody sets themselves up as an advisor, nobody nobody of repute sets themselves up as an authority on United States taxation.

So, having concluded that we could not fool them, I further concluded that I could best serve my country by doing what I have done, and that is pointing out what I call the surrender of our sovereignty in this Bill, and indicating that not all persons in this Legislature have the same mind, and that there is hope at the end of the tunnel.

One final point, Mr. President I said that I thought if we had taken time, considered and negotiated with the United States within the basic framework of our Confidential Relationship Preservation Law, this Bill could have been prevented. This would have been unnecessary.

I contend it was because of a system of foot dragging, why this was suddenly put in our lap. Further, Mr. President, I think that our problem with narcotics trade and trafficking in the Caymans is due almost entirely, if not exclusively to what I would have said was the theme song of certain politicians who now form the Government, commencing from 1976, and that was "open the gates that all may come in, praise the Lord".

If you mentioned, Mr. President, anything about making hay slowly, investigate what you are doing, you were labelled a heretic, that you were not progressive, that you were against expansion, and against the country generally. These records will prove that shortly after my return to this House in 1980, when we were dealing with another matter, I made the prophetic statement that what we were dealing with that day was but the hiccough of a very much more serious bout of indigestion to come, and this is one of the attacks, serious attacks of indigestion which we are suffering from that policy of "open the gates that all may come in".

MR. BENSON O. EBANKS (CONTINUING)

As I said, Mr. President, it has not given me any pride to have to stand here and say some of the things that I have had to say, but they are my honest convictions, and I consider that I would have been less than a man, had I not done so. Thank you.

HON. TRUMAN M. BODDEN: Mr. President, I wish to state firstly the advantages of the Agreement and this Bill to the Cayman Islands in a summary form, and then to give the history of this matter thereafter to deal with the criticisms of the Agreement and then to go into detail on the advantages and the disadvantages of this Agreement and the enabling legislation.

The advantages of the Narcotics Agreement and this Bill to the Cayman Islands are as follows:

1. The United States Government and its Federal Agencies have agreed not to enforce Documentary Subpoenas against Cayman residents in narcotics matters when the process under this Agreement is carried out.

2. Caymanians can now give evidence in Cayman on documentary matters for Federal Grand Jury matters, and also Federal Indictments, either by way of Affadavit or Deposition, or if they so wish, and only if they so wish, they may make a voluntary appearance in the United States before United States Grand Jury. When giving evidence in the Cayman Islands, a witness has the right to protection by both Cayman Island and United States Law, to claim immunity, privilege, self incrimination, incapacity, and the right to have an Attorney to represent them under both United States and Cayman Islands Law.

3. The Cayman Islands will clean up their image abroad as a country allegedly laundering drug money, and harbouring drug traffickers and drug profits.

Honourable Members of this House, we are a tax haven, we are not a drugs haven, and let us never confuse the two. When we clean our image, Mr. President, we will have destroyed the most powerful weapon that the United States and other countries have used against us in recent years, namely that we are acting as a haven for drug traffickers.

4. The undertaking by the United States Attorney General in person that the information will not be used for purposes other than convention narcotics drugs matters, is very important. Prior to this, when information was received, there was no undertaking that it would not be used for purely tax or revenue matters.

5. Bankers and other persons giving information under this Bill will now be protected against being sued civilly for releasing that information by virtue of a Statute.

HON. TRUMAN M. BODDEN (CONTINUING)

8. The Agreement can be terminated by giving one month's notice after the first two months of the Agreement. The Narcotics Agreement lasts only for fifteen months unless extended by the Governments.

9. The Agreement sets up a system whereby the use of the information can now be monitored by the Cayman Attorney-General so that it will be possible to see what has been done with the information that is given. Before this it was impossible to do so.

THE HISTORY OF THIS MATTER

For the past decade the United States Government has been attempting to bring to justice narcotic traffickers as well as other criminals who commit serious crimes. This Government has accepted the principle that it has a duty to see that criminals who commit serious crimes are brought to justice, and assistance has been given in the past decade to assisting foreign Governments in bringing criminals to justice.

In the Cayman Islands this Honourable House has amended the Drugs Law on many occasions, making it one of the toughest Drug Laws that exist in the Western hemisphere.

However, this Government has made its position abundantly clear that where matters relate purely to tax or revenue matters, then it is not prepared to assist. However, if these matters are part of a narcotics scheme and are part of the profits of narcotics, then, Mr. President, the information will be given. The United Kingdom supports our position in relation to taxes.

Mr. President, I stress again, we are a tax haven, we are not a drugs haven. We were never meant to be a drugs haven, and I am amazed, Mr. President, at the confusion between those two havens that I have heard in this House by the last speaker.

One of the early policies of President Reagan was the repression of drug trafficking, and this has been spearheaded in two main areas; firstly against stopping the physical entry of drugs into the United States of America, and more recently by depriving drug traffickers of their profits. Prime Minister Mrs. Thatcher of the United Kingdom fully supports and has on many occasions had her Government restate this policy. In fact, Mr. President, the statement of policy to repress drugs has been made not only by the United Kingdom and the United States, but by just about every Western democratic country, and at least several times every year.

The pressure from the Department of Justice in the United States came first through subpoenas which were served on Caymanians and residents when passing through the United States or entering the United States. At first these subpoenas were the ordinary subpoena, and later it is what is called the Material Witness Subpoena. This specific type of Subpoena, the Material Witness Subpoena, permits the American Courts to arrest a person and hold him or her in prison, or within the bounds of the United States until the evidence is given. It is a horrifying sort of Subpoena which is unknown to the modern English legal system, and there were several incidents of these.

HON. TRUMAN M. BODDEN (CONTINUING)

More recently, the American Courts have been issuing subpoenas on United States branches of Banks in the Cayman Islands, in the United Kingdom, in Canada, and other countries and requiring them to produce documents which are outside of the United States in countries such as Cayman, Canada, and the United Kingdom and the Bahamas. This, Mr. President, is where the principle of extra-territoriality arises in that the American Courts are attempting to exercise jurisdiction over foreign sovereign jurisdiction by requiring an act to be done in a foreign country despite the fact that that act is illegal in the foreign country.

The dilemma, put very simply, is this. An American Court will order a person or a bank to produce documents in the Cayman Islands. The Cayman Court will order that the documents be not released. Both orders will carry heavy civil or criminal penalties. It is obvious that both orders cannot be obeyed and the person is caught in a situation where he cannot win. This, Mr. President, is the real crux of the problem we face. It is not one of delays in the courts.

It is against this continuous pressure that negotiations continued, and in 1982 an agreement was reached by which the Department of Justice would apply to the Government of the Cayman Islands under the Confidential Relationship Preservation Law, for information. Once the Executive Council was satisfied that the crime was one for which information should be given, based upon the submission, then a senior police officer requested the information. In many instances the bank would, as it was entitled to do, refuse to give this information and an application would be made to the Grand Court. In some cases, an Order of the Grand Court could be made, but in many cases, Mr. President, the information before the Grand Court was not sufficient for the Judge, acting in his discretion to make an order releasing the information, and the problem in the witness Subpoena cases with the Bank of Nova Scotia and Mr. Ian Falconer was not a problem of delays in the Court.

The Courts in this country have always acted, in my opinion, fairly, justly and as expeditiously as they reasonably can. However, when there is no information before the Court to make the Order, the Court, quite rightly, does not make the Order. Therefore, one of the main difficulties was that once a matter was before the United States Grand Jury, then certain documents and evidence before the Grand Jury could not be released to anyone other than a Government Prosecutor. It was, therefore, really with the Grand Jury system, that the problem arose.

Mr. President, I would like to thank the Honourable Attorney-General, the Second Official Member, for his very clear, full, and fair explanation of this Bill, and to him I believe that this country has in his statement, a fair explanation of what has been going on, and can be expected from that Bill.

I would now like to mention a few things about the American Grand Jury system. It is a system that originated in the English system of law several centuries ago, firstly in what was known as the Star Chamber of very devious and extensive powers and reason of centuries ago, and subsequently it refined to the Grand Jury system.

HON. TRUMAN N. BODDEN (CONTINUING):

It was abolished in the United Kingdom by, I think it was the Miscellaneous Provisions Act of 1933 that came into effect in 1934, and shortly thereafter it was abolished in the Cayman Islands under Adjudicator Administration of Justice Law which provides in Section 223 that "Grand Juries shall be and the same are hereby abolished and it shall not be lawful to empanel any Grand Jury in the Islands".

A Grand Jury can call subpoenas, both Ordinary and Material Witness subpoenas to be issued to witnesses who are brought then before the Grand Jury. In the proceedings that witness is not entitled to have an Attorney-at-Law present, and indeed on most occasions, an Attorney has to remain outside of the Grand Jury room, and the witness has to run in and out and ask him, "can I answer this question or should I claim what the Americans call the Fifth Amendment, which is that relating to incriminating questions". It is this refusal to allow represent--ation by a Lawyer. It is this sitting of the Grand Jury in secrecy. It is the power by which a Grand Jury can ask questions on any matters affecting the matter before the Grand Jury, whether the questions are incriminating or not, that creates the fear of this system that the modern world has abolished many decades ago, but unfortunately, which remains current in the United States.

Mr. President, so be it. If the Americans feel that the Grand Jury system still serves a purpose in their country, then that is their business and if we feel that we should have abolished it, as did the United Kingdom, then, Mr. President, that once again is a matter for us.

The other problem that we have had in the past, would be that under the old procedure the drug trafficker and many of the Bank's employees and the Bank's Attorneys and their staff knew what persons and information the United States Government was seeking on drugs. The result would be that the drug trafficker would go, for example, to South America, so would go the money, and the records in instances have disappeared. He would then continue the operation from his new country of abode.

Further, the Drug Enforcement Agency has had problems whereby their Agents had been exposed, their under--cover Agents had been exposed, and in fact, I understand that there have at times been attempts upon the lives of these people through information being released at a premature stage.

Mr. President, here I would like to deal with a matter because much has been said about the Executive Council reversing out the Court's decision in the Bank of Nova Scotia versus the United States Government case.

MR. PRESIDENT: If I may just ask the Honourable Member one question. He is moving on to a new phase of his speech. It's about the time for our break. Would that be a convenient moment for you? Because I imagine you probably will not finish for a while.

HON. TRUMAN N. BODDEN: Yes Sir, that is good Sir, if you so wish.

MR. PRESIDENT: Well, in that case let us suspend proceedings for approximately fifteen minutes.

HOUSE SUSPENDED AT 11.15 A.M.

HOUSE RESUMED AT 11.45 A.M.

MR. PRESIDENT: Please be seated. Debate on the Second Reading of the Narcotic Drugs (Evidence) (United States of America) Bill, the Second Elected Member of Executive Council.

HON. TRUMAN M. BODDEN:

Mr. President, much has been said about the Executive Council purportedly reversing out the Court's decision in the Bank of Nova Scotia and United States Government case. This is totally untrue. In one instance, the Executive Council under the provisions of the Confidential Relationships Preservation Law, Section 3 (2) (b) (iv) which provides that "the Financial Secretary, the Inspector or, in relation to particular information specified by the Governor, such other person as the Governor may authorise", may release information, did allow information to be released.

What was done was legal. It had no legal effect on the Court's decision. The problems that arose there epitomise the problems that we have had in that case and subsequent ones, in that there was not sufficient information before the Court for it to make a decision to release the information. We must understand that when a court procedure is used, that the only evidence that it can act upon is evidence which is provable, and for example is not hearsay evidence. Further if the chain of that evidence is broken because a specific part of the evidence is not admissible, then the courts sometimes cannot make a decision either.

However, the Executive Council is not bound by the strict legal rules of evidence and provided that the Executive Council is satisfied that the matter is justified, then it can make a decision. Further, the transaction in that instance related, as was stated publicly, to transactions between the United States, the Cayman Islands and the Bahamas.

As we know, the Bahamian Attorney General released the information to the United States, and at that stage, the United States had both of the two missing corners of the triangle to the transaction, namely it had its own courts with the information between the United States and Cayman, and the United States and the Bahamas, and when the Bahamas released the information that linked up the third angle of the triangle, then, Mr. President, it was foolhardy for us at that stage to believe that the information which we were releasing was confidential. However, it took the Contempt proceedings, of which the Bank of Nova Scotia had accrued, I think, some million and a half dollars at that time, at the rate of $25,000.00 a day off the Bank of Nova Scotia, and I assure the public that the Executive Council always acts legally, and that in this instance it was fully justified in doing what it did, and further, that that had nothing whatsoever to do with reversing out any Court's decision at all. It did not affect the Court's decision.

The Cayman Islands have agreed to an exchange of letters between the Governments of the United Kingdom and the United States of America in matters connected with, arising from, related to, or resulting from narcotics activity, and this was signed in London on 25th July, 1984. The Honourable Financial Secretary, the Honourable Attorney-General, and I were present at the signing. At that time the Commissioner of Police was otherwise occupied, and unfortunately was not able to come to the United Kingdom with us.

HON. TRUMAN M. RODDEN (CONTINUING)

This Bill before this House, The Narcotic Drugs (Evidence) (United States of America) Bill must be passed before that Agreement comes into operation.

The Agreement and this Bill is in accordance with Article 36 of the Single Convention on Narcotic Drugs 1961, as amended by Protocol of 1972, and which has been extended to the Cayman Islands and other Crown Colonies. The Convention requires countries to take, and I quote, 'preventive and repressive action against the illicit traffic of narcotic drugs.' I would like to repeat that, Mr. President, it requires countries to take preventive and repressive action against the illicit traffic of narcotic drugs. This Convention sets out very harsh provisions, which are aimed at stamping out narcotic drugs by every means.

Mr. President, the Second Official Member read parts of Article 36, and I would like to do so because I think this is very important.

ARTICLE 36, 1(a)

> Subject to its constitutional limitations, each party shall adopt such measures as will ensure that cultivation, production, manufacture, ex-traction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, import-ation, exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment, particularly by imprisonment or other penalties of deprivation of liberty.

And it states in

SUB-ARTICLE 2, PARAGRAPH (a), PARAGRAPH II

> Subject to the Constitutional limitations of a party, its legal system and domestic law, intentional participation in, conspiracy to commit and attempts to commit, and any of such offences and preparatory acts, and financial operations in connection with the offences referred to in this Article shall be punishable offences as provided in Paragraph 1. (Which I just read).

It there refers, Mr. President, and I stress, preparatory acts, and financial operations.

There are other Articles, Mr. President, in fact, this Convention has some fifty-one Articles in it, and, for example, in Article 35, it deals with measures of supervision and inspection.

HON. TRUMAN M. BODDEN (CONTINUING)

Mr. President, we have to file as the Government, returns with Switzerland, showing what drugs have been imported, narcotic drugs that is. What has been used. What we expect to use, and stock that remains, and there is a very heavy duty under Article 34 to ensure that the drugs are properly administered.

Mr. President, back in 1975, we did run afoul of this Article, when at that time our Auditor General reported that there were considerable quantities of dangerous drugs missing from the hospital, shortages and lack of requisitions. Besides that, we have, as far as I know, properly complied with this Convention, and I do know that now the Returns are filed.

There are many other sections dealing with matters such as opium, poppy, cannabis, or as we refer to it here, ganja.

Mr. President, this Agreement is limited only to subpoenas whereby documents are requested to be produced, and it is limited only to the Federal Government. The State Governments are not bound, and to do so, either an agreement would have had to have been reached with each State, which is nearly an impossible task, or alternatively, a Treaty would have had to have been entered into and that could bind the specific States. However, narcotic cases, and especially those where documents such as Bank Accounts are involved, actually comprise the substantial part of the cases where the Americans request information, and most serious drug offences in the United States, such as conspiracy and trafficking are Federal offences. So, in fact, while there is this limitation on this Agreement, we do in fact cover a very large area of where our problem lies.

The Cayman Government has agreed to enter into negotiations towards a wider Law Enforcement Treaty after nine months if this Agreement works satisfactorily to us, so we do have a test period to iron out problems in the Agreement.

Speaking for myself, and I would hope, for the team that negotiated the Agreement, we would expect to see whoever goes from the Cayman Islands to negotiate that Treaty, to negotiate only in relation to crimes which are common to the Cayman Islands as well as the United States, and we do not intend to see that matters which are purely tax matters, would be involved in it, and personally, I would like to see the Treaty limited to the accepted serious crimes usually found in International Extradition Treaties.

The negotiation of that Treaty will be one of the most important negotiations that this country enters into, and I believe next in importance to this Agreement which has laid the groundwork for that Treaty. However, as I mentioned earlier, the obligation is to agree to enter into negotiations only, and there is no obligation on this Government to sign a Treaty unless Cayman is fully satisfied with the terms of it.

The Governments of the Cayman Islands, United Kingdom and United States of America agreed to follow the accepted procedure for international negotiations. Therefore, no press releases could be made until a joint press release was issued by the three Governments. Whether the press likes it or not, it is not possible to have international negotiations in which we constantly have the press interfering by putting out statements which are not only inaccurate, but are highly provocative and detrimental to the negotiations, and here I refer only to some statements.

HON. TRUMAN M. BODDEN (CONTINUING)

The Electorate of the Cayman Islands have elected their Representatives, and they place trust in them in matters such as these. The press, on the other hand, are not elected, by, nor do they have to answer to the Electorate. Mr. President, it just simply was not possible to brief the public at every step of the negotiations.

A very good example of destructive and untruthful journalism is seen in the press release by the Caymanian Pilot of 13th July on a news flash and headline "Secrecy Laws Shook", which is the worst and most detrimental Press coverage that this Agreement has had.

Mr. President, it is stated as follows, and I quote. "The London Financial Times carried the headline 'Cayman Islands Secrecy Law Pierced'." In truth, Mr. President, the Financial Times headline was 'Cayman Islands Agreement Reached'. Look at the difference. To create the shock they have blatantly lied about what the Financial Times said, and the headlines of the Financial Times they know would carry a lot of weight in this country. That release, Mr. President, is in my opinion, greatly detrimental to the Cayman Islands public. On the other hand, Mr. President, I wish to thank the responsible journalism of The Sun and The Compass, and the radio who reported facts. It is good to have the responsible newspapers who have responsible journalists, who feel their duty is to inform the people, and not to try to shock the people in matters such as this.

I would like to just read to you a few of the headlines that came out on this. On the 27th July, 1986 the Financial Times had "Britain, Cayman and U.S. reach accord". The Times, 27th July, 1986 had "Cayman Accord". The International Herald Tribune of the same date had "U.K., U.S. Pact Aims at Drug Dealers", and Mr. President, quite frankly up until this time the Press have been far easier on us coverage wise, than they had been before.

We have had headlines in the past which referred to us as being a haven for narcotics, for stashing the narco-dollars, and really, articles such as those by Mr. Winchester that's perhaps the best known. We could never have worse coverage than we had in the past, but this Agreement has now taken the sting out of the main weapon that the press has had, namely, that we are now showing to the world that we are prepared to run a tax haven and not a drugs haven.

Mr. President, for the past four or five months my priority, and the priority of the other Members of Council has been this Bill. In fact, Mr. President, the United States and United Kingdom normally fixed the times and we normally had to go to London when these were fixed. In fact, we have been there five times in the past few months, and to such an extent, Mr. President, that I was in London a few days before my wedding. I had to return to London from my honeymoon, and, in fact, I found that I had three weeks of being away from the Cayman Islands, and my new wife, and in London, out of five weeks of marriage.

I mention that Mr. President, because I have lived with this Agreement night and day, literally, for the past few months, and both my Portfolio in Government, as well as my Law Firm have suffered very seriously as the result of giving these negotiations absolute priority, but I regard this as one of the most important negotiations that this country has had in the past few years, and I was happy to do so.

HON. TRUMAN M. SODEN (CONTINUING)

The United States negotiating team consisted, Mr. President, of a Principal Deputy Legal Advisor in the State Department, an Assistant Legal Advisor in the State Department, a Deputy Associate Attorney General of the Department of Justice, a Senior Trial Attorney, the Office of International Affairs, Department of Justice, and two Trial Attorneys from the Criminal Division of the Department of Justice, and the First Secretary to the United States Embassy in London.

These Lawyers, especially the senior negotiators were experienced top Lawyers and negotiators from the United States of America. It took considerable negotiating experience and skill which our team has built up over the past years, to get the good position for Cayman that we got from the United States of America, and I would like to thank them, especially, for all the efforts that were put in in this series of negotiations.

You know, Mr. President, it is one thing talking big at a public meeting in Cayman, it is a totally different thing to face the top brains of countries such as the United States and United Kingdom.

I would also like to thank this Honourable House for its patience on the five or six times that we went through the points agreed, and went through the Draft Agreement, and finally, this Bill, and I wish to express my fullest gratitude to the United Kingdom team which consisted, as we know, of Mr. Jeremy Thomas, the Assistant Under-Secretary, Mr. David Bickford, a Legal Advisor in the Foreign Commonwealth Office and Advisor to the Economic Relations Department, a member of the West Indian Atlantic Department, and a member of the Department of Trade and Industry, but especially to Mr. Thomas and Mr. Bickford who supported us fully in the negotiations.

The United Kingdom have extra-territorial problems with the United States of America as well, similar to ours, but in other areas also such as economic sanctions where the United States has unilaterally imposed these on United Kingdom companies.

Mr. President, our team knew what we had to achieve and with firmness and believe me, a lot of patience, experience and persuasion, we have achieved a solution for the Cayman Islands, not previously granted by the United States of America to any other country, not even to the Soles or to the United Kingdom, specifically on their other matters.

Another point I'd like to mention, Mr. President. I make my living from the financial offshore industry, and therefore for the Third Elected Member from West Bay to impute that we did not try sufficiently hard would be very stupid. I had to live with this Agreement far more than perhaps anyone else in this House, and believe me, I put in every effort to get the best that we could get.

Mr. President, the most that the negotiating team were permitted to do was to consult with the Legislative Assembly, which we did at all stages throughout the past four or five months that the negotiations were under way, and we sought their approval at all stages, both before an Agreement was firmed up and thereafter before the Agreement was signed.

HON. TRUMAN M. BODDEN (CONTINUING)

The Legislature obviously supports this Agreement and this Bill. Further, we were only permitted to disclose to a small Committee comprised of representatives from the Bankers, Trust Companies, Accountants, and Insurance Associations, as well as the Law Society, and we held meetings with them on April 11th, May 23rd, June 28th, July 17th, July 18th, and August 2nd. This Bill has the support of the consensus of that Committee which was made up mainly of the Presidents of the Associations.

The clearing banks who do almost all of the banking and Trust business feel that the Agreement improves Cayman's position. I know, however, that there are one or two of the smaller private banks who may be worried, but, Mr. President, I guess you can not please everyone.

However, the Bill affects mainly bankers, and if they feel that it improves the situation, then I am prepared to accept that fact.

Mr. President, I have remained extremely quiet politically over the past several months, but from now on, I intend to speak out. This has been for a most important reason. I felt that the Narcotics Agreement should not be clouded in political issues because the matter was too important to this country to be lost through petty political arguments. I have, therefore, made no Press release, nor done anything publicly, not even the answering of letters and allegations against me, which may cause the subject of extra-territoriality to be a political football. Mr. President, I have not even announced that I propose to run in the General Elections, and while that may well prejudice me when that announcement is made because of the long delay, I believe, Mr. President, that it is a very small price that I will pay to see an issue as important as this brought in without being politically attacked until a few days ago. Believe me, Mr. President, I have had to have a lot of patience in relation to what has been said about me, that I did not answer.

This issue is crucial, however, to the Cayman Islands, and if it had not been properly handled, it could have meant the loss of close to 1,000 jobs in the event of banks and offshore industries withdrawing, or reducing their employees in the Cayman Islands.

However, very recently in the past week or so, there have been political attacks made on this Agreement and this Legislation, and I would like to deal with these at this time, because the Agreement is now behind me, and I can now speak freely, and it is obvious from this Honourable House, that the majority of this House supports the Bill.

The most important aspect of all of the attacks on this Agreement has been the fact that none of the writers offer any solution to the problem. Mr. President, any fool can see a problem, only the wise produce a solution. Therefore, I regard criticism destructive unless it provides a solution.

It has been said that entering into this Agreement on narcotic drugs is one which will cause the financial centre and the tax haven status of this country to be destroyed. However, I would like to deal with the corner-stones of the financial industry, as many Members have already done, by showing that the people of the Cayman Islands have more to fear from other relevant matters done or said in the past, and not by the passing of this Bill.

HON. TRUMAN M. BODDEN (CONTINUING)

One of the most serious attacks on the drugs Agreement was made in the Sun on Tuesday, 7th August, 1984, on Page 14, and also in the Compass by Mr. Linford Pierson.

The most important aspect of the Cayman Islands, which attracts funds, and the banking, financial and related industries to this country has been the political and constitutional stability, and the fact that the Cayman Islands are a Crown Colony. If there is ever any sign that the Constitution of these Islands will be advanced to put more power in the hands of Elected Members, then, Mr. President, I believe that the damage to this country will be great and it will be irreversible. Most important, the vast majority of Caymanians are against the advance of our Constitution. I fully support leaving it as it is.

I would like to give you an example of where I feel we get a destructive approach to the tax haven status. In the Cayman Pilot of 8th March, 1984, Page 3, and headed "News Forecast", we find these words: "Question - If you were elected in your quest for public office, what role could you see yourself in? Answer - with my previous experience, I believe I could be most beneficial in the area of Finance or in the area of Health, Education and Social Services. Question - there are two areas that are covered in Executive Council Portfolios, that is Finance which is under the Financial Secretary, and Immigration which is under the Chief Secretary. Could you comment on these two areas independently. Finance, do you see that falling under an Elected Member of the Executive Council's Portfolio? Answer - I believe that we have a very capable Financial Secretary, but I think that we have to appreciate that the position is a Civil Servant position, and that it is getting somewhat unwieldy, and I also feel it is somewhat unfair to a Civil Servant to have the responsibility of sixty odd million dollars a year budget to control".

These words, Mr. President, were made by Mr. Pierson, the main attacker on this drugs Bill in that interview. These words are many times more damaging to the Cayman Islands than entering into this narcotics Agreement. Very simply, they mean this. That he is prepared to take this country into a more advanced stage of constitutional advancement by removing the official Financial Secretary from the most powerful and most important post in this country, by removing finances from the Civil Service to the Elected Members, and presumably, as he appears to be the most qualified, putting himself in place with that responsibility.

I regard such a Constitutional advancement as a very major Constitutional change, as it would mean the removal of responsibility from the Civil Service to an Elected Member.

Mr. President, winding up on that part. The removal of the official Executive Council Members is one of the last steps, and I should say the removal of the three Members together with the Governor, is one of the last steps that a Crown Colony enters into constitutionally before they are into full internal self-government.

Therefore, Mr. President, I would like to very clearly point out, and I'll just be brief, on an authority on this subject. It is the book by the Author Morley Ayearst, 'The British West Indies: The Search for Self-Government', where it shows that we are now at approximately Stages 4 and 5 of constitutional advancement, and it goes through, I'll be very brief Sir, Stage 6. The quasi-Ministers become full Ministers. Stage 7 differs from the previous stage in the approximation to

HON. TRUMAN M. BODDEN (CONTINUING)

Cabinet Government provided by the creation of the office of a Chief Minister or Premier, and then Stage 8. This is substantial refinement and formalisation of the previous stage. The officials, including the Governor, withdraw from the Executive Council which is renamed the Council of Ministers, and is presided over by the Chief Minister. The Governor is still empowered to summon and preside over emergency meetings of the Council. The final Stage, 9, is that of full self-government or Dominion status.

Therefore, Mr. President, the beginning of the chain of advancing the Constitution of this country, by shifting the most powerful and the most critical Portfolio of this Government from the Civil Service to the Elected Members, is undoubtedly a very serious constitutional advancement.

I would like to move on now to point out that if this ever happened, the financial industry would take very serious note of it, and Mr. President, I believe that if we change our constitutional status, that many banks would disappear overnight.

The Cayman Islands have built their name upon being a tax haven, not a drugs haven. However, you look at that article, and you can look at it as often as you like, but there is no solution to Cayman's problems in it. This country has been built, and can only be built, by Members of this Legislative Assembly, who provide solutions to the problems. As I said before, any fool can see a problem, but it takes a wise man to produce the solution to that problem.

The next most important aspect of the Cayman Islands, is its freedom from taxation. The day that we introduce income tax into this country, or any direct taxation, we abolish our tax haven status.

Mr. President, I wish to read from a Report of the Legislative Assembly Taxation Review Committee appointed on 19th March, 1966. In it, Mr. President, we find it is recommended, and I am now reading from the Sixty-sixth Minutes that:

> "this should be further amended to include male persons in the same age bracket, resident or capable of earning wages or salary, or in employ-ment in these Islands, and the Tax should be graded as follows:-
>
> a) Persons capable of earning an income not exceeding £500 per annum - £1 Poll Tax.
>
> b) Persons capable of earning an income over £500 per annum, and not exceeding £1,500 - £2.10 Poll Tax.
>
> c) Persons earning an income exceeding £1,500 per annum - £5 Poll Tax.

Mr. President, we also find at Page 62 of this Honourable House Minutes of 31st October and 1st November, 1966, and I quote, this was the President asking the question of the then Administrator:

HON. TRUMAN M. BODDEN (CONTINUING)

"Would therefore those Members who wish to see all reference to any form of graduated personal tax deleted from this Bill, kindly raise their hands.

Members raised their hands, there being ten against and five for. Those who were against this particular section are as follows:-

Captain E.E. Kirkconnell
Captain K.P. Tibbetts
Mr. A. B. Bush J.P.
Hon. T.N. Farrington
Mr. Claude M. Hill
Mr. C. Burns Rutty
Miss Annie Bodden
Mr. Spurgeon A. Ebanks
Mr. Anton Bodden
Mr. Richard Arch

Those in favour of that particular section are as follows:-

Mr. Warren Conolly
Mr. Denson Ebanks Jr.
Mr. E.U. McNamee
Mr. V.G. Johnson (Treasurer)
Hon. D.V. Watler (Official Member)".

Now, Mr. President, what is Income Tax. It is tax on income. You declare your income, and you pay a tax according to the income you have. The Third Elected Member for Georgetown, in her wisdom, voted against this. If this Bill had have passed on the vote of the Third Elected Member from West Bay, this country would have ceased to be a tax haven before it had started. Therefore, Mr. President, I find it really somewhat hypocritical for him to stand up now and start to give us advice on what will destroy this tax haven.

Incidentally, Mr. President, it looks like Mr. Johnson who claims to be, I think, the founder of the tax haven, was also one of those who voted for the income tax, but, that's by the way.

Mr. President, I have listened quite carefully to what the Member from West Bay said in his attack on this Bill, and I now know, Mr. President, why he started referring to 1966, when it was 1976, and he was referring to the Confidential Relationships Law, because his mind must have strayed back to what would have been one of the most serious blows struck to this country if he had have introduced income tax into this country, and he was a Member of the Committee that proposed it. In fact, Mr. President, I'd quote lastly on this subject. In the Minutes once again of 31st October and 1st November, at Page 59, the Third Elected Member from West Bay had this to say:

"The recommendations presented to the Committee, I supported. I saw nothing irregular about it. The understanding of the Committee was that the taxation would be based on the voluntary declaration of each male at the commencement of the year".

HON. TRUMAN M. BODDEN (CONTINUING):

At another place he said:

> "Let's not make any bones about it, I support this in principle".

So, Mr. President, I find, and by the way it's unfortunately that the Member had to leave the House and wasn't able to hear this, but I always try to put my priorities right, and it's unfortunate that he is not here. Mr. President, the third most detrimental and destructive thing to the financial centre and to this country, would be to have radicals or militants sitting in this Honourable House. They would not only scare away foreign investors, but I believe it would scare away many good Caymanians as well. We have seen this in many other Caribbean Islands where good citizens have even had to flee their country when it is destroyed by radicals. And, Mr. President, this country should never be lulled into a state of complacency to believe that in the next few months, there will not be a slate of radicals in line to take these seats.

Fourthly, and separately, Mr. President, the other attack on this Agreement came from Mr. Gilbert McLean and Mr. Roy Bodden. Mr. McLean has only within the past few months entered the private sector in the financial industry in association with an Attorney-at-Law who, as we know, made a statement on drugs. Mr. McLean is a qualified teacher, obviously not having a grasp, nor does he appear to clearly understand the ramifications of the current position with the United States of America.

Mr. Roy Bodden is another qualified teacher, and has never been in the financial industry, and I do not believe he has any grasp of the facts but, in any event, Mr. President, I understand he is far more interested in taking us back into agriculture of some centuries ago, so I do not know what he's worried about the tax haven for.

Once again though, Mr. President, and most importantly; neither Messrs. Bodden or McLean have any solutions to Cayman's problems on extra-territoriality. I do not even believe they understand it, Mr. President.

Mr. Hurlstone also wrote a letter criticising the Agreement, but he once again provided no solution, and I guess due to his attempt to follow the statement of Mr. Pierson, he has got into a state of confusion as well.

I would like to stress to this Honourable House, and the people of these Islands that if you cannot produce a better solution than this Government has, then it is destructive to go out there and attempt to destroy the solution that we have provided.

The problem here, is a complex legal problem and it's a complex banking problem, and while I know that it normally does not go down too well with the Third Elected Member from West Bay who likes playing lawyer at times, I do have a qualif--ication both in the area of banking, and too in the area of law, and while I can make my mistakes, as can everyone else, at least, I believe, I fully understand what was going on in these negotiations.

Mr. President, following further on this specific topic, I would like to deal with the specific criticisms and the opposition to this Bill by the only Member opposing it, that is the Third Elected Member from West Bay.

HON. TRUMAN M. BODDEN (CONTINUING): He referred to Article 36 which provided, and I quote:

> "Subject to constitutional limitations of a party, its legal system and domestic law."

What the Member does not understand is that that reference in there is legally to the United Kingdom only, as we are a Colony of the United Kingdom, and therefore we are not legally a party to the Convention. However, if that West End Member believes that the United Kingdom would be prepared to stand by and allow us to hide narcotic profits in contravention of this narcotics Convention he is sadly mistaken. He is completely out of touch with the foreign affairs side of this country and the United Kingdom. The duties under this Convention have to be carried out, and if we are not prepared to do it, then I am certain that it will be done for us. Time and again we have had the United Kingdom pass statutory instruments, and at a later stage I will refer to a 1979 Instrument, and we must clearly understand that we are a Crown Colony.

If an International Convention is extended to us, we must abide by it.

Mr. Banks also mentioned that the Agreement was not the best deal that we could have extracted. Well, Mr. President, it is a far better deal than either the Swiss, the Italians or the Dutch got from the Americans, and in fact, the case of Mark Rich, which is internationally known, shows that the Americans have attempted to extradite and enforce a subpoena against Rich, in instances where it could not have been done in the Cayman Islands under this Agreement. But the Swiss have a Treaty which covers certain revenue related matters, not income tax but insiderdealings for example in companies, and it does not include a provision that states that the Federal Government is not going to enforce its subpoenas when the Treaty is carried out. This has been the big thing that we have achieved for the first time, and, Mr. President, I would like to read from a letter from the Foreign and Commonwealth Office in London, which I think sums up very clearly the position. It says:

> "As you know, it is very impressive that Cayman has achieved the first Agreement with the United States in their international relations, whereby the United States have formally limited their perceived rights to enforce their subpoenas extra-territorially."

It is also interesting to note that whereas mutual assistance Treaties often have a central Executive Authority which may include the Attorney General's Departments, in this case, the United States Attorney General is personally responsible for the signature on the certificate requesting the documentary information in narcotics matters.

So the Third Elected Member from West Bay need not take it from me if he thinks this is the first time that there has been a breakthrough on extra-territoriality, because this supports very clearly what I have mentioned.

I have tried, Mr. President, time and again, to explain to that Member what our problem is, to explain to him that it is not a problem of a court's taking a lot of time on these matters, but that we cannot get the information before our court for it to make a decision, and despite my constantly explaining this to him, he just doesn't seem to understand what is going on. Quite frankly, Mr. President, in his

HON. TRUMAN M. BODDEN(CONTINUING)

remark about this team not doing as good as it should have done, if he cannot understand the problem when I am explaining it to him, there is no way that he is going to understand it if he has to figure it out for himself. And I mean, I am not joking on this, this is the problem that he has faced in these discussions.

Mr. President, he referred to leaving the discretion in our Courts. That is precisely where it is under the 1976 Law, and if he is naive enough to believe that the Americans would be prepared to take the discretion away from their courts enforcing a subpoena; to give up the rights which their own citizens have to face; to go into Grand Jury, to not be represented by legal counsel; to have the rights under Cayman Law and under United States Law to matters such as self-incrimination without getting anything in return, he is completely out of date with what the Department of Justice is all about.

I would like to follow on that, Mr. President, with the fact that the Third Elected Member from West Bay mentioned that he only had, and he emphasized, sight of the Agreement. Since he has chosen to disclose that fact, and he implies that he did not thoroughly go through the Agreement, nor did the other Members here, I would like to correct that statement.

Every Member of this House was involved in these negotiations from the very beginning. From the stage before we actually set the limits and the matters which would be discussed, we had informal discussions with the Members of the Legislative Assembly. When we had points agreed, and points of principle to agree, we discussed it. There were some twenty-one of those if the House remembers. We came back to the Legislative Assembly and asked if there were areas of this we could not live with. We went back with those points and re-negotiated them. We came back to the Legislative Assembly again, and we said to them this is the best we can do.

We further negotiated a Draft Agreement. We came back to the Legislative Assembly, and we went through it Clause by Clause, in fact the most vociferous ever and always has been the Third Elected Member from West Bay. I mean he's been into more of that than many of the other Members.

When the full Agreement was reached, we had a Draft Law, we came back to the House. Mr. President, while I know the Legislature has not been as intimately involved in the negotiations as were the Honourable Financial Secretary, the Honourable Attorney General, the Commissioner of Police and myself, I believe that every opportunity was given to Members here to go through this, and in fact a lot of what Mr. Ebanks is now raising, I am hearing for the first time.

I will admit, Mr. President, that when matters were raised, we told the Legislative Assembly; "Look, we can either, we feel we can either get somewhere on this point or we can't get somewhere on this point", because we had to be frank with you. It was nonsense going back, as the Elected Member for West Bay suggested, and telling the American Government to change the Federal Grand Jury system, to allow information to come into the Cayman Courts. I mean, there has to be some stage to which practicality and sensibleness prevails.

We got areas put into that; he referred to one we put in a Section that said that a person above the rank of, I think, an Inspector would deal with the search. That's one of the points that were re-negotiated. Points on legal representation were re-negotiated

HON. TRUMAN M. BODDEN (CONTINUING): Mr. President, on the point that the Third Elected Member from West Bay raised on Section 10, that the penalty is not of fine, I am not certain which Law he got his information from, but on the Confidential Relationships Law that he passed in 1976, Section 4 (1) says; "Subject to the provisions of Sub-Section 2, whoever being in possession of confidential information however obtained, divulges it, or attempts, offers or threatens to divulge it to any person not entitled to possession thereof; wilfully obtains or attempts to obtain confidential information to which he is not entitled, is guilty of an offence and liable on summary conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 2 years or both."

Sub-Section (2): "Whoever commits an offence under sub-section (1) and receives or solicits on behalf of himself or another any reward for so doing is liable to double the penalty therein prescribed." Now it's the difference between $5,000 and $10,000 but the same two years in there, and there are four years under this Law.

MR. PRESIDENT: If I could interrupt the Honourable Member for one moment, I imagine Members might quite soon, like to take a break for lunch. When you reach a convenient point, if you would care to sit down, we will take the break, but if you would care be the judge of that yourself ....

HON. TRUMAN M. BODDEN: Well, Mr. President, I could take it now because I would like to just deal on a few more points that Mr. Benson Ebanks made, and it would take me, you know, probably five ten minutes, Sir.

MR. PRESIDENT: If that is convenient to you we could take our break now then. I would suggest, subject to the views of Members, that we suspend proceedings until 2.15.

HOUSE SUSPENDED AT 12.45 P.M.

HOUSE RESUMED AT 2.15 P.M.

MR. PRESIDENT: Please be seated. Debate on the Second Reading of the Narcotics Drugs (Evidence) (United States of America) Bill. The Second Elected Member of Executive Council.

HON. TRUMAN M. BODDEN: Mr. Chairman, Mr. President, I was dealing with the criticisms made by the Third Elected Member from West Bay, and I will continue with those.

He has, on the one hand, stated that he is not condoning the hiding of profits from narcotics in the Cayman Islands, but on the other hand, he is not prepared to have the evidence given to the United States to prosecute the drug traffickers. He wants us to go under the law as it now is. Well, Mr. President, under the law as it now is, when evidence cannot be put before the Grand Court, which is sufficient for the Grand Court to make an order to release the documents, I would like if he or someone else can tell me how he is going to get that information. Perhaps the answer is to amend the....

MR. BENSON O. EBANKS: Mr. President, I wonder if the Member would give way on a matter of explanation.

HON. TRUMAN M. BODDEN: Not really, Mr. President, let him take it at the end.

MR. BENSON O. EBANKS: Well I'll take it at the end Sir.

HON. TRUMAN M. BODDEN: Because it is not sufficient to say that you are not going to hide the profits of narcotics, when you are not prepared to disclose it, because under the Law as it now is, the only way that the Americans can in some instances get the evidence that they need, is to make disclosures from the Grand Jury proceedings in the United States, and therefore I would assume that the Member is implying that we tell the United States to change one of the most important parts of their legal system. Well, I hope that he would be the one to tell them that, because I know what the answer is going to be.

I believe that he is under the impression that in the United States, the Attorney General through its department cannot get evidence in the United States that it wants, but let me remind this house, Mr. President, that the American Grand Jury system provides that that Grand Jury can short circuit many of the usual procedures under their Criminal Law.

While, I would not like anyone for one moment to believe that the United Kingdom has forced us into this Agreement, because we have entered into it freely, I do not want people to be as naive as to believe that there is not a difference between being an independent country, and being a Crown Colony. We have had Statutory Instruments, which are Instruments made in the United Kingdom, and carrying the force of law there or in her colonies, in many, many areas. Perhaps the most have been made in the areas of Merchant Shipping and Civil Aviation, but, Mr. President, as late as 1978, in the Evidence Proceedings in other Jurisdictions Cayman Islands Order, 1978, the United Kingdom legislated positively for this country, by passing a Law which provided that evidence could be taken in this country for both civil and criminal proceedings in Courts abroad, and, Mr. President, if you believe that this Order doesn't apply to us, or if you believe that we made it, then you can very clearly have a look at it, and you will see on the back of it another five United Kingdom Acts that have been applied to us in this respect. And this permits evidence to be taken here in civil proceedings for proceedings abroad, and it gives you, Your Excellency, power, in your discretion, not acting through the Executive Council, to direct that international proceedings may also receive evidence here.

And, Mr. President, believe me, if the Member believes that a Statutory Instrument passed by the United Kingdom does not override our Law where it conflicts, then I feel ready to follow the chain of that argument.

Much was made of the fact that there is no expiry date in this Bill. Mr. President, one has to enter into an Agreement like this as an optimist. If you enter into it as a total pessimist, and believe that it is not going to work, then it probably will not work.

HON. TRUMAN M. BODDEN (CONTINUING):

The Legislature can always repeal any Law that it has made. The Legislature is supreme over the Courts, over the people of the land, and if, at any stage it becomes necessary to repeal this Law, it can do so, but it would really have been a very pessimistic view to take, to put in that the Law will expire in fifteen months, when in fact, the Agreement provides that the Agreement itself may be mutually extended by the parties.

I would like to touch again on where that Member referred to us amending our Bill to cover the United States problems. You can speed up the process under our Law, but what you cannot do, is under our Law, amend the American Grand Jury system to produce the information that our Court needs. In fact, the whole basis of this Agreement is attempting to limit the sovereign territorial jurisdiction of countries under it, and that, Mr. President, while it would be null and void, would be a way of extending the extra-territoriality of this country into the United States.

So, therefore, the argument that we have another Judge will speed up the process has no bearing on the problem whatsoever. The problem never has been getting the Court to make a decision. The problem always has been, in the Bank of Nova Scotia case for instance, and in the Falconer case, that they were not able to get what was necessary to have the Court make a decision. The Court did make decisions in those cases, but they had not sufficient to allow them to disclose.

One of the last matters that the Third Elected Member for West Bay raised, was relating to the time taken, and felt that it could have been negotiated under the Confidential Relationships Law. Well, I can tell you very clearly, Mr. President, that these negotiations have been long. I have been very patient in them, perhaps far more patient at times, than I have had to have been in the Cayman Islands for the last four or five months, when I merely had to sit back and take the reprisals, and the allegations that were made against me, and not say anything in relation to them, and nothing was hurried up. Stages were gone through. Steps from the beginning, were carried out thoroughly. We made about five trips to London, and, Mr. President, I do not see how anybody can criticise it that we did not take the time that we needed to do this.

Lastly, I think, he raised the question of Rule 15, and very simply what Rule 15 of the United States Court Rules means is it provides a process whereby, if a witness cannot be induced to give evidence, or subpoenaed, as they now do, to give evidence in the United States, then the evidence can be taken abroad. We have similar provisions in our law, and it is nothing unknown to modern legal systems.

It operates on the basis, Mr. President, that since you cannot subpoena a person who is outside the jurisdiction, then if you do not get that person within the jurisdiction to issue the subpoena, you can take the evidence in this way and see that justice is done.

I would like to mention the disadvantage of entering into the Agreement which is purely from the legal point of view that the information or drugs is being given directly from the Cayman Attorney-General to the United States Attorney General, without the Courts intervening. That is a disadvantage, but, Mr. President, look at the advantages that we have received in return for what we have given.

HON. TRUMAN M. BODDEN (CONTINUING)

The American Courts, the American Department of Justice, had for a long time been getting a reasonable amount of information, as was seen in the Bank of Nova Scotia case, and we cannot hide from these facts. The dilemma that we were faced with was the conflict between the American Court Order and the Cayman Court Order.

It must be remembered that balancing this disadvantage is the fact that when the information is released, the United States Attorney General, in person, undertakes that he has cause to believe that the information relates to named drug traffickers, that the information is within the single Convention on Narcotic Drugs, and most importantly, he undertakes that the evidence will not be used for purposes other than drug matters.

Therefore, Mr. President, to impute, as has been imputed here, and also by Mr. Pierson in his article, that the American Attorney General or the IRS would be breaking this Agreement, and using that information, must be a very drastic statement which could have serious international political effects to the Cayman Islands.

These negotiations were carried out in an atmosphere whereby both countries regarded their Attorneys General and other senior members of Government as being persons of high responsibility who would act in good faith, and not break this Agreement.

Up to this time, the Cayman negotiating team found no reason to cause us to question the good faith of the United States or the United Kingdom Governments in this matter.

Who will be affected most by this Agreement, and by the passing of this Bill? Firstly, Mr. President, it will directly affect persons who are making money from hiding narcotic dollars, from providing services for money which is being derived from narcotic profits.

It naturally will also affect persons who are directly involved in the narcotic traffic, the traffickers and the smugglers of hard drugs. It will mean, therefore, that there will be the loss of some money in this country, but I do not believe that narcotic dollars represent any large sums in the Cayman Islands. I believe that for several years now, drug traffickers have moved away from the Cayman Islands. In most instances nowadays, they have used the surrounding Caribbean and Latin American countries to stash the narco-dollars.

Therefore, I do not see, and indeed we have not seen the movement of any significant amounts of money from the Cayman Islands.

Mr. President, narcotics money can only be a very minute part of the fourteen billion dollars per day that pass through this country, and therefore, by passing this Bill, we are protecting the 99.88% of money which is clean, which is good business, and which this country needs.

There will be a loss, in a completely different way, a completely legal aspect of this, by Attorneys-at-Law. As everyone knows, I am an Attorney-at-Law, and I am always mindful of the status of my fellow professionals. But while I stand in this house, I owe my duty to the people of this country. The applications which would normally be made to the Court under Section 3(1) of the Confidential Relationships Preservation Law, many of which will not now be made, and thus there will be some loss to Attorneys who had practiced in Court in this lucrative area.

HON. TRUMAN M. BODDEN (CONTINUING):

I point out that this is a completely different category from which I mentioned earlier, and these services are legally provided, and indeed, Mr. President, it is the legal duty of Attorneys-at-Law to provide such services as Officers of the Court. However, I believe that my fellow Lawyers will join with me in saying that this loss on us is going to be small compared to benefits that will be derived under this Agreement to the Cayman Islands as a whole. In any event, Mr. President, my Law firm has the largest Court department, employing two full time Attorneys-at-Law, so I would be the biggest loser, and I am prepared to bear that loss. I would therefore hope that other Attorneys-at-Law, and I know they will take this approach, and hopefully that there will not be any resistance from our profession to this Bill.

We must always remember, Lady and Gentlemen, that our duty as Legislators is to the majority, it is better for a few of us Attorneys-at-Law to lose some business, than for a 1,000 people in Banks, Trust Companies, and the Offshore Industry to be unemployed.

I would now like to go on to the advantages of this narcotics Agreement, and this Bill to the Cayman Islands.

Firstly, the United States Government and its Federal Agencies have agreed not to enforce documentary Subpoenas against Cayman residents in narcotics matters when the process under this Agreement is carried out. This has cleared up the fear that when a Banker, Accountant, Attorney, Insurance Manager, or other person in the financial industry is passing through Miami or Houston, or any other part of the United States, that at least as regards Federal Documentary Subpoenas, he will not be served with a Subpoena, and held in the United States to give evidence.

Further, Banks with branches both in the United States and the Cayman Islands will be assured that there will be an orderly procedure resolving the conflict between an American Court Order to release documents, and a Cayman Island Court Order not to release them. This will go a long way towards assuring Banks that the Cayman Islands Government is doing all within its power to solve the problems that the United States of America has created on extra-territoriality.

Mr. President, this is the first time in any Agreement between the United States and a foreign country, in which the Federal Government has given up the right of its Courts and its Grand Jury to enforce Subpoenas.

As I mentioned earlier, the Swiss Government entered into a Treaty with the United States for certain crimes as well as certain revenue related matters, such as insider dealings. They have also entered into an agreement and passed a local Law whereby funds deriving from crimes are confiscated and forfeited to the Swiss Government. Despite all of this the Americans would not agree not to enforce their Federal Subpoenas, and indeed the present internationally renowned case of Mark Fitch, where the United States has requested not only that its Subpoena be enforced, but that he be extradited. Our Agreement does not permit them to do this on Federal Narcotics Subpoenas for documents, and I have used this example to show how much the Cayman Island Government has been able to achieve in these negotiations.

HON. THUMAN M. BOUDEN (CONTINUED):

Mr. President, one Banker said to me that he was not satisfied with a part of the procedure. I mentioned to him that he could always go voluntarily before the United States Grand Jury if he so wished and give his evidence there under the Law. He is not precluded from doing that. He looked at me somewhat surprised, and he said "that would be stupid to do wouldn't it?"

Secondly, Caymanians can now give evidence in Cayman on documentary matters for Federal Grand Jury matters and Indictments either by way of Affidavit or Deposition. When giving evidence in the Cayman Islands, they have the right to protection, both at Cayman as well as United States Law, to claim immunity, privilege, self-incrimination, incapacity, and the right to have an Attorney represent them at the Hearing.

As I mentioned earlier, before the United States Grand Jury, there is no right to have a private Attorney represent you.

Thirdly, the Cayman Islands will clean up its image abroad as a country allegedly laundering drug money and harbouring drug traffickers and drug profits. We have had several good investors who have refused to invest in the Cayman Islands when they believed that the Cayman Islands was laundering drug money. Normally good money is many times larger than dirty money, so on a balance, I believe that this will be advantageous.

I once again stress we are a tax haven, we are not a drugs haven; we have never been intended to form into a drugs haven, and this Government will never see that happen.

Fourthly, this is the first time in an International Agreement, that the United States has undertaken to have the Central Executing Authority as the Attorney General of the United States personally.

The undertaking by the United States Attorney General personally that the information which he receives will not be used for purposes other than narcotic related matters under the Convention, is to me a very great leap forward in this respect. At present, when the information is released into the system, then the Federal and other Courts are entitled to use it for purely tax matters.

Fifthly, Bankers and other persons giving information will now be protected against being sued civilly for releasing that information, and this, Mr. President, is very consoling to a Bank.

Sixth, the Agreement can be terminated by giving one month's notice after the first two months of its operation.

Seventh, the Agreements have set up a system whereby the use of the information can be monitored by the Cayman Attorney General, so that for the first time it will be possible to see what has been done with the information that has been given. Up until this time, this has not been possible.

Mr. President, the drugs negotiation had been very complex. It has taken me some considerable time, effort, research and dedication, to understand sufficient of the relevant parts of the American legal system, and to sort through the many practical alternatives which may have been opened in the negotiations, to the Cayman Islands.

HON. TRUMAN K. BODDEN (CONTINUING):

The public should be made aware of the fact that in these negotiations, unlike other negotiations that we have been in, the Cayman Islands team did not have very much to negotiate there, and I am happy that other Members of the House here have acknowledged that.

For some time, the Americans had been winning the battle in the United States with their subpoenas against ourselves, Canada, United Kingdom and the Swiss. And, in fact, there was not very much that the Cayman Islands could give in return for the large concessions it required. But I am happy to say, Mr. President, that the three main concessions that we wanted, we got.

Looking at the critics on this matter, I once again ask this Honourable House, has anyone provided a better solution? In fact, Mr. President, most of the critics did not understand the problem, obviously they could not come up with a solution.

Mr. President, when one realizes the suffering and ultimate death that narcotic drugs brings to users of it. When one realizes the youth in other countries that are snuffed out in their very tender years because of the use of drugs. When one sees the crime and the suffering on humanity which drugs create, I find it very hard to believe that there are people in this country who are prepared to support the hiding of profits from drugs in the Cayman Islands.

Mr. President, I accept the fact that no matter how careful a Banker, Attorney, Accountant, or Insurance Manager may be, it is not possible to be 100% sure a customer may not be involved in drugs. Normally, crooks have better referees and references than honest people. Therefore, when I refer here, I am referring to persons who intentionally or negligently are accepting narcotic dollars.

If this country, ladies and gentlemen, must make its name on the hiding of profits from narcotic drugs, or by the befriending of drug traffickers to this country, then, Mr. President, these Islands will end in destruction anyway. There is no way that you can make the profit of drugs clean. Drug profit is bloody, it is dirty, and no matter how much it is washed, it remains bloody and dirty.

Internationally, the Cayman Islands can now hold up its head and say to the world that we have joined the war on narcotic drugs. For years we have been labelled as being a haven for narcotic dollars. This Agreement and Bill, for once, can let this country fine other countries internationally.

Mr. President, in ending, I would say this to the people of these Islands. To the few who oppose this Agreement and this Bill. If you are intentionally involved in narcotic drugs, if you are intentionally involved in hiding the profits of drug traffickers, then you should continue to oppose this Bill, and oppose it bitterly because you have good reason to be worried about it. But on the other hand, if you feel that the duty of this country is to eliminate the use of narcotic drugs in the world, and the pain, suffering and death that goes with it, then you should pass this Bill.

If we must live off dirty, bloody money derived from narcotics, then ultimately we will perish with it. We are a tax haven; we must remain a tax haven; this country must never become a drugs haven.

HON. TRUMAN M. BODDEN (CONTINUING): I believe that this Bill is good for the Cayman Islands, and most importantly, I believe that it is right in the sight of the Lord that we should stamp out the death and suffering from drugs.

Thmk you

MR. BENSON O. EBANKS: Mr. President, under Standing Order 34, sub-section 2, I crave the indulgence of the House to clarify some matters raised by the last speaker.

HON. TRUMAN M. BODDEN: Mr. President, would he please state which matter he rose on to clarify earlier.

MR. BENSON O. EBANKS: I think the President is aware of the time on which I rose, and.....

MR. PRESIDENT: May I just caution the Member that he doesn't have an opportunity to make another speech. It is an explanation on a particular point.

MR. BENSON O. EBANKS: I cannot introduce new matter to seek to strengthen my former position, Mr. President, but the...

MR. PRESIDENT: No, you cannot introduced new matter or seek to strengthen your former position.

MR. BENSON O. EBANKS: That is correct, and I only intend to repeat what I have said in the past, and with your permission refer to the document which the Member referred to in trying to rebut what I had said.

HON. TRUMAN M. BODDEN: No, Mr. President, that is why I asked that he specifically state the point, because the point as I remember it was when I stated that he had mentioned he was not condoning profits being stashed, narcotics profits being stashed. If he is going to try to go beyond that Sir, I would object on a point of order.

MR. BENSON O. EBANKS: Mr. President, he went on to say that I wanted to do it under the existing law, and this morning I made it very clear what my proposal was.

MR. PRESIDENT: I do not think that the House would wish to give to Members, to any Members, opportunities in effect to make second speeches under the guise of explanations. I am not saying that you are intending to do that. I am just saying the way in which I shall interpret the standing order, because if I were unduly liberal in allowing what purported to be explanations, we would find many Members perhaps making second speeches in the course of debates.

My understanding of the Standing Order is that it is there in order to enable a Member, a part of whose speech has, in his view, been misunderstood, to explain on that precise point, briefly, what he meant, and it is on the understanding that that is what you intend to do that you may now rise, and if I think you are doing more than that, I shall ask you to sit.

MR. BENSON O. EBANKS: Mr. President, I do not think you will have any trouble with me on that, Sir. It will not take me two minutes to do what I intend to do. In fact, if you refer to my speech you will recall that I anticipated the tactics of the Member and said that when the facts do not fit the case, find a new set of facts.

HON. TRUMAN M. BODDEN: Mr. President, I object on a Point of Order. He has begun by straying from the point. He must explain what the point is that he is going to state was not correctly made.

MR. PRESIDENT: Yes I agree, and we will ask him to do so.

MR. BENSON O. EBANKS: Mr. President, the Member specifically said that I had said that I was willing to have, I was not prepared to have narcotics related profits stashed away in the Cayman Islands, but I was not willing to have the evidence released under any circumstances, or under the Law as it now stands.

I made it quite clear, Mr. President, that I understood our existing Law, and my proposal was that that Law should have been amended to facilitate the exchange of information between the Cayman Islands and the United States Authorities.

In regard to the Grand Jury system and taking of evidence by Subpoena under Rule 15 of the United States Federal Rules of Criminal Procedure, I specifically said that I understood that to be a procedure whereby that evidence would stand alone and would be sufficient in a United States Court to be recognised and accepted as evidence, and I then went on to inquire if that was so. Why in the Agreement, we had 4(a)(5) which I read...

HON. TRUMAN M. SODDEN: Mr. President, with due respect, Sir, I never went into 4(a)(5). I have let him go on to a second point, but he must state that I have said wrong, and leave it at that. He cannot make another speech.

MR. PRESIDENT: I think we are getting beyond what I would regard as a legitimate explanation, and verging on a second speech, and you are repeating all the points you made and saying that notwithstanding the fact that another Member has purported to rebut them, you still think you are right, and you are entitled to your opinions, but you are not entitled to...

MR. BENSON O. EBANKS: Mr. President, if I understand the Standing Order correctly, Sir, I am not permitted to introduce new evidence to strengthen my case. I am not introducing new evidence.

MR. PRESIDENT: With respect, I did point this out to you earlier. You are not entitled, either to introduce new matters or to seek to strengthen your former position, and it seems to me that you are seeking to strengthen your former position by new arguments.

MR. BENSON O. EBANKS: No, Mr. President, we can go to the tapes. I referred to 4(a)....

HON. MICHAEL J. BRADLEY: Mr. President, Sir, have you made a ruling or not. If you have made a ruling, the Member should obey it.

MR. PRESIDENT: I have made a ruling, and my ruling is that you are not entitled to speak at length repeating what you said before.

MR. BENSON C. EBANKS: I am not attempting to speak at length, and I am not introducing new evidence to strengthen my argument, and you are not reading the Standing Order to the end.

MR. PRESIDENT: Yes, I read it to the end by new arguments.

MR. BENSON O. EBANKS: By new arguments. I am not re-introducing new arguments.

MR. PRESIDENT: No, but nor are you, at this point, really, in my view, offering an explanation. I think that the Standing Order is intended to be used where somebody on a particular and specific point, considers that he has been misunderstood, but...

MR. BENSON O. EBANKS: That is my point.

MR. PRESIDENT: Well, I think you are going a long way beyond that. If you have anything else in respect of which you believe you were misunderstood, you may say it now, but I shall stop you if I think you are going beyond it.

MR. BENSON O. EBANKS: Well, Mr. President, if I am not allowed latitude of the Standing Order, I am unable to clarify the point. I am not introducing new evidence. I am using what I used this morning, and I certainly referred to 4(o)(5) this morning. In fact that is what caused the concern. Where in the opinion of the Attorney General of the United States, if it becomes necessary, he can request, to establish the evidence, he can request the person to attend.

HON. TRUMAN M. BODDEN: But, Mr. President, my recollection is I never dealt with that point, even on the...

MR. PRESIDENT: I cannot remember whether you did. If I may make an observation myself. It may in some ways be unfortunate for a Member who is speaking not to give way to another who has a point of explanation, because, if one does give way then, it is fairly easy to limit what the interrupting Member says to that specific point of explanation. If one comes to the end of a two hour speech, and we then have the explanation, it is really not easy to remember exactly what was said.

However, you were entirely within your rights to continue. You did not have to give way to him. I am just saying it is a little bit more difficult for me now, to know exactly how far the interrupting Member can properly go.

HON. TRUMAN M. BODDEN: I just wanted to mention, you are quite right Sir, but there is an old legal tactic that you break the chain of thought of your opponent, and what many times is worse than what is going on at this stage.

MR. BENSON O. EBANKS: Mr. President, I fail to see how I could break the train of thought of the Member, when he was reading his speech. (Laughter)

MR. PRESIDENT: Order, Order.

MR. BENSON O. EBANKS: I think I made my point. Mr. President. Am I permitted to refer to this document which the Member introduced into evidence. I got it from him Sir. The Statutory Instruments he referred to.

HON. THUMAN M. BODDEN: Mr. President, with respect, that is completely new, because he did not have it till I just gave it to him. I mean, it would really have been interesting to see him face nine top American Attorneys at a negotiating table if this is how he is going on over a Standing Order.

MR. BENSON O. EBANKS: Maybe, I would have been more successful, Mr. President. I just wanted to say...

HON. THUMAN M. BODDEN: You would never have known

MR. PRESIDENT: No, I really do not think, I think that is a fair point, I do not think you can have now an opportunity to speak about something that you didn't yourself introduce earlier.

MR. BENSON O. EBANKS: It is just, Mr. President, that this list is so unill that I would call his attention to several more that I know about.

MR. PRESIDENT: Well, I think we have perhaps had enought of this exchange for the moment.

I must ask for the assistance of all Members in limiting explanations to something that is reasonably brief. If the Honourable Member would be seated. I think he has had a fair go now.

MR. BENSON O. EBANKS: Mr. President, I was just offering you this Sir to see how irrelant and incomplete the Member dealt with it.

MR. PRESIDENT: I will take advantage of your kind offer in due course. Meanwhile, does any other Honourable Member wish to speak?

HON. G. HAIG BODDEN: Mr. President, I would like to start by saying, that I will endeavour to oblige you in giving way to any interruptions, except those that come from the Third Elected Member for West Bay, because interruptions of other Member's speech in this Session have become a way of life with him. So unless I am specifically ordered to give way, I will not, Sir.

The Bill before the House is perhaps the most important piece of legislation that has ever come before this Assembly in that it deals with drug related matters, which are horrifying in every extent, and on the other hand, it deals with matters involving the offshore business, and therefore, this Bill cannot be taken lightly. Neither can the unjustified criticisms made of it be taken lightly.

HON. RAIG G. BODDEN (CONTINUING) The United States, as well as the Cayman Islands and other countries, have realised the large problem that confronts mankind in the traffic of drugs. In a very recent paper from the United States, in fact the 27th August, 1984, the front page article in 'U.S.A. Today' which is a national newspaper, says that Americans want the United States' crime and drug problems to be Government's top priority, according to a new poll by Roper Reports. This is the first time since 1977 that a non-economic issue was selected as the top need of Government action.

It surprises me that the public has focussed on the issue. Francis M. Mullins, head of the Drug Enforcement Administration said Tuesday, "that is the type of focus we need in the Congress and Administration." And it goes on.

The point is, Mr. President, that this article shows that the United States Government and the people of the United States have placed the drug problem in high priority for solving, even above their economic problems. So there can be no doubt in the minds of anyone, that the United States Government will make every effort to get information on drug related matters.

The people of the Cayman Islands, with the exception of a few, also share this idea. The present Administration has placed special emphasis on the drug problem, and if I can go back a little into matters pertaining to this House, I will call Members attention to a motion that was brought in this House in 1973, asking the Government to increase the penalties under the Drugs Law. The motion brought by the other Member from Bodden Town and me, at the time, was defeated. It was voted against by the entire Executive Council Members of that day, of which the Third Elected Member for West Bay is the sole surviving Member, and also voted against by another one of their supporters. Eight votes in the House caused the defeat of that motion on 28th June, 1973.

Since that time, the Drug Law has been changed. The fines have been increased. Other penalties have been increased, including confiscation of vessels involved in the trade. When upon the arrival of our present Commissioner of Police, he was given a mandate to wage war against drug traffickers. He went about the job with alacrity in his heart, and a purpose in his step, and the result has been the conviction of many drug dealers, not only in Cayman, but in the United States as well.

Yet over the past few years, he has been treated with discourtesy by a small minority. He has not been shown the respect which he is due, and what is even worse, the entire police force was nearly demoralized by those who would sell their souls, and destroy this country, for the political aims of bringing down the present Government so they can get seats in the November election.

The Agreement which has been signed, and which is the subject of this Law, has come under severe criticism, all of it unfounded, all of it unjustified, and the unfortunate part is that most of the criticism has come from people who now aspire to lead this country after its next election.

One of the criticisms levied at the Government in the recent case, the Bank of Nova Scotia case, was that the Executive Council had acted contrary to the Constitution. The Executive Council had overruled the Courts, and had provided information which the Executive Council did not have the authority to give.

HON. HAIG G. BODDEN (CONTINUING) This criticism is untrue as I will show, by dealing with the Bill, and in fact, one of the critics even admitted that when he said that we had overruled the Courts,he had not been telling the truth, and I would refer Members to an article which appeared in the Sun, Friday 13th July, if you are superstitious. It says, and this is supposed to be the words of Mr. McLean who is, we cannot find out correctly, but is one of the kingpins in the new Government.

He pointed to the case of the Bank of Nova Scotia; he said the Chief Justice here had three times turned down the United States request for information because no evidence of wrong-doing had been given, but the all powerful Legislature opened those accounts. He said how can we trust the Government that breaks the laws they make. But there is a note right under that which says: "this reporter spoke with Mr. McLean several days later, to discuss the subject. He agreed in fact information had been given upon appeal to the Governor, as provided for in a section of the Confidentiality Law. Mr. McLean said that while his comments may have been misleading, because they were made in the heat of the moment, he nevertheless feels that there should not even be a law that allows it."

So he criticised Executive Council, made an untrue statement that we had gone above the Court, that we had done something that was contrary to the Constitution, and readily admitted that he had misled the public, because the truth of the matter is, the information was given under our Confidentiality Law.

MR. BENSON O. EBANKS: Mr. President, I am rising on a point of order, Sir, and I am asking you to rule on Standing Order 36(1) Relevancy of Debate.

MR. PRESIDENT: I think the relevancy of a good deal that has been said today is marginal,but I do not think that this is any more marginal yet, than some of the remainder. I think that the Member will be skilful enough to show its relevance quite shortly, but I hope quite shortly he will do so.

HON. HAIG G. BODDEN: Mr. President, I thought I had made it clear when I started this part of my speech that I am dealing with the criticisms of the Agreement which have been signed and of the Bill which has been passed and of the criticisms which we received in the Bank of Nova Scotia case, which was perhaps the case which triggered this very Agreement, which brought it to a boiling point, and if the Member fails to see the relevancy, I would be happy to discuss it when we finish here. Yet I know he has to interrupt,so I am being rather kind to him.

The Confidentiality Law under Section 3(a) and (b) sets out many ways in which information could be given; the Bill before the House just adds one more avenue by having introduced a new Law to deal with the giving of information, and the Bill makes provision for the Grand Court to order the disclosure of information. It makes provision in 3(b)(4) for the Financial Secretary, the Inspector, or in relation to particular information specified by the Governor, such other person as the Governor may authorise, and the word Governor here means the Governor in Council.

HON. HAIG G. BODDEN (CONTINUING): So, the information which was given by the Executive Council in this particular case was given under Section 3(b)(c) of the Law, and it in no way, interfered with the directions of the Grand Court. And throughout this whole matter, we will find this type of criticism being levelled at the Executive Council, at the Members who negotiated the Agreement, perhaps even at the Legislative Assembly Members themselves.

The Bill which will implement this agreement, has already had a positive effect upon, not only, our financial sector here, but also upon the international scene, and if I may quote again from another United States newspaper in Miami: "Drug dollars no longer safe in Cayman. A positive and important step has been taken toward reining in the flagrant abuse by drug traffickers of the Cayman Islands banking system. The United States, the United Kingdom and the Cayman Islands Governments agreed in London recently, to work closely together and effectively to bring to justice, any narcotic traffickers who launder money in the Caymans. Once this Agreement is implemented, drug smugglers will no longer find a safe haven in the Caymans to hide their ill-gotten profits. The Agreement announced by the three Governments reflects their determination to ensure that the financial operations of drug traffickers shall not be protected by Cayman Bank Secrecy Law that has turned a small Caribbean Island into an important banking centre. The Secrecy Law, however, has also attracted criminal elements who used some of the 468 Banks and 18,000 Registered Companies of the 18,000 resident Island, to launder their drug profits and convert them to safe investments untouchable by Government authority. The new Agreement seeks to put a stop to this abuse, while at the same time, preserving the integrity of the offshore banking industry, so important to the Cayman economy. It provides procedures for the United States Attorney General to apply to the Cayman Attorney General for access to documentary information relating to narcotics trafficking offences. It also provides that after a nine month trial, further negotiations may be entered into dividing the Treaty to include other criminal matters.

The Governments of the Cayman Islands and the United Kingdom have earned our commendation and thanks for taking this historic step with us."

The article which I have just read is supposed to be the words of Senator Lawton Childs.

MR. PRESIDENT: Could I perhaps just ask the Honourable Member whether he intends to speak for some substantial further time or not? If you are going to finish in five minutes or so, Members might prefer to allow you to continue to do so. If you are going to be a long time, perhaps we might take our accustomed break.

HON. HAIG G. BODDEN: I intend to be brief, Mr. President, but I suggest that.... (laughter)

MR. PRESIDENT: But not that brief. Well I think perhaps then, we might suspend proceedings for about fifteen minutes.

HOUSE SUSPENDED AT 3.25 P.M.

HOUSE RESUMED AT 3.45 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed Debate on the Second Reading of the Narcotic Drugs (Evidence) (United States of America) Bill. The Fourth Elected Member of Executive Council.

HON. HAIG C. BODDEN: Mr. Preedient, I had been dealing with the positive results that have come about because of the Agreement, which had been signed in London on the 26th July, and the passage of this Bill today.

The Bankers Association had this to say in a press release: "A representative group of the Cayman Clearing banks and their related Trust Companies, as well as some members of the Executive Committee of the Bankers Association who collectively handle a very significant proportion of the business conducted in the Cayman Islands, were invited to sight the draft Agreement that the Cayman Government were about to sign with the United States of America relating to the provision of evidence in narcotic related Grand Jury enquiries in the United States.

The representatives recognized that there was no opportunity for variation in the Agreement or the Press release that had been agreed between all negotiating parties.

Considering all the circumstances, the Executive of the Cayman Islands Bankers Association supported the new Agreement regarding narcotics related investigations and believed the Agreement would be an improvement over the current situation. They were advised by Government that future discussions may be held with the United States for the broadening of the Agreement, to include other criminal matters.

It was emphasized that the Cayman Islands Government would never countenance entering into an agreement with the United States on taxation related matters. Any such discussions would have to be limited to matters of common criminality recognised under Cayman Law.

During this debate we have heard that allowing drug related information to be given to the United States could cause the United States to get their foot in the door of our Secrecy Laws, and so get information on tax related matters, and if this should happen, our economy would be undermined because offshore clients would lose faith in us. I believe that if our economy is to ever be undermined , it will be done from people right here within this country, and not by the United States.

I am alarmed when I see a notice which appeared in the paper today, saying 'Cayman's declared war on money extra-territoriality. Enough is enough".

For those in Cayman who do not know what is enough, I would like them all to hear that that 'enough is enough' slogan used by certain candidates, is a Michael Manley slogan, when he used it to take over from the JLP in Jamaica, and so undermined the economy of Jamaica. So I hope people will not forget that when they see that banner floating in the air. 'Enough is enough'.

Also, something else that could undermine our economy much more than the signing of this Agreement is an article which appeared in the Nor'wester written by Mr. Roy Bodden which said that Cayman's economy cannot continue for long if we depend on the tax haven business and tourism, because those industries are sensitive and parasitic, and we should get away from them and into agriculture.

HON. HAIG G. BODDEN (CONTINUING) These statements coming from our new leaders, our would-be leaders will definitely undermine our financial industry and our tourist industry, and I am certainly alarmed. And what is even worse than any of these is another matter dealing with finance in which one candidate, Mr. Pierson, said: "There are two areas that are not covered in Executive Council Portfolios, that is finance, which is under the Financial Secretary, and Immigration which is under the Chief Secretary." That's the question, "could you comment on these two areas independently."

And the answer is: "I believe that we have a very capable Financial Secretary, but I think we have to appreciate that the position is a civil servant's position, and that it is getting somewhat unwieldy. I also feel it is somewhat unfair to a civil servant to have the responsibility of the sixty odd million dollars a year budget to control, and the only way to take that control out is to change the Constitution, and if we change that section of the Constitution, we will cut the thin web which would hurl us into Independence.

So, these are the things that will de-stabilise the economy, not the signing of an Agreement with a friendly Government.

One Member, and I made a note of it, said: "We are relying in this Agreement on the faith and commitment of the United States." His explanation was that we have no control over the information. The United States Attorney General can demand it, our Attorney General will give it, and we have to rely on the faith and commitment of the United States, not to use that information for other purposes than drug related purposes.

Here, I consider that a statement of no confidence in the United States. We have always looked upon the United States as a friendly nation, as a nation who honours its commitments, and this is not a mere commitment. He suggested what we have achieved here could have been done by an amendment to the Confidentiality Law, which is a paradoxical statement, because it doesn't bear out his non-reliance on the faith and commitment of the United States.

What happens under this Agreement, is that we do not rely on the faith and commitment of the United States. We guarantee it by the signing of an International Agreement. If we simply had changed the Confidentiality Law as he suggested, there would have been no onus upon the United States Government not to use that information, but here we have an Agreement negotiated at the very highest level between the United Kingdom and Cayman, and the United States, and the United States must honour that Agreement.

Does he consider the United States a Government that does not honour its agreements? I would say that Cayman is better off having an agreement with the United States than with any other country in the world that I can think of.

It is all well for some to say this matter should have been left in the hands of the Grand Court. The Grand Court has its duty which it has performed well, but the matter of releasing information for someone indicted with a drug offence by the Grand Jury cannot be done through our Grand Courts. The reason was made clear this morning by the Second Elected Member to Executive Council, when he explained that all the proceedings of the Grand Jury are secret, and that it is not possible for the applicant to make available to our Grand Court the details of the Indictment from the Grand Jury.

HON. HAIG G. BODDEN (CONTINUING): This was borne out very forcefully when we saw the denial of the application for the Scotia Bank case, and the dilemma was that the applicant who was the Bank of Nova Scotia came to the Grand Court and said I would like to release some information. The Grand Court said, you will have to make out a prima facie case and you have to bring the information. The bank was not able to provide this because the Grand Jury would not release it. The Court in the United States that had ordered Scotia Bank to produce the information, simply said you have not produced it, therefore you are in contempt of this Court, and we will fine you $25,000 per day until you produce the information.

The result of this case was that the Bank of Nova Scotia on 28th February, 1984, in the United States Court of Southern Florida, was ordered to pay a fine of $1,825,000 for the failure to comply with the Court's order. I wonder how many people understand the significance of that fine, and that if a fine like that continued to run for ever and ever, that Scotia Bank would eventually collapse. And following on from that the United States could impose similar fines on Barclays Bank, and Canadian Imperial and any other bank that had offices in its jurisdiction, and what we would have had would have been a total collapse of the banking system. And if the Executive Council had not intervened in this impossible situation, today, all of our banks would be closed. All of our people involved in the work of the banks would be out of jobs.

And this is the reason why the Executive Council considered the request of Scotia Bank to give the information to the United States Court. The Second Elected Member dealt in great detail with this this morning, and I won't go on any further....

MR. BENSON O. EBANKS: Was that a Federal Court?

HON. HAIG G. BODDEN: Mr. President, this is not question time. But I will say that the Member, in my opinion, is not behaving like a Member. He is behaving like a teenager on his first date. But for his information, this was a District Court which ordered the initial fine. The case, I think, had since been appealed.

So the action of the Executive Council in giving the information to the Courts should be praised to all high heaven for what it really did, because it is my opinion that it saved the collapse of our banking system, it preserved our economy, and laid the groundwork for the present Agreement, which is the subject of the Bill before the House, and so, if this Executive Council is not remembered for any other good action which it has done, you can tell the whole wide world that we acted swiftly and in a responsible manner to solve a dilemma which, had the problem not been solved, could have meant chaos in this Island. But rather than being praised for it, some people that do not understand the situation which existed, have tried to criticise us for overriding the Courts, which we did not.

I intend to go into some of the principles of the Agreement, and I intend to go into some of the principles of the Bill, but before I do that, I think it is necessary for me to deal with certain other matters which are relevant to this matter, and which have already been raised in this debate.

HON. HAIG C. BODDEN (CONTINUING):

One Member doubted that the United States could harm us economically if we failed to comply. I do not think the United States would ever attempt to harm us, but we are more vulnerible than a sitting duck would be. Can you imagine what would happen tomorrow morning if the United States said no more trade with Cayman? The United States has imposed trade sanctions on different countries in the past for far lesser reasons than that of getting information for drugs which are such a serious problem with the United States. And I could go on to tell the many other ways we could be hurt, and I do believe this would happen if we had a majority of people thinking the same way that the Member that spoke on this thinks, or appears to think, and I think those trade sanctions and other economic sanctions would have to be applied to bring him to his senses.

The same Member emphasised over and over, until I got tired of the repetition that this Agreement, or this Bill circumvents our Law and circumvents our judicial process. What a silly statement. This Bill is a part of our Law. Once it's passed it goes on the Statute Books and ranks on the same level as any other existing Law. So how can a Law which we pass today circumvent our Law when Section 3(2)(b) of the Constitution and, I need not read it, gives to this Legislative Assembly the power to make Laws. It is a little Roman it.es he likes to call it, Section 3. Sorry I seem to have the wrong section, yes in fact it, Sections 29 and 30, Powers and Procedure in the Legislative Assembly, and it says:

> "Subject to the provisions of this Constitution, the Governor with the advice and consent of the Assembly may make Laws for the peace, order and good Government of the Islands."

and 30 is just as important:

> "Subject to the provisions of this Constitution, the Governor and the Assembly shall in the transaction of business and the making of Laws conform as nearly as may be to the directions contained in any instructions under Her Majesty's signed manual and signet which may from time to time be addressed to the Governor in that behalf".

And the Bill which we are dealing with was actually drafted in London by Her Majesty's Government, and do you think Her Majesty's Government would draft a Law, ask us to put it in and to pass it, if that Law would circumvent our Laws, or would interfere with the process of our judiciary, or if those Laws would be contrary to the Constitution. So that is a hollow statement that this Law circumvents our Laws.

It does not take away the rights of the Court and it does not circumvent the judicial process.

One other remark was that if the Courts got bogged down we could hire more judges, and I heard talk about having a Puisne Judge which would hopefully be able to keep up with these applications so that it would not be dragged out in Court and would not take so long, but the problem with these 34 applications as they are called is not the time lag. It is not

HON. HAIG G. BODDEN (CONTINUING): that the Court has taken a long time to make the declaration. This is not the problem. The problem is that our Grand Court is unable to make the declaration because it cannot make the declaration unless the Court is satisfied under Section 3(a) that the information should be released. So if we were to hire ten judges and build fifteen courthouses, this would not help the administration of this part of the law because there is a functional defect which cannot be corrected by adding bodies to the Court.

The one criticism of the Agreement which I found amusing is the Member's fear that this Agreement would bind us or would encourage us, or would force us, into entering into a Treaty concerning other matters. These were his exact words, and I wish he will be able to listen to the tape, concerning other matters, and I should say that that could be put to rest if he would look at the Agreement, because the Agreement says we may enter into negotiations under 7(1) concerning criminal matters and not other matters, so here again I am trying to guarantee that he sleeps well tonight, and put another of his fears to rest.

The present administration has been blamed because of the drug money which has come to Cayman. In fact the Member said our policy is 'open the gates that all may come in', and even if we did anything which I do not know of that helped to open the gates, he has made it clear this morning that he will guarantee that the gates will be wide open for evermore and the drugs and drug dealers, and drug money will not only come into Cayman, but may never get out again, and that no one will ever be brought to justice for any drug related crime if he had a majority, and if the evidence depended on any assistance from an assistor like him.

MR. BENSON O. EBANKS: Mr. President, that's taking a joke a little bit too far, Sir, and I reserve the right to reply to that under the Standing Orders.

MR. PRESIDENT: If you mean you wish to offer an explanation, I have noted your wish.

MR. BENSON O. EBANKS: I am reserving my right under Section, I think it is, ...

HON. HAIG G. BODDEN: Mr. President, may I go on Sir?

MR. BENSON O. EBANKS: Under 39(2) Mr. President.

MR. PRESIDENT: That's what I thought, yes.

HON. HAIG G. BODDEN: Mr. President, I think the Member should reserve two chances because I am going to make another point. He considered it a joke when he said the policy of this Government has been responsible for these problems, because the policy was 'open the gates that all may come in', and I am saying whatever he meant by that ambiguous statement of his 'open the gates that all may come in', his policy is 'close the gates that all of it may stay in', and if he thinks that he deserves the right to explain his statement, he should also know that I have a right to reply, because in politics there is the matter of give and take, and some in all their experience have only learned to give. But when they give it to me they are going to take it back whether they like it or not.

MR. BENSON O. EBANKS: You may get it in the wrong place.

HON. HAIG C. BODDEN: Mr. President, I am making a formal request that the Sergeant remove this man, so that the business of the House may be conducted...

MR. PRESIDENT: No, I do not think I shall grant that request.

HON. HAIG C. BODDEN: Much had been made of Section 4(c)(5) of the Agreement which says:

> "Should it become necessary for the successful conduct of the proceedings in the United States, that foundation testimony be obtained, the United States Attorney General or his designee may request the assistor to attend the relevant Court in the United States to provide such testimony"

and the Member who found fault with this Section would not have found fault had he read 4(c)(1) dealing with foundation testimony, because 4(c)(1) says:

> "Foundation testimony with respect to documents provided under this Agreement will be by way of Affidavit, deposition taken in Cayman, voluntary appearance by a witness at proceedings specified in paragraph (2) above, in the United States or such procedure as may be mutually agreed upon".

So he should not be alarmed by the line that reads that the United States Attorney General may request the assistor to attend the relevant Court, because it is made clear in 4(c)(1) that that is all the United States Attorney General can do. He may request the assistor, he cannot compel the assistor, and the assistor may make a voluntary appearance at the proceedings to give the evidence.

And I believe another concern of the Member was about administrative authority being used for an extension of the Agreement. The Second Official Member cleared this up in making it certain that none of us, which includes him, will extend this Agreement, even with the Governor's permission. No such thing will happen, and in fact it can't be done because this is an International Agreement signed between the United States and the United Kingdom, so how can the Executive Council or the Attorney-General, with the Governor's permission, ever hope to extend this Agreement.

Section 7(1)(c)(2), of the Constitution puts external affairs outside of any administrative process, and if this is what he is dreaming about, of the day when administrative action in Cayman can extend, or change an International Agreement, he too belongs to the camp that is seeking so vigorously to change our Constitution, because it cannot be done. This is an International Agreement, and because we are a dependency of the United Kingdom, the United Kingdom on our behalf, will have to extend this Agreement, or change it, or end it for that matter.

HON. CRAIG C. SODDEN (CONTINUING):

One criticism on the outside has been that the result of the passage of this Bill, and the result of the signing of the Agreement would be that money would leave the country. Some people say money has left. Some people say they know it has left, and I agree with the Second Elected Member this morning, or this afternoon, who said that if any of these people are involved in drugs, they should be concerned. In fact, they should take their money and run, because the day of reckoning has come, and it is true that some money could leave some accounts, but those who are honest and those who are not involved in drugs need not have any fear about this.

To deal in general with the Agreement, the Agreement simply sets out a procedure under which information can be given to the United States Attorney General. The Bill streamlines the procedure, and, if I can deal with both the Agreement and Bill at the same time, Section 4 of the Bill says:

> "Upon the receipt by the Attorney-General of the Cayman Islands of a certificate from the Attorney General of the United States in the form and manner in the first schedule that he has reason to believe that person or persons identified to the Attorney General of the United States are involved in a matter in which this Law applies and documentary information relevant to the investigation or resolution of that matter is located in the Cayman Islands, the Attorney General of the Cayman Islands, shall promptly act upon the request contained in the certificate in accordance with the procedure set out in the second schedule"

And the Schedules to the Bill set out the Certificate and the procedure that is to be followed when the Certificate is received. And what I see as the most important part of this Certificate is the fact that it is under the hand of one individual, a person of no lesser standing than the Attorney General of the United States of America, the greatest country in the world. It is not being signed by any little Civil Servant or any little Attorney General in any little backwoods state or any little Governor or mayor in any little town. It can only be signed by one person, and that is the United States Attorney General, or as he likes to be called, the Attorney General of the United States of America, and I do not see any other person in the United States in whom I would have greater confidence, with the possible exception of President Reagan who has declared war on drugs.

So this Certificate is a document which in itself alone, gives to us the guarantees which we should seek. It is not a simple matter, no uninformed person is going to jump up and say I want information from Cayman. It can only be given to one person alone, and he is not allowed to go on a fishing expedition. He must quote chapter and verse for everything that he wants. The Certificate must bear the Grand Jury number, the Indictment caption, and the Docket number, and, Mr. President, it is 4.30. I am willing to yield if you adjourn.

MR. PRESIDENT: I think willing or unwilling, we will have to adjourn now, because I sense that you are not near an end.

ADJOURNMENT ADJOURNMENT

MOVED BY THE HONOURABLE DENNIS H. FOSTER

QUESTION PUT: AGREED. AT 4.30 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M. ON FRIDAY, 17TH AUGUST, 1984

THIRD MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON FRIDAY, 17TH AUGUST, 1984
THIRD DAY

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. G. PETER LLOYD, CMG., CVO. - PRESIDENT

GOVERNMENT MEMBERS

HON. D.H. FOSTER, CVO., CBE., JP.	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, QC., LLB.	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. THOMAS C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. JOHN B. MCLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES
HON. TRUMAN M. BODDEN	MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. JAMES M. BODDEN	MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. CARSTON J. SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. D. DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BENSON C. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. NORMAN W. BODDEN, MBE.	FIRST 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. CHARLES L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT. MABRY S. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CRADDOCK EBANKS, OBE., JP.	MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

THIRD DAY

FRIDAY, 17TH AUGUST, 1984

I. GOVERNMENT BUSINESS

(a) BILLS:-

SECOND READING

The Narcotic Drugs (Evidence) (United States of America) Bill, 1984 - CONTINUATION OF DEBATE ON SECOND READING

COMMITTEE ON BILLS

(i) The Travel Tax (Amendment) Bill, 1984

(ii) The Evidence (Amendment) Bill, 1984

(iii) The Registered Land (Amendment) Bill, 1984

(iv) The Firearms (Amendment) Bill, 1984

(v) The Narcotic Drugs (Evidence) (United States of America) Bill, 1984

REPORT ON BILLS

(i) The Travel Tax (Amendment) Bill, 1984

(ii) The Evidence (Amendment) Bill, 1984

(iii) The Registered Land (Amendment) Bill, 1984

(iv) The Firearms (Amendment) Bill, 1984

(v) The Narcotic Drugs (Evidence) (United States of America) Bill, 1984

THIRD READINGS ON BILLS

(i) The Travel Tax (Amendment) Bill, 1984

(ii) The Evidence (Amendment) Bill, 1984

(iii) The Registered Land (Amendment) Bill, 1984

(iv) The Firearms (Amendment) Bill, 1984

(v) The Narcotic Drugs (Evidence) (United States of America) Bill, 1984

(b) MOTIONS:-

SUSPENSION OF STANDING ORDER 24(5)

TO BE MOVED BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL IN ACCORDANCE WITH STANDING ORDER 82 TO ENABLE GOVERNMENT MOTION NO.9 TO BE TAKEN.

GOVERNMENT MOTION NO. 9 - RESOLUTION AMENDING THE DEVELOPMENT PLAN, 1[illegible]

TABLE OF CONTENTS

	PAGE
The Narcotic Drugs (Evidence) (United States of America) Bill, 1984 - Continuation of Second Reading Debate	1
Hon. C. Haig Bodden	1
Hon. Thomas C. Jefferson	2
Mr. J. Canavan Smith	33
Hon. Michael Bradley	34
The Travel Tax (Amendment) Bill, 1984 - Committee Thereon	39
The Evidence (Amendment) Bill, 1984 - Committee Thereon	40
The Firearms (Amendment) Bill, 1984 - Committee Thereon	41
The Narcotic Drugs (Evidence) (United States of America) Bill, 1984 - Committee Thereon	42
The Travel Tax (Amendment) Bill, 1984 - Report Thereon	46
The Evidence (Amendment) Bill, 1984 - Report Thereon	46
The Firearms (Amendment) Bill, 1984 - Report Thereon	46
The Narcotic Drugs (Evidence) (United States of America) Bill, 1984 - Report Thereon	46
The Travel Tax (Amendment) Bill, 1984 - Third Reading	47
The Evidence (Amendment) Bill, 1984 - Third Reading	47
The Firearms (Amendment) Bill, 1984 - Third Reading	47
The Narcotic Drugs (Evidence) (United States of America) Bill, 1984 - Third Reading	47
Government Motion No. 9 - Amendment to the Development Plan, 1977	48
Adjournment	51

FRIDAY

17TH AUGUST, 1984

10:00 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The Narcotic Drugs (Evidence) (United States of America) Bill, 1984. Continuation of Second Reading Debate. The Honourable Fourth Elected Member of Executive Council.

THE NARCOTIC DRUGS (EVIDENCE) (UNITED STATES OF AMERICA) BILL, 1984

CONTINUATION OF SECOND READING DEBATE

HON. G. HAIG BODDEN: Mr. President, when we adjourned yesterday, I had been dealing with the Certificate under which the Attorney General of the United States applies to the Attorney General of the Cayman Islands for information. That Certificate is very narrow in its application and so prevents the United States from going on fishing expeditions on matters not related to narcotics.

The Certificate must apply only to a special Grand Jury case. It must bear the Grand Jury number, the indictment caption, the docket number and the Certificate as set out in the Agreement; and in the Bill makes a special request from the Attorney General of the United States. It also must state that the United States Attorney General has reason to believe that the individuals mentioned in the indictment are involved in a matter falling within Article 36 of the Single Convention on Narcotic Drugs.

Most of the opponents of the Bill seem to have had difficulty with accepting the fact that the material received could not be used for any other purpose than for the trial of a drug related matter. This is taken care of in No.3 of the Certificate, and reads:

> "The said documentary information will not be used or disclosed by the United States Government or its agencies for any purposes other than the resolution of matters encompassed by the said Agreement without the written consent of the Government of the Cayman Islands through the Attorney-General of the Cayman Islands."

And the Agreement which the United States has signed also states that the information received through the use of this Certificate, will not be used for any other purpose. This is contained in paragraph 1(vi) of the Certificate which forms a part of the Agreement, and it reads:

> "The Certificate shall undertake that save with the consent of the Cayman Islands Government, the information will not be used for any purposes other than the resolution of matters encompassed by the Agreement."

The only matters covered by this Agreement are matters relating to narcotics. So, the only way in which the information could be used for a tax related matter, or for any matter related with the IRS or for any other civil matter other than a drug related matter, would be for the Cayman Islands Government to agree to its use, or for the United States to break the Agreement.

HON. G. HAIG BODDEN (CONTINUING): As the Honourable Second Elected Member of Executive Council said, we entered into this Agreement in good faith. We have entered into an Agreement with a friendly nation; with a country that has been of great benefit to the Cayman Islands, and there is no reason to doubt that the United States will not keep its agreement.

I would like to take this opportunity to read the Certificate, which comes to the Attorney-General of Cayman, so that the public may know how narrow the scope of the Certificate is. And, as I mentioned earlier, the case is properly identified in the Certificate so that there will be no doubt as to what information is being sought.

> "Having regard to the provisions of the Agreement between the Governments of the United States of America and the United Kingdom of Great Britain and Northern Ireland dated ..... I, the Attorney-General (it would have in the name of the Attorney-General) of the United States of America hereby certify as follows:".

I believe that although it was mentioned yesterday, this point cannot be stressed too often. This Certificate will be signed only the the Attorney General of the United States and not by an IRS agent or an FBI agent, or any of the other exuberant Civil Servants mentioned by the Third Elected Member for West Bay yesterday.

> "1. I have reason to believe that individuals and entities, identified by United States law enforcement officers, are involved in a matter falling within Article 36 of the Single Convention on Narcotic Drugs, 1961, as more fully described in the Agreement.
>
> 2. I request that you, the Attorney-General of the Cayman Islands, secure to me, the Attorney General of the Unites States, that documentary information believed by me to be held by the following person/s .....(and here they must name the bank, company or the person who has the information) which is described in the schedule hereto and believed by me to be relevant to the resolution of the matter in hand, as well as other documentary information subsequently identified by the Attorney General of the United States or his designee as being relevant to the resolution of the matter in hand.
>
> 3. The said documentary information will not be used or disclosed by the United States Government or its agencies for any purposes other than the resolution of matters encompassed by the said Agreement without the written consent of the Government of the Cayman Islands through the Attorney-General of the Cayman Islands.".

It will be signed by the Attorney General of the United States. The person giving the information has to be a person who is qualified to give it; a person who is authorised to give it and that person must also sign a form to say that:

HON. G. RAIG BODDEN (CONTINUING):

"I ..... attest that my position with the Government of the Cayman Islands is .... (whatever it may be), and that in that position I am authorised by the Law of the Cayman Islands/United Kingdom to attest that the documents attached hereto and described below -

(a) are true copies of original records which are authorised by the Law of the Cayman Islands/ United Kingdom to be recorded or filed in ....(name of public office or agency) which is a public office or agency;

(b) set forth matters which are required by the Law of the Cayman Islands/United Kingdom to be recorded or filed and reported.".

And the person attesting to the authenticity of the documents must also sign a form saying: I attest (a) on penalty of perjury or on my oath that I am employed by (such and such a business) and that my official title is (so and so). I further state that the documents attached hereto are originals, or true copies of records in the custody of (so and so) and I further state that this business (whatever the name of the business is) engages in the business of (banking or whatever it may be); (b) that it is a regular practice of this business to make records of the kind attached hereto; (c) that these documents were made by persons with knowledge of the transactions or occurrences recorded or from information transmitted by persons with such knowledge; (d) that these documents were made at or near the time of the transactions or occurrences recorded, pursuant to a systematic and routine procedure for the conduct of the business and are kept in the course of the regular activity of this business.

So how can one doubt the honest efforts that were made to guarantee that the information given would only be given for drug related cases and that the information once received, could not be used by the United States or by any of its agencies, including the IRS, for tax related matters.

Whether we had signed this Agreement or not, these Islands were already bound by the 1961 Narcotics Agreement which had been constructed in 1961 and came into effect in 1964, and entered into force for the United Kingdom on the 20th July, 1978.

So the Convention which is entitled 'The Single Convention on Narcotic Drugs, 1961', entered into force on the 13th December, 1964, and the United Kingdom Instrument of Ratification of the amending Protocol was deposited on the 20th June, 1978, and entered into force for the United Kingdom on the 20th July, 1978.

The point I would like to make here is that the Convention entered into force on the 13th December, 1964, which, I believe, was during the time of the Third Elected Member for West Bay. And this Convention agreed with the United States that they would pass information between the United Kingdom and her Colonies, since the Convention applies to us being dependencies of the United Kingdom - and it was during his time. Obviously the United Kingdom must have done, as is normally done today, whenever an International Convention is signed, the Colonies are notified that the United Kingdom is about to enter into this

HON. G. HAIG BODDEN (CONTINUING): Convention and sometimes even ask the dependencies if they have any input if it is a specific matter that touches on the Colonies. And, I am certain this must have been done.

I should like to read a bit of this Narcotic Convention between the United States and the United Kingdom which bound these Islands to cooperate from as far back as 1964, which I might say is prior to the entry into the Government of any of the current Elected Members of Executive Council.

> "Having due regard to their constitutional, legal and administrative systems, the parties shall:
>
> (a) make arrangements at the national level for coordination of preventive and repressive action against the illicit traffic. To this end they may usefully designate an appropriate agency responsible for such coordination.".

I would like to dwell a little on this paragraph because this Convention binds us to take action against the illicit traffic in drugs and it also binds us to appoint an appropriate agency for the coordination of assisting the United States in matters relating to drug trafficking. The appointment of the Attorney-General of the Cayman Islands under the Agreement and under the Bill we are debating, is only the final step in coordination under the Narcotic Agreement which was signed between the United Kingdom and the United States, and, which affected us from 1964.

I am certain the Third Elected Member for West Bay never told anybody we had become a party to this Agreement. I am certain no word was ever leaked to the press so that people could be aware that despite our involvement with the financial offshore business, and despite the fact that this was a vital part of our economy, not a single word ever came from that Member to let the public know about our involvement - involvement whether we liked it or not, because we are a dependency.

(b) reads: "assist each other in the campaign against the illicit traffic in narcotic drugs". So, we have an obligation and the United Kingdom has an obligation to assist the United States just the same as the United States has an obligation to assist us in this matter.

So, the fact that the Attorney-General has now been appointed the coordinator, and that he will require Assistors to assist, is nothing new in the relationship between the two countries, because the Narcotic Convention had already laid the groundwork. And I am happy to report that in the past, assistance has been given to the United States on drug related matters. The Commissioner of Police has cooperated with the Drug Enforcement Agencies in the United States on many cases, and in many times the result has been that ships trafficking in narcotics were arrested by the Coastguards and by the Drug Enforcement Agencies, and many people have now been convicted because of the assistance given to the United States by our police force.

We, too, have reaped the benefits of receiving assistance from the United States in solving drug related matters and it is a pity that this assistance has not been appreciated by all members of the community because, as I mentioned yesterday, the Commissioner of Police was turned into a political football and kicked around until his face turned red some time ago when there were marches and demonstrations which were led by the people who now want to lead the country into destruction.

HON. G. HAIG BODDEN (CONTINUING): We had the services of DEA agents who were bamboozled in our courts and discredited in our press because they attempted to give this Government the assistance which is mandatory under the Convention entered into during the time of the Third Elected Member for West Bay in the Government.

(c) of the Agreement reads: "co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a coordinated campaign against the illicit traffic.".

Drug offences usually involve international dealings. There is a demand and there is a supply. Usually, the origin of the supply is in a foreign country. Some of the new people on the horizon are telling the public that when they get elected there are going to be no more drugs; they are going to put all the drug people in jail; they are going to make everybody into Christians; there is going to be no more crime: there is going to be no more corruption, and as I mentioned, in Bodden Town, this will happen in Cayman. This will happen in the Valhalla of the communists. You are never going to have a society free from drugs. You are never going to have a society free from crime. You are never going to have a society free from problems, perhaps, if you get to Heaven, and I do not believe, from what I have heard, that many of those proposing this Garden of Eden and this paradise lost have much chance of going to Heaven. So, the chances of finding a situation like that, where nobody is going to import drugs into Cayman, will never happen.

But, we, as a Government have to do our utmost to prevent and to slow down the traffic to make it not readily available on the streets. And this has to be done by education of the public, starting with the schools so that young children will know the dangers of experimenting with drugs which will become habit forming. We have to cooperate with foreign countries so that we can slow down the traffic and make it costly and not so profitable for the dealers. This is what we are invited to do in (c) of Article 36 of the Convention.

(d) - "ensure that international cooperation between the appropriate agencies be conducted in an expeditious manner.".

Now this was one of the failings of our Confidentiality Law. Under the Law, information, as I dealt with yesterday, can be given in several ways and one of those ways is through an order of the Grand Court. There are six different ways in which information can be given: (1) by the Grand Court; (2) by Executive Council; and there are four other ways in which information can be given. But, information through the Grand Court cannot be given in an expeditious manner as has been proven before.

Even if the information is obtained after a long procedure in the Court, this would give the drug operators a chance to flee the country and perhaps assume another name, and another passport in a different country; and long before they could be brought to trial they would have skipped bail, or would have removed themselves from the jurisdiction of the law enforcement agencies. And, so it is imperative that in drug related matters, the evidence be obtained expeditiously.

I already went into the other reasons yesterday, and I will not go into them now, as to why the Court could not give information which can now be obtained under this Agreement.

HON. G. HAIG BODDEN (CONTINUING): (e) of the Article 35 – "ensure that where legal papers are transmitted internationally for the purposes of a prosecution, the transmittal be effected in an expeditious manner to the bodies designated by the parties. This requirement shall be without prejudice to the right of the party to require the legal papers be sent to it through the diplomatic channel.".

(f) "furnish, if they deem it appropriate, to the Board and the Commission through the Secretary-General in addition to information required by Article 16, information relating to illicit drug activity within their borders, including information on illicit cultivation, production, manufacture and use of, and on illicit trafficking in drugs.".

(g) "furnish the information referred to in the preceding paragraph as far as possible in such manner and by such dates as the Board may request. If requested by a party the Board may offer its advice to it in furnishing the information and in endeavouring to reduce the illicit drug activity within the borders of that party.".

And, finally on this Narcotic Agreement, I would only like to touch on one other paragraph which is very important and that is Article 36(1)(a):

> "Subject to its constitutional limitations, each party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention and any other action which in the opinion of such party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally and that serious offences shall be liable to adequate punishment, particularly by imprisonment or other penalties of deprivation of liberty.".

The Honourable Second Elected Member of Executive Council yesterday mentioned a case that had been discovered by our Auditor-General and reported. The report was laid on the Table of this House and afterwards, I think, questions were brought and it was shown clearly that during the late seventies a substantial amount of hard drugs disappeared from our hospital. The question with which I am dealing was brought to the House in 1979 after we had received the Auditor's Report on the hospital for action during the seventies. The date and the amounts are all available for public scrutiny, but, here, where we believed that we had drugs under good control, we found that they disappeared from the hospital, which means that people will go to any lengths to obtain drugs if they want them,- and we do have a serious problem in the control of narcotic drugs.

I understand the system at the hospital now is much improved and, hopefully, we will not have a recurrence of where drugs imported by the Cayman Islands Government for use on sick people were sold on the streets of this Island to destroy the youth.

Mr. President, the Honourable Second Elected Member of Executive Council has asked me to make it clear that the Auditor-General's Report was made on the 31st December, 1975, so that the record can be clear as to who was responsible for the pharmacy at the time of the disappearance of these drugs.

HON. C. BAIG BODDEN (CONTINUING): If we were not discussing this Bill today and if we had not signed that Agreement on the 26th July, what would have been the answer to the dilemma in which we were in, where the United States was out to get information because President Reagan had waged his war on drugs? No critic has said what the alternative is. One did mention, and I dealt with that yesterday and will not go back into it, that we could have handled this matter under or through an amendment to the Confidentiality Law. And I would only like to add that I did not think anybody would offer that as an alternative because under our Confidentiality Law we could not expect the cooperation of the United States because they would have no obligation at all to us. They are not a party and we cannot make them a party to our Confidentiality Law. We cannot enforce extraterritoriality to the United States and thereby bind them by our Laws. This can only be done through a mutually agreed Agreement or a mutually agreed Treaty. So that could never happen regardless of how many firms of accountants or law firms send out memoranda suggesting this can be done. It cannot be done.

The Bahamas have found another solution which is not even half as good as the solution we have found. This solution was reported in the Caymanian Compass only on Wednesday of this week, Wednesday, 15th August, 1984. The solution the Bahamas found, according to this paper, is that they are now ordering lawyers to disclose the beneficial owners of companies. We have not gone that far, and in fact, I think, if we did go that far, it would certainly mean the end of our tax haven business.

So, we have done one thing in signing an Agreement. The Third Elected Member for West Bay suggested something that could not work. The Bahamas have used a solution that is far worse than ours and nobody else has come up with any other suggestion.

To get it in the records, I would like to quote, with your permission, from this paper: "The Bahamas signed a Treaty with the United States which is a ten year Treaty and it allows the Navy, that is the United States Navy, to continue its underwater testing facility in Andros Island.". And I want to read to you the part affecting the cooperation with regards to drugs: "United States officials also say there has been more cooperation on bank secrecy. There are 330 banks and trusts licensed in the Bahamas, many of them off-shore shells United States officials suspect are used for laundering of drug money or for federal tax evasion. An IRS criminal investigation report cited 484 cases in Caribbean offshore banks in 1978 to 1983, and said of those fifty-five percent involved laundering of illicit funds, and of that fifty-five percent, twenty-two percent of the cases were in the Bahamas. Bahamian officials have protected the banks' secrecy saying United States officials must prove that offenses that are crimes under Bahamas Law were committed. The Bahamas has no income tax, so tax evasion would not be a crime, but, United States officials say there appears to be progress on the issue.".

This is the important part: "The Bahamian Central Bank head recently ordered lawyers establishing shell companies to disclose the beneficial owners, a step giving United States investigators more information about the sources of the offshore operations. 'I think the United States Government has gone a long way with the Bahamas. The Bahamas have been talking extensively with the United States,' said Charles Morley, chief investigator for the Senate Permanent Sub-Committee on investigations in Washington. Pindling said he

HON. G. HAIG BODDEN (CONTINUING): is willing to compromise in negotiations through the State Department.".

So that is the alternative used by the Bahamas to pacify the agressive action of the United States in obtaining information on drug matters, but, that alternative to my mind, really opens up the flood-gates in that the beneficial owners have to be disclosed and some of them have actually been disclosed by order of the Central Bank of the Bahamas.

Yesterday, the Honourable Second Elected Member of Executive Council drew attention to a matter which relates to the Bill before the House, and that was an attempt in early 1966 to impose an income tax on the people of the Cayman Islands. If this had been done, we would not be discussing our tax haven business today because our tax haven business would have finished. And, if our tax haven business had finished, as it certainly would have, we would now be imposing income tax because there would be no other revenue.

The reason why I like to touch on this is because the strongest opponent to this Bill was an advocate of that bill which was actually introduced in the House in 1966 and voted down by a ten to five majority. Ten Members voted against it and the Third Elected Member for West Bay, who is sitting across from me, actually voted. I have the minutes of that Meeting and I have the Report from the Select Committee .....

MR. BENSON O. EBANKS: Mr. President, I wonder .....

HON. G. HAIG BODDEN: I will not take an interruption ....

MR. PRESIDENT: Will both Members please sit down. Has the Third Elected Member for West Bay rising on a Point of Order?

MR. BENSON O. EBANKS: No, Sir. I was asking for an opportunity to give an explanation which I realize I would not get, but I am preserving my position under Standing Order 31(2).

MR. PRESIDENT: Does the Honourable Member speaking wish to give way or wish to leave the explanation until later?

HON. G. HAIG BODDEN: I certainly will give way, Sir.

MR. BENSON O. EBANKS: Mr. President, the Honourable Member should be honest with the House, read the entire proposal, and see if he can call that income tax. Income tax is an accomplished fact. That proposal was based on a person's capacity, or anticipated earnings based on the poll tax. And I would request that he be honest and read the whole thing out.

HON. G. HAIG BODDEN: Mr. President, I never thought I would have had such a task that I could perform with such alacrity, and I will start, Sir, reading a message that came from the President of the Legislative Assembly in 1966.

> "Members of the Legislative Assembly are aware of the fact that there is a growing demand from members of the public for more expenditure on education, roads, public health, agriculture and other services provided by the Government of the Cayman Islands. The revenue of this territory is derived mainly from import duties,

HON. G. HAIG BODDEN (CONTINUING):

the sale of postage stamps and annual licences. The only element of direct taxation, which is income tax, is limited to a poll tax of one pound per year on adult males. The Government's annual revenue from all sources has increased from about a quarter of a million pounds to a third of a million pounds in recent years, but this increase is insufficient to meet the cost of desirable improvements to our social and other services; some of which are essential to the progress of this territory.",

Now comes the dramatic part.

"The burden imposed by the existing system of taxation in the Cayman Islands is shared equally by all Caymanians irrespective of their income, age or sex, with the result that a family of modest means, for example, contribute more to the Treasury than a wealthy bachelor. This system of taxation is inequitable, and because of this, and because this Honourable House recognises this as a fact, recent proposals for increasing indirect taxation in this territory have been resisted or postponed."

In short, therefore, they were brainwashed certainly, if they believed this was not income tax. They were certainly brainwashed.

"In short, therefore, it is true to say that although public demand for more expenditure in many fields of governmental activity is increasing, the public's resistance to additional taxation has not diminished. This attitude is not unusual, but the reality of the situation must be faced, and it is the duty of this Honourable House to draw public attention to the fact that better roads, an expansion of our educational system and improved services of all kinds cannot be achieved without a proportionate increase in the Government's revenue.

This territory continues to receive generous grants and loans from the Commonwealth Development and Welfare Funds provided by the British Government for specific projects which necessitate capital expenditure beyond our normal resources. But, if we are to retain our financial independence by avoiding the status of a grant aided territory, it will be necessary to increase our revenues to meet the growing demand for further public expenditure in many fields.

In view of this situation, this Honourable House is requested to appoint a Committee to review the existing systems of taxation in the Cayman Islands and to make recommendations to this House for an equitable basis. It will not, I think, be necessary to remind Members that the territory must continue to encourage Commonwealth and foreign investment in the Cayman Islands for many years to come by offering definite incentives to potential investors."

Dated 28th February, 1966, and signed by J. A. Cumber, President of the Legislative Assembly.

HON. G. HAIG BODDEN (CONTINUING): And now, Mr. President, I will read the Report by the Legislative Assembly's Taxation Review Committee. The Third Elected Member for West Bay was a Member of that Committee. He signed this Report - a photocopy of his signature is on the back of it and he also voted in favour of the bill.

Report by the Legislative Assembly's Taxation Review Committee:

> "At the last Meeting of the Legislative Assembly, the President, in his message No. 3, addressed the House on the matter of taxation. As a result, a Select Committee was appointed to examine the existing system of taxation in these Islands and to make recommendations to the Legislative Assembly for a revised structure which will produce additional revenue on an equitable basis."

Equitable basis .....(interruption) ..... yes, I am going to read on - but equitable basis with regards to income tax, simply means that you pay as you earn: those who pay little earn little, those who earn most, pay most.

> "The Committee meeting on three occasions was faced with a responsible duty, but certainly not a very desired one. It saw many difficulties in recommending additional tax legislation at this time in view of the following: the small population of these Islands limits the avenues of taxation: the present tax structure is based on indirect taxation"; (which is the type we have where you pay import duties and other fees, as opposed to direct taxation which is income tax), "the present tax structure is based on indirect taxation in many forms and while the system is in effect unavoidable in any country, it is not desired that the whole structure should be basically indirect taxes as the system draws no line of equity dividing the wealthier people from the poorer class."

How could someone be so brainwashed that they did not know this was income tax ..... (Interruption)..... Mr. President, I will not allow any interruption. I am reading the Minutes which he requested me to read, which you gave your permission, and I should not be interrupted.

MR. BENSON O. EBANKS: If you will read the Minutes,.....

HON. G. HAIG BODDEN: You must not interrupt me; no, I am reading on.....

MR. BENSON O. EBANKS: ..... instead of putting in your own injections, I will not interrupt you.

HON. G. HAIG BODDEN: I have a right to comment.

MR. BENSON O. EBANKS: Yes, but you are doing it in a clever way to make it appear it is part of the records.

HON. G. HAIG BODDEN: I have a democratic right to make a speech uninterrupted as well, and I wish you would respect Members.

MR. BENSON O. EBANKS: You should respect the Standing Orders to tell the truth.

MR. PRESIDENT: Order! Would both Members please be seated.

Now, will the Honourable Fourth Elected Member please resume.

HON. G. HAIG BODDEN: Mr. President, it is becoming difficult to continue when we have constant interruptions by one Member who has no regard for other Members. He has debated this Bill and if he will not behave himself, we will hope the Sergeant-At-Arms will put him out. It must be annoying to the other Members and destroys the dignity of this House.

MR. BENSON O. EBANKS: What destroys it is untruths.

HON. G. HAIG BODDEN:

"Under the terms of the reference the Committee could not consider direct taxation as this territory must continue to encourage Commonwealth and foreign investment in these Islands, for many years to come, by offering definite incentives to potential investors. These problems resulted in lengthy debates, however, the Committee was always aware of the existing financial needs of Government and realised that in the interests of good administration, additional funds would have to be found to maintain the machinery of Government.

It also knew that the public would not entertain even the very thought of new tax legislation, but with the steady growth of development in these Islands, it could not sit by and allow commerce and industry to leap pause ahead of Government, which is becoming obvious, without providing some source of additional revenue to meet some of the most urgent present day needs of Government.

The Committee, therefore, makes the following recommendations. While all the recommendations set out here were not given unanimous support, they are nevertheless the decisions of the Committee and notes of disagreement and other proposals will be recorded where applicable and as requested.

PROPOSALS
POLL TAX

Under the Tax Collection and Internal Revenue Law, 1927, as amended by Law 6 of 1968, every male person between the ages of eighteen and sixty years, resident in these Islands, is liable to a personal tax of twenty shillings each year. It is recommended that this should be further amended to include male persons", (I think that word was female, because the males were already in it) "to include female persons in the same age bracket."

Further reading the Minutes from the House, we will find out the word was female - they were going to put a tax on females as well at the same time.

MR. BENSON O. EBANKS: It is a public record. Read it. Do not choke on it.

HON. G. HAIG BODDEN (CONTINUING): I am not choking. I think that is a genuine typographical error, and the word was female. By tomorrow when I finish reading the Minutes from that Bill, you will find out that there was an attempt to tax females at that time.

Poll Tax:

> "Under the Tax Collection and Internal Revenue Law, 1937, as amended by Law 6 of 1958, every male person between the ages of 18 and 60 years, resident in these Islands, is liable to a personal tax of twenty shillings each year. It is recommended that it should be further amended to include female persons in the same age bracket, resident or capable of earning wage or salary, or in employment in these Islands, and the tax should be graded as follows."

Graded, I might say, according to income.

> "(a) persons capable of earning an income not exceeding £500 per annum would pay £1 Poll Tax.
>
> (b) persons capable of earning an income over £500 per annum and not exceeding £1,500 per annum, would pay £2.10 Poll Tax.
>
> (c) persons earning an income exceeding £1,500 per annum, would pay £5 Poll Tax."

An income tax based on earnings pure and simple, pure and undefiled.

Messrs A.E. Bush and Claude Hill agreed to an increase in the Poll Tax, but not to the graded system.

There were some Members who felt that the Poll Tax was too low, and you could make it more, and this was alright, because, this was not an income tax.

There are other recommendations to provide taxes on vessels, boats, motor vehicles, motor cycles and scooters, driving permits, increased taxes on liquor, cigarettes, gasoline and cement, and so on. I do not suppose the House wants to hear all of that because it is not relevant to clear up the mind of the Third Elected Member for West Bay.

MR. BENSON O. EBANKS: My mind is clear.

HON. G. HAIG BODDEN: Now, Sir, with your permission, I will start the long and laborious task of reading, as he requested, the Minutes of the House dealing with income tax.

MR. BENSON O. EBANKS: I did not request income tax, I said the resolution you were referring to.

HON. G. HAIG BODDEN: The Tax Collection and Internal Revenue (Amendment) Bill, 1968.

THE PRESIDENT: I think before the Honourable Member engages in his laborious task (Laughter) other Members may feel in need of some slight refreshment and a break. So let us suspend proceedings for approximately fifteen minutes.

HOUSE SUSPENDED AT 11:15 A.M.

HOUSE RESUMED AT 11:46 A.M.

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

HON. G. HAIG BODDEN: *Mr. President, I am reading from the Minutes of the Legislative Assembly on 31st October, 1966, and 1st November, 1966, the Tax Collection and and Internal Revenue (Amendment) Bill, 1966.*

"THE TAX COLLECTION AND INTERNAL REVENUE (AMENDMENT) BILL, 1966

MR. PRESIDENT: *Ladies and gentlemen, we now proceed to consider the Bill entitled the Tax Collection and Internal Revenue (Amendment) Bill, 1966.*

MR. V. G. JOHNSON: *Mr. President and Honourable Members, I move the introduction of the Bill entitled A Law to Amend the Tax Collection and Internal Revenue Law, 1937.*

MR. D. V. WATLER: *I second that.*

MR. V. G. JOHNSON: *I move that the Bill entitled the Tax Collection and Internal Revenue (Amendment) Law, 1966, be given a First Reading:*

MR. D. V. WATLER: *I second that.*

MR. V. G. JOHNSON: *I move that the Bill be given a Second Reading.*

MR. D. V. WATLER: *I second that.*

MR. V. G. JOHNSON: *I proceed to read the Objects and Reasons of this Bill. "This Law seeks to implement the first, second and third recommendations of the Report of the Select Committee appointed to review taxation. As regards the first recommendation, the definition of 'tourist' is the same as in the Tourist Accommodation (Taxation) Law, 1960 (Law 1 of 1961). As regards the second recommendation, it is considered that no difficulty will arise concerning the collection of this tax on vessels if the owner resides outside the Islands and refuses to comply with the requirements of the Law. The Petty Court provides the machinery for the enforcement of the Tax Collection and Internal Revenue Law, 1927. By Law 1 of 1898 (entitled "A Law to amend Law III of 1889, entitled a Law for regulating the Courts of Justice in the Cayman Islands") summons may be served on authorised agents within the Islands of defendents outside the Islands, or if there is no known agent within the Islands, but the defendent carries on a business within the Islands, then the summons may be served on any servant or agent who is engaged in carrying on in the Islands such absent defendant's business."*

MR. BENSON O. EBANKS: *Does he have his switch on? Do you have your switch on?*

HON. G. HAIG BODDEN: Just low key.

"MR. V. G. JOHNSON: Mr. President and Honourable Members, I move that the House go into Committee in order to study the Bill clause by clause.

MR. D. V. WATLER: I second that.

MR. V. G. JOHNSON: I move that Section 1 form part of this Bill.

MR. D. V. WATLER: I second that.

HON. G. HAIG BODDEN: Now, I will read the actual debate. Mr. Anton Bodden, as we will see when we come to the end, was against the Bill.

"MR. ANTON BODDEN: I had the privilege of calling three meetings on this Bill and of those three meetings I could not find one person who was in favour of this, what the authorities call personal tax. At one stage it was called poll tax and now in this Bill it is called personal tax, but I call it income tax. I still say that in view of the facts, if you give Government an inch, they will take an 'L'.

Therefore, under the circumstances, I cannot in any way consider, even consider this Bill for passage today. I am prepared to say that I could not find one in my constituency that would agree to this income tax at this stage or ever. I cannot now, or later, support this Bill in any way."

Sounds like a true Bodden.

Mr. W. W. Conolly, who voted in favour of the Bill said:

"MR. W. W. CONOLLY: I must agree with the Member as far as clarity is concerned that a personal tax is paid by every male in the Cayman Islands. They pay the same one pound. There is no change where the poorer people pay one pound and the richer man pays one pound as had been described. There is no difference. I cannot agree with him that there is no margin. There is no margin as it is now, where everyone pays the same, but that point alone shows that some consideration has been made to spreading this personal tax out to be more equitable than it has in the past.

Another point that was raised by the Member was the point of income tax. I think this is misleading because one draws conclusions to such things. It might be some relative of income tax, but it is most unfair to say it is income tax. As far as I am concerned, this Tax Collection and Internal Revenue makes provisions for a personal tax to be paid, but never before did I hear it mentioned as income tax. I think it is most misleading to say it is income tax.

MR. ANTON BODDEN: I really have no objection to that. Actually, if you are dealing with a man's income, then it is not far away from income tax; you just cannot get away from the fact. With regard to Civil Servants paying this tax, that will very well do as they are the people Government will no doubt know how to assess. At the next Meeting

HON. G. HAIG BODDEN (CONTINUING):

we will be considering the overall raise for Civil Servants, financing them for paying this tax. We have to be careful with this point, too. I cannot support you in saying it is not.

MR. V. G. JOHNSON: I know the Government's views in the matter of income tax is very strong, especially in the light of present development. We are not now foreseeing income tax into this territory. At the meeting of the Taxation Review Committee, this was strongly expressed. There are three categories of persons who are capable of earning: the common labourer, the middle-class and the big salaried man. And this is the manner in which it is outlined here in this Bill. I do not see how this has any affiliation whit income tax at all.

CAPT. ELDON KIRKCONNELL: The only thing I can see this particular Bill does is that it does give some consideration to the poorer man. It is obvious that it is the beginning of income tax. The same as we upgraded the duty of the tax on cigarettes a year ago, we did it today again.

It is the general feeling of the people from George Town that they are very much against it. I am not, however, opposed to an increase of twenty-five shillings in the Male Head Tax. I cannot support it now or in the foreseeable future.

MR. V. G. JOHNSON: Mr. President, I was in Cayman Brac in June of this year and it was amazing to see how these people accepted these recommendations. The matter was put forward by the Members of the Lesser Islands as recommended by the Committee. The people had no objections as it was going to be used for the benefit of the community for the reconstruction and repair of roads. There was no objection to it at all as they thought that it was a most equitable means of taxation. It has been said by Caymanians that they have suffered so much and that they would do anything to get the roads. We must bear in mind that we need to bring in foreign capital, people to invest money here, and if we introduce a handwriting on the wall they are not going to invest in these Islands and we are going to stay exactly where we are and not get the money to develop the land how we want to. If we bring in taxation, then investors will be only too happy to take them in tax free."

Miss Annie Huldah Bodden who was against the Bill, and who voted against it, said:

"MISS ANNIE BODDEN: Mr. President and Honourable Members of this House, I must support all that Capt. Kirkconnell said. I have clients who have companies formed here and they have said to me, 'Miss Bodden, please advise the inhabitants never, ever have income tax introduced here'. It is a haven for people, especially those who have formed companies here.

I know the solicitor who works upstairs in my office, in the building, has fifty-seven companies registered in his office. He came to see me and said that

HON. G. HAIG DODGEN (CONTINUING):

if we ever start that at least half of these companies will go elsewhere. There are other firms who have almost the same or more companies registered in their offices and they say that if we introduce this we will drive all these companies away completely. We have only recently increased the fee for registration of companies.

And if I am permitted just one comment. in the very early stages the Lady Member foresaw that an introduction of income tax would mean the end to our offshore financial business - even back in 1966.

These are the words of the President of the Legislative Assembly at that time:

"MR. PRESIDENT: There is only one thing for us to do, either reject the Bill or accept it. It must be quite clear to each and every Member that personal tax or poll tax is not income tax, and I repeat, it is not income tax. It is quite misleading to infer that a graduated head tax or poll tax makes any difference, is in any way income tax, it is not. The introduction of income tax would mean first a Committee being formed to study this in very great detail, if that was accepted. It means the implementation of an income tax office, the employment of more Civil Servants. So please, let me make this clear beyond a doubt, the form of graduated poll tax, head tax or personal tax, call it what you will, is not, I repeat, is not a form of income tax.

This Government, and I trust for years to come, will not be introducing any form of income tax which has been imposed in other territories for the reasons outlined by the Third Official Member, that we wish to encourage foreign investments. At the same time, this House would need to form a Committee to go into taxation which would seem to be the sole object and duty of this House to achieve a more equitable form of taxation throughout this territory. When I say a more equitable form, I mean that we must ask the more affluent to bear a larger amount of the burden of raising funds for Government than the poor man.

The imposition of the graduated poll tax, head tax or personal tax is not income tax. This is the sort of thing which is quite unlikely to drive away any investors from settling here. For the sake of a few hundred pounds, which it may produce, it will not be worth driving away investors. If I thought for one moment that the passage of this Bill would have this disastrous effect, it would never reach this House.

Please, Ladies and Gentlemen, we talk about income tax, but nobody here, I repeat, nobody here has really been subject to income tax, as I am sure that they have not stayed any length of time in a country which imposed income tax. Income tax is a word that is up frightening every Caymanian who has to pay. There is only one person here in this Island whom I know of who pays British rates of income tax, and that is our Director of Civil Aviation who loses a large portion of his salary which is deducted in Britain. These were the terms and conditions of secondment to us of this officer from Britain.

I must make it quite clear, while endeavouring to answer, and to point out that there is much difference between income tax and graduated tax, and flat

HON. G. HAIG BODDEN (CONTINUING):

personal tax, as between jumping and cheese. Let us assume that the poorer man cannot pay what he was paying before, and that a man who makes more is able to pay more. This, of course, falls in different categories. I would willingly pay more if I am calledupon to do so, because I earn more than the gardener who attends to the garden at Government House.

With the greatest respect to both Honourable Members from George Town, there is a cross - section of residents; some being a little more affluent than the others, and it seems that the opposition to this measure comes from the more affluent of the community. Let us look at this thing impartially and endeavour to show and to devise means of getting equitable forms of taxation for our people. The poor man at the bottom of wage earning scale can say this is all very well and good, but I have to pay the same taxation by indirect means and by direct means, at the moment, to my boss. This is what he can really say with truth. He may only rely on the fact that his boss buys more beer and he uses more gas in his car, therefore, he should be making a little more. He senses the personal requirements, be he rich or poor. Accepting the luxuries which are approximately the same. there are a certain number of meals a day, a certain amount of travelling to be done, therefore, he pays as much as the rich man.

This Bill would be the only one where an attempt is made to say to the wealthier that we are asking you to make a greater contribution towards bearing a greater amount of the burden for the Cayman Islands Government than those at the bottom of the wage scale.

Let us therefore arrive in good faith and let us not be misled by inferring that this is income tax or the beginning of it. I would have been arguing it even before it came to the House, if we did this at this stage of our development as it would be doing considerable harm to your economy. Ask any questions, anything which would correct the fact of income tax being introduced here. I would like this corrected here and now.

MISS ANNIE BODDEN: Again, I must say that the inhabitants are against this. I am recommending, if it be so, that women be taxed, but it seems the men do not want that because the women will soon be on the same level with them. If the women have to be taxed all good and well, but if the men want it that way, well alright. The whole Island has been misinformed about this Bill, but it is the consensus of opinion throughout the whole Island about these taxes. I say, tax the women as well. Sir, with the general feeling of unrest concerning this Bill, I say have a flat rate increase and I am sure it will be acceptable to everybody."

A flat rate would simply be to put up the poll tax, not related to income.

"CAPT ELDON KIRKCONNELL: We do not have sufficient staff to enforce it. How can Government assure the general public that if the taxes are introduced that it will be fairly

HON. G. HAIG BODDEN (CONTINUING):

done according to the man's earnings and his capabilities.

MR. PRESIDENT: We have just got to believe that when and how these questions are asked, they will be answered honestly. It is either yes or no; I do or I do not earn more. It has been reportedly said in this House from all Members, that there is such great faith in the sons of the soil in these Islands, therefore, I have not the slightest doubt that anyone would be misleading in this way in order to be known to have such an insult and slur cast on the Caymanian character.

MR. K. P. TIBBETTS: Several people came to me on Friday and Saturday and asked me to fight it, that it would not go through. They said that they did not realise what they had said at the time. I tried my best to explain and verify what I felt it really meant, and what I was were the benefits of it. However, they still persisted that it should not go through. I would like to say here that I cannot support it.

MR. PRESIDENT: I wish they had mentioned something to me when I was in Cayman Brac, and when I asked for questions to be fired at me about any doubts on any matter which they might have had, but this subject was not brought up. If it was so desired, this matter should have been brought to my attention there.

MR. K. P. TIBBETTS: I was tempted to bring it up, Sir, but knowing the feelings of the people in June concerning the same, I did not know whether I should or not."

Mr. A. B. Bush who was also against the introduction of income tax -

"MR. A. B. BUSH: As I said in the Committee meetings, when this subject was brought up, I did not agree with this upgraded system of poll tax. If Members may recall, this was said and the records will show it also. Call it what you may, I feel within myself it is something more that what most of us look at it to be. I am sure that once it is in practice, it will accelerate each year and it will go on working up to nothing short of full-fledge income tax. I am not agreeable to support it. I do not agree to working it out on this type of scale, although I am in favour of having the present tax raised; but I am not in favour of the re-graded system.

MR. PRESIDENT: The opposition came from those who can best afford to pay, not from the poorer people, but from those who can give a greater contribution to Government. It would appear that in certain quarters there is so much opposition, it is so strange that we might even expect a certain revolt from this. I assume that the affluent members of the community are contented with the progress in this territory. There are no other inferences.

HON. C. HAIG BODDEN (CONTINUING):

MR. W. W. CONOLLY: If I may say something, Sir, I have been listening to the debate and I am a bit astonished that just a while ago when dealing with the Bill that we have just passed, Members were so anxious about putting on taxes which would be recurrent taxation in the form to be placed on taxies;and for that to be, as I pointed out, it would be forwarded on to the passenger who comes from the other district. Note that in a year's time the poor passenger, one who cannot afford to buy a car, might have to pay pounds and pounds extra on account of we putting a raise on the taxi licences.

As far as I can see, Sir, I do not see why there would be so much opposition to a person paying a flat sum once it is a personal tax and it is stipulated how it is. In my submission there is only a small portion that people pay indirectly. Nearly every mouthful of food is imported into the Islands. I take it that as it stands now, the head tax will double itself. I am not saying that this is the best way of wording it. I am not suggesting that this taxation as this type has been done any place else, but what I feel, Sir, as we did stand today, there should be some difference between the person who is better off and they should contribute more than the person who is not so well off.

And as I have said, I supported this when the Committee met and I am still supporting it, Sir. If the necessity arises, and the necessity arose at this time for some additional revenue, I am supporting it as it stands. I feel that there are different categories of people who should pay different categories of head tax. It is too unfair for all the people to pay the same amount of head tax.

MR. CLAUDE HILL: We are quite aware of the financial needs of Government that more money will have to be raised, but I do not feel that poll tax should be dealt with in the form of grading, but personal tax could be raised to a standard where we could get something and everybody will be happy."

Mr. T. W. Farrington, who is now deceased; but I know he will not mind my reading his words. He was a strong opponent of the Bill.

"MR. T. W. FARRINGTON: I have listened to the debate on this Bill, Sir, and I am convinced from what I have heard, it is the consensus of opinion that the public is definitely against this Bill.

I may say that when this Bill came before me in another place, I felt that we had the right to oppose this Bill in its present form. In the first place, there certainly would be some confusion if one would attempt to assess who is capable of doing this and who is capable of doing that. That is number one. It would mean employing extra staff for Government and I believe that in the long run it will not mean very much money. The whole object of these Bills are to raise money that is badly needed, and I believe that there are other ways of raising

HON. G. HAIG BODDEN (CONTINUING):

more revenue than this form of taxation. I believe that if we were to say, for instance, that we raised the taxes to twenty-five or thirty shillings, it would bring in very much more - I am convinced of that.

Furthermore, it has been suggested that women should be taxed. Well, there again we have this situation - males are all taxed and a lot of those males find it difficult to pay that tax. If we were to say, 'We will tax women', their men would say that a man finds it difficult to pay one pound or one pound five shillings, whatever is to be paid. Now he will find it much more difficult to pay for his better half too. I believe that in view of all that I have heard here, this Bill will not pass. I am convinced by the arguments of the pros and cons.

MR. PRESIDENT: The original suggestion was never made with the intention that not all women would pay tax, only those in salaried employment. There was never any intention to tax a housewife. This proposal first came about many months ago when it was thought that the suggestion was made that the poll tax should be extended to women in salaried employment. If the woman's only function is fulfilling her duty in the home as housewife and mother, then there is no question of taxing her. Here is a chance now when a person who earns more can give just a little more contribution than can the poor man who earns less. We hear, at least I do whenever I go around to the different districts, that all of us are bearing the same burden. This is a true statement.

Now, if we were introducing income tax - why have poll tax? There is a distinct difference between the two. Here is a chance of changing that popular criticism that taxation is levied equally, irrespective of his or her income. I do not see why people who earn five or ten hundred a year should object to giving the Government five pounds instead of one pound which the poorer man gives. Now we have a barrier of defence from the salaried and wealthy people in this territory which does not, to my mind, reflect the meritorious reflection on their part. We are just asking the more affluent to make a slightly little more contribution towards levelling it out amongst everybody.

I must say, this is the first country where I have lived or visited where every man pays the same. It is inequitable; not everybody can be a top Civil Servant or property owner. I pay out into the general kitty the same as the honest-to-God hard-working labourer. Do you think this is right? Again, we are not talking in terms of income tax.

MR. T. W. FARRINGTON: Women who are gainfully employed, it is said, should pay a poll tax. I note that as far as men are concerned, there is nothing in the Law concerning men who are gainfully employed. They pay a flat rate whether they are employed or not employed. Let us assume that you have these returns on the first of January. At that time you might find that there are fifty women gainfully employed.

HON. G. HAIG BODDEN (CONTINUING):

The next month or two, every one of them is out of a job. Alternatively, Sir, you might find that two months after that, one hundred are gainfully employed and the assessment was made in January. I think it is inequitable and that is where the confusion comes up.

MR. PRESIDENT: This was discussed over a year ago. What I said, Sir, was merely amending that suggestion which was originally put forward by this House, which was only to consider the poll tax for women who earn salaries. It is only the popular opinion that Government ever considered taxing women. We never We only considered the possibilities where women were salaried, employed, to pay a pound a year.

Is there any Member of my Constituency speaking in favour of it? Then we are to suppose that the recommendation was made in good faith by the Taxation Committee, and when expressed to the people, or a cross-section of the people, it has been rejected.

MR. W. W. CONOLLY: I think I spoke in favour of it, Sir, I am not arguing about it. I had a meeting which was attended by a representative group of my constituents (I am speaking about the number of representative groups there) and they agreed with the idea along the lines which I had made to them. They realised that the money is going to be used to build roads, schools, a better airport and the maintenance of these different buildings.

MR. PRESIDENT: I would just like to sound this warning that in my opinion if this House does not give some consideration to a more equitable form of indirect or direct taxation through the form of poll tax, which is not income tax, then this House will ultimately be asking for trouble from the bottom of the scale who will say, 'I earn a quarter of that man's salary, and yet my burden of taxation is the same.' This is what the poorer man can say in truth. Therefore, we must assume that the affluent, and I hate the term 'vested interest', but the affluent people are reluctant just to make that contribution to the development of their country than those to the bottom of the end scale. This is a bad example, it is not what this Bill might realise in terms of hard cash, it is the principle of hard cash that is all important."

Mr. Spurgeon Ebanks, who spoke against the Bill, and who voted against it:

"MR. SPURGEON EBANKS: I have listened carefully to the debate. I have put some thought into this bill and I do not think the real object is the one pound suggested or the two pounds ten shillings suggested, or five pounds suggested which is really the same. I think the real snag is, Sir, this real tax which is paid in income and as such is income tax, whether we want to call it so or not, and this House is afraid of it or the adverse bearing which the sound of passing an income tax Bill will bring in the ears of the foreigner. I am not speaking as one

HON. C. HAIG BODDEN (CONTINUING):

of the affluent, but it is the principle of taxation that is the snag, and the bad feelings that we have had is because of the adverse bearing it might have on our economy. This is all this House is afraid of, not the amount of money we would have to pay.

Now, in my opinion, Sir, a graded taxation could be placed on a professional basis. I am suggesting that you bring back this Bill and base the taxes on a professional basis and it would probably have no trouble passing through the House, and maybe we could realise a greater taxation as well. For instance, Sir, let us say some of our lawyers made a document taking half an hour to do so and they charged five, ten, twenty guineas. People like that would not mind paying ten pounds a year. I am only just making that suggestion that it be graded on a professional basis rather than income.

MR. PRESIDENT: That is an alternative suggestion, but there is a difference in scaling on a professional basis because you have the common labourer, the carpenter and then we have the white collar clerk, grade one and grade two in professional classes, yet the Civil Servant, a clerk today, gets far less and not much more than a common labourer. Nevertheless, we appreciate that suggestion.

MR. CLAUDE HILL: During the Taxation Review Committee, the Chairman of that Committee introduced a letter to the Committee suggesting the proposal of this grading. I objected to having it read because some of the Members were not present at the Meeting. I have no record here on the Taxation Review Committee, on it, and I would like very much to find out who gave that proposal which was produced in the Committee.

MR. V. G. JOHNSON: I was Chairman of that Committee and I cannot remember that letter at all. I cannot recall any such letter, not with the proposal of re-grading, which was introduced into the Committee. However, there was some mention made of a letter being received from an outsider to one of the Members of this House. It had nothing to do with the grading of poll tax, but rather, other recommendations. That letter had nothing about re-grading of poll tax.

MR. PRESIDENT: However, the suggestion was made and it came from some source.

MR. CLAUDE HILL: I have no reason to say that it came from outside. I speak subject to correction.

MR. W. W. CONOLLY: During the Taxation Review Committee, a letter was received by me from an outsider who had no connection with this House personally whatsoever. If I am requested I would be at liberty to produce it.

MR. V. G. JOHNSON: The recommendation was passed by the Chairman of the Committee and it met with a lot of

HON. G. HAIG BODDEN (CONTINUING):

opposition. I recommended it. I supported it, and I have no intention other than to continue supporting it.

MR. PRESIDENT: Let us take a vote on this.

MR. BENSON O. EBANKS: I was a Member of this Committee, Sir, but unfortunately I did not attend that Meeting as I was absent from the Island. When I returned, some reference was made to this letter. I asked to be apprised of the contents and was told that the letter was taboo as far as the Committee was concerned. My feeling on the matter is that it seemed as though, during the discussion in the Committee, this question of graded poll tax was tossed to and fro. The recommendations presented to the Committee, I supported. I saw nothing irregular about it. The understanding of the Committee was that the taxation would be based on the voluntary declaration of each male at the commencement of the year, but it was also put to us not on the person's capabilities. We even used the argument of seamen capable of earning quite a good salary, but he comes home, and through no fault of his own, is not recalled to his job for a year. The principle, of which was accepted by the Committee, was that it would be based on the declaration of his previous year's earnings.

The suggestion as adopted by the Committee would have caused no complications in collecting, nor would added staff be necessary. It was entirely a man making a voluntary declaration. I cannot support the view that this form of taxation was adopted that it would steadily rise to where one would be paying fifty or one hundred pounds per year - it would have to come back to the Honourable House.

If Government found it necessary to raise personal tax for recurrent expenditure, it is as simple to raise from one pound on the present scale as it would be to raise it fifty on the proposed scale. As for the effect of foreign investment in this country, I must say that I have had the same representations made to me as have been expressed by other Members. It is only one thing of which they have lost sight in this representation, that this is a personal tax and investments made in the Cayman Islands are made through registered companies and therefore cannot affect the earnings of these companies.

I must say, Sir, that I must agree that the opposition to the implementation of this tax comes from the more affluent amongst us. Arguments have been raised for and against this, and the chief argument for, was that the more affluent already contribute more under our indirect taxation. However, I would like to make the point that they have ignored the snob appeal and the benefits enjoyed under the indirect taxation. They argue that because they wear better clothes, their contribution is more than the man who wears inferior quality clothes. I feel that the individual making this submission is losing sight of the fact that there is a certain snob appeal acquired by those who have

HON. G. HAIG BODDEN (CONTINUING):

good quality clothing, and who eat ham instead of fish, and who drink whisky instead of beer. In other words, Sir, I feel that in the wording of this Bill there is something wrong with it. I do not feel and I do not see how we can determine a person's capabilities of earning. An individual is capable of earning exactly what someone is willing to pay, but I am for the principles of the Bill and I make no bones about it. I support it.

A few nights ago on the radio I heard a comment by an influential American who said, 'To expect the State to look after you is socialism. To expect your neighbour to look after you is communism, but to look after yourself is Americanism.' And I feel that we should begin to shoulder our responsibilities, that those of us who are in better circumstances, whether we care to admit it or not, do benefit from the social services and other amenities of our Government. The only question on it, and on which I am not fully decided, whether in view of the public uproar which this Bill has created, we are acting in the best interests of this country to impose the Bill as it now stands. I cannot support the view that it is income tax, and I do not see personally, where it can do that much harm if it is implemented."

Later on, I will show that the Third Elected Member for West Bay voted for the Bill...

"MR. PRESIDENT: I commend the Honourable Member on a very able, well balanced, well directed argument for the the pros and cons of the matter under discussion. I agree that certain things require amendments here. The discussion has been on principle, not what is actually written in the Bill itself. If such a Bill should cause an uproar and if the Members are honestly and sincerely convinced that the public are against it, then we will withdraw it. In withdrawing it, one recognises that if there should be an uproar on a Bill which seeks to impose a justifiable measure upon those who earn more, then the ignorance in this territory is lamentable.

Secondly, one would conclude personally here, that if those wealthier people object just to pay that much poll tax, then the poorer who fall at the bottom of the salary scale, is nothing short of a disgraceful condition.

Those in favour of withdrawing the Bill please raise their hands.

MR. V. G. JOHNSON: You are asking for the withdrawal of the Bill, Sir, but I would suggest the withdrawal of the appropriate section of the Bill and not the whole Bill. I think that is the question which should be put forward, Sir.

MR. PRESIDENT: I want to establish the feeling against graduated poll tax since we have been discussing this matter. Do we ignore or reject the principles that wealthier people should pay a little more than the poorer man?

HON. G. HAIG BODDEN (CONTINUING).

MR. T.M. FARRINGTON: It is not fair to say that, Sir, I do not say the wealthier should not pay more than the poorer man, but make it a clear cut case, whether you want it to be on a graduated system, or not going any further than that. It is not fair to this Assembly. I must say that much.

CAPT ELDON KIRKCONNELL: I second that.

MR. PRESIDENT: You can disguise it by putting that in another way. Let us deal with this section by section. We can then note those sections that have been deleted.

MISS ANNIE BODDEN: I did not consult the richer people. Sir, my duty is to the poorer class of people. They have been consulted and they oppose it more than the richer people. This term of 'capabilities of earnings' has got them all confused. The whole general public is against it."

And if I can add one comment - capabilities of earnings is at the root of income tax.

"MR. PRESIDENT: I would seek to amend that in any case. 'Capabilities of earnings' is a very difficult thing to define, as we would have to find out what category he falls into on earnings in the previous year.

MR. W. W. CONOLLY: What a person earns is altogether different from what a person is capable of earning. We must agree that if a person is earning five thousand pounds a year here, yet still he may be capable of earning one hundred and fifty thousand pounds a year. I feel that 'capabilities of earnings' is used as a norm here; that is as I see it.

MR. PRESIDENT: Is it not whether or not we are going to have the form of graduated personal tax, what we are talking about? Hands up those in favour of proceeding to consider the form of graduated poll tax, and second, those who wish to have deleted all reference of graduated personal poll tax from this Bill.

It is necessary to establish it before we continue considering it with the rest of this Bill, whether the House is in favour or not in favour of having a graduated form of personal tax. Then we can know him and where we start sifting out and so see the majority for and against. Would, therefore, those Members who wish to see all reference to any form of graduated personal tax deleted from this Bill, kindly raise their hands.

MEMBERS: Members raised their hands. There being ten against the Bill and five for."

Those who were against income tax .... I am not reading this from the Minutes ..... I am saying that those who were against income tax because whether you call it personal tax or .....

MR. BENSON O. EBANKS: Mr. President, Sir, in fairness, the Member should say what the vote was on. The vote was not on income tax, and he is here cleverly injecting an untruth.

HON. G. HAIG BODDEN: Mr. President, the question was asked whether the Members wanted graduated personal tax or not. I am saying that a rose by any name, smells the same, and I agree with the other ten Members of the Legislative Assembly back in 1968 who voted this Bill down, that a graduated personal tax based on the earnings of an individual is surely for all intents and purposes, in all respects, an income tax law.

The Members who voted against this Bill were:

Capt. Eldon Kirkconnell
Capt. Keith Tibbetts
Mr. Berkley Bush, JP
Mr. T. W. Farrington, CBE, JP
Mr. Claude Hill
Mr. Burns Rutty
Miss Annie K. Bodden
Mr. Spurgeon Ebanks
Mr. Anton Bodden
Mr. Richard Arch

Those Members who voted in favour of this particular section of the Bill, that is to keep in the graduated personal tax, alias income tax, were:

Mr. Warren W. Conolly, JP
Mr. Benson O. Ebanks, Jnr
Mr. K. U. McNamee
Mr. V. G. Johnson - Treasurer
Mr. D. V. Watler, OBE, JP - First Official Member

To go on with the debate:

"MISS ALNIE BODDEN: Would it be out of order if we make a flat increase in the rate of head tax, or will that be taken care of in another Bill?

MR. PRESIDENT: It will be taken care of in another Bill at the Budget Session if that is the general feeling of the Members of this House.

MR. V. G. JOHNSON: Section three then becomes section two and so on, Sir."

And the rest of it goes on to deal with the other matters of the Bill which were to increase taxes on cigarettes and liquor and so on. I do not think the House needs me to read that, but to sum up, I would like on this point, because there are many other points I have to deal with, I would like the Third Elected Member for West Bay, with your permission, Mr. President, to know that I read no untruths from this Bill. The question was put on..... Mr. President, I am conscious of the Standing Order that should prevent the Third Elected Member for West Bay from making slurs against my reputation. I am disgusted with it and I am ashamed that a Member of this Legislative Assembly would behave in this fashion.

HON. G. HAIG BODDEN (CONTINUING): The question was put on whether the Members wanted a personal graded poll tax. The answer was 'no' from ten of the fifteen Members who were present and the matter was defeated and so saved our financial offshore business.

MR. PRESIDENT: I think perhaps, if the Honourable Member has come to the end of that part of his speech, and since he has promised us so much more, the remainder of the House may consider this a convenient moment to break for lunch. I therefore suggest that we suspend proceedings until 2:15 p.m.

HOUSE SUSPENDED AT 12:45 P.M.

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT: Please be seated. The Narcotic Drugs (Evidence) (United States of America) Bill, 1984. The Honourable Fourth Elected Member of Executive Council.

HON. G. HAIG BODDEN: Mr. President, I had made up my mind to make by debate very short, but I know that the Third Elected Member wants to speak in this debate and he .....

MR. PRESIDENT: He has spoken already - the Third Elected Member.

HON. G. HAIG BODDEN: Yes, the Honourable Third Official Member wants to speak in this debate, and even if I have to filibuster, I will have to keep the debate open so that he is not denied his right to speak.

Before continuing with my debate, I would like to clear up one small matter on the date of the coming into effect of the Single Convention of Narcotics, so that people will not get the wrong impression on what I said this morning, or so as to set the record straight.

HON. A. HAIG BODDEN(CONTINUING): The Single Convention on Narcotic Drugs seems to have been drafted in 1961, and amended by the Protocol amending it in 1961. The Convention entered into force on December 13th, 1964, and was subsequently applied to other territories afterwards, and in the case of the United Kingdom, the application to the Cayman Islands as well as its other dependencies was the 26th January, 1965, and I am informed that the Third Elected Member from West Bay was not a Member of the House on the 26th January, 1965, and therefore the credit I had ascribed to him for becoming a part of this Convention cannot now be ascribed, since he was not a Member. However, I think the Convention is a good Convention, and the credit should be ascribed to whatever Members were in the House on the 26th January, 1965, and I must say that I am sorry that the Member could not get the credit which I had hoped to give to him for accepting this Convention.

It is regrettable that we were sidetracked by the reading of such a long and tedious document this morning, and I must say that I cannot see the reason for it. However it was the wish of the Member, and the Chair agreed to it, so I do not question the order that was made from the Chair, and I am happy that we were able to read in its entirety the documents that have been read.

I would like to show the, one of the devious methods that was used by the Press to give the wrong impression to the public about the Agreement which had been signed. The Financial Times in London published an article which said "Cayman Islands Agreement reached" on this Narcotic Agreement. The headline was "Cayman Islands Agreement reached". Our own newspaper, the Cayman Pilot, in trying to make the public believe that this was a Secrecy Law shock, on the 19th July, 1976, in their weekly paper, which is published, according to this, from Friday, 13th July to Thursday, 19th July, came out with an article in which they used for the substance of the article, the Financial Times article which I have just mentioned, but instead of telling the truth, as would be expected of a newspaper, they did not say "Cayman Islands Agreement reached", they said "The London Financial Times carried the headline Cayman Islands Secrecy Laws Pierced", which is altogether different from the Financial Times story, and I think this is regrettable when the Press deliberately manipulates the news to give the wrong impression. Had they simply quoted the headline from the Financial Times, they would not have been able to come out with a headline "Secrecy Laws Shock", and they would not have been able to twist the headlines in the London Financial Times to read "Cayman Islands Secrecy Laws Pierced".

There has been long debate on this Bill, and with the exception of one Member, it has been unanimously accepted that this Bill, which gives force to the Agreement signed on July 25th this year, is a good Bill, and one that will probably go down in history to the credit of this Legislative Assembly, and with those few words, Mr. President, I close my debate on this Bill.

MR. PRESIDENT: The...No you had your explanation earlier. You were allowed to interrupt.

MR. BENSON O. EBANKS: Mr. President, I had this berth booked from yesterday afternoon, Sir.

MR. PRESIDENT: Let me just have a look. You will have to refresh my memory because the Minutes do not make it altogether clear that you had risen yesterday afternoon during the speech of the Fourth Elected Member with a request.

MR. DENSON O. EBANKS: Yes, Sir, and they did not choose to yield at that time. This morning he yielded.

But, Mr.President, I am not going to be very long. I assure you that I had, and I think the Second Official Member remembers my booking this berth yesterday evening.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, since the Third Elected Member from West Bay has invoked my name into the proceedings, my fading recollection indeed was that at one time he asked for a right to make a point of explanation, but way was not given. However, I had considered that when way was given this morning, he had had a good opportunity to make all explanations he thought necessary up to that date, and had exhausted his rights thereby.

MR. PRESIDENT: Well, I think if he did store one up yesterday, this morning's one I regarded as being for the purpose solely of replying to what was immediately being said then, and I would have stopped him from saying anything else.

MR. DENSON O. EBANKS: Yes, Mr. President, particularly in light of your ruling yesterday.

MR. PRESIDENT: Yes. The Clerk has confirmed that you booked your berth, although the Minutes do not actually make it clear.

MR. DENSON O. EBANKS: Yes, Mr. President, yesterday afternoon I did indicate a wish to offer an explanation at the conclusion of the Fourth Elected Member of Executive Council's speech under the Provisions of Standing Order 34(2), but in view of your ruling on this Order yesterday, Mr. President, I have reconsidered the matter, and I am going to waive my opportunity, save that to say that I think it is unnecessary for me to make the rebuttal which I intended to do, because I remain satisfied that my submissions have not and will not be rebutted by facts.

MR. PRESIDENT: The Third Official Member has risen.

HON.THOMAS C. JEFFERSON: Mr. President, I have been associated with the Department of Finance and Development since 1971, and the knowledge gained of our financial industry places me in a good position to determine what is detrimental to the industry, and what is not.

This Agreement which is based on our obligation set out in the Single Convention on Narcotic Drugs 1961, and which was signed on the 26th July, 1984 by the United Kingdom and the United States, in my mind is a major step forward to ensure the future development of our financial industry, and these Islands.

Anything a human being does, Mr. President, can be improved, if for no other reason than changes which occur over time, requires us to do so.

The ideal situation, Mr. President, was for the Cayman negotiating team to arrive in London with its masterpiece of an Agreement which included input from everyone, and for the American team to read it, and say thank you very much, here is our signature.

HON.THOMAS C. JEFFERSON (CONTINUING): Mr. President, and Honourable Members, we all know that this ideal situation would not be realised. The mere word, Mr. President, negotiate, means to bargain, to confer for the purpose of mutual arrangement. That word, Mr. President, by itself illustrates that an ideal situation or an ideal solution would be almost impossible to achieve.

Mr. President, allow me to review some of our experiences which led us to be here today debating this Bill. Mr. President, as His Excellency the Governor will recall, both of us about two years ago, on separate occasions, held discussions with Bankers using moral persuasion to gain their acceptance in establishing more stringent controls on the quality of business they accepted. I have over the last two years, Mr. President, been discreetly monitoring the quantity of cash that arrives in these Islands in suitcases, and I have been satisfied for many months that very little, if any, is coming in and being deposited in our Banks.

Recently, we have been concentrating on the entire financial industry, and the need for every firm to ensure that they improve the selection process of the business they take on, simply because, Mr. President, the Bankers take accounts referred by the Legal, accounting, insurance, and management company businesses. When we consider the many methods used in establishing accounts, and for transferring or receiving funds, we then realise the difficult task of the Bankers and Trust personnel in ensuring that all business is clean.

In their defence, Mr. President, I am satisfied that the business coming to and operating from the Cayman Islands is being cleaned up.

This Agreement will make that task, that is of keeping out narcotic related business,easier, because the narco-dollars as we have come to call them will go elsewhere, and if any were here, certainly the funds have been transferred before this Bill came to this Honourable House.

I remember, Mr. President, a person who entered these Islands six months ago with a briefcase of money: he walked around town all day, Mr. President, trying to get those funds deposited.

I have had many conversations with senior officials from the parent international banks over the last two years, and their concern is what is the Cayman Islands Government doing to clean up its tarnished image. Mr. President, when we examine one of the clippings which I have collected entitled "Money Laundering" how arcoke recycle 80 billion dollars a year in dirty money, and unfortunately, Mr. President, the Cayman Islands name is mentioned in many places in that article.

When we take this article into account, Mr. President, we can appreciate the concern because the article is slanted in such a way to allow the reader to come to the conclusion that all funds transferred from or received by an offshore financial centre is drugs related.

The senior officers of parent international Banks previously referred to, Mr. President, also told me that the parent Bank has many clients which it wishes to refer to the Cayman Islands, but those clients have given strict instructions because of the image that is being portrayed of the Cayman Islands, not to refer their business to these Islands.

HON.THOMAS C. JEFFERSON (CONTINUING): Mr. President, in my budget address, I made mention of the bullying tactics being used by the United States Government in trying to undermine the Laws of this country. I have no apologies to make for those statements, Mr. President, because today, I believe them to be as correct and appropriate to be said as I did then.

Many residents are now aware of the trying times this Government has had with the extra-territoriality pressure. We began to negotiate with the United States Government, from September, 1982, Mr. President, so any accusation of dragging one's feet, is in my view unjustified.

It was within recent times that the President of the United States, appointed his Vice-President to head the task force dealing with drugs, or narcotic drugs, and we witnessed as a result of that appointment, some pressure from the first quarter of 1985, when the Assistant Manager of Barclays was held in Florida. This task force previously referred to is staffed with Federal Prosecutors and Investigators, Mr. President, who are not for one moment concerned about the Laws of any other country.

We have evidence of documentary Subpoenas being used in the case of a Bank Branch located in London. We have evidence of documentary Subpoenas being used in the case of a branch in the Bahamas, and closer to home, Mr. President, we have very conclusiv evidence of the BNS case, and I understand from a very reliable source yesterday, Mr. President, that the country of Bermuda is now under very serious pressure from the Federal Prosecutors as well.

The local example of this Subpoena pressure, Mr. President, where the Bank of Nova Scotia branch in Florida was subpoenaed by the South District Court of Florida in order for that particular Court to obtain documents from the Cayman branch of BNS. That case, as most of us know,but allow me to say it again, Mr. President, went to the Eleventh Circuit Court of Appeals in Atlanta, who referred it back to the District Court because the Appeal Court thought that the District Court did not take into consideration the letters signed by His Excellency the Governor and the United States in 1982.

That District Court, Mr. President, and perhaps it illustrates again, the attitude of Federal Prosecutors, and their arguments which they can pose to a District Court; the Court ruled there was no agreement, and the case was then appealed or referred back to the Eleventh Circuit Court of Appeals in Atlanta, where, I understand from official sources, that the decision was made in the last couple of days, not in favour of Bank of Nova Scotia, and the bank is now facing a fine because of the fine that was imposed by the District Court of $25,000 a day. That total fine, Mr. President, now facing BNS, is 1.5 million United States Dollars.

Allow me to ask, Mr. President, how long do we estimate any Bank in the Cayman Islands can sustain these charges to its Profit and Loss Account before taking a very major decision which may not be in the best interests of these Islands.

Secondly, Mr. President, which is more detrimental to these Islands, the Narcotics Agreement which we have, or the situation I have just described. When we add to the BNS case, Mr. President, the case of Mr. Falconer, who went to Houston as a member of a cricket team to compete there, and was served on that cricket field with a Witness Subpoena, where is the real danger to the Cayman Islands, Mr. President, I ask that question.

HON. THOMAS C. JEFFERSON (CONTINUING): Mr. President, very often we talk about the need of the Banks and the Trust Companies to clean up their act, and I know I am repeating myself, Mr. President, and in their defence, I must say to the Caymanian public that I have cause to believe that they have, but we should have focussed, as we have been, our attention on the financial industry's need to keep it clean, and this Agreement, Mr. President, which we have before us, will assist in that task, although, only related to narcotic cases, Mr. President. But, I will venture to say that the number of cases that I have seen since sitting at my desk, 90% of them are narcotic related.

The Cayman negotiating team met with Members of this Honourable House on many occasions, Mr. President, to ensure that Members were aware of the progress of the negotiations on the Agreement at all stages. While there were many questions raised seeking clarifications, I am happy to say Members supported it. The team also met with the Financial Secretary's Consultative Committee, which is comprised of many senior partners of the legal firms, accounting firms, senior managers of the insurance firms, and a representative from the Bankers Association, whose specialisation is banking, and another from the trust side. These members of the Committee, Mr. President, were recommended to me by their respective societies or associations.

Their support, that is the Bankers' support was evident in the Press release, Mr. President, but in the early stages, many points were raised, and we took them back to the negotiating table, and in some we were successful.

We ran across the situation sometimes, Mr. President, where one person begins to argue even after having all opportunity to go through the Agreement, to look at it and examine it Article by Article, such are human beings, Mr. President, the good man that came down from Heaven, even he did not please everybody.

I would like to publicly thank the Bankers Association who, as I said earlier, demonstrated their support by a public release, and also the other members of the Committee, who helped us to reach an Agreement with the United States. Special thanks, Mr. President, to the members of the team who experienced, as I believe the song goes, 'blood, sweat and tears'. Perhaps one day, our long hours' efforts, and personal sacrifices will be rewarded by the real judge of this Universe, Mr. President, and I refer to Almighty God.

This Agreement before us, Mr. President, and the Bill, but referring specifically to the Agreement, has certain built in safeguards. In 5(1) there is the consultation that consultation even goes as far as to allow the Attorney-General of the Cayman Islands to find out how the information was used that was referred to the United States Attorney-General.

In 6. which has been read before, no Federal Subpoena, including a Grand Jury Subpoena related to documentary information located in the Cayman, in any matter falling within Paragraph 2(1) of this Agreement, will be enforced in the United States without the prior agreement of either the United Kingdom Government, or the Cayman Islands Government.

And, Mr. President, Paragraph 2(1) is based on the Single Convention of Narcotics.

This profession of ours, Mr. President, and Honourable Members, is a very thankless one, but we have done our best to ensure that the prosperity of these Islands continue, and that our children, and perhaps theirs' will continue to have the opportunities which we cherish today.

HON.THOMAS C. JEFFERSON (CONTINUING): In closing, Mr. President, when you have done your best and your conscience is clear, the satisfaction of the job comes from within.

Thank you very much.

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

MR. CARSTON J. SMITH: Mr. President, and Honourable Members of this House, so much has been said on this Bill in the last few days, that it leaves me very little room to say very much, and in the light of this, Mr. President, I will make my contribution to this debate very brief.

This Bill, Mr. President, in my opinion, as the Mover of this Bill rightly put it, is the most important piece of legislation ever to come before this Honourable House.

Mr. President, the very able and concise manner in which the Mover of this Bill, the Honourable Attorney-General, who piloted this Bill, one who had the slightest objections to this Bill would be convinced that the passing of this Bill through this Honourable House will be for the betterment of the people of these Islands.

Mr. President, Sir, in listening to some of the debate on this Bill, I am astounded to hear some of the arguments put forward against this Bill, and the little trust they have in the United States, and also the little trust they have in the Members of this Honourable House, who negotiated this Agreement.

I am also astounded, Mr. President, to hear people cry out against increase of taxes, when they themselves in 1976 tried to introduce income tax on the people of these Islands.

Mr. President, the United States has been the lifeline of these Islands over the years, and has co-operated with these Islands in every way, including curtailing the trafficking of drugs from our shores. For this, Mr. President, we should be most grateful and assist them in any way possible.

It is a known fact, Mr. President, that drugs have become a world-wide problem. It is not different, Mr. President, in these Islands of ours. Drugs have caused many countries to face what we are facing today in our little Island. We have made an all-out attempt to cure this evil, with some success, and if we can help someone who can help us, and has helped us, we should do so.

Mr. President, I can only say that time, only time, will prove to some people that the signing of this Agreement, and the passing of this Bill by this Honourable House we will gain much more than we will lose.

Mr. President, I have no problem in supporting this Bill. The only people who should have a problem in supporting this Bill is the people who have something to hide.

Mr. President, in conclusion, I want to congratulate the three Members of the Government Bench who negotiated this Agreement. I know they have spent many long hours on this Agreement, and I have every confidence that what they did is in the interests of the Cayman Islands.

Mr. President, I thank you very much.

MR. PRESIDENT: Does any other Honourable Member wish to speak? If not, I will invite the Mover of the Motion to exercise his right of reply if he wishes. Second Official Member.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, when I opened this Debate, and proposed the Second Reading Motion, I said that I considered it one of the more important Bills to come before this Legislative Assembly.

The seriousness, the tone of the Debate, the intensity of the Debate, has shown that the Members of this House, have treated it seriously, have treated it with concern, and have given it the due regard which it should. I am glad to find, Mr. President, Sir, that the Members of this Honourable Assembly have,with perhaps one exception, given general support, both to the negotiators, to the Agreement which was signed, and to the Bill which implements that Agreement.

To those Members, I give thanks for their support, their encouragement, and their words concerning myself and my fellow negotiators.

For the one Member who did express doubts, and worries, I accept those doubts and worries. I accept those doubts and worries, because in my experience in this Chamber, and in the Cayman Islands, I have never doubted the sincerity of that Member, of the reasons why he raises doubts and objections, that is because he likes to question, he likes to be assured, and whenever he does things, he does them in the interests of the Cayman Islands. But, perhaps, Mr. President, Sir, he did in his speech, was a little eloquent and a little enthusiastic when he described the Agreement and the Bill as a surrender and a capitulation.

Mr. President, Sir, I do not think it can be fairly described as a surrender or a capitulation when the chief legal advisor of the world's greatest nation, is prepared personally, to certify, personally to give undertakings to the chief legal advisor of a small, proud and independent territory.

I do not think it a surrender and capitulation, when for the first time ever, the United States of America has been prepared to do what it has not done in negotiations, in Treaties, in mutual assistance pacts with any other country in the world, with the Swiss, with the Canadians, with the French, with the Dutch, with the Mexicans, which it has not yet agreed to do with the United Kingdom in its own right, and that is, voluntarily to say, not merely as an aside, but to formalise and put into an Agreement, that it will undertake to limit its own claims of extra-territoriality. If that is surrender, Mr. President, Sir, if that is capitulation, Mr. President, Sir, the words have different meanings from what I have always known them to be.

Mr. President, Sir, in the doubts that were raised by that Member, there were a number of points made, and since they were made, I feel that it is only fair to the Members of this House, and to the Government, and to the population of the Cayman Islands, to mention them briefly, and to give, what I consider, is the correct interpretation on them.

The first one was that the methodology adopted, namely of certificate and order, in this Bill and in the Agreement, circumvents our legal system, and goes behind the backs of the Court.

HON. J. MICHAEL J. BRADLEY (CONTINUING): I think Members should be clear in their minds that what is being done by the issue of a Certificate to the Cayman Islands Attorney-General and his subsequent issue of an order to an Assistor, is not to charge that Assistor with any criminal offence, but to ensure that that Assistor produces documentary and other information to the Attorney-General of the Cayman Islands.

It was said, wrongly, I believe, that it was giving to the United States Attorney-General, in respect of the Cayman Islands, power which was not possessed by him in his own country. Here, Mr. President, Sir, in the Cayman Islands, the power to request and to enforce the handing over of documents, is not a unique concept. It has been enshrined in our legislation: it is enshrined under the Banks and Trust Companies Regulation Law to the Superintendent of Banking. It is enshrined in our Insurance Law, to the Inspector of Insurance, who both have similar powers to demand documentary information.

In many other jurisdictions, administrative authority have the right to issue notices, in the United States, in the United Kingdom, and to demand that information and documents be handed up for the general good government of the territory concerned.

Mr. President, Sir, it was suggested by the Honourable Member that the wrong approach had been made, and that instead of introducing this new methodology, that it could have been achieved by streamlining of the Confidential Relationships Protection Law, 1976.

May I remind Honourable Members, in respect to that suggestion, of two things. The first of all is, that basically in order to get authorisation for the release of confidential information under that Law, that there had to be such a case presented to the Court here, to convince it that a prima facie case already existed, or that an Indictment had already been laid in the United States or other territory. It was in may ways, if I am use a much abused phrase in the Cayman Islands, recently, a 'Catch 22' situation, because, Mr. President, Sir, in many cases the very documents that were needed to clinch the Indictment, and, or to clinch the prima facie case, were the documents which were being sought.

The second problem with the Confidential Relationships Preservation Law in respect to the narcotics cases, was that even when permission was given, and authority was granted for information to be sought and to be obtained, it was found that, quite rightly, persons in the finance industry here, were reluctant voluntarily, to hand over such information, because it was felt by them, that such voluntary handing over the information could be considered to be a breach of their customer/client relationship, and that they would leave themselves open to an action at law for this.

In the Bill which is before this Honourable Assembly, there is specific provision which states that if information is disclosed by virtue of the order made to them by the Cayman Islands Attorney-General, that the persons giving such information, will be protected from any suits, law-suits or actions against them, and in fact, Mr. President, Sir, far from regarding it as a burdensome and oppressive measure, I understand that the finance industry have welcomed the sanction that is applied to them, that they have to comply with an order made in this way, so that they have got no discretion in the matter, but they must comply with it.

HON. J. MICHAEL J. BRADLEY (CONTINUING): They do not oppose this, they support it.

Mr. President, Sir, the other objection which there is to the suggestion that these negotiations could have been along the lines of streamlining the Cayman Protection Law is that one of the prime essentials to counter drugs, to get convictions, to prevent the flow of money, to successfully overcome the world-wide use of telecommunications and computers, is speed and simplicity. We can strengthen our Courts if we wish, Mr. President, Sir we can enlarge the judiciary, we can put cases forward on a basis of urgency, but the point still remains, that even in our, and it is speedy by comparison with other systems, even in our speedy judicial system, there is from the Grand Court, a right of appeal to the Court of Appeal, from the Court of Appeal, a right of appeal to the Privy Council, and if at any time, for any reason, any of these Courts refers the matter back to a Lower Court, the whole trail starts again, and I need not remind Honourable Members, that there exist at the present time, matters, civil and criminal matters, in our Courts, which were started off, not yesterday, not last week, not last month, nor even last year.

From the point of view of efficient enforcement, and prevention of narcotic abuse, the United States authorities said, and they convinced me, that they needed a speedy obtaining of information. This method of certifying and obtaining the information will, Mr. President, Sir, in my opinion, do that.

May I go on to another suggestion which was that, perhaps another method could be enlarging the powers of inspection of the Inspector of Banks. We must realise that though the main input in the Cayman Islands, may be towards bank records, that this is not the only source of information, that the Agreement is intended to cover information, whoever holds it, and wherever it is vested in the Cayman Islands, not merely the Bank vault or the Bank records, it could be in an Insurance Company, it could be in a lawyer's office, it could be in a Trust Corporation office.

Another point, Mr. President, that was raised, was that there would be a danger in widespread requesting made by the Grand Jury in respect and under the Agreement and this Law. May I remind Honourable Members that the procedure is nothing to do with anything that emanates from the Grand Jury. The certificate and request comes from one person, and one person only, and that is the United States Attorney-General and it is he who certifies, and he who undertakes.

Mr. President, Sir, there were others many, several more points mentioned but I think these were the most important, except, perhaps, one other one, and that was the worry of the Honourable Member that even if the Agreement comes to an end after the fifteen months, and is not extended or renewed, since there is no provision for termination in this Bill before us, that the situation could arise that the Bill could continue in force, and in application, even though the Agreement was dead and gone.

May I bring to the attention of the Members, the terms of the Bill before us, and the terms of the Bill before us, if Honourable Members would care to look at the First Schedule, Request and Certificate, and look at the actual form of the Certificate, which starts out with the recital; "Having regard to the provisions of the Agreement between the Governments of the United States of America and the United Kingdom of Great Britain and Northern Ireland including the Cayman Islands etc., I the Attorney-General of the United States of

HON. J. MICHAEL J. BRADLEY (CONTINUING): America hereby certify as follows."

This Certificate, Mr. President, Sir cannot issue in respect of this Bill unless the Agreement is in full force and substance, because the foundation stone of the issue of that Certificate is the Agreement dated the 20th July, 1994. Once that Agreement ceases, this Bill will be spent and no longer in any force and effect.

Mr. President, Sir, there was, unfortunately, some delay in the implementation of the Resolution passed on Wednesday, by this Honourable House, concerning the broadcast of the proceedings, including this Debate, and my understanding is that those broadcasts did not commence until last night. It is perhaps unfortunate that it did not commence a day earlier, because, it is my understanding that since this Debate started, and before those broadcasts, that members of the public, at public meetings, have been under certain misapprehensions concerning the tenor of this Bill and the effect of the Agreement.

I understand one of the points made was, that the negotiations were kept secret from the public until a few days before the Agreement was signed.

Mr. President, Sir, Government is Government. I am here in my official capacity as a non-elected Member, my two colleagues, one on either side of me are also, but the rest of the Members here the vast majority of the people in this Chamber, are elected by the people to represent them for four years. I consider that those representives who elect a Government , are given a mandate to conduct the course of affairs of the Cayman Islands until they are next subject to the will of the electorate, and in the normal course of action of any Government, it is of essence that when negotiations are going on, because of the sensitive nature of the negotiations, because of the need to consult back, to refer, to have the consultative processes, which we did, quietly and effectively here, Mr. President, Sir, that we do not, nor does any Government spell out every single word of what is thought, of what is intended and what is proposed.

I think the members of the public were kept informed by statements being issued regularly, saying the negotiations were going on. I think that the members of the public were, once the final terms of the Agreement, were reached, informed of them, that once it was signed, it was issued, and that there has been adequate publication of the Bill before us, before it was considered by this House.

Secondly, Mr. President, Sir, I think it is unfortunate that when we have seen fit to enter into this Agreement, that when we have talked to the United States, and the United Kingdom and negotiated with them, and when we have been treated by them, not as children, but as equals, as responsible people, and as a stable Government, that slurs could be cast upon the credibilities of the Government of the United States' chief legal advisor, that he is an appointed person, that he will disclose information to other persons.

I am Attorney-General of the Cayman Islands. I consider it a great honour to be so. I consider that the responsibilities that I have are considerable. Think how much greater and more onerous are the responsibilities and duties of the Attorney-General of the United States. As the chief legal adviser to the Government of that country of 200 million people; I do not think that he will likely append his signature to a Certificate issued. I do not think he will lightly give an undertaking

HON. J. MICHAEL BRADLEY (CONTINUING): without making sure, without making very sure, that what is in that Certificate is correct or that the undertaking that he gives will be observed.

As you know, Mr. President, Sir, in the United States of America, the actions of public figures, be they elected or appointed are subject to very severe scrutiny, and I think that if at any time there ever any suggestion or hint that there was a breach of an undertaking, that it would not remain secret and dormant for long. My colleague has said that there are provisions in the Agreement whereby we, through me, the Attorney-General, can learn the use that is made of such information. I Sir, and my successors in this post, will not hesitate to ask when we think we need to ask.

Mr. President, Sir, this Agreement that is before us, and this Bill that is before us, is as I said before, a revolutionary departure, a new methodology. But, Mr. President, Sir, make no mistake, when people say they are waging war against the drug trade and narcotics, they are using the word war in its correct sense. It is a world-wide war, Mr. President, Sir, it is a war that goes beyond the boundaries of any country and of any territory. It is a war for the hearts and the minds and the bodies of men. It is a war in which unscrupulous countries, and unscrupulous persons are dealing, dabbling and meddling in drugs to break down the fabric of civilization as we know it and treasure it. It is a war, Mr. President, Sir, which is costing billions of pounds of money in law enforcement, that is ruining lives, that is killing people, that is lowering productivity in the world. No man is an island, and no territory, however small, can disassociate itself from that war.

Mr. President, Sir, we, with this Agreement, and with this Bill that is before us, feel, I feel, are making our small, but our significant contribution to try and kill the evil that is in society today. We know our attitude in the Cayman Islands to drugs; we have emphasised it many times, and this is a further example of how we hate and abhor it.

In that sense, Mr. President, Sir, we are entering into this, we are prepared to assist, and we are assisting in a manner that preserves the integrity of the finance industry of the Cayman Islands, that has the United States treating us as an equal partner in that fight, and has got built into it all possible safeguards for our finance industry, so that instead of causing a flow of money away from here, it will bring to these shores many people who are glad to come to a place that they know is not tainted with drugs, and with the abuse of it.

Mr. President, Sir, I commend this Bill to this House.

MR. PRESIDENT: The Motion is that a Bill shortly entitled The Narcotic Drugs (Evidence) (United States of America) Bill, 19??, be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING

MR. PRESIDENT: I think it may be convenient for Members if we take our customary short afternoon break now, but I would ask for Members' assistance in keeping it fairly short because my understanding from a number of Members at least, is that it may be the wish of the House to try to complete proceedings today even if we have to sit beyond 4.30. So I hope we can limit our present break to not more than fifteen minutes.

HOUSE SUSPENDED AT 3.58 P.M.

HOUSE RESUMED AT 3:50 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. The House will now go into Committee to study a Bill entitled "The Travel Tax (Amendment) Bill, 1984, and various other Bills.

HOUSE IN COMMITTEE

MR. CHAIRMAN: The House is now in Committee. A Bill for a Law to Amend the Travel Tax Law.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. Chairman, Sir, it might expedite proceedings if I and the Clerk were jointly given authority on similar terms to previous occasions, namely, that we can correct minor typographic, spelling and other formalistic and printing errors.

MR. CHAIRMAN: In respect, I suggest, of all the Bills we consider this afternoon. I think that is the wish of the House. That is what we have done on previous occasions and if Members are content, well then, so authorised. So that there is no need ..... well, if anybody spots a typographical or other error, it might do no harm just to bring it to notice to make certain that it has been picked up.

THE TRAVEL TAX (AMENDMENT) BILL, 1984

CLERK: CLAUSE 1 - SHORT TITLE AND COMMENCMENT

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

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - AMENDMENT OF SECTION 4.

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

MR. BENSON O. EBANKS: Mr. Chairman, in light of my submission, in the Second Reading of this Bill, in respect of my understanding that there is an additional charge to be imposed as a berthing fee, I am unable to support this section.

MR. CHAIRMAN: Unless any other Honourable Member wishes to speak, I will put the question.

MR. CRADDOCK EBANKS: Mr. Chairman, it does not appear to me that this request here ties in with berthing whatever might come about at some other time. I could not agree with that at all, Sir.

MR. BENSON O. EBANKS: It is imminent as I understand it.

HON. C. WALTON BODDEN: Mr. Chairman, under the existing Law, a ship that is permanently moored, either to the type of moorings which we anticipate putting in, or whether the ship is tied up alongside the dock, that ship has to pay a berthing fee. I think it is at the rate of so much per ton, so that the larger the ship, the more the fee would be. I do not remember what the fee is now, but it already exists that any ship that goes into the dock or is tied up, permanently moored, has to pay a fee, while the ships at anchor, I believe, do not pay while they are anchored.

So, if the moorings are put in, all ships that tie up to them would pay a berthing fee, but it is not an exorbitant fee and on the large cruise ships, it would probably work out to about eight or nine hundred dollars. The small ones like those that carry say four or five hundred passengers, would pay around three or four hundred dollars. If you took it on the per passenger, it would work out less than 1 dollar per person, but it is actually fixed on the tonnage of the ship.

MR. CHAIRMAN: Well, I think we had better come back to the actual Clause because, although I can see the connection, the Third Elected Member for West Bay was quite right that he did make the point in the Second Reading. All we are really concerned with now is Clause 2 of the Bill. There has been no proposal for an amendment, so I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED BY MAJORITY.

CLERK: A BILL FOR A LAW TO AMEND THE TRAVEL TAX LAW, 1976.

MR. CHAIRMAN: The question is that the Title stand part of the Bill. Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: A Bill for a Law to Amend the Evidence Law, 1978.

THE EVIDENCE (AMENDMENT) BILL, 1984

COMMITTEE THEREON

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. Unless any Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - AMENDMENT OF SECTION 18.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. Unless any Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE EVIDENCE LAW, 1978.

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

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: A Bill for a Law to Amend the Registered Land Law (Revised).

HON. D. H. FOSTER: Mr. Chairman, Sir, that one went to a Select Committee.

MR. CHAIRMAN: You are quite right, I am so sorry, that one went to a Select Committee. Yes, thank you very much for reminding me.

So, it is a Bill for a Law to Amend the Firearms Law.

THE FIREARMS (AMENDMENT) BILL, 1984
COMMITTEE THEREON

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - AMENDMENT OF SECTION 10.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE FIREARMS LAW (REVISED).

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

Before I put that question, I think that the words 'Revised', both in the Title (on the outside cover and inside) ought to be in capitals. I think they normally are. Just in case the Clerk and the Honourable Second Official Member had not noticed, it is a change that might be made.

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

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: A Bill for a Law to facilitate the obtaining of Evidence required in or for the purpose of Investigations and Proceedings in the United States of America in pursuance of Obligations under the Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March, 1972, and for purposes connected therewith, and incidental thereto.

THE NARCOTIC DRUGS (EVIDENCE) (UNITED STATES OF AMERICA) BILL, 19[illegible]

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. APPLICATION OF THIS LAW.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill. Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. PROCEDURE IN RESPECT OF REQUESTS FOR DOCUMENTARY INFORMATION.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill. If no Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. AUTHENTICATION AND ATTESTATION OF OFFICIAL RECORDS.

MR. CHAIRMAN: The question is that Clause 5 do stand part of the Bill. Does any Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. AUTHENTICATION AND ATTESTATION OF DOCUMENTARY INFORMATION OTHER THAN OFFICIAL RECORDS.

MR. CHAIRMAN: The question is that Clause 6 do stand part of the Bill. If no Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7.

HON. MICHAEL J. BRADLEY: I think, Mr. Chairman, Sir, that even though it may be considered typographical, the words "Foundation Testimony" ought to be inserted as a margin note thereto.

MR. CHAIRMAN: "Foundation Testimony" is the marginal note that one in the Draft, is it?

HON. MICHAEL J. BRADLEY: And there is an arrangement of Clauses.

HON. D.H. FYFFE: Mr. Chairman, I do not know Sir, but on my copy on 7(3) right after the end of the first line after "testimony" is written in, "in the Cayman Islands". I do not know if that is meant.....

MR. BENSON O. EBANKS: I think that should be mentioned as an Amendment.

MR. CHAIRMAN: Yes, I think perhaps that should be, because it is a bit more than a typographical error is it not?

HON. MICHAEL J. BRADLEY: Yes, I wanted to raise that, Mr. Chairman, Sir, because I got two copies of the Gazette, one delivered to my seat here with that Manuscript addition, and one delivered to me in my Chambers by the Gazette without the addition. So I am just wondering which is supposed to be authoritative.
If it should be in I...

MR. CHAIRMAN: My understanding is that it should be in.

HON. MICHAEL J. BRADLEY: Well then, could we formally ask your leave, Sir, under Standing Order 52(2), to give leave to propose an amendment to which no notice has been given.

MR. CHAIRMAN: Yes, leave granted.

HON. MICHAEL J. BRADLEY: I beg to move that the words "in the Cayman Islands" be inserted immediately following the word "Testimony" in Line 2 of sub-clause 3 of Clause 7.

MR. CHAIRMAN: The Amendment proposed is that the words "In the Cayman Islands" be inserted immediately after the word "Testimony" in the second line of sub-clause (3) of Clause 7.

HON. MICHAEL J. BRADLEY: And leave having been granted, Sir, may I continue with the second half of my amendment which is that in sub-clause (5) of Clause 7, for the sake of uniformity of style, the words "United States Attorney-General" be deleted, and the words "Attorney-General of the United States" be substituted therefore. Delete "the United States Attorney-General," and substitute "the Attorney-General of the United States" as it is in other parts of the Bill.

MR. CHAIRMAN: Are you making all that one amendment, I take it ? So I have read the first part of the amendment. The second part of the proposed amendment is that in sub-clause(5) of Clause 7 of the Bill, the words "the United States Attorney-General" be deleted, and there be substituted for those words, the words "the Attorney-General of the United States."

MR. CHAIRMAN: Does any honourable Member wish to speak to the amendment? If not I will put the question that the Clause be amended as proposed.

QUESTION PUT: AGREED. AMENDMENTS PASSED

MR. CHAIRMAN: Does any Member wish to speak on the Clause as amended? If not I will put the question that the Clause as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 AS AMENDED PASSED.

CLERK: CLAUSE 8. PROTECTION FOR PERSONS DISCLOSING CONFIDENTIAL INFORMATION.

MR. CHAIRMAN: The question is that Clause 8 do stand part of the Bill. Does any Honourable Member wish to speak? Then I will put the question.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: CLAUSE 9. RESTRICTION ON APPLICATION OF LAWS NO. 18 OF 1967 AND NO. 25 OF 1979.

MR. CHAIRMAN: The question is that Clause 9 do stand part of the Bill. Does any Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10. ENDORSEMENT.

MR. CHAIRMAN: The question is that Clause 10 do stand part of the Bill. Does any Member wish to speak? I will put the question.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: FIRST SCHEDULE. REQUEST AND CERTIFICATE.

MR. CHAIRMAN: The question is that the First Schedule do stand part of the Bill. Does any Honourable Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED. FIRST SCHEDULE PASSED.

CLERK: SECOND SCHEDULE. (SECTION 4) PROCEDURE UPON RECEIPT OF A CERTIFICATE.

MR. CHAIRMAN: The question is that the Second Schedule do stand part of the Bill. Does any Honourable Member wish to speak? I will put the question.

QUESTION PUT: AGREED. SECOND SCHEDULE PASSED.

CLERK: THIRD SCHEDULE. (FORM A) (SECTION 5) ATTESTATION OF AUTHENTICITY OF OFFICIAL RECORDS.

MR. CHAIRMAN: The question is that the Third Schedule do stand part of the Bill. Does any Honourable Member wish to speak? I will put the question.

MR. BENSON O. EBANKS: Only as to whether the correction in the spelling of authentiality will be regarded as a typographical error?

MR. CHAIRMAN: I had regarded it as a typographical error. It really plainly is just a spelling mistake is it not? It is not like the omission of a word seems to me to be rather more open to debate. Where a word is spelled wrong, it seems to me quite clear that the House would wish it to be spelled correctly.

MR. BENSON O. EBANKS: It was just that my copy has been corrected.

MR. CHAIRMAN: Yes mine has, yes. And in my copy at the end of the Third Schedule, they have written in words about "Passed by the Legislative Assembly this (blank) day of (blank), President, Clerk of the Legislative Assembly" in manuscript. That is the standard form of words that comes at the end of any Bill, and I would imagine to...

HON. MICHAEL J. BRADLEY: I think, Mr. Chairman, strictly speaking, that they are not necessary in a Bill, because they are only put in as a certification after the Bill is passed. I know it is always done.

MR. CHAIRMAN: I think it is always done, so I had taken it that it was a kind of typographical or printer's omission which you are entitled to correct, because it was standard practice which the House would wish observed.

So we are on the Third Schedule, and unless any Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. THIRD SCHEDULE PASSED.

CLERK: A BILL FOR A LAW TO FACILITATE THE OBTAINING OF EVIDENCE REQUIRED IN OR FOR THE PURPOSE OF INVESTIGATIONS AND PROCEEDINGS IN THE UNITED STATES OF AMERICA IN PURSUANCE OF OBLIGATIONS UNDER THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961, AS AMENDED BY THE PROTOCOL OF 25 MARCH, 1972, AND FOR PURPOSES CONNECTED THEREWITH AND INCIDENTAL THERETO.

MR. CHAIRMAN: The question be that the Title do stand part of the Bill. Unless any Member wishes to speak. I will put the question.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled a Bill for a Law to amend the Travel Tax Law, and other Bills. The House will resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated. Reports on Bills.

REPORTS ON BILLS

THE TRAVEL TAX (AMENDMENT) BILL, 1984

HON. T. C. JEFFERSON: Mr. President, I have to report that a Bill entitled a Bill for a Law to Amend the Travel Tax Law, 1976, Law 11 of 1976, was considered by a Committee of the whole House and passed without amendment.

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

THE EVIDENCE (AMENDMENT) BILL, 1984

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled The Evidence (Amendment) Bill, 1984, was considered by a Committee of the whole House and passed without amendment.

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

THE FIREARMS (AMENDMENT) BILL, 1984

HON. D. H. FOSTER: Mr. President, I beg to report that a Bill for a Law to Amend the Firearms Law (Revised) was considered by a Committee of the whole House and passed without amendment.

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

THE NARCOTIC DRUGS (EVIDENCE) (UNITED STATES OF AMERICA) BILL, 1984

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled The Narcotic Drugs (Evidence) (United States of America) Bill, 1984, was considered by a Committee of the whole House and passed with two amendments.

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

THIRD READINGS

THE TRAVEL TAX (AMENDMENT) BILL, 1984

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1984.

HON. T. C. JEFFERSON: Mr. President, I move that a Bill entitled A Bill for a Law to Amend the Travel Tax Law, 1976, Law 11 of 1976, be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Travel Tax Law, 1976, be given a Third Reading and passed. Does any Honourable Member wish to speak? ..... I will put the question.

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

THE EVIDENCE (AMENDMENT) BILL, 1984

CLERK: THE EVIDENCE (AMENDMENT) BILL, 1984.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled The Evidence (Amendment) Bill, 1984, be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Evidence Law, 1978, be given a Third Reading and passed. Unless any Member wishes to speak, I will put the question.

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

THE FIREARMS (AMENDMENT) BILL, 1984

CLERK: THE FIREARMS (AMENDMENT) BILL, 1984.

HON. D. H. FOSTER: Mr. President, I move that a Bill for a Law to Amend the Firearms Law (Revised) be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Firearms Law (Revised) be given a Third Reading and passed. If no Honourable Member wishes to speak, I will put the question.

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

THE NARCOTIC DRUGS (EVIDENCE) (UNITED STATES OF AMERICA) BILL, 1984

CLERK: THE NARCOTIC DRUGS (EVIDENCE) (UNITED STATES OF AMERICA) BILL, 1984.

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move that a Bill for A Law to facilitate the obtaining of Evidence required in or for the purpose of Investigations and Proceedings in the United States of America in pursuance of Obligations under the Single Convention of Narcotic Drugs, 1961, as amended by the Protocol of

HON. MICHAEL J. BRADLEY (CONTINUING): 25th March, 1993, and for purposes connected therewith and incidental thereto, and which Bill is shortly entitled The Narcotic Drugs (Evidence) (United States of America) Bill, 1994, be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to facilitate the obtaining of Evidence required in or for the purpose of Investigations and Proceedings in the United States of America in pursuance of Obligations under the Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25th March, 1972, and for purposes connected therewith and incidental thereto, be given a Third Reading and passed.

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

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

MR. PRESIDENT: Motions. Suspension of Standing Order 24(5).

SUSPENSION OF STANDING ORDER 24(5)

HON. JOHN B. McLEAN: Mr. President, in accordance with Standing Order 82, I move the suspension of Standing Order 24(5) in order to move Government Motion No. 9.

MR. PRESIDENT: The question is that in accordance with the provisions of Standing Order 82, Standing Order 24(5) be suspended to enable the moving of Government Motion No. 3. Does any Honourable Member wish to speak? I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 24(5) SUSPENDED.

MR. PRESIDENT: The Honourable First Elected Member of Executive Council may move the motion.

GOVERNMENT MOTION NO. 9
AMENDMENT TO THE DEVELOPMENT PLAN 1977

HON. JOHN B. McLEAN: Mr. President, I beg to move Government Motion No. 9, which is as follows:-

"BE IT RESOLVED by this Legislative Assembly, pursuant to the powers conferred on it by subsection (2) of section 7 and subsection (1) of section 8 of the Development and Planning Law (Revised), that the Development Plan 1977 (being the plan referred to in subsection (5) of section 6 of the Law) be this day altered by:

(a) re-zoning from "medium density residential" to "commercial" the area in George Town Central Registration Section shaded in gray on the plan annexed to this Resolution;

(b) re-zoning from "low density residential" to "hotel/tourism" the area in West Bay Beach North Registration Section shaded in gray on the plan annexed to this Resolution.

Mr. President, copies of the motion have been circulated. I have also spoken to all Honourable Members of this House, and also, it is similar to something that has been done in this Honourable House before; most recent being a motion brought here for Tamarind Bay Developments.

HON. JOHN B. McLEAN (CONTINUING): Another reason, Mr. President, for this Resolution, is to be able to pass or approve a large development which is in the tourist related area, and another large development which I understand is to go up here in George Town.

I commend the Motion to this Honourable House, and ask the support of all Members.

MR. PRESIDENT: The Motion before the House is that the Resolution amending the Development Plan, which was read out by the Mover, and which I will not read again, should be passed by the Assembly. The Motion is now open for debate.

QUESTION PROPOSED: DEBATE ENSUED.

MR. BENSON O. EBANKS: Mr. President, I can support this Motion, Sir. I would just ask that in the case of (b) in the Resolution, that the Member would ask of the Planning Department, and I do not know that this particular piece of land is actually involved, but I know that at one time, there was talk of putting a second road, or a road further back along the West Bay Beach between Seven Mile Beach and West Bay, and I would ask the Member that if that road would, or should pass over this piece of property, or near there, since the area is commenced to be developed, that proper reservation be made for that road, so that we do not find ourselves unable to do it if, and when the Government finds itself in a position to implement it. Because, Mr. President, I am sure any Member who uses the West Bay Road, will realise that it is fast becoming overcrowded, and becoming a death trap.

With those few words, I can support this Motion.

MR. PRESIDENT: Does any other Honourable Member wish to speak? If not, I will invite the Mover to exercise his right of reply if he wishes.

HON. JOHN D. McLEAN: Mr. President, just to thank Members for their support, and especially the Third Elected Member for West Bay. I will have my Department check this, but I feel certain the area which is pointed out here on the map will not fall in the way of what he is speaking about.

I think, if I remember clearly, the road that he is speaking about, falls further south of this area.

So once again, just to thank the Members for their support.

MR. PRESIDENT: In that case I will put the question, which is that the Motion moved by the Honourable First Elected Member of Executive Council, moving a Resolution to amend the Development Plan, be carried.

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

HON. MICHAEL J. DRADLEY: Mr. President, Sir, I have not had time to look up Standing Orders, but I have one slight worry that has passed across my mind, and that is, since we have finished the deliberations on the Narcotics Bill, did we need to suspend Standing Orders to take the remaining stages.

MR. PRESIDENT: I do not think so. Standing Orders say you may not take three readings in one sitting. We had completed the first reading on an earlier day, so what we did today was to complete the second reading, and do the third, and

MR. PRESIDENT (CONTINUING): It seemed to me that that was perfectly in order. So subject to any further advice or guidance you have to offer me, or the Clerk has, I think we are alright.

Before the Adjournment is moved, there are just two points I wanted to make, both brief.

The first; I know that there will have to be Meetings of Select Committees to discuss the one Bill which was referred to a Select Committee during the course of this Meeting, the Registered Land (Amendment) Bill. I think, probably another Select Committee Meeting dealing with the Protection Law and possibly a Select Committee Meeting dealing with Liquor Licensing, and I just wanted to ask the Member who is Chairing those Select Committees whether he had had an opportunity to fix a time for a Meeting with the Members, and if not, whether he wanted to take advantage of the fact that he had got them all normalled here to try and fix a time before they dispersed.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, if I may crave your indulgence, what I was proposing to do after this Sitting finished was to invite Honourable Members if they could just stay behind for a couple of minutes in this Chamber, rather than adjourning to the Committee room, ask the Sergeant to clear the public galleries, and very briefly spend five minutes fixing times and arrangements for the three various Select Committees. I think if the Members could indulge me for five minutes, I would be able to dispose of it.

MR. PRESIDENT: That is fine. I just wanted to give you an opportunity to arrange that much.

My second point was that I am not sure whether we ever considered, and even if we did consider, I am not sure whether we ever reached a conclusion about the question of whether we should now be adjourning this Meeting so that the same Meeting should continue on the 3rd September, or whether we should adjourn and have a new Meeting, the fourth, on the 3rd September, nor am I sure whether it matters in the least. I do not think it really makes any difference. But, as far as I know, the wish of the House always had been that we should meet again on the 3rd September; that was the date fixed long ago, and since we have concluded all the business on the Order Paper, I think we can adjourn until then.

MR. BENSON O. EBANKS: Mr. President, I had thought, Sir, that since we were having this Meeting, September would be put back a few days.

I realise there was no formal agreement on this but I think the letter that changed the date suggested that...

MR. PRESIDENT: No, I do not think so and I - well, with any discussions I have had with Members, principally, perhaps with Government Members, the expectation has always been that we would continue on the 3rd September, and I know one or two people who have planned absences that would make it difficult for them to change that date now.

MR. BENSON O. EBANKS: Well, I would not stand in the way, Mr. President.

HON. MICHAEL J. BRADLEY: Mr. President, I think that it is open to the House to adjourn either sine die, or to a fixed date. The only thing is that under Standing Order 3(3), when it is adjourned to a specified date, more than seven days after the adjourned Meeting, then a Notice of Resumption is necessary. So there is really no advantage in adjourning to that date as opposed to adjourning sine die and summoning.

MR. PRESIDENT: Well, except that Members, if they know it is to be the 3rd, they can make their plans. I think we will ask the Clerk to remind them. But that does not actually cover the point as whether when we resume on the 3rd September, we are resuming the third Meeting, or starting a fourth, but I do not think that matters.

So I will invite the...

HON. D.R. FOSTER: Mr. President, Sir, I think that we should set that date because according to our Election timetable we have to dissolve the House on Monday 17th September, and it would be good if we had a specified date.

MR. PRESIDENT: I think we certainly should not postpone it, because I foresee possibly quite a long Meeting with the Debate on the Amendment to the Protection Law taking up a certain amount of time, and maybe other subjects which some Members will wish to speak on at some length. Who knows.

MR. BENSON O. BANKS: I agree with that, Mr. President. The only thing is it is going to be difficult to filibuster from the 3rd to the night of the 17th.

MR. PRESIDENT: I am sure some Members will have a good shot at it anyway.

HON. MICHAEL J. BRADLEY: I hope Honourable Members are aware that the 3rd September is a significant date, being the anniversary on which the World War started. (Laughter).

MR. PRESIDENT: Members may not come into the Chamber armed, with anything more lethal than their notes.

If the First Official Member would like to move the Adjournment then.

ADJOURNMENT

HON. D.R. FOSTER: Mr. President, I move the Adjournment of this House until Monday, 3rd September, 1984.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m., Monday, 3rd September. Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. AT 4.30 P.M. THE HOUSE ADJOURNED UNTIL 3RD SEPTEMBER, 1984 AT 10.00 A.M.

FOURTH MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
MONDAY, 3RD SEPTEMBER, 1984

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS M FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN B McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN M BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON G HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBER

MR J CARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BENSON O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SOUND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MABRY S KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FOURTH MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY

MONDAY 3RD SEPTEMBER, 1984

1. PRAYERS

TO BE DELIVERED BY THE REV. EDGAR OGSTON

2. PRESENTATION OF PAPERS AND REPORTS OF SELECT AND STANDING COMMITTEES

(a) SELECT COMMITTEES

(i) REPORT OF THE COMPANIES LAW TO BE LAID ON THE TABLE BY THE HONOURABLE SECOND OFFICIAL MEMBER.

(ii) REPORT ON INTOXICATING LIQUOR TO BE LAID ON THE TABLE BY THE HONOURABLE SECOND OFFICIAL MEMBER.

(iii) REPORT ON THE LABOUR LAW TO BE LAID ON THE TABLE BY THE HONOURABLE SECOND OFFICIAL MEMBER.

(iv) REPORT ON THE REGISTERED LAND (AMENDMENT) BILL, 1984 TO BE LAID ON THE TABLE BY THE HONOURABLE SECOND OFFICIAL MEMBER.

(v) REPORT ON THE CAYMANIAN CONFECTION LAW TO BE LAID ON THE TABLE BY THE HONOURABLE SECOND OFFICIAL MEMBER.

(b) HOUSE COMMITTEE

REPORT TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE ELECTED MEMBER FOR NORTH SIDE - MEETING HELD 30TH AUGUST, 1984.

(c) BUSINESS COMMITTEE

REPORT TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS - MEETING HELD 31ST AUGUST, 1984.

(d) CAYMAN ISLANDS GOVERNMENT AUDITED ACCOUNTS FOR THE YEAR ENDED 31ST DECEMBER, 1983, TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER.

3. QUESTIONS

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 45: WOULD THE MEMBER STATE WHAT PROGRESS HAS BEEN MADE ON THE PROPOSED NEW ROAD CONNECTING FLOYD AVENUE WITH SMITH'S ROAD?

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 46: WOULD THE MEMBER STATE WHAT THE LATEST ESTIMATE OF ILLEGAL IMMIGRANTS IN THE CAYMAN ISLANDS IS?

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 47: WOULD THE MEMBER STATE WHAT THE COST TO DATE OF GOVERNMENT'S COMPUTERIZATION PROGRAMME?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 48: WILL THE MEMBER STATE WHICH, IF ANY, OF THE FOUR NEWSPAPERS NOW PUBLISHED IN THE ISLANDS IS SUBSIDIZED BY GOVERNMENT?

NO. 49: WILL THE MEMBER STATE THE TOTAL NUMBER OF PRISONERS IN THE NORTHWARD PRISON KNOWN AS CAYMANIANS AND NON-CAYMANIANS?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR PUBLIC EDUCATION AND SOCIAL SERVICES

NO. 50: WILL THE MEMBER STATE WHAT GOVERNMENT SCHOOL FEES ARE PRESENTLY DUE AND OWING?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 51: WILL THE MEMBER STATE WHAT ACTION HAS BEEN TAKEN TO SEE THAT THE DRESS CODE IS INSISTED.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 52: WILL THE MEMBER STATE WHETHER GOVERNMENT WILL CONSIDER HAVING BOUND COPIES OF ALL THE HANSARDS OF MEETINGS OF THE LEGISLATIVE ASSEMBLY PLACED IN THE PUBLIC LIBRARY?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 53: WOULD THE MEMBER STATE WHEN IT IS PROPOSED TO COMMENCE WORK ON WATERFRONT REPAIRS ON NORTH CHURCH STREET NEAR THE "7-11" STORE?

4. GOVERNMENT BUSINESS

(a) MOTION:-

(i) GOVERNMENT MOTION NO. 11/84
BROADCASTING OF PARLIAMENTARY DEBATES

(ii) GOVERNMENT MOTION NO. 10/84
TOWER BUILDING REGULATIONS

(iii) GOVERNMENT MOTION NO. 12/84
EXPENDITURE 1985

5. OTHER BUSINESS

PRIVATE BILL:-

FIRST AND SECOND READINGS

(i) THE NATIONAL MUSEUM FOUNDATION BILL, 1984

6. GOVERNMENT BUSINESS

BILLS:-

FIRST AND SECOND READINGS

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984

(ii) THE SUPPLEMENTARY APPROPRIATION (1982) BILL, 1984

(iii) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984

TABLE OF CONTENTS

	PAGE
Prayers	1
Report on Select Committee on The Companies Law - Laid on the Table	1
Report on Select Committee on Intoxicating Liquor - Laid on the Table	2
Report on Select Committee on Labour Laws - Laid on the Table	3
Report on Select Committee on The Registered Land (Amendment) Bill, 1984 - Laid on the Table	4
Report on Select Committee on The Caymanian Protection Law - Laid on the Table	5
Report of the House Committee Meeting held on 30th August, 1984 - Laid on the Table	6
Report of the Business Committee Meeting held on 31st August, 1984 - Laid on the Table	7
Cayman Islands Government Audited Accounts for the year ended 31st December, 1983 - Laid on the Table	7
Questions	7
Government Motion No. 11/84 - Legislative Assembly (Immunities, Powers and Privileges) Law (Revised)	17
Government Motion No. 10/84 - Tower Building Borrowings	20
Government Motion No. 12/84 - Expenditure, 1985	21
The National Cultural Foundation Bill, 1984 - First Reading	22
Second Reading	23
The Liquor Licensing (Amendment) Bill, 1984 - First and Second Readings	24
Mr. Craddock Banks	26
Mr. Garston Smith	27
Miss Annie Huldah Bodden	28
Mr. Benson O. Brooks	33
Hon. G. Haig Bodden	35
Adjournment	38

MONDAY

3RD SEPTEMBER, 1984

10:00 A.M.

MR. PRESIDENT: The Assembly is in Session. I will invite the Reverend Edgar Ogston to say prayers.

PRAYERS

REV. EDGAR OGSTON: Let us Pray.

Father, God, You loved us so much that You sent us Jesus Christ for the illumination of our darkness and salvation of our souls. Give us wisdom this day to profit by the words He spoke, faith to accept the salvation He offers and grace to follow in His steps. We pray for the Legislative Assembly now assembled, grant them that true wisdom which comes from You alone; help us to see things from Your viewpoint that we may see them as they really are. We come to choices and decisions with a prayer upon our lips for our wisdom fails us. May we always turn to You to seek Your guidance upon all the weighty matters laid before us. We pray for the Queen and all members of the Royal Family. Help us to appreciate the tremendous responsibility which they carry and grant them strength to bear those responsibilities with integrity knowing the great influence they can be on the lands of the Commonwealth. And, lastly Father, we pray for these Islands in this election year. May Your peace rest upon all those who live here and grant Your wisdom to choose between the many choices being presented at this time, and may You elect the men and women of Your choice, that these Islands would continue to grow and prosper through Jesus Christ Our Lord who taught us to pray the family prayer:

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

MR. PRESIDENT: Please be seated.

Presentation of Papers and Reports of Select and Standing Committees - Item 2 on the Order Paper.

PRESENTATION OF PAPERS AND REPORTS

SELECT COMMITTEE - COMPANIES LAW

HON. MICHAEL J. BRADLEY: Mr. President, Sir, in accordance with Standing Order 72(5), I beg to present to this Honourable House the Report of the Chairman, together with the Minutes of the proceedings of the Select Committee which was appointed by this Honourable House in relation to the law regarding limited liability companies.

Mr. President, the Report is laid upon the Table and is available for members of the public, for Members and for the media. I would, however, say in relation to this Select Committee, that, as Honourable Members were aware, at the time that this

HON. MICHAEL J. BRADLEY (CONTINUING): Committee was reconstituted and appointed, there was contemporaneously a Select Committee on Management Companies consisting, as this one was, of all the Members of this House.

At the first meeting of Members, it was determined that the business relating to Management Companies, being of prior importance, would be considered first. That being so, a considerable amount of time having been spent on that Select Committee, this Select Committee had no opportunity to go into or to complete its investigations. However, in its recommendations at paragraph 5, it has recommended that a new Select Committee, with similar terms of reference, be appointed at the First Meeting of the Legislative Assembly held after the General Elections.

Mr. President, in accordance with the same Standing Order 72(5), I beg to move that the recommendations contained herein be adopted.

Thank you.

MR. PRESIDENT: So ordered.

The motion is that in accordance with Standing Order 72(5) the Report of the Select Committee be adopted. Perhaps it may be helpful to Members if I just comment that, subject to any advice from the Honourable Mover of the motion, it will be for the next House after the elections to decide whether they wish to accept the recommendation - in other words that a Select Committee be revived. In other words we cannot purport to bind them in any way - we are simply expressing a view which will be brought to their attention when the time comes. Is that correct?

HON. MICHAEL J. BRADLEY: Mr. President, Sir, that is indeed my interpretation also.

MR. PRESIDENT: So, does any Honourable Member wish to speak to the motion? If not, I will put the question.

QUESTION PUT: AGREED. THAT THE RECOMMENDATIONS AS SET OUT IN THE REPORT BE ADOPTED.

SELECT COMMITTEE - INTOXICATING LIQUOR

HON. MICHAEL J. BRADLEY: Mr. President, Sir, in accordance with Standing Order 72(5), I beg to present to this Honourable House the Report and Minutes of proceedings of the Select Committee, which was established on the 8th day of May, 1984, by this Honourable House, to consider and make recommendations with respect to the Law relating to intoxicating liquor.

At the first meeting held in June, the Attorney-General was appointed Chairman. The Select Committee held five meetings between the end of June and the end of August, and they considered a discussion draft - a Bill prepared in my Chambers - and representations from a firm of local attorneys, and a petition from a resident of Cayman.

The recommendations are contained at paragraph 6, Mr. President, namely that a draft Bill to amend the Liquor Licensing Law, 1974, incorporating all the recommendations of the Select Committee be set down for this Meeting of the Legislative Assembly; and it is my understanding that the Bill will in fact be

HON. MICHAEL J. BRADLEY (CONTINUING): moved by the Honourable Third Elected Member of Executive Council.

Mr. President, Sir, I would also state, as you so rightly mentioned to the House, that the recommendations contained here are not binding on future Members of the Legislative Assembly as in the past case, but in this one it is a recommendation to do with this Sitting of the House, that it be introduced and passed.

I would now propose, in accordance with the aforesaid Standing Order 72(5), that the recommendations contained herein be adopted.

MR. PRESIDENT: The motion before the House is that the recommendations contained in the Select Committee Report, which has just been laid, be adopted in accordance with the procedure laid down in Standing Order 72(5).

Does any Honourable Member wish to speak? If not, I will put the question.

QUESTION PUT: AGREED. THAT THE RECOMMENDATIONS AS SET OUT IN THE REPORT BE ADOPTED.

SELECT COMMITTEE - LABOUR LAWS

HON. MICHAEL J. BRADLEY: Mr. President, in accordance with Standing Order 72(5), I beg to present the Report of the Select Committee which was appointed in May by this Honourable Legislative Assembly, to consider the laws relating to employers and employees and to make recommendations concerning new or amending legislation.

Mr. President, the Select Committee, in this very busy and short Sitting of the House since early this year, found that they were in this case such was the nature of their other responsibilities to complete their investigations other than to have two meetings to determine the course of procedure. They have recommended to this Honourable House that a new Select Committee with similar terms of reference be appointed at the First Meeting of the New Session of the Legislative Assembly, following the General Elections, and, as you have stated previously, this is a recommendation which of course is not binding upon the new House, but merely an expression, if passed, of the opinion of this present House.

I would therefore, Mr. President, again in accordance with Standing Order 72(5), move that the recommendations contained herein be adopted.

MR. PRESIDENT: The motion before the House is that, in accordance with the provisions of Standing Order 72(5), the Report of the Select Committee on Labour Laws be adopted.

Does any Honourable Member wish to speak? If not, I will put the question.

QUESTION PUT: AGREED. THAT THE RECOMMENDATIONS AS SET OUT IN THE REPORT BE ADOPTED.

SELECT COMMITTEE
THE REGISTERED LAND (AMENDMENT) BILL, 1984

HON. MICHAEL J. BRADLEY: Mr. President, in accordance with Standing Order 72(5), I beg to present to this Honourable House the Report of the Select Committee which was appointed under Standing Order 49(1) to consider the Registered Land (Amendment) Bill, 1984, which was considered at Committee Stage at the last Meeting of this House on the 17th of August, and was therein referred to a Select Committee of the Whole House during the Committee Stage of that Bill.

Mr. President, the Committee held one meeting at which it considered briefly the Bill, at which it had presented to it the judgment in the particular case in the Court of Appeal which had led to the proposed amendment to the Bill. It also received a letter of representation from a firm of local attorneys and it was felt that since this matter had been going slowly between the Registrar of Lands and the draughting section in my Chambers for a number of months, that rather than meet and come to hasty recommendations in what are really technical points of law involved, that it felt it more expedient and opportune to adopt the same procedure as it had with two other Select Committees in which they were unable to finish their deliberations, namely that the Bill be reintroduced at the First Meeting of the Legislative Assembly after the General Elections, and thereafter referred to a Committee of the Whole House which could, at its leisure, receive expert input and representations.

Accordingly, again, Mr. President, under Standing Order 72(5), I beg to move that the recommendations contained herein be adopted. The procedure, Mr. President, is slightly different from the other Select Committees, in that in fact this one was a Bill which was in Committee and referred to a Select Committee. But, I feel that the motion I am moving is within the premise of this House and it does not need, in the circumstances, to go back to the Committee of the Whole House at Committee Stage and thereafter to be referred, but I am subject to the wishes of Members.

MR. PRESIDENT: I was just quickly looking at Standing Orders myself to see whether there was anything that would require us to do more than you have suggested. I have not, myself, yet succeeded in finding anything that prescribes the precise procedure to be followed under the slightly unusual circumstances which have arisen, and I would think that it will be in order to do as you have suggested - that is to say to adopt the Report of the Select Committee in accordance with the provisions of Standing Order 72(5), in the knowledge that the consequence will be that although the Bill has been read a second time, it will not be proceeded with any further during the life of the present Assembly and that it will fall to the new Assembly after the General Elections to consider whether to pursue the matter on the sought of basis proposed by the Select Committee.

So unless any Honourable Member wishes to rise to a point of order and to suggest that some slightly different procedure would be proper, I will invite any Member to speak to the motion which is that the Report of the Select Committee be adopted. Does any Honourable Member wish to speak?..... In that case I will put the question.

QUESTION PUT: AGREED. THAT THE RECOMMENDATIONS AS SET OUT IN THE REPORT BE ADOPTED.

SELECT COMMITTEE
THE CAYMANIAN PROTECTION LAW

HON. MICHAEL J. BRADLEY: Mr. President, Sir, in accordance with Standing Order 72(6), I beg to present to this Honourable House the Report of the Select Committee which was established on the 20th February, 1991, to consider amendments to and make recommendations with respect to the Caymanian Protection Law.

Mr. President, as contra distinction to several other Select Committees in which there were brief meetings and the Committee felt that they were not able to complete their investigations. On this occasion there has been in this Session and in the previous Session of the Legislative Assembly a Select Committee considering for a period of almost two years the Caymanian Protection Law in the light of the changed circumstances in the Cayman Islands and in the light of the new concept of citizenship under the British Nationality Act.

Mr. President, you will remember that on the 20th February, which was the First Sitting this year, Government Motion No. 3 was moved by myself which said, "In accordance with the provisions of Standing Orders 24(1) and 68(1) it is moved that the House do appoint a Select Committee consisting of both Elected and Official Members to consider such amendments as may be necessary or desirable to the Caymanian Protection Law following the coming into effect in the United Kingdom on the 1st day of January, 1983, of the British Nationality Act, 1981, and also to make such other recommendations as it thinks fit on all matters contained in the Caymanian Protection Law or which relate to Caymanian Status, Gainful Occupation Licenses, Immigration and Deportation, and that the Select Committee so appointed do incorporate and deem to be part of their proceedings the minutes, recommendations and other business transacted by the Select Committee on the same subject appointed during the previous 1983 Session of the Legislative Assembly.".

I, Sir, had the honour to be the Chairman of that Select Committee, appointed by yourself, and in this year's Session the Committee held no less than eight meetings, which together, if my memory serves me right, with seven meetings of the previous Select Committee was a total of no less than fifteen lengthy meetings to consider this Bill, an amendment to it, which as all Members realise is a vital piece of legislation in the Cayman Islands.

Through the media, in both years, representations were invited and were received from members of the general public, and there were a large number of representations received. The Select Committee invited representation of several associations to meet with them. They discussed these representations. A Draft Discussion Bill was published on the 5th of July. The Committee received representations thereafter. On the basis of the response from the general public and their own feelings and the representations, they revised the Draft Discussion Bill and they have now recommended that the Draft Bill, attached to the Report which incorporates the recommendations of the Select Committee as set down in the minutes, be set down for consideration by this Legislative Assembly at this Meeting of the House.

Mr. President, Sir, I do not intend to go into any details on the numerous recommendations. I understand that my Honourable colleague, the First Official Member, will be moving this Bill at its First and Second Readings later this week, and no doubt he will take the opportunity to highlight, as the Member of the Portfolio responsibility, the various changes that are proposed.

HON. MICHAEL J. BRADLEY (CONTINUING): May I only say, Mr. President, Sir, that the Select Committee met long hours, considered the matters very seriously, considered all the representations and that this Report is coming to this Honourable House with due deliberation, and the Bill that has been prepared is a Bill prepared after these due deliberations.

Before I move the motion, Sir, under Standing Order 72(5), may I just please bring to the notice of Members, yourself and the media, that it has been drawn to my attention by the Third Elected Member for West Bay that in the minutes of the thirteenth meeting there are in fact two mis-statements. And that is under section 2, under the definition of 'eligible persons' it states, "Mr. Benson O Ebanks was against paragraph (c)". In fact, it should correctly read, "Mr. Benson O Ebanks was against paragraphs (a) and (d)". And on the second page of those minutes of the thirteenth meeting, under section 15 there is an underlined statement which says, "Mr. Benson O Ebanks disagreed". In fact he has stated to me and I understand that it is correct that he did not disagree. He agreed that section 15 at that time be deleted and not disagreed with the deletion. I apologise for having to mention it at this stage Mr. President, Sir, but can only say at that time that it was the Acting Attorney-General who chaired that meeting so I personally was not cognizant of the decision taken at that time.

That being so, Mr. President, Sir, may I again move in accordance with Standing Order 72(5), may I move without notice that the recommendations contained in this Select Committee's Report be adopted and draw the Chair's attention to the fact that if the motion is seconded and unopposed, you may forthwith and without debate put the question. I think that Members may be tempted, since it is a matter of public interest, to speak now; and I do not know whether it would be the wish of Members to speak now and then have a second bite of the cherry at the Second Reading. If they are content that the motion be unopposed I think there would be ample time later in the week for a full discussion. But, again, it is in the hands of the House. I beg to move the motion.

MR. PRESIDENT: The motion before the House is that the Report of the Select Committee appointed to consider amendments and to make recommendations with respect to the Caymanian Protection Law should be adopted in accordance with the procedure laid down in Standing Order 72(5). Does any Honourable Member wish to speak? If not, I will put the question.

QUESTION PUT: AGREED. THAT THE RECOMMENDATIONS AS SET OUT IN THE REPORT BE ADOPTED.

HOUSE COMMITTEE

MR. CRADDOCK EBANKS: Mr. President, I beg to lay on the Table the Report of the House Committee. The Committee held one meeting on 30th August, 1984.

MR. PRESIDENT: So ordered.

It may perhaps be appropriate for me just to mention at this point that as Members may have seen, one of the subjects discussed at the meeting of the House Committee held on 30th August and recorded in the minutes now laid, was the question of draft rules dealing with admission of strangers to the Assembly,

MR. PRESIDENT (CONTINUING): and for me to add that I have amended the original draft rules which I contemplated making to take account of the two points raised by the Committee so that the rules now reflect them, and that as to the third point, which was clarification as to whether Bills or other papers directly connected to the Order Paper could be properly studied by members of the public admitted, I have told the Clerk that my interpretation is that any papers, like Bills, that are circulated with and connected with and related to the Order Paper should properly be regarded as part of the Order Paper and that it is perfectly proper for any strangers who are admitted to be reading them. I have signed and made the rules and given the rules to the Clerk, and I am sure the Clerk will be taking note of the suggestion that they should be posted for people to see.

Business Committee.

BUSINESS COMMITTEE

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I beg to Lay on the Table the Report of the Business Committee meeting held on Friday the 31st of August.

MR. PRESIDENT: So ordered.

Accounts.

ACCOUNTS

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the official copy of the Accounts to be referred to the Public Accounts Committee.

MR. PRESIDENT: So ordered.

Item 3 - Questions - the First Elected Member for George Town.

QUESTIONS

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH NIMINATED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 95: Would the Member state what progress has been made on the proposed new road connecting Elgin Avenue with Smith's Road?

ANSWER: The boundary plan and declaration has been prepared but it has not been gazetted as Government considered that other road-works should have priority.

SUPPLEMENTARIES:

MR. W. NORMAN BODDEN: A supplementary, Mr. President. In February of this year we were told that it was proposed for this

MR. W. NORMAN BODDEN (CONTINUING): road to be built during 1984, and my question is, is it still proposed to have this road built during this year - 1984?

HON. G. HAIG BODDEN: Mr. President, the Member knows that there is money in the Estimates for this road. However, there were certain events which made it impossible for all the road-works scheduled for this year to be completed. I doubt that this road will be built during 1984.

MR. CRADDOCK EBANKS: Mr. President, would the Honourable Member say what other roads might have taken priority over this particular road?

HON. G. HAIG BODDEN: I think, Mr. President, all Members are aware of the road-works which have been completed this year. Some works have been in the making from last year, for example there are traffic improvements in George Town; there is the Bush Pond Road in West Bay; there is the work on the many subdivision roads that have taken place this year; and there is also the fact that Public Works was engaged in an enormous task at the Airport. This work took up some of the time that normally would have gone on roads.

The road is still in the Government's programme for completion. As I mentioned in the answer, while it is desirable to have this road, I think there are many roads that could be built which would definitely have priority over this. I can mention just three of them. Right now the Bodden Town area is very congested and that is the main artery to the eastern districts, and I would like to see a by-pass road starting say at Meagre Bay Pond going behind Bodden Town and coming out either at Spotts or Prospect Park - and so open up the whole of the interior and relieve the congestion on the extremely narrow road that passes through the densely populated area of Bodden Town.

I also see a need for a by-pass road to Crewe Road starting up at Mr. Roscoe's house in Crewe Road and travelling behind Mr. Arthur Hunter's house in Crewe Road and coming out on Walker's Road. This would relieve the Crewe Road area which is densely populated - it has a very narrow street. I also see the need for a road to by-pass the West Bay Road. Right now there is something like 13,000 to 15,000 vehicles per day travelling the West Bay Road, and I would see a road starting at Mr. Delworth's, or what used to be Mr. Delworth's Gas Station, and travelling down through the swamp into West Bay. I think that I could probably name a dozen other roads that would have more priority than this road which will simply connect Elgin Avenue to Smith's Road. The proposed road would go past the Government House and the Racquett Club, on to the, I think it is, western boundary of the Agricultural Grounds and into Smith's Road. It is desirable to have another outlet which would ease some of the congestion and would provide an alternative route. But, I cannot truthfully say that the road questioned by the Member should be one of utmost priority. Nevertheless, Government, as I mentioned, has done some advance work on it and has prepared the plan. The survey work has been done and it is only a matter of going ahead with it.

I should also mention that the improvement on the intersection of Shedden Road and the North Sound Road is a road that could have decidedly more priority than this. I am wondering if the Member questioning it knows that this road, while it may serve the public, would benefit the individual land owners through whose land this road would pass. I am

HON. G. HAIG BODDEN (CONTINUING): wondering if he is aware of that and that the pressure that may be put on him to bring this question may be a selfish interest, and that the actual construction of this road would materially benefit a few more than the wider area of the population which would have benefitted by probably the construction of any one dozen other new roads. However, Government will continue to look at this road because I think it is necessary and hopefully since the money has already been voted for it, that when the Estimates are made up and if the work has not been completed by 31st December, the money can be re-voted and that early next year it can be built.

MR. W. NORMAN BODDEN: Mr. President, under Standing Orders, as far as I know, questions are to be asked for information and action and I can assure this House that that is my only motive. I have no friends who have property in that area. However, I have a supplementary, Sir.

It was my understanding that it was envisaged that this road would partly reduce the congestion and the traffic at the intersection of Smith's Road, Walker's Road and Hospital Road, and this was part of the reason this road was being planned. Since it will probably not be built in the course of 1984, my question is if the Honourable Member would now consider the installation of a traffic light then at this busy intersection?

HON. G. HAIG BODDEN: Mr. President, the question of a street light at the intersection Smith's Road, the Hospital Road and Walker's Road has been studied carefully in the past, and a recommendation had been made originally that it could be one of the areas where a street light could be used. However, instead of putting in a street light, the Public Works Department, with the concurrence of the police, installed four-way stop signs which requires the traffic coming from the hospital, the traffic going to the hospital, the traffic coming from Walker's Road and the traffic coming from Smith's Road, to stop. This means that every vehicle coming upon this intersection must come to a stop. The first vehicle to arrive will have the right-of-way and other vehicles arriving subsequently will follow the first vehicle.

The stop sign has worked well. The Portfolio has received no criticism of it. The Portfolio has received no complaint about the stop signs and in this particular area we consider that the four-way stop sign is doing a better job than a street light would do. One of the problems with a street light is that the street light will hold traffic to a stop when there is no other traffic in the area and so the traffic using a four-way stop will move much faster than traffic being controlled by a mechanical light which does not take into account the fact that there is no other vehicle in sight.

We have seen, in George Town, where the traffic lights were installed on Harbour Drive and Shedden Road, and on Harbour Drive and Fort Street .....

MR. PRESIDENT: I think the Honourable Member really has answered the supplementary already fairly fully and we have a number of other questions down .....

MR. BENSON O. EBANKS: Mr. President, could I ask a supplementary?

MR. PRESIDENT: If it is a further supplementary, yes, you may, but I must ask .....

MR. BENSON O. EBANKS: Yes, Sir. I wish the Member would answer the questions and not go into a big debate.

I just simply want to ask the Member Sir, if he is aware that this question arises out of the answer which he gave to a question in February about that street light. The road was then given as an alternative to the street light. Is he now saying that the Portfolio or himself have changed their minds?

HON. G. HAIG BODDEN: Mr. President, Abraham Lincoln once said if a person kept quiet he might be thought a fool or he could open his mouth and remove all doubt. This is question time and I endeavoured to give an answer to clear up any doubt that might be in the minds of the questioners, and you, Mr. President, were satisfied that I had satisfied the questioners. Now a Member gets up to make a statement rather than asking a question, and if the Member will ask a question, I will endeavour to answer it.

MR. PRESIDENT: I think there was a question asked. You were asked whether the Portfolio had changed its mind in view of the fact that earlier in this Session you answered a question about the road junction in question by saying that the proposed new road was going to help relieve congestion there.

HON. G. HAIG BODDEN: Mr. President, the answer is (and I hope I will be given time to elaborate on this) when the Traffic Report was completed by Mid South Engineering, they noted the intersection at Walker's Road as one of the problem areas.

Whether we use a traffic light or whether we use a stop sign does not diminish the amount of traffic. So the question asked, in my mind, is utter nonsense. The vehicle for controlling the traffic only helps it to move more smoothly. It in no way diminishes the amount of traffic, and so can in no way relieve the congestion. It can only guarantee that the congestion that is there continues to move in an orderly and safe manner.

The action taken by the Government in putting in the stop signs does in no way relieve the congestion, nor would the putting in of a traffic light relieve the congestion. It only helps it to flow in an orderly manner. It only helps it to flow in a safe manner. But, these controls, particularly a traffic light, will slow down the traffic and so even cause more congestion, but what it does is to give equal opportunity to the traffic moving in the four directions to travel.

MR. PRESIDENT: I must interrupt the Honourable Member because the Member is not really answering the supplementary that was asked. The supplementary asked was in view of the fact that the Member stated that certain road-works would be undertaken in order to help relieve congestion at the intersection he is discussing, and in view of the fact that he now says the road-works are being postponed, has he changed his mind?

HON. G. HAIG BODDEN: Are you talking about the road-works from Elgin Avenue to .....?

MR. PRESIDENT: My understanding is that the supplementary question was in view of the fact that you stated, in answer to a question during February this year, that these road-works would be undertaken. The road-works - the proposed new road connecting Elgin Avenue with Smith's Road, would be constructed in order to

MR. PRESIDENT (CONTINUING): relieve congestion at the Hospital Road crossing, and in view of the fact that you now state the new road construction is being postponed, have you changed your mind? I think that was the supplementary. Am I right? Yes.

HON. C. CRAIG SOBDEN: Every person has problems with that Member's questions because he buries them up in so many explanations and statements that no one is able to follow them. But if he is asking, as I understand through you now, Sir, whether Government has changed its mind that the construction of a road from Elgin Avenue to Smith's Road will ease the congestion at the intersection by the Hospital Road, Smith's Road, Walker's Road and the other road leading into it, the answer is that I believe that the construction of a road from Elgin Avenue to Smith's Road will definitely ease the congestion. I have never indicated, I have never implied that this road would not now ease the congestion. We are convinced that it will.

I am saying that the construction of this road now, although it will ease the congestion, is not as important as the construction of other roads that could be built by Government.

MR. PRESIDENT: We have spent a long time on this question and the supplementaries. I hope we can move on to another question.

MR. BENSON O. EBANKS: Mr. President, I wonder if this would not be an appropriate time, Sir, under Standing Order 82 to seek the suspension of Standing Order 23(9) to complete all of the questions on the Order Paper today. That is unless Standing Order 23(8) is suspended, questions would have to cease by eleven o'clock, and although I personally do not have any questions down for today, I would like to see Members given an opportunity to have their questions asked and answered.

MR. PRESIDENT: It certainly is the case that we spent some thirty minutes, I think, on presentation of papers and reports so halving the time for questions, and we subsequently spent twenty-five minutes on the first question. I would hope that the remaining questions, if we do suspend Standing Orders, will not occupy twenty-five minutes each. I would suggest that if we were going to suspend, we perhaps allow a further fifteen or twenty minutes, some specific period rather than say we will get to the end of questions which might tempt Members to speak for great lengths of time on them. Supposing we allowed another thirty minutes from now which I think would be reasonable. Would the Member care to .....

MR. BENSON O. EBANKS: An half-hour would be acceptable, Mr. President.

MR. PRESIDENT: Well then the motion is that in accordance with .....

HON. MICHAEL J. BRADLEY: Mr. President, Sir, perhaps if you, before you move the motion, could have your attention drawn to Standing Order 23(6) which says, "Not more than three questions requiring an oral answer shall appear on the Order Paper in the name of the same Member for the same day and any question in excess of this number shall not be called by the Presiding Officer but shall be answered as provided in paragraph (8) save that no postponement shall be allowed.".

HON. MICHAEL J. BRADLEY (CONTINUING): Now I may have gotten my arithmatic wrong, Mr. President, but it appears from Item 3 on our Order Paper that the First Elected Member for George Town has four questions down for today and the Third Elected Member for George Town has five questions down for today.

MR. PRESIDENT: That seems to be quite right. I think perhaps the Business Committee must have overlooked Standing Order 23(6).

MR. BENSON O. EBANKS: Mr. President, I think if we look at the Orders of the Day it would appear that the Member in fact does have his arithmatic wrong, because on the Orders of the Day I only see three appearing under the name of the First Elected Member for George Town and .....

MR. PRESIDENT: I see four - 45, 46, 47 and 53.

MR. BENSON O. EBANKS: I am sorry, Sir, I did not see that they had shifted that. I know there are four for the Third Elected Member for George Town. But I agree with the Honourable Second Official Member, and one of those would have to be carried over tomorrow for each of those Members.

HON. MICHAEL J. BRADLEY: No, Mr. President, Sir.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, when the Business Committee met, Sir, on Friday we had nine questions for the first day. There were a total of twenty-eight questions. There were nine for the first day, ten for the second day and nine for the third day. I was called, Sir, by the Clerk of the Legislative Assembly who said that you had instructed her to only take six questions for the first day, and the order in which the Committee put the questions has not been followed, Sir, and that is why there are more than three questions on the Order Paper.

We did take into account that no Member could ask more than three questions and it was clearly laid out on the Business Paper. If there is any error it is in the Orders of the Day, Sir.

MR. PRESIDENT: With respect, the minutes of the Business Committee, which you laid, do list five questions by the Third Elected Member for George Town and four by the First Elected Member for George Town for today. Perhaps there has been some confusion. Moreover, my own recollection of the message I gave to the Clerk was that since some questions had not reached me until I think it was Thursday, and could not be expected to reach Members, after I had approved them, until Friday, it would be best if those questions were not asked until the Tuesday or later in the week. But the questions that had come in earlier were asked on Monday. However, perhaps we can resolve this, and if I may make a suggestion, I think it would be harsh on the two Members, the First Elected Member for George Town and the Third Elected Member for George Town, whom I do not think share in the responsibility for any confusion that arose, if they were denied an opportunity to ask their questions. Perhaps if we are suspending Standing Orders, and it is obviously going to be the wish of the House, we shall have to determine whether it is the wish of the House to suspend them. They could be suspended not only in relation to Standing Order 23(6), but also

MR. PRESIDENT (CONTINUING): in relation to Standing Order 23(6), so that all the questions that are on the Order Paper can be asked today as long as we can dispose of them within half an hour.

HON. TRUMAN M. BODDEN: Mr. President, I am wondering whether the motion is now open for debate, Sir, and precisely what is the motion?

MR. PRESIDENT: If I understand ..... well, let the Member say, yes.

SUSPENSION OF STANDING ORDER 23(6),(7) & (8)

MR. BENSON O. EBANKS: Yes, Sir. Mr. President, the motion is that in accordance with Standing Order 82, Standing Order 23(6) and (8) be suspended to enable the questions on the Orders of the Day to be disposed of this morning.

MR. PRESIDENT: I think it would have to be (6), (7) and (8) of Standing Order 23. So the motion is open for debate and if any Honourable Member wishes to speak to it he may do so.

DEBATE

HON. TRUMAN M. BODDEN: Mr. President, I always find it amusing that when it suits the Third Elected Member for West Bay to suspend the Standing Orders, he is all ready to do it. The biggest criticism that he has levelled at this House has been the suspension of Standing Orders, but now it suits him to do it so he is prepared to put the motion.

It is, in my opinion, Mr. President, hypocritical to stand there Meeting after Meeting and say that these Standing Orders are sacrosanct and should not be suspended, and then to get up and suspend three sub-orders.

There are very important matters on the agenda today and I would have no objection if the Members moved their questions across to another day because we are going to be in the House for several other days, but I do not see why on the first day we should take and have a whole day loaded with questions when there are other extremely important matters here. I will oppose the motion as it now stands, but I would not object to the Members being given the opportunity on the other days of the legislature to ask these. I should mention to this Honourable House, it provides one very good lesson. When you ask a question, if you are not certain of the length of the answer and you continue to ask supplementaries to it, then you must expect that the time is going to be taken up on it.

So if the House would be prepared to lay the questions over until tomorrow and then we begin to move down them again, we can see how much time we have at the end of the Sitting and then perhaps it is more appropriate to put the motion that the Third Elected Member for West Bay has put. But, I once again remind him that if he is going set up rules then I hope that when applications to suspend these Standing Orders come to this Honourable House again that he will remember that he does it when it suits him, so he must expect that other Members should have similar rights. What is good for the goose is good for the gander.

Thank you.

MR. PRESIDENT: Before any other Member rises, my understanding of the last speaker is that he would support a suspension of Standing Orders which would enable all of the questions that are down today to be asked orally in due course, and it would be necessary to suspend Standing Orders 23(6), I think, for that purpose or part of 23(6). If that is so, would he care to move an amendment to the motion because we would have to vote specifically to suspend part of Standing Order 23(6) if we were going to proceed as the Member wished.

MR. BENSON O. EBANKS: Mr. President, I would like the Member to tell us which Standing Order he would propose to suspend to achieve what he has suggested.

HON. TRUMAN M. BODDEN: Mr. President, the Third Elected Member for West Bay want to ask the questions so let him figure out what to get it under.

MISS ANNIE HULDAH BODDEN: Mr. President, Sir, I am quite prepared to have my five questions laid over until later during this Meeting.

HON. G. HAIG BODDEN: Mr. President, since the matter appears to still be open for debate, I would like to exercise my right to support the Honourable Second Elected Member of Executive Council. I can see no reason for the interruption of today's Order Paper. Question Time has been exhausted. This is the first day of the House and we should move on to other matters. However, I will support any Member who wants the questions answered tomorrow or maybe on Friday of this week, because I think we will still be here until Friday. There are many important matters to be dealt with.

The Question Time is, in my mind, one of the most important periods in the House and I, as a Member, am always glad for the opportunity to explain any programmes that may fall under me, and to clear up any matters that may be in the minds of anyone bringing a question. But Members must understand that it is a two-way street. If a Member brings a number of questions, he must decide whether he wants all of them answered within the specified time or whether he wants to exhaust all of the time in dealing with one question, and as we saw here this morning with a question that was of not much importance. Therefore Members must behave like other business people and must do what they can do within the time allotted.

We have Question Time in the House every morning and Members can have many questions answered each day providing they do not take up the time, as the Third Elected Member for West Bay has done this morning, in making statements. If they will confine their actions to simply asking questions, which is what Question Time is about, but we have some Members who want to make political speeches during Question Time.

MR. BENSON O. EBANKS: Like you.

HON. G. HAIG BODDEN: Mr. President.....

MR. D. DALMAIN EBANKS: Mr. President, I think the Third Elected Member for West Bay .....

MR. PRESIDENT: I am afraid I could not hear. Was

MR. PRESIDENT (CONTINUING): the Member rising on a point of order? ..... Well, please continue.

HON. G. HAIG BODDEN: Yes, I think, Mr. President, the Second Elected Member for West Bay was rising on a point of order because my debate was rudely interrupted by the Third Elected Member for West Bay for no cause at all. As I said earlier this morning, a person may keep quiet and remain a fool or he may open his mouth and remove all doubt.

It is my hope that every question on the Order Paper will be answered before this Sitting is out because I certainly have three more questions and it will be a pleasure for me to give the answers because I think the questions are very sensible questions; I think the questions are of great importance for the public, and I certainly would like to give the answers.

Finally, I would say that if Members use up all the Question Time in speeches and interrupting other people, there is still a provision in our Standing Orders for the Members to receive the answers. There is a Standing Order that says any question not answered orally in the House may be answered in writing, and the answer can be sent to the Members. But I hope that before the Meeting is out we will be able to give all the answers to all the questions that have been asked.

MR. W. NORMAN BODDEN: Mr. President, question no. 45 was asked by me and regardless of what the last speaker thinks, I feel that that question was of paramount importance to the public and that was the reason I asked it. It seems to me that quite a bit of the political rhetoric is coming from the other side as well. In any case, Mr. President, I would request that question no. 46, 47 and 53 set down on the Order Paper in my name be postponed to a later date.

MR. PRESIDENT: If I could ..... well, I was hoping to catch the Member before he finished because although some previous speakers have indicated support for a proposition that would enable all today's questions to be answered orally at a later date, but no support for prolonging Question Time today and most of the time by which we might have prolonged Question Time seems to have been taken up with this debate, there is not yet any formal amendment proposed to the motion of the Third Elected Member for West Bay, and unless an amendment is proposed, which would facilitate what you wish, we may get ourselves into the difficulties, although most Members are anxious to do as you have suggested, we have not got a motion that will have that effect.

If you cared to move an amendment I would be prepared to allow you to continue to do so because I think that is what you were, in effect, asking.

MR. W. NORMAN BODDEN: Yes, Mr. President, I would move an amendment then that the remaining questions on the Order Paper today be set down for a later date.

MR. PRESIDENT: I think what you have to do is to amend the motion of the Third Elected Member for West Bay. His motion sought to suspend Standing Order 23(6), (7) and (8), in order to enable all the questions on today's Order Paper to be asked today provided that they could be answered within half an hour.

Other Members have objected to that, but have agreed to a proposition that the questions could be answered orally on another day. Now, to achieve that it would be necessary

MR. PRESIDENT (CONTINUING): to suspend Standing Order 23(5). So I think you would have to move an amendment to the motion before the House which is the motion of the Third Elected Member for West Bay, that instead of suspending Standing Order 23(6), (7) and (8) to enable further questions to be asked today, we should suspend 23(8) only.

MR. BENSON O. EBANKS: The point I am making, Mr. President, is that we want to be sure that these questions are answered orally and not in writing, and for the avoidance of doubt I would also think that sub-order (8) should be suspended to make sure that they are answered verbally.

MR. PRESIDENT: Well perhaps it should because we have already gone way beyond eleven o'clock, yes.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, in case this situation gets even more confused, could I draw your attention to the fact that Standing Order 23(7) says, "No question shall be asked after 11 a.m.", and then 23(8) says that if an oral answer has not been given, a Member must reserve a right.

The time has gone past eleven o'clock, Sir. No Member has reserved a right. I think that even if we suspend Standing Orders 23(6), (7) and (8), it will not have the effect desired unless we deem Standing Orders to have been suspended at one minute to eleven, but I am not quite sure how Members feel about retrospective legislation. (LAUGHTER)

MR. BENSON O. EBANKS: Mr. President, if I could address that, Sir. My motion was made prior to eleven o'clock and it was for the specific reason to preserve the right of Members to ask their questions after eleven o'clock. I have a lot more to say, Sir, but before I go on I want to know if you are going to consider this my winding up ....

MR. PRESIDENT: Not really. I do not think that you are in order speaking at all now because there has not been an amendment to your motion that has been quite completely moved yet. We are in the process of amending it. Once an amendment to your motion has been moved then you can speak on the amendment, and you could speak winding up as well later if need be.

I would myself feel that if Standing Order 23(6) and (8) were both suspended (leave aside my question of retrospection), I would be prepared to rule, in view of the fact that this debate started before eleven o'clock, that the effect was that all of the questions on the day's Order Paper could be set down for another day for oral answer.

So I think I will take it that the First Elected Member for George Town has moved an amendment to the motion to the effect that only Standing Order 23(6) and (8) should be suspended, and not 23(7), for the purpose not of enabling further questions to be asked today, but for the purpose of enabling the unanswered questions to be set down for oral answer on another day or days. Is that correct? Now that amendment is now open for debate and the Third Elected Member for West Bay may speak to the amendment, but only at this stage to the amendment.

MR. BENSON O. EBANKS: I am not indicating a readiness .....

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

HON. TRUMAN M. BODDEN: Mr. President, I support that amendment. I think Members have a right to have their questions asked orally and there will be several other days when this can be done. But I think that motion should properly have come from the other side of this House, from the First Elected Member as it has, and I am prepared to support that. I do endorse the consistent pressure against retrospectivity, but I leave that to those Members' consciences and I take the point of what you have mentioned, Sir.

So I support that and I think this is the proper way of giving Members the right to have their questions heard orally.

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

MR. BENSON O. EBANKS: Yes, Sir.

MR. PRESIDENT: And you are speaking, at this stage, simply to the amendment?

MR. BENSON O. EBANKS: This will embody both motions .....

MR. PRESIDENT: No, well, you can at this stage (please sit down - both of you)speak only to the amendment. If after I have put the amendment, whether it is carried or not, we then go on to vote, as we shall have to, on the substantive motion to which you will have a right of reply - a winding up speech.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, to clarify my mind, at least, could the Clerk please read out the amendment that is in front of the House at the moment - the words of it?

MR. PRESIDENT: I am not ..... I think it would be very difficult for the Clark because we have been really rather imprecise, but my understanding is that the Third Elected Member for West Bay moved a motion that in accordance with the provisions of Standing Order 82, Standing Order 23(6), (7) and (8) should be suspended to enable question Time to continue for a further thirty minutes today. I am not sure that those were the precise words, but that was the effect.

The First Elected Member for George Town subsequently moved an amendment that the motion be amended by deleting the reference to Standing Order 23(7), and by deleting the purpose for which the suspension was sought and substituting as the purpose for the purpose of enabling all the unanswered questions, standing of today's Order Paper, to be answered orally on another day or days. It is that amendment that is under debate. If the amendment is carried, we shall then debate the motion as amended. If the amendment is lost, we shall continue debating the original motion. In either case, the Third Elected Member for West Bay will have a right to speak again at the close. He has a right to speak on the amendment now, but anything he says must be addressed to the amendment alone.

MR. BENSON O. EBANKS: Mr. President, I support the amendment, Sir. The Government Bench has already used up the thirty minutes which I sought to have for the answering of questions. So I must in all honesty and integrity support the amendment.

MR. PRESIDENT: Does any other Honourable Member wish

MR. PRESIDENT (CONTINUING): to speak to the amendment? If not I will put the question that the motion be amended as proposed by the First Elected Member for George Town.

QUESTION PUT: AGREED. AMENDMENT TO THE MOTION WAS PASSED.

MR. PRESIDENT: We are now debating the motion as amended. Does any Honourable Member wish to speak? If not, the Third Elected Member for West Bay has a right of reply.

MR. BENSON C. EBANKS: For sake of clarity now, Mr. President, this is an amended motion. You are treating my contribution now as the winding up of this debate.

MR. PRESIDENT: That is right. You are therefore now able to speak to the whole motion as amended.

MR. BENSON C. EBANKS: Yes, Sir. Mr. President, I am really surprised at the reaction of Government Members to what I considered a simple straight forward and worthwhile motion put to the House.

With regards to the question of hypocrisy, referred to by the Honourable Second Elected Member of Executive Council, I would like to say that he would not know what hypocrisy is if it hit him in the face.

My motion was a simple motion. It was not a motion which sought to take away the rights from this House or Members of the House. It is a motion which sought to extend the right of Members and the right of the public to know. So unless some action had been taken, similar to what I proposed, these questions would have been answered in writing and handed to the Member, and therefore the public, and possibly the press, would have not had an opportunity to know what the answers were.

My action, I justify one hundred per cent and I think that the Member should be able to distinguish between suspending Standing Orders which take away the rights of Members and the public such as the right to have Bills for seven days before the Sitting, and proper notice of a motion and proper notice of amendments. Those are the suspensions of Standing Orders to which I have objected and I will continue to object. But as I said, it appears that the Honourable learned Member is unable to distinguish that difference and I am afraid he will have to live with that.

Thank you, Sir.

MR. PRESIDENT: The question before the House is, as nearly as I can recall it, that in accordance with the provisions of Standing Order 52, Standing Order 23(6) and (8) would be suspended for the purpose of enabling those questions, numbers 46 to 53, standing on today's Order Paper which have not yet been answered, to be set down for oral answer on another day or days during this Meeting.

QUESTION PUT: AGREED. IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDER 52, STANDING ORDER 23 (6) AND (8) ARE SUSPENDED.

MR. PRESIDENT: That ends Question Time. We have used the full half-hour by which it might have been extended, to debate its possible extension, and I think perhaps we have reached, if we have not already passed the time when it is customary to suspend proceedings

MR. PRESIDENT (CONTINUING): for a short period. Before I do so, however, perhaps I could just mention that it has been brought to my notice that there is one matter which the Honourable Second Official Member has spoken to Members about and which I believe Members might find it helpful to discuss privately after the coffee break, therefore I suggest that we have a short meeting in the Committee Room before we resume proceedings here.

AT 11:30 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:10 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Item 3, Government Business - Motions, Government Motion No. 11/84.

GOVERNMENT BUSINESS
MOTIONS

GOVERNMENT MOTION NO. 11/84

HON. DENNIS H. FOSTER: Mr. President, I beg to move Government Motion No. 11 which reads as follows:-

"In accordance with the immunities, powers and privileges conferred upon the Legislative Assembly of the Cayman Islands by the Cayman Islands (Constitution) Order, 1972, the Legislative Assembly (Immunities, Powers and Privileges) Law (Revised) and all other written laws, be it hereby resolved that Radio Cayman, being a broadcasting station operated from within the Cayman Islands by the Government of the Cayman Islands is hereby authorised to broadcast recordings of the proceedings of the Legislative Assembly as are hereafter named -

1. Question Time.
2. Presentation of Papers (Reports on Committees) - Speeches thereon.
3. Debate on Second Reading of all Bills set down for the Sitting commencing on Monday, 3rd September, 1984.
4. Debate, if any, on Government Motions.",

MR. PRESIDENT: The motion before the House is Government Motion No. 11 dealing with the broadcasting of parliamentary proceedings. I will not read the motion through again, but as Members know it is necessary in order to enable Radio Cayman to broadcast those parts of our proceedings which Members advise should be broadcast. Does any Honourable Member wish to speak? If not, I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 11/84 PASSED.

MR. PRESIDENT: Government Motion No. 10/84.

GOVERNMENT MOTION NO. 10/84

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move Government Motion No. 10 - Tower Building Borrowings which reads:-

> "Be it resolved that this Honourable House approve the borrowing by the Government of the Cayman Islands of the sum of $6,500,000 (five million, five hundred thousand United States dollars) from Barclays Bank International Limited for seven years at 1% (one percent) above the rate paid to Government on fixed deposits.".

MR. PRESIDENT: The motion before the House is Government Motion No. 10/84 dealing with the borrowing by Government necessary for the purchase of the Tower Building. Does any Honourable Member wish to speak? If not, I will put the question. I am not quite sure whether the Third Elected Member for West Bay ..... yes.

MR. BENSON O. EBANKS: Yes, Mr. President. Purely on a point of order, I am wondering if Standing Order 24(2) has been covered? I realize this is probably the first time that we are dealing with a motion which appears to be secured by deposits, but if my memory serves me correctly, in the past when we have been guaranteeing Government borrowings, we have charged the borrowing by the motion against the revenues of the country; and it would seem to me that if the security to the bank in this instance is intended to be fixed deposits, this motion should have included some reference to the Government being authorised to give a lien over the fixed deposits.

MR. PRESIDENT: Does any other Honourable Member wish to speak? Perhaps I should mention the point of order which was raised and perhaps I may answer it by saying that I did indeed give or make the necessary recommendation, give the necessary permission, for the resolution to be brought - I did as Governor. It is perhaps arguable that the Member who introduced the motion should, when introducing it in order to satisfy the requirements of Standing Order 24(2), have signified the fact that I had done so.

Does any other Honourable Member wish to speak? Does the mover of the motion wish to exercise his right of reply?

HON. THOMAS C. JEFFERSON: Yes, Mr. President, and I will be brief. It is mainly to thank Members for their support to the motion. It is indeed a borrowing that Government is not necessarily able to negotiate on most occasions and the cost to the revenue of the country will be small indeed. Therefore, Mr. President, the overall cost then of the Tower Building project will be equally reduced by the interest which will be charged on the loan.

The price that was reached, Mr. President, or the bid that was successful was US$4.650 million. The building is 83,400 square feet and we have, at the moment, tenants who are paying $61,200 a year each. I will just add that, Mr. President, as I should have done it in the beginning.

Thank you.

MR. PRESIDENT: I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 10/84 PASSED.

MR. PRESIDENT: Government Motion No. 12/84.

GOVERNMENT MOTION NO. 12/84

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move Government Motion No. 12 dealing with the expenditure in 1985 which reads:-

> "Whereas the Estimates for the Financial Year 1985 will not be approved before the 31st December, 1984, due to the General Elections on 15th November, 1984;
>
> And whereas it will be necessary in the interest of the Public Service to incur expenditure before the approval of the said Estimates for 1985;
>
> Be it resolved that until the Estimates for 1985 are approved, the Financial Secretary is hereby empowered and authorised to incur expenditure out of the General Revenue of the Islands as a charge to proper Heads and Sub-Heads of Accounts, always provided that there will be:
>
> (a) no increase in any officer's salary (other than approved increments) or allowances,
>
> (b) no increase in the establishment over that provided in the 1984 Estimates or approved during 1984,
>
> (c) no repayments on account of recurrent expenditure in excess of the provision for the financial year 1984,
>
> (d) no repayments on account of new services or capital work except for the completion of projects approved and implemented in 1984.".
>
> Thank you, Mr. President.

MR. PRESIDENT: The motion before the House is Government Motion No. 12 dealing with the approval of expenditure during the early part of 1985. I will not read the whole text of the motion again, but the motion is now open for debate. Does any Honourable Member wish to speak?

HON. MICHAEL J. BRADLEY: Mr. President, Sir, just in the slightest of technicalities - no expert has my Honourable colleague become in drafting recently that in fact we do not draft in chambers motions of this kind, but merely cast an eye over them. I, myself, admit to having cast an eye over this motion and said it appears acceptable, but in strictest technicality the phrase in the second and third lines, "due to the General Elections on 15th November, 1984', is perhaps crystal going in that you, I understand as Governor, have not yet issued the proclamation appointing that date even though it is generally understood it will be so. Those words could, I think,

HON. MICHAEL J. BRADLEY (CONTINUING): on a technical point be left out - "....on 14th November, 1984".

MR. PRESIDENT: Well, it is perfectly true I have not yet signed the proclamation that fixes the date although we did announce the date some months ago and I feel, myself, committed to it and I think probably Members of the House would be taken back if I changed my mind.

I had one, also technical if you like, question. The final sub-paragraph of the motion (d) says, "no repayments on account of new services or capital work except for the completion of projects approved and implemented in 1984", and it occurred to me to wonder whether that wording sufficed to enable work to be undertaken early next year on a capital project for which funds had been approved in 1984, but on which, for whatever reason, it had not been possible to start work during 1984. We had a debate or there was a question earlier today, (the answer to which indicated that a particular road-work might not start before December - funds having been voted for that work this year) would the work, if this motion were approved, be able to be undertaken in the early part of next year before the approval of a new budget or is it not intended to cover that kind of thing?

HON. THOMAS C. JEFFERSON: Mr. President, I believe from a practical point of view, that should not create too much of a burden unless I have my facts wrong. The General Election is going to be held on 14th November. Members are going to be sworn into the House and I think if we wanted to start a project in January we could call Finance Committee to deal with it. If we get its approval the funds could be made available.

MR. PRESIDENT: But, is the answer to my question then that even though funds have been voted this year, if the work has not been started this year we cannot make a start on it without voting new funds. We could, if the work had been started, go on and complete the job. Is that right?

HON. THOMAS C. JEFFERSON: That is correct, Mr. President.

MR. PRESIDENT: Well if no other Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 13/84 PASSED.

MR. PRESIDENT: Item 4 - Other Business, Private Bill.

OTHER BUSINESS
PRIVATE BILL

THE NATIONAL CULTURAL FOUNDATION BILL, 1984

FIRST READING

CLERK: THE NATIONAL CULTURAL FOUNDATION BILL, 1984.

SUSPENSION OF STANDING ORDER 62(2) AND (3)

HON. TRUMAN M. BODDEN: Mr. President, following upon the procedure that this House recently went through with the General Oriental Investments Limited Law, 1984, I am asking that in accordance with Standing Order 83 that we suspend sub-orders (2) and (3) of Standing Order 62 to allow the Bill to be given a Second Reading today, Sir.

MR. PRESIDENT: The motion before the House is that in order to enable this Bill to be given a Second Reading today, Standing Order 62(2) and (3) should be suspended in accordance with the provisions of Standing Order 83.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, would it be the intention of the Honourable proposer and mover, later, to propose the suspension of sub-orders (4) onwards of the same Standing Order?

HON. TRUMAN M. BODDEN: Yes, Sir, I proposed to suspend Standing Order 62(4) and request that the Bill be referred to a Select Committee of the Whole House under Standing Order 49. (That is Standing Order 62(4) and (5).) I would do that, Sir, after the Second Reading and before the Committee Stage.

MR. PRESIDENT: Yes, my understanding is that the requirements of Standing Order 62(1) have been satisfied in respect of this Bill. I am not sure that I ever got as far as saying that the Bill is deemed to have been read a First time and is set down for a Second Reading. I think it is my fault. I probably looked across at you before I .....

HON. TRUMAN M. BODDEN: Sorry, I think you are quite right to say it was read a First time. I think I need to get this through before you get it down for the Second Reading.

MR. PRESIDENT: Yes, I think that is right. So I think we will have to take it that I have said and I do now say that the Bill is deemed to have been read a First time and is set down for Second Reading, but before the Second Reading can begin it is necessary to suspend, if the House agrees, Standing Order 62(2) and (3) in order to enable the Second Reading to go ahead today.

So I will ask any Member who wishes to speak to the motion which has been proposed by the Honourable Second Elected Member of Executive Council proposing the suspension of Standing Order 62(2) and (3) in accordance with the provisions of Standing Order 83. If no Honourable Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. STANDING ORDER 62(2) AND (3) SUSPENDED.

SECOND READING

CLERK: THE NATIONAL CULTURAL FOUNDATION BILL, 1984.

HON. TRUMAN M. BODDEN: Mr. President, I move the Second Reading of a Bill entitled the Cayman National Cultural Foundation Bill, 1984.

HON. TRUMAN M. BODDEN (CONTINUING): Mr. President, this Bill will be a milestone in the history of culture in the Cayman Islands. It will establish for the first time by law a Cultural Foundation and it is hoped that this will work side-by-side with the other foundations and statutory bodies such as the Cayman Museum and the other foundations within the Islands.

The Bill is one that follows along the lines of the statutory corporations. The sections establish the Foundation as a limited liability corporation, as separate from its members, and the Bill sets out the functions and objectives of the Foundation itself. I will not go into reading those, Sir, because they are somewhat long. It has in it also sections that provide for the application of funds and also for accounts and audit, and perhaps most important to this Honourable House it has a right of access by the Auditor-General of the Government.

I will have to move one additional clause as Clause 17, and I have circulated that to Members which is really the reservation of right which has to go into every private law and unfortunately in the rehashing of this by the different parties, it seems to have been left out.

I would like to express my thanks to Mrs. Barquail who has not only gifted large sums of money, but has also agreed to transfer substantial portions of land into this corporation, and in fact that will form the main part of the assets of this Foundation.

As a result, Mr. President, I think that her good advice is something that the Foundation should always have and we have entrenched in this Bill that she shall be a member during her lifetime.

The Cultural Foundation will provide good alternative - clean entertainment for the youth and other persons in the community, and will continue to give an alternative to the television and cinematograph institutions.

In proposing this Bill, Mr. President, I am always aware and will always be aware, both during my time as Member for Social Services and afterwards, how important it is to have the youth of this country channelled in the correct path and to permit them the alternative sources to expend the tremendous amount of energy which youth have.

I would also like to thank the members of the Cultural Foundation, which overlaps to a part with the theatre, as they have put in, as well, a tremendous amount of work.

Therefore, very briefly, Mr. President, this Bill will provides the machinery for the Foundation to accept the gifting of the property. Into it, it will give them the limited liability and the corporate status that is necessary to enter into contracts, for example, for the building of the theatre and whatever other buildings that they choose to put on this property in due course. It will, to a large extent, be an endorsement by this Government on a very important milestone in the field of culture in these Islands.

The Bill, I hope, will not be controversial, and, as I mentioned earlier, I undertake to move an amendment at the Committee Stage on the usual reservation of rights which are necessary in a private Bill.

Thank you.

MR. PRESIDENT: The motion before the House is that a Bill shortly entitled The Cayman National Cultural Foundation Bill, 1984, be read a Second time. The motion is now open for debate.

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

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Item 5 .....,

HON. TRUMAN M. BODDEN: Mr. President, if I may just ask, Sir, under the sub-order (4) of Standing Order 62, unless you permit me to make the motion now to move this to a Committee of the Whole House, I may very well lose that right and I would ask that I could do that at this time.

MR. PRESIDENT: Yes, I think that is probably quite right. So you would be moving a motion to seek to suspend Standing Orders as you said earlier, yes? Well you carry on then please.

SUSPENSION OF STANDING ORDER 62(4) AND (5)

HON. TRUMAN M. BODDEN: Thank you.
Mr. President, under Standing Order 82, I wish to move the suspension of Standing Order 62(4) and (5) and to further move that the Bill be allowed to be referred to a Committee of the Whole House under Standing Order 49 instead of being referred to a Select Committee.

MR. PRESIDENT: The motion before the House is that in accordance with the provisions of Standing Order 82, Standing Order 62(4) and (5) shall be suspended for the purpose of enabling the Bill to be referred, in accordance with the provisions of Standing Order 49, to a Committee of the Whole House instead of being referred to a Select Committee.
Does any Honourable Member wish to speak? If not, I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 62(4) AND (5) SUSPENDED AND IN ACCORDANCE WITH STANDING ORDER 49 THAT THE BILL BE REFERRED TO A COMMITTEE OF THE WHOLE HOUSE.

MR. PRESIDENT: Will it be convenient perhaps for the Honourable Member and for the House if we go into Committee now to consider this Bill? It seems to me that perhaps we ought to keep it separate from the Government Bills and dispose of it first before we move on to Item 5.

HON. TRUMAN M. BODDEN: Mr. President, with respect, if I could perhaps take this tomorrow because I would just like to be fairly certain of whether there may be any printing errors or not.

MR. PRESIDENT: Surely. Well in that case it will be perfectly in order to leave it and let it stand over until tomorrow. We have suspended the Standing Order, it can go to a Committee of the Whole House and I will, or you will no doubt ask the Clerk to ensure that it gets put on tomorrow's Order Paper then.
In that case we do now pass on to item 5 on today's Order Paper - Government Bills, First and Second Readings.

GOVERNMENT BUSINESS
BILLS

THE LIQUOR LICENSING (AMENDMENT) BILL, 1984

FIRST READING

CLERK: THE LIQUOR LICENSING (AMENDMENT) BILL, 1984.

MR. PRESIDENT: A Bill entitled The Liquor Licensing (Amendment) Bill, 1984, is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE LIQUOR LICENSING (AMENDMENT) BILL, 1984.

HON. JAMES M. RODDEN: Mr. President, I move the Second Reading of a Bill entitled A Bill for a Law to Amend the Liquor Licensing Law, 1974 (Law 11 of 1974).

This Law has been amended on numerous occasions since its introduction to the House in the early 1970's, as well as the Regulations under which this Law operates which have had many different amendments and many new Regulations introduced. It has become, on many occasions, onerous for the Liquor Licensing Board to cope with the current situation in the Islands. In other words, Mr. President, the Law has become a bit outmoded for the changing times.

It is hoped that instead of the amendments, that we are proposing now, that early next year, God be willing, we can have a completely new Law drafted to take the place of the present Law.

A committee, comprised of members of the Liquor Licensing Board, met on different occasions and considered the proposed amendments. It was then drafted by the Attorney-General's Chambers and was presented to this House with a request to form a Select Committee of the Whole House to deal with it. Again, the Committee met on different occasions and as a result we have this present format before the House today.

I would ask leave of the House, as we proceed with this Committee Report with the introduction of the amendments, that at a later stage I would be able to waive Standing Orders to put in a proposed amendment, and I would hope I would have the support of the House with that amendment.

Thank you, Sir.

MR. PRESIDENT: The motion before the House is that a Bill for a Law to Amend the Liquor Licensing Law, 1974, be given a Second Reading. The motion is open for debate.

If no Honourable Member wishes to speak ..... the Member for North Side.

DEBATE ON SECOND READING

MR. CHADDOCK EBANKS: Mr. President, yesterday land seemed to be gold in the eyes and values of our people. Today, it seems to be liquor.

MR. CRADDOCK EBANKS (CONTINUING): Mr. President, there was a Caymanian citizen who resided in Frank Sound who claimed he was a boat builder. He started his craft when nailing the keel on to a growing tree. After getting a certain amount of work done he had the idea that certain parts he had built in should be removed to some other area of the model. He continued that for a number of years and his boat was never finished.

Mr. President, I have appealed to this Government over the last two or three years for the desperate need for a comprehensive Liquor Licensing Law because the present Law has been patched and one section moves from one area to another. Now it serves no purpose.

A few years ago, Mr. President, an amendment was brought to the House that there should only be a licensed premise to every 250 registered voters. Well that then, Mr. President, was already used up. North Side had four and in accordance with the amendment it should only have had one.

Other amendments were made to try to control the rapid growth of licensed premises, but it seems, Mr. President, that somewhere along the line things have broken down. The public appears to have the idea that for them to start a business and for it to be successful it must have liquor in it. Then they start crying to Government, the Board and other areas as well.

Mr. President, what we have before us this evening is exactly what I was ahead three years ago. When a motion was brought to this House with an amendment to the Liquor Licensing Law on the grounds of hardship and difficulty and other reasons to go with it, that amendment came out because the Board suspended Galleon Beach Hotel's license for their bad behaviour and management of the premises. I said, Mr. President, that this is exactly what the results would be.

When I am in the House, Mr. President, I do not bring my family, friends, buddies or anybody in here. I have been elected to do a job to the best of my ability and I will do that without fear or favour.

Other licences have been granted on the grounds of hardship and they were not entitled to it, but simply because the loop-hole was put there. Also in the Law you will find, Sir, that no licensed premises should be within a certain distance of certain buildings such as the churches, schools and civic centres, yet we are forever getting applications for premises which are not in the limits of the prescribed area. It may only be two, three, five or ten feet out of the prescribed area, but they feel because they are only ten feet outside the area they can be considered for a license.

Mr. President, when we tell the public that we are in here by the majority vote of the constituents we told them that we would lead them and that they should not be led by people on the outside.

When I made certain remarks earlier this year in connection with the building at North Side (the little hotel that was being erected), I blamed Planning for granting that permission, and I still blame Planning for it. I got a knock by the proprietor for saying that.

Mr. President, our forefathers, grandfathers and great grandfathers, the founders of this country like many other countries who laid the foundation, laid it on civilization and the church as the leader for civilization to continue to grow in that direction. When we get people dispute

MR. CRADDOCK EBANKS (CONTINUING): or disregard the churches, schools and civic centres or anything else then, Mr. President, what do we expect to happen to this country?

As far as I know there are supposed to be about four candidates for North Side for the upcoming elections and two of those candidates have signed a petition that they see nothing wrong with the licensed premises being next door to the church. That is a beautiful example for leadership. What is the good of them telling the public what they are going to do if they can get Craddock out. Mr. President, I say this without fear of favour or contradiction - neither one will spend thirty years in this House and come out to be honoured as I am being honoured. Whenever I decide to come out, whether I am voted out or I feel like stepping down, it will happen.

Mr. President, when application was made to the Planning Board for the erection of that building, it was for a little guest house. Planning permission was granted (and if I can read or understand, Sir, subject to correction by the Legal Advisor to Government) three items in the planning application were ticked off because they did not need or want them. These were a tennis court which they do not have, a bar, a restaurant and a pool. Now they feel that it is utterly impossible to survive without a licence. An application was made to the Board. The Board did not agree with it because it was in the bounds of certain premises which restricted this by law. So, Mr. President, they decided that they would present a petition to this Honourable House through you, Sir. The petition had approximately 371 signatures and out of those 371, there were 160 Caymanians, or probably a few with Caymanian status, I do not know. The residents of North Side who signed the petition numbered 75 to 80 out of the 160. The remaining approximate 80 were from Island-wide. 211 people signed that petition who had no connection with this country, people who were foreigners. There was a 15 year old schoolgirl amongst those from the district of North Side who signed it. There was also a young man who signed it in two places.

So you see, Mr. President, where we are headed. 211 visitors to this country signed that petition, and I would guess that 10 per cent of the signees never even read the petition which was put before them. Somebody just said, "We want to get a licence for a good hotel", and they signed it. Some of them said they were from Ontario, some from New York. Some said they were visitors. That, Mr. President, tells me now, more than ever, what the majority of all nationalities who would like to get Caymanian status would do with this country when they got their Caymanian status.

According to the licensed premises they are expecting renewals this month and in addition there are applications for new licences. We even have lawyers who are making application for a licence to operate a licensed premises. We have in it one person with Caymanian status who came here and worked for the Government, spending four or five years polishing chair seats and trouser bottoms. Government gave him status and he turned around and walked the street as much as he wanted, and now he is making application for a licence to operate a place in the George Town area.

Mr. President, who is in control of this country? Is it those people with their whims and fancies who because somebody taps them on the shoulder and says, "Yes, you are a good guy", and tries to push them around to get what they want, or is it the people who have been elected to make laws.

MR. CRADDOCK FRANKS (CONTINUING): They should not have any rubber in them. We had a lot said here some months ago about corruption, but when you start bending the law and twisting it for individuals, I do not know if that is not as much corruption as in any other language. The licensed premises to be renewed and the new applications will probably make it between 110 and 115 licences expected for the new year. There are about 8,000 registered voters approximately. When you figure that out you have about 75 people to one premises and yet they are scrambling for more licences all the time.

We have a number of broken homes with lives snuffed out by drinking. They say they want a last drink and they then say they want another one. Then they set out on the street and they do not know where they are going. Mr. President, I will extend sympathy to someone dying and try to get them medical aid, but I am not going to use any sympathy to help achieve the granting of licences for premises to help put somebody in their grave. We have more now than we should have. The first thing we talk about is always visitors, tourists. Every premises in this country should be told that 11.00 p.m. Saturday night to 12.00 p.m. Monday they should be closed. We would have a better place. You would find some mothers at home rather than finding them out in the outskirts hanging around a bar joint. You would find fathers carrying home their pay cheque rather than leaving it behind. Then they go up to the Government Administration Office to the Probation Officer and beg for alms or aid.

Mr. President, when are the Elected Members going to wake up to the fact, say it is the fact and do what is right. I do not have to go out there to buy a vote from anybody if they do not want to vote for me. I never did and I do not intend to. They do not have to agree with what I say either, Sir. What I am saying, Mr. President, is that it is high time that Government made some rules and regulations, and passed some bills and laws to control some of these places and keep them closed for longer hours than they are open. Then we would have a better place. There is only one section left in this country to make applications for licences. Now most of the churches have church halls and I would not be surprised, Mr. President, to see them trying to raise funds by having a beer and wine and cheese function in the church hall, to put envy into those who do something else.

When members, probably elders of a church, say that it does not make much difference how close it comes, what happens? Again, Mr. President, let me say this. The church, schools, everybody is sleeping. They are leaving it for the legislator. They stay at home. We have a Government school within the few hundred feet of a licensed premises and I do not believe that any teacher in that school made representation to this Government about this premises going up there, and yet we object to them being that close to a school. Neither did the church. Neither did anybody else.

Mr. President, if it is God's will that I should come back here, or if I am not, I would suggest, Sir, that you make a bamboo bill for the coming year so that you can pick it to pieces to meet every applicant's desire. We have over a hundred licensed premises for the new year and we do not know how many unlicensed ones we have got. The wholesalers would sell drink to a cat or a dog, anybody as long as he has $5 or $10 according to the amount he wants, they will sell it. I have never heard of a wholesaler being put before the courts for illegally selling to people who do not have a licence.

MR. CHADWICK EBANKS (CONTINUING): Mr. President, I believe I have said enough. Anyone should understand that I do not have my approval to give to this applicant with due respect to him, Sir, or any other person who build within the quarter mile limit and expects me as long as I am in here or a member of the Liquor Licensing Board to give any support to such applications. I do not intend to, Sir. During my years many petitions have come before the Board from the public objecting to certain premises to be licensed, and I have upheld any petition which came to the Board. I do not support one individual and let 75, 100 or 200 people suffer. The majority, Sir, must have the benefit of the doubt.

So with those few remarks, Mr. President, I wish the applicant every success in his effort. Food is the staff of life but not liquor. So if he can sell enough good food I wish him luck and hope that prosperity will be in his path all the days of his life.

I thank you, Mr. President, and again I say I cannot support this application.

MR. J. CARLTON SMITH: Mr. President....

MR. PRESIDENT: Before the Honourable Member starts I think it might be a convenient moment to take our customary break. That will save me having to break into the Member's speech. So I will suspend proceedings for approximately fifteen minutes.

AT 3.36 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:46 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. Second Reading Debate on the Liquor Licensing (Amendment) Bill. The First Elected Member for West Bay.

MR. J. CARSTON SMITH: Mr. President, I realize, Sir, that the stand I have taken in committee and in this Honourable House on this Bill will not make me popular, especially on the eve of a General Election. But, Mr. President, I am put here by the people of my district and I intend to speak my conscience on any issue that comes before me in this Honourable House, regardless of whether I have to stand alone, or not.

Mr. President, I intend to stand against my convictions. The mover of this Bill, Mr. President, rightly said in his opening address that we have spent much time, we have taken much time of this Honourable House, and of the Liquor Licensing Board, to make amendments to the present Liquor Law. Mr. President, this is quite true, and in my opinion, every time we touch this law, we make it worse than it was before. Mr. President, my contention is that I think it is high time we have a complete new Law.

Mr. President, in Committee, I opposed amendments to certain sections of this Bill. The Minutes of Select Committee will bear me out that I was against this Amendment.

Mr. President, we have here an amendment, and I ask you to permit me to read: "Section 9 of the principal Law is amended - (a) by the deletion of the full stop at the end of subsection (1) and the substitution therefor of a colon, and by the addition immediately thereafter of the following proviso -

> "PROVIDED however that the aforesaid prohibition on the granting of a licence by reason of proximity to any church, school or civic centre shall not apply in respect of a restaurant licence or a wine and beer licence under section 10 where a written statement has been obtained from the organisations responsible for the local governing bodies of all churches, schools and civic centres within a quarter of a mile's distance that there is no objection by them to the granting of such licence." ".

Mr. President, I did not agree to this amendment. I think it is time, Sir, that we stand up to our responsibilities; stand up like men and be counted. This amendment, Mr. President, in my opinion, only shifts the responsibility off our backs and puts it on the backs of the churches and other organisations. Why should we bring the churches into the political arena, Mr. President?

Mr. President, I will not be as long as the Member from North Side, but I just wanted to state my feelings, state my stand in Committee and state my stand here openly this evening. I am against this amendment.

MR. J. GARSTON SMITH (CONTINUING): I think that as the Member from North Side already said, we cannot come here and legislate to the whims and fancies of everyone. I realise we cannot please everyone and I do not intend, Mr. President, to try and please everyone. The good Lord Almighty came down here on earth and He was unable to please everyone.

I thank you very much, Sir.

MR. PRESIDENT: The Third Elected Member for George Town.

MISS ANNIE HULDAH BODDEN: Mr. President, it must be known throughout the Cayman Islands that I am absolutely against this terrible liquor drinking which goes on in our country. I am sure, today, that more homes have been wrecked by men, and now unfortunately the women have taken up drinking rum and alcoholic beverages, or whatever you choose to call it. I feel today that it is time we, as Legislators and supposedly Christian people, stand up against introducing any short-cuts for people to get Liquor Licences.

Mr. President, I got the title of the "big doll" because shortly after an election I managed to get the eleven men to consent that bar-rooms would be closed on Sundays. Well, the last occasion that they had to sell rum on Sundays, some of the Members, at a certain place along the Seven Mile Beach, took and buried a great big doll and said, "We are burying Annie Huldah Bodden", and after that the public called me the big doll. Well, I am not saying I am a big doll, but I am saying that I am a big Christian and I cannot act as a hypocrite and shift the blame on any church.

What has the church got to do with the passing of Laws regarding liquor? I must say it would only be, in my estimation, a very, I would like to say the word I had in my mind, kind of a church that would really associate themselves with trying to destroy the people of this country.

Mr. President, I will never agree to where a written statement has been obtained from the organisations responsible for the local governing bodies of our churches, schools and civic centres within a quarter of a mile's distance, and there is no objection by them to the granting of the license.

Do you believe today that there are any real God-fearing Ministers who would stand up and say let us have more liquor drinking in these Islands? I am afraid if there are, they should be bar-room keepers themselves, instead of Ministers.

Mr. President, I agree that this Liquor Licensing Law should be amended, but these drift-draft pieces will not help us any. Let us make a comprehensive Liquor Licensing Law and put in it stipulations that might try to stop liquor drinking in these Islands, and not encourage it.

Thank you, Sir.

MR. PRESIDENT: The Third Elected Member for West Bay.

MR. BENSON O. EBANKS: Mr. President, I agree with those Members who say that we need a new comprehensive Liquor Licensing Law, and, in fact, we were promised something similar. However, the comprehensive Law is not forthcoming and we have before us certain amendments which, to my mind, improve the working of the present Liquor Licensing Law.

MR. BENSON O. EBANKS (CONTINUING): As was stated by the Mover, the Bill makes provision for two new types of licences, that is, I bar and restaurant, and beer and wine licences, and it removes the category of Night Resort Licence.

Mr. President, it is all well and good for us to pontificate about stopping the sale of alcohol, or the consumption of alcohol, and I want it clearly understood that I am not here advocating the sale of alcohol, but if we cast our memories back a few years, we will remember that prohibition was tried in the United States, and it did not work. In fact the situation that existed during prohibition was worse than when before they had it, and they had to reverse themselves and bring in the licensing of liquor distribution places again.

Further, Mr. President, I feel that if we have a law on our books that controls and regulates the sale of liquor or alcohol, and an individual or individuals choose to enter into that trade, as long as they abide by our laws, they should not be made to feel that they are entering into an illegal business or that they are doing something for which they should be regarded as outcaste. Any honest labour is good honest money earned, and when they follow the law, I do not see where they are any different from those of us who carry on other businesses. It could be argued that the supermarkets who sell to people who overeat, are doing a disservice to the country, or to the public, because, anything taken to extreme is not a good thing. But I cannot say that if a person chooses to have a licence under the Liquor Licensing Law, that that person should be ostracised or criticised in any way.

Now, Mr. President, the area of the Bill that seems to be giving the most concern, is the section regarding the quarter of a mile distance from the churches. In the Law, the substantive Law there are general provisions whereby persons can object to a licensee receiving a licence. In other words, whether the Bill, whether the premises are located within a quarter of a miles distance of the church or not, the church still has a general right to object to the granting of the licence, if in their opinion, it is going to cause annoyance or other disruptions to them.

So there is nothing magical, Mr. President, in my opinion about a quarter of a mile. In fact, I understand that in my district, there was one application where, had the church been situated just its own width further to the east, in other words, if the east wall had been the west wall, the applicant would have been within the quarter of a miles distance from the church. And surely, Mr. President, that is a harsh yardstick to be applied in determining whether the person should have a licence or not.

It is said that this brings the church into the political arena. Mr. President, I do not accept that that is the case, because under the Planning Law and Regulations, if one goes to construct certain types of businesses, even a gas station in an area that is zoned residential, it is a requirement that that person has to serve notice on everyone living within fifteen hundred yards or feet or whatever of the proposed building, and one person objecting, can, in fact, stop the person from building his gas station or supermarket or whatever it might be.

So if the church happened to be in that vicinity, they are already within the requirements of certain laws to have to object. It was felt that it was better to put this in the positive fashion where the church would have to give the written statement saying that there is no objection, rather than to put it in a negative form and say if there was no objection from the church. The reason being that in this fashion, the church

MR. BENSON O. FRANKS (CONTINUING): cannot say that it was not aware of the fact that a licence was proposed to be granted to the premises to be licensed.

Under the present Law, Mr. President, it is held by certain authorities that there is no such thing as a renewal of a licence, that each annual licence is a new licence, that the amendments which were effected to the Law, which brought about this absolute prohibition within a quarter of a mile of a church, had no saving powers within it, and as a result, many inequities now exist in our community. There are premises that have continued to enjoy the privilege of being licensed, which are nearer to churches than other restaurants which are farther from the churches, but happen to fall minimally within the quarter of a mile, and they cannot have a licence because of the absolute prohibition of the quarter of a mile. I do not believe that it is the intention to use this section of the Law to grant retail licences, that is general retail licences, but, Mr. President, if there is a restaurant, there is nothing to prevent people from going to that restaurant and taking their bottle of wine, or whatever they want to drink with them, and have it with their meal. So why should not the proprietor of the restaurant have the benefit of the revenue from that bottle of wine. It seems to me to be inequitable, and a hollow argument that that person should not be able to sell the wine, when in fact, it can be consumed on his premises with the meal which he sells.

The other thing is, Mr. President, if my understanding is correct, to revert to my earlier point about each licence being a new licence, half of the licensed premises in this country, if this Law was going to be uheroed to, before this amendment goes through, would have to be closed, because most of them are in fact located within a quarter of a mile of churches. Take the little district of Bodden Town. I do not believe that there is one licensed premise in that place that is outside of a quarter of a mile of a church, and it does not seem to be causing too much hardship there; at least, we have not seen any petitions coming in against them, and it would seem that it is working fairly well. The same would be true in my district, and Mr. President, to make the situation even more ridiculous, the clause in the Law does not say just churches, it says churches, civic centres or schools.

Now let us take the case in my district, of West Bay. The town hall is the only civic centre which we have, and it is a common occurrence for dances to be held in those premises with the liquor licences granted. It is a hundred yards from the school, and it is no more than one hundred to one hundred and fifty yards from a church. And to make it even more complicated, Mr. President, the civic centre, itself, is used as a church. There is a church there on Friday nights, and Sunday night certainly, but you could have a dance there with liquor on Saturday. So to me it seems to be somewhat of a dog in a manger approach that we are taking, or some Members are taking, and it is not often Mr. President, that Members on the Government bench have the pleasure of hearing me support a Bill which they bring, but that is as I have always said, I support anything in which I believe, and contrary to what an earlier speaker said that he was to speak against his convictions, I am going to stand up for my convictions.

The Bill also, Mr. President, streamlines the workings and functions of the Board. It enables the Chairman to adjourn Meetings, and it also gives the Chairman the power to extend licences in special circumstances, and Mr. President, I am sure that that section was put in to cover special events such

MR. BENSON O. EBANKS (CONTINUING): as when New Year's Eve might fall on a Saturday, or there might be some other national festival on a night when there might be a wish to extend the licence for an hour or so, and I do not see that section being abused.

Mr. President, I know that reference was made to what we call in Cayman, speakeasies, where people sell alcohol without licences, and unfortunately, Mr. President, I cannot say if that is the case today, but certainly, when I was growing up it was the case, because, I can say here, that the first drink which I bought for myself, was bought from a speakeasy, and I strongly suspect, that not only was it from a speakeasy, but that the alcohol was smuggled in, and that the Government did not even get its duty on it. So if we can find ways and means of regulating licensed premises, I think it is a good thing, and this is what this Bill seeks to do. I agree that there are many provisions caused by a multiplicity of amendments to the Law in its entirety that now makes it desirable for us to have a new and comprehensive Liquor Licensing Law, but, as I said, in the absence of that Law, I can support these amendments which I feel can only help with the administration of the Liquor Licensing Law, and certainly ease some of the problems of the Board.

And with those few remarks, Mr. President, I support the Bill.

MR. PRESIDENT: The Honourable Fourth Elected Member of Executive Council.

HON. G. HAIG BODDEN: Mr. President, the problem of alcohol has been with us ever since the world began, or at least ever since man found out how to make it. In fact, one of the earliest recorded stories is found in the Old Testament, where the daughters of Lot had a cocktail party in which they were able to drunk their father, and get what they wanted from him.

Two years ago, we celebrated the One Hundred and Fiftieth Anniversary of Parliamentary Government, and it is interesting that during the first year of our Parliament, back in 1832, one of the first Laws passed, was a Law to regulate the sale of alcohol. That Law had a provision in it which encouraged people to report on the illegal sale of alcohol, and one of the penalties under that Law, was that the alcohol, if sold illegally, could be confiscated and sold at public auction half of the proceeds going to the Government, and the other half to the informant. If we trace this through our history, we will find that the sale continued. In the years between 1939 and 1958, the revenue from liquor licensed establishments remained constant at the figure of twenty eight pounds per year. There were, at that time, only two liquor licensed establishments for sale of alcohol.

It is apparent that the Law which we now have is simply a revision of that old 1832 Law; year by year the Law has been revised, it has been amended, but I do not think it has ever been modernized to cope with the many problems which did not exist in 1832, and this is why I will support the bringing into effect of a comprehensive Liquor Law sometime in the early future.

I believe that we have to look at the situation that exists. Does the Government and the people want an absolute prohibition on the sale of alcohol, or do they want alcohol to be sold, as it has been in this country from the beginning of our existence under regulated circumstances?

HON. G. HAIG BODDEN (CONTINUING): I believe it is far better to have the alcohol sold in a licensed bar or restaurant or night club, than it is to have it dispensed from a speakeasy where there is no control at all.

One Member mentioned prohibition in the United States, and that country once attempted to do away with alcohol by making its sale illegal. During the years of the bootlegging in the United States, they found that crime was at its highest peak, the Government was deprived of its revenue, and when it finally lost the battle, they then instituted a system of licensing places. I believe if we are to cure the evils of drink, it will have to be done, not by saying you cannot drink, but by educating people, starting with the young, about the evils of drinking. We have to educate our young people, and I believe this should start in the home where parents should talk to their children, and tell them the evils of drinking without any control. It will not be done by legislation saying that we cannot have any licensed places.

I had an uncle who is now dead, and I understood from my mother who was his sister, that her brother was once very sick because he could not get any rum to drink, and so drank Bay Rum, which was not intended for internal consumption, and almost lost his life, because of this incident. If we are too harsh on the places that are licensed, we will make it easier for the bootlegger, who will not only sell, but will deprive the Government of its revenue, and who will perhaps dispense under very insanitary conditions, and, I believe, we will be worse off.

It would be a good country if nobody drank alcohol, and if nobody suffered from overuse, but I believe this is a stipulation that will definitely not come about. So, if we tolerate it, we should allow the licensed dealers to carry on their trade in a fashion that is responsible and would not do too much harm to the public.

One of the amendments in the Law deals with the establishment of a house for the sale of liquor within a quarter mile of a church, a civic centre, or a school. The Third Elected Member from West Bay pointed out the anomalous condition which now prevails in that he said that about one half of the places are operating illegally because they are within a quarter of a mile. I believe the percentage is much higher, probably nine out of every ten liquor licensed establishments should be closed down if this section of the Law was strictly adhered to, because it has been discussed here that the application for a renewal of a license is really the application for a new license under the existing Law. And, the Third Elected Member for West Bay mentioned that in Boddam Town there are places that are very close to the church. This is true, there is one place that is right across the street from the Seventh Day Adventist Church, and as you sit there sipping your beer, you can also hear the benediction being pronounced.

This is the situation that exists, and let us look at a more ridiculous situation right here in George Town. We have the Cayman Arms which is within a quarter mile of the church, with a liquor license, yet Sheila's Restaurant which is much further away from the church than the Cayman Arms, cannot get a license because of this restriction.

I believe it is time that we stopped acting as hypocrites, and either do one of two things: say there will be no sale of alcohol in the Islands or we will allow fair competition to prevail, because I believe that we are better off with twenty well run places where free competition can guarantee that the service is up to the highest standard possible than to have

HON. G. HAIG BODDEN (CONTINUING): one or two places which enjoy a monopoly.

My personal feeling, according to the Christian teachings I have had, is that drunkenness is a sin. However, I do not personally believe that it is a sin to take a drink. I believe, it is a sin to become drunk, and as one Member said, to use the money which the family really needs, but alcohol in moderation, like any other food or any other beverage, or any other thing we engage in, can have the same effect as other things which are considered to be more popular.

The other matter mentioned too, is really not covered in the Law because it comes under the Regulations, and that is the restriction where there would be one licensed establishment for each 250 people on the list of registered voters. I feel that this is a ridiculous ratio, and perhaps it should be changed, because I cannot see any relevance between the number of licensed places and the number of registered voters, because probably 90% of the alcohol consumed is not consumed by the registered voters, but probably consumed by the nearly half a million visitors we have to these shores every year. So I do not see the relevance between the voters' list and licensed places.

Finally, I did not agree in the Committee, and I do not now agree with putting the onus on the church to say the church must make a positive statement saying they do not object to a liquor licensed place. This is passing the buck. This is getting the church to do what we should be doing. We should have a law that allows the Board which is set up to give the licences, and the Members of the Board, following the prescriptions in the Law, should administer the licenses without fear or without coercion, and they should not have to rely on the church to say that you can grant this licence or you cannot, because it is taking what should be in the Law out of it, and putting it in the pulpit, and they have enough problems of their own without having to administer and make the decisions that the Liquor Licensing Board should have.

Mr. President, I am mindful of the time, and I will say.....

MR. PRESIDENT: I make it that you have another minute to go if you want to.

HON. G. HAIG BODDEN: I would like to say that I conclude my address on this Bill, and that I would hope that in the Committee Stage the anomalies which still exist in this amending Bill, can be ironed out so that the responsibility for the Law and the responsibility for its administration will be put in the hands of the people who have been elected to carry out the administration of, and the construction of legislation for these Islands.

MR. PRESIDENT: I think the time now is about thirty seconds from half past four so I will invite the First Official Member to move the adjournment.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT: The motion before the House is that this House do now adjourn until 10:00 o'clock tomorrow morning. Does any Honourable Member wish to speak? Then I will put the question.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., TUESDAY, 4TH SEPTEMBER, 1984.

FOURTH MEETING OF THE (1964) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
TUESDAY, 4TH SEPTEMBER, 1964

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN B McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN M BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON G HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J GARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTFICT OF WEST BAY
MR BENSON O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MABRY S KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FOURTH MEETING OF THE (1986) SESSION
OF THE
LEGISLATIVE ASSEMBLY

TUESDAY

4TH SEPTEMBER, 1986

1. QUESTIONS

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 46: WOULD THE MEMBER STATE WHAT THE LATEST ESTIMATE OF ILLEGAL IMMIGRANTS IN THE CAYMAN ISLANDS IS?

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 47: WOULD THE MEMBER STATE WHAT THE COST IS TO DATE OF GOVERNMENT'S COMMUTERIZATION PROGRAMME?

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 48: WOULD THE MEMBER STATE WHEN IT IS PROPOSED TO COMMENCE WORK ON WATERFRONT REPAIRS ON NORTH CHURCH STREET NEAR THE "7-11" STORE?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 49: WILL THE MEMBER STATE WHICH, IF ANY, OF THE FOUR NEWS PAPERS NOW PUBLISHED IN THE ISLANDS IS SUBSIDIZED BY GOVERNMENT?

NO. 50: WILL THE MEMBER STATE THE TOTAL NUMBER OF PRISONERS IN THE NORTHWARD PRISON BROKEN DOWN BY CAYMANIANS AND NON-CAYMANIANS?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 51: WILL THE MEMBER STATE WHAT GOVERNMENT SCHOOL FEES ARE PRESENTLY DUE AND OWING?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 52: WILL THE MEMBER STATE WHAT AMOUNT HAS BEEN SPENT TO SEND PATIENTS OVERSEAS ON PRESCRIPTIONS FROM THE 1ST JANUARY TO THE 31ST AUGUST, 1986, AND WHAT AMOUNT HAS GOVERNMENT BEEN REIMBURSED BY THESE PATIENTS?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL, RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 53: HAVE ANY OF THE DANGEROUS DRUGS REPORTED MISSING OR NOT BEING SUPPORTED BY PRESCRIPTIONS IN A 1975 AUDIT REPORT BEEN RECOVERED?

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

No. 54: WILL THE MEMBER MAKE A STATEMENT REGARDING THE LOAN TO ICCT GIVING A REASON OR REASONS WHY NO AGREEMENT HAS BEEN SIGNED CONTAINING PROVISION FOR THE REPAYMENT OF THE LOAN AS STATED IN THE AUDITOR GENERAL'S REPORT DATED 4TH JUNE, 1984, AT PARAGRAPH 22?

2. OTHER BUSINESS

PRIVATE BILL:-

THE CAYMAN NATIONAL CULTURAL FOUNDATION BILL, 1984

(i) Committee Thereon

HOUSE RESUMES

(ii) Report Thereon

(iii) Third Reading

3. GOVERNMENT BUSINESS

BILLS:-

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984 - CONTINUATION OF SECOND READING DEBATE

(ii) THE SUPPLEMENTARY APPROPRIATION (1982) BILL, 1984 - FIRST AND SECOND READINGS

(iii) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984 - FIRST AND SECOND READINGS

COMMITTEE THEREON

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984

(ii) THE SUPPLEMENTARY APPROPRIATION (1982) BILL, 1984

(iii) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984

HOUSE RESUMES

REPORTS THEREON

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984

(ii) THE SUPPLEMENTARY APPROPRIATION (1982) BILL, 1984

(iii) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984

THIRD READINGS

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984

TABLE OF CONTENTS

	Page
Questions	1
The Cayman National Cultural Foundation Bill, 1984 – Committee Thereon	11
Report Thereon	21
Third Reading	21
The Liquor Licensing (Amendment) Bill, 1984 – Continuation of Second Reading Debate	22
Capt. Charles L. Kirkconnell	23
Hon. John P. McLean	28
Hon. Michael J. Bradley	25
Hon. Truman M. Bodden	26
Mr. D. Dalmain Ebanks	29
Hon. James M. Bodden	29
The Supplementary Appropriation (1983) Bill, 1984 – First Reading	31
Second Reading	32
The Supplementary Appropriation (1983) Bill, 1984 – Print and Second Readings	33
Hon. Truman M. Bodden	37
Mr. Benson O. Ebanks	37
Adjournment	41

TUESDAY

4TH SEPTEMBER, 1964

10·00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Item 1. Questions - the First Elected Member for George Town.

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 16: Would the Member state what the latest estimate of illegal immigrants in the Cayman Islands is?

ANSWER: It is difficult to estimate how many illegal immigrants there are in the Cayman Islands, as obviously, if the Department was aware of such persons, they would be apprehended and dealt with accordingly. Over the last thirty days a total of twenty-five such persons have been apprehended. A recent run of the computer indicates that at the end of July there was a total of 125 overstayers in the Islands. This would include all nationalities.

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: Mr. President, a supplementary, Sir. Would the Member state, Sir, if the Government has any sort of programme or any idea of how to cope with illegal immigrants - that is are they not considering going out and rounding up these people; these overstayers and illegal immigrants? Have they got any such programme in mind?

HON. D. H. FOSTER: Yes, Sir, we have a programme in force. We have an enforcement section in the Immigration Department, headed by a very able Officer who, when he needs further assistance (that is apart from his own Officers, he gets it from the police.

Regular round-ups, if one could say that, are made, or raids are made and regular actions taken when we get information as well from outsiders that certain people are around. Every effort, Sir, is being made. And when I say in the answer that twenty-five people have been apprehended, this means that there are twenty-five people in the courts. This is not talking about the others who have just been given twenty-four hours to get off the Island or who are put on a plane the next day, Sir.

MR. BENSON O. EBANKS: A supplementary, Mr. President. Could the Honourable Member state whether the one hundred and twenty-five overstayers includes possibly person who may have just overlooked to have their permission to stay, for a short period, extended, or are these long-term overstayers?

HON. D. H. FOSTER: No, Sir, it would include those

HON. D. H. FOSTER (CONTINUING): mentioned who have sort of just slipped up on getting their passports extended or a new stamp in their passports. It would include all of those persons, Sir.

MR. J. CARSTON SMITH: I supplementary, Mr. President. I just want to add on to the question which my good friend has put forward.

Could the Member say whether these one hundred and twenty-five overstayers, mentioned in his answer, have been deported or sent back home?

HON. D. H. FOSTER: At the end of each month, Sir, when we have the printout on the computer, the first thing that they do is check to see if there are any entries that have not been made that, if adjusted, would make that number different. After that they start rounding up these people or making contact with them to let them know that they have overstayed. Some of them, as the Third Elected Member for West Bay said, have just plain forgotten or slipped up on it.

I could not really tell you whether since July ..... I am pretty sure that they have made contact with a lot of these persons during August, Sir.

MR. PRESIDENT: If there is no further supplementary, I will invite the First Elected Member for George Town to ask the next question.

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 47: Would the Member state what the cost is to date of Government's computerization programme?

ANSWER: The cost to date is CI$1,253,090 broken down as follows:-

Salaries	$ 527,562
Equipment	566,136
Maintenance	123,549
Supplies (stat/pub)	26,947
Communication Lines	3,050
Travelling	3,900
	$1,253,090

SUPPLEMENTARIES:

MR. W. NORMAN BODDEN: A supplementary, Mr. President. Does the Honourable Member consider the system adequate?

HON. T. C. JEFFERSON: Mr. President, the attraction to use the computer service is perhaps similar to a person wanting to buy a new car. If you see a Mercedes in town, you would like to have one.

I think over the period of time, Mr. President, since the computer has been in operation, sixteen Departments are presently on that computer service. There are seven hundred and twenty-five computer programmes written and there are many other Department seeking additional services of

HON. T. C. JEFFERSON (CONTINUING): the computer's time. It will not be very long, Mr. President, before the computer will not be able to cope with the demands of it and we shall have to upgrade the system. But, Mr. President, I am personally satisfied that the use of the computer and the cost of it is a good penny spent by Government.

MR. BENSON O. EBANKS: Supplementary, Mr. President, would the Honourable Member state what the age of the computer equipment is and what the anticipated life of the present equipment is? I am phrasing this question this way, Mr. President, because in Government I do not think that we have a system of amortizing or writing down the equipment. So I have to phrase it this way, and I apologize if it might put some pressure on the Honourable Member.

MR. PRESIDENT: The only thing is, is that I am not sure it is strictly a supplementary. I will allow it for the moment, but we are straying a bit far from the original question and from information coming out of the original question.

MR. BENSON O. EBANKS: With respect, Mr. President, I think the Honourable Member made mention of having to renew or mend .....

MR. PRESIDENT: As I said, I will .....

MR. BENSON O. EBANKS: the equipment shortly .....

MR. PRESIDENT: I have said I will allow it, but I would understand if the answerer did not necessarily have all the information, you seek, available. However, if he is prepared to answer.

HON. T. C. JEFFERSON: Mr. President, I will try my best to answer the question although the details which the Member is seeking is not available at this particular time to me.

The equipment, I think, is the question of the Third Elected Member for West Bay. We have one computer brought from Digital Equipment Corporation, serial number PDP1170. The computer, as I understand it, when it was purchased was not brand new and the age of a computer is not necessarily the deciding factor as to when it supplies all the needs of a particular service. Normally a computer, Mr. President, will be taken off line because it does not have sufficient storage space in its central processor to deal with the volume of information that is requested or put into it.

Additional equipment is four disc drives, two tape drives, one line printer and data communication equipment, two matrice printers and twenty-nine video terminals. Speaking generally, Mr. President, they are all new. It depends upon the use of the equipment. This type of equipment is quite delicate and how long it will stand up is, I think, just about anybody's guess. At the moment I do not have available to me the life of the pieces of equipment.

MR. PRESIDENT: The Third Elected Member for George Town.

MISS ANNIE HULDAH BODDEN: Mr. President, with your permission, Sir, I would like to ask a supplementary question. And it is this. Could the Honourable Member state the number of people who received the salaries of $527,000?

HON. T. C. JEFFERSON: Yes, Mr. President, the computer information section of Finance and Development. There are twenty members of that section. There is a manager; there is a software development manager (the person who is really responsible for the programmers and assistant analysts who are putting together or doing the programmes); there is an operations manager who is in charge of the computer installation itself and the running thereof (that is looking after the hardware and making sure that work gets done on it); there are six analyst programmers (at the moment there are only four in post). We lost two programmers recently at the end of their contracts. It was agreed that they could not renew because of their own career needs. There is a data entry supervisor; there are three computer operators; there are two programme trainees and there are four data entry operators (three are in post) and one executive officer who is performing secretarial functions.

Mr. President, at the moment in staff, there are seventeen - ten are Caymanians, seven are expatriates. One member is a Caymanian at a very senior level - he is systems analyst.

MR. PRESIDENT: In case there is any misunderstanding, I take it the salaries figure (the total of $527,000) covers several years salary since the operation began - it is not just one year.

HON. T. C. JEFFERSON: Yes, Mr. President, the question read, "Would the Member state what the cost is to date of Government's computerization programme?". And the salaries will take us back to 1981.

MR. PRESIDENT: If there is no further supplementary, I will invite the First Elected Member for George Town to ask the next question.

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 48: Would the Member state when it is proposed to commence work on waterfront repairs on North Church Street near the "7-11" store?

ANSWER: Due to increased work-load associated with advancing the terminal completion date from March 1985 to November, 1984, and with the works currently underway on the Sports Centre and Little Cayman dock, the section at P.W.D. responsible for this work is unable to commence the project at this time.

Should funds be rebudgeted in 1985, it is anticipated that the work will be carried out in the second quarter and at the end of the Northwester season.

MR. PRESIDENT: Unless any Honourable Member has a supplementary, I will invite the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 49: Will the Member state which, if any, of the four newspapers was published in the Islands is subsidized by Government?

ANSWER: None.

MR. PRESIDENT: Unless any Honourable Member has a supplementary, I will invite the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 50: Will the Member state the total number of prisoners in the Northward Prison broken down by Caymanians and non-Caymanians?

ANSWER: There is a total prison population of 74 at Northward Prison - 49 Caymanians and 25 non-Caymanians (as of 29th August, 1984).

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: A supplementary, Mr. President. Could the Member state whether he could give the House a further breakdown of the 25 non-Caymanians by nationality?

HON. D. H. FOSTER: Yes, Sir. We have 8 Jamaicans, 10 Cubans/United States/Bolivian; 3 United States of American; 3 Hondurans, 1 Nicaraguan. Perhaps I could just explain these 10, Sir.

They are originally from Cuba with American residence. So that is why it is "/United States" and 1 Bolivian.

MR. BENSON O. EBANKS: Mr. President, could the Member say whether all of these prisoners are serving sentences or whether some of them are in remand awaiting trial? And if so, what quantity are awaiting trial?

HON. D. H. FOSTER: Mr. President, to the best of my knowledge, Sir, they are all people who have been convicted. I do not think they would have given me the information on people on remand because they are really not prisoners yet.

MR. PRESIDENT: Perhaps the Honourable Member would undertake to check because I suspect they might include remand prisoners and to inform the questioner in writing later. I do not think it is really technically a supplementary that quite arises out of it. If it is information that you wanted, you have put down a question. But, if the Honourable Member will give you the information in writing perhaps that will .....

MR. BENSON O. EBANKS: Mr. President, what I was driving after was that we were given an undertaking, when the prison was opened, that in the case, for example, of Jamaicans, a treaty would be

MR. BENSON C. EBANKS (CONTINUING): worked out with Jamaica whereby Jamaica would take its prisoners convicted in Grand Cayman and we would receive Caymonians convicted in Jamaica to serve the time here.

MR. PRESIDENT: With respect, if you wanted to ask whether some arrangement like that has been worked out, then you need to put down a question to ask it. You cannot expect the Member to be prepared to answer that as a supplementary arising out of the answer to a question of the kind that is now down.

MR. BENSON C. EBANKS: Could I rephrase the question then and ask why the 9 Jamaicans are in our prison?

MR. PRESIDENT: Yes, I think that is fair.

HON. D. H. FOSTER: Mr. President, it could be for several reasons. But, before I go onto the reasons, I will let the Member know that we do sent to Jamaica any, or the majority, or all of the Jamaican prisoners convicted here.

One of the reasons that they are here might be that when there are appeals we do not send them to Jamaica until the appeal is heard. Because what simply happens is that if we send them first and when the appeal comes up, which may be months later, we have to send for them and bring them back again, and it is additional expense.

Another reason could be that they are very short-term (two or three months - in which case we do not bother to send them, we just serve the sentence here and take further action to see that they do not come back in the future). So there could be several reasons like that and as I told the Member before, it could be, but I doubt it, that some of these are in remand.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, could the Honourable Member state whether or not these prisoners, when they are sent back home, are being declared prohibited immigrants or not?

HON. D. H. FOSTER: Yes, Sir, I would say in the majority of cases we do deal heavily, especially with the drug ones and that is mainly what they are there for. But, we do do that, Sir, and this is published in the Gazette regularly.

MR. PRESIDENT: The Elected Member for North Side.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Would the Member be able to say what the accommodation at the prison is now like since there are 74 inmates? I am wondering whether they are abundantly over-crowded?

HON. D. H. FOSTER: Mr. President, I do not think it is over-crowded, Sir. They should be very comfortable because, as Members will know, we completed last year a new block which gave us ample space. As a matter of fact, if my memory serves me right we can accommodate about 116 comfortably.

MR. PRESIDENT: If there is no further supplementary, I will invite the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 51: Will the Member state what Government school fees are presently due and owing?

ANSWER: Amount of school fees due at 6th August, 1984, is one hundred and one thousand and eighty-seven dollars ($101,087) and the amount owing is thirty-six thousand, four hundred and sixty-eight dollars ($36,468).

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: A supplementary, Mr. President. Will the Member state what steps are being taken to collect the $36,468 which is owing to Government?

HON. TRUMAN M. BODDEN: Mr. President, letters have been written to the persons, who owe this money, requesting payment.

MR. BENSON O. EBANKS: Mr. President, the answer says that at the 6th of August, $101,087 is due. Now, as far as I know, that date is not the beginning of a school term. So this would seem to me to be fees from .....

HON. TRUMAN M. BODDEN: Mr. President, on a point of order, is he going to ask a question or is he going to make a statement?

MR. PRESIDENT: I think he is probably trying to explain what the question is .....

MR. BENSON O. EBANKS: I am going to ask a question, Mr. President. ..... And then a figure of $36,468 is given as owing. Now, the question is, if the $101,087 represents school fees due at the beginning of the term previous to the 6th of August, what is the difference in the two amounts. How would they distinguish between what is due and what is owing if that in fact goes back to the beginning of the period before when I understand school fees are due?

HON. TRUMAN M. BODDEN: It is very simple, Sir. The $36,468 are owed. The $101,087 are due.

MR. PRESIDENT: With respect, I do not think that quite answers the supplementary. What is the distinction between what is due and what is owing? How do you define owing and how do you define due for the purpose of the answer. I think that is what the Member meant.

HON. TRUMAN M. BODDEN: Well, the part of it that is owing is now a real debt. The part that is due is a contingent debt.

MR. BENSON C. EBANKS: Mr. President, I thought that a continnent debt was something that was not specific, but became due upon a certain happening. I wonder if the Honourable Member could enlighten me on what he means by a continnent debt, in his answer?

HON. TRUMAN M. BODDEN: Mr. President, a real debt is one that is owed. A contingent debt is one that will arise in the future, but is due.

Mr. President, there is very little more I can say on this, but one of the things I should mention which would assist this House is, if the time given on these questions could be somewhat longer because many of these questions, some six of them, were put in my lap a couple of days before the weekend. And if Members would like to have very long detailed answers, perhaps when the Standing Orders are revised, we could lengthen the time and say give seven days notice for Members to prepare these.

MR. PRESIDENT: Well, that is a slightly separate issue to which no doubt the new House may give .....

MR. BENSON C. EBANKS: May I have a supplementary on this, Mr. President, and ask the Honourable Member if he could undertake to provide Members with details of this stating exactly what it is because the answer, as given, serves very little purpose in enlightening Members?

HON. TRUMAN M. BODDEN: With respect, Mr. President, the question asks what is due and owing, and I have given a proper reply.

If the Member wants a different answer in different areas, perhaps the question should have been worded in a different way.

MR. PRESIDENT: Well, I must admit, I myself was uncertain what the questioner originally intended. I had interpreted it as not distinguishing between what was due and what was owing, but it being one phrase, due and owing, to cover one thing. However, I do not really know.

Unless there is any further supplementary, I will invite the Elected Member for North Side to ask the next question.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 52: Will the Member state what amount has been spent to send patients overseas on emergencies from the 1st January to the 31st August, 1984, and what amount has Government been reimbursed by these patients?

ANSWER: Total amount spent from 1st January to the 31st August, 1984, is six hundred and sixty-eight thousand, three hundred and twenty-six dollars and nineteen cents. Total amount collected is fifty-five thousand, nine hundred and seventy-six dollars and eighty three cents.

SUPPLEMENTARIES:

HON. CRADDOCK EBANKS: Mr. President, a supplementary. Will the Member state whether any effort is being made to obtain reimbursements from patients who are able to make them? In other words, Mr. President, if they are physically able to work, are they then prepared to continue the payments?

HON. TRUMAN M. BODDEN: Mr. President, many of the patients whom Government has paid for are firstly Civil Servants - probably nearly one half. The remainder are not Civil Servants.

What Government endeavours to do, Sir, is to examine the means of the patient and to establish whether there are any assets of that patient which may be available for the payment of the medical fees.

Also under the present Law as it has stood for the past 100 years or so, a statutory charge is automatically placed upon the property, the real property - the land, of a person who is given poor relief under that Law.

Beyond the charge, we normally take promissory notes and sometimes the patients are capable of repaying this money over a period of time. However, Government has always had, at least since 1976, an over-riding policy where in cases where necessary medical treatment is required, then, regardless of the means of that person, this Government sees that they get that medical treatment.

That policy, I think, is fair. It is in line with the International Convention on Human Rights in relation to the alleviation of human suffering in the world, and Members of this Honourable House must expect that some of the funds spent will never be recovered. So the most that the Portfolio can do is to endeavour, within the reasonable means that the patient has to ensure that there is the sufficient security and procedure set up to get back such payments as they can reasonably make.

MR. BENSON O. EBANKS: A supplementary, Mr. President. I wonder if the Honourable Member could give us a breakdown by country where these expenses were incurred and by amount in each country?

HON. TRUMAN M. BODDEN: No, Sir, I cannot. I can supply that information to the Member, but I do not have it with me.

MR. PRESIDENT: I think that is fair.

Unless any Member has a further supplementary, I will invite the Second Elected Member for West Bay to ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 53: Have any of the dangerous drugs reported missing or not being supported by prescriptions in a 1975 Audit Report been recovered?

HON. TRUMAN M. BODDEN: Mr. President, I had hoped that this question would have been asked tomorrow because once again the delay in time. The answer is somewhat long. While I have it orally, I am afraid that I have not been able to have it prepared in written form. So either I could give it orally now to the best I can, or if it

HON. TRUMAN M. BODDEN (CONTINUING): could be put on the paper tomorrow I would then have the proper written reply to it, Sir.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, perhaps I could draw the House's attention to Standing Order 23(5) which says, "A Member of the Government may, with the leave of the House, defer answering a question.". This perhaps may .....

MR. PRESIDENT: I would think it would be reasonable to grant the Honourable Member leave because in fact the wording of that question was amended at my request and with the agreement of the Member asking it, sometime yesterday morning I think. And therefore the Honourable Member answering it cannot have received notice of the question as amended until at least mid-day yesterday, and I had hoped that it would not have been put on today's Order Paper. I think perhaps there was some confusion. I did not maybe make my wishes known clearly enough that it should be put down later in the week. But, I think to defer answering it would be quite reasonable and I hope the questioner will agree with that and we can put it down on the Order Paper for tomorrow or later.

MR. D. DALMAIN EBANKS: I take your ruling, Sir.

MR. PRESIDENT: So I will invite the Third Elected Member for West Bay to ask the next question.

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 54: Will the Member make a statement regarding the loan to ICCI giving a reason or reasons why no agreement has been signed containing provision for the repayment of the loan as stated in the Auditor General's Report dated 8th June, 1984, at paragraph 27?

ANSWER: The loan of CI$36,000 to ICCI was made by my predecessor in 1978. The Auditor General's comment in paragraph 27, to be fair, should have mentioned that payments have and are being received.

Total repayments as of 31st December, 1983, were $29,744 and $1,284 in 1984, resulting in an outstanding balance of CI$9,972.

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: Mr. President, part of this question, Sir, has not been answered; that is why has no contract or agreement been signed with ICCI?

HON. T. C. JEFFERSON: Mr. President, whatever arrangements there were, were done back in 1978. I think it is quite obvious from the answer that there was some arrangement as payments are being received from ICCI.

We have searched our records in the Treasury, the Financial Secretary's Office, the Deputy Financial Secretary's Office and we have not been able to find the agreement. However, Mr. President, in fairness to my predecessor, I remember seeing some piece of paper, deemed to be an agreement back in 1978.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, in light of the Honourable Member's answer, will he now endeavour to get a new agreement signed with ICCI to secure the amount of money loaned by this Government to them?

HON. T. C. JEFFERSON: Mr. President, I am undertake to do that. I think at the end of this year, it will probably be an outstanding balance of $7,000. For that, I can do, Mr. President.

MR. PRESIDENT: If there is no further supplementary that will end Question Time.

In that case we can pass to Item 2 on today's Order Paper which is the Committee Stage of the Private Bill which had its First and Second Readings yesterday. So the House will now go into Committee to study a Bill shortly entitled the Cayman National Cultural Foundation Bill, 1984.

COMMITTEE STAGE

THE CAYMAN NATIONAL CULTURAL FOUNDATION BILL, 1984

MR. CHAIRMAN: Please be seated.
The House is now in Committee - The Cayman National Cultural Foundation Bill, 1984.

CLERK: CLAUSE 1 - SHORT TITLE.

HON. TRUMAN M. BODDEN: Mr. Chairman, if I could just mention (this may perhaps arise from the long title) that, "Be it enacted by the Legislature of the Cayman Islands.", was in twice and perhaps we could just remove that please. This is in the long title actually. I know that comes at the end, Sir, but the printers seem to have included it twice.

MR. CHAIRMAN: It is really a printing error I imagine, is it not?

HON. TRUMAN M. BODDEN: Yes, Sir. And there are an abundance of printing errors in this, Sir, and I am wondering whether you wish me to point these out as we go along or whether they could be corrected at the Table or what, Sir?

MR. CHAIRMAN: I would hope that the Committee might agree that on this occasion, too, in accordance with the practice we normally adopt, we could authorize. I think perhaps in this case, the Honourable Member moving the Bill in consultation with the Clerk and with the Honourable Attorney-General to correct any clear printing errors or mistakes of that kind.

If Members are in agreement with that, then I think we would charge him with that task and there is really no reason for him to point out, clause by clause, each amendment that his eagle eye has spotted.

Would that be acceptable to the Committee?

MR. BENSON O. EBANKS: Yes, Sir, providing that the error does not change the sense of .....

MR. CHAIRMAN: Oh, no, I mean we are talking about something is clearly a typing error or a mistake of that kind.

HON. MICHAEL J. BRADLEY: Yes, Mr. Chairman, Sir, as it is a Private Member's Bill, I have not been responsible for the draft in any way and I have not seen the proof as opposed to the draft, so I would very much rely on the mover to make sure that it is ... a correct .....

MR. CHAIRMAN: Yes, indeed. I mean I would think the primary responsibility would rest with the mover of the Bill on this occasion, but I would hope he would have your assistance and that of the Clerk in the matter.

HON. TRUMAN M. BODDEN: I accept that responsibility. I would just mention there are only more public Bills than Private Bills with which the Honourable Member always has my assistance. (LAUGHTER)

MR. CHAIRMAN: The question now is that the short title stand part of the Bill. Unless any Honourable Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

MR. CHAIRMAN: I think I will invite the Clerk to read the clauses three or four at a time, as convenient, because it is a slightly longer Bill than usual.

CLERK: CLAUSE 2 - INTERPRETATION.
CLAUSE 3 - ESTABLISHMENT AND CONSTITUTION OF FOUNDATION.
CLAUSE 4 - INCORPORATION.

MR. CHAIRMAN: The question is that Clauses 2, 3 and 4 stand part of the Bill. Unless any Member wishes to speak, I will put that question.

HON. MICHAEL J. BRADLEY: In subsection (4) of Clause 4, I seek correction from the schoolmasters in the Chamber, but should it not say, "The Foundation may sue and be sued in its corporate name ....."?

HON. TRUMAN M. BODDEN: I am happy to change it to that, Sir.

HON. MICHAEL J. BRADLEY: If it is a body corporate, it is singular.

MR. CHAIRMAN: Yes, it is quite true - later on, I find in Clause 9, the Foundation is "it".

HON. TRUMAN M. BODDEN: Yes, that is correct, Sir.

HON. MICHAEL J. BRADLEY: Which I mention because it is more than a mere typographical.

MR. CHAIRMAN: Yes, I think that is quite true. So, the question is that Clause 4 be amended by substituting in subsection (4), the word "it" for the word "their". Now I will put that question first - the amendment.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 4 PASSED.

MR. CHAIRMAN: The question now is that Clauses 2 and 3, and 4 as amended do stand part of the Bill? Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSES 2 AND 3, AND 4 AS AMENDED PASSED.

CLERK: CLAUSE 5 - FUNCTIONS AND OBJECTIVES.
CLAUSE 6 - REMUNERATION OF MEMBERS.

MR. CHAIRMAN: The question is that Clause 5 and 6 stand part of the BILL? Unless any Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSES 5 AND 6 PASSED.

CLERK: CLAUSE 7 - FUNDS AND RESOURCES OF FOUNDATION.
CLAUSE 8 - APPLICATION OF FUNDS OF FOUNDATION.
CLAUSE 9 - RESERVE FUND.

MR. CHAIRMAN: The question is that Clause 7, 8 and 9 stand part of the Bill? Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSES 7, 8 AND 9 PASSED.

CLERK: CLAUSE 10 - ACCOUNTS AND AUDIT.
CLAUSE 11 - RIGHTS OF ACCESS BY AUDITOR-GENERAL OR AUDITOR.
CLAUSE 12 - REPORTS.
CLAUSE 13 - FINANCIAL YEAR.

MR. CHAIRMAN: The question is that Clauses 10, 11, ...

MR. BENSON O. EBANKS: Mr. Chairman, before you put the question, it appears that the word "by" is missing in Clause 13.

HON. TRUMAN M. BODDEN: That is correct, Sir.

MR. BENSON O. EBANKS: It should read, "..... determined by the Foundation.",

HON. TRUMAN M. BODDEN: That is correct, Sir, and the word "a" is missing from Clause 12(1)(a). I would have inserted these after.

MR. CHAIRMAN: Sorry, what word is missing from Clause 12(1)(a)?

HON. TRUMAN M. BODDEN: The word "a" is missed out after the bracketed alphabet a.

MR. CHAIRMAN: Ah, yes I think they could be regarded as printing errors and omissions if the Committee is content.

So, the question is that Clauses

MR. CHAIRMAN (CONTINUING): 10, 11, 12 and 13 do stand part of the Bill? Does any Honourable Member wish to speak? I will then put the question.

QUESTION PUT: AGREED. CLAUSES 10, 11, 12 AND 13 PASSED.

CLERK: CLAUSE 14 - DIRECTIONS.
CLAUSE 15 - TRUSTS.
CLAUSE 16 - OFFENCES.

MR. CHAIRMAN: The question is that Clauses 14, 15 and 16 do stand part of the Bill?

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, the marginal note to Clause 14 does not appear to me to be directly relevant to the substantive words of the Clause.

HON. TRUMAN H. BODDEN: That is correct, Sir. That originally related to a different way in which this Bill was drafted and I think it could be altered to the words "Acquisition of.....", or we could just put in "Real property and loans". This, I think, would be sufficient, Sir.

MR. CHAIRMAN: The question is then that Clause 14 be altered so that the marginal note reads, "Real property and loans" instead of "Directions".

MR. BENSON O. EBANKS: Mr. Chairman, I would be prepared to leave that to be put in since the marginal note is really ....

MR. CHAIRMAN: The marginal notes are not really ..... that is right. I think that the Honourable Member could perhaps correct it and we need not take a vote on the amendment, or need not regard it as an amendment.

So, the question then is that Clauses 14, 15 and 16 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSES 14, 15 AND 16 PASSED.

HON. TRUMAN H. BODDEN: Mr. Chairman, ...

MR. CHAIRMAN: I think I am anticipating you: there has been a notice of an amendment. Perhaps you would like to proceed with it.

HON. TRUMAN H. BODDEN: Mr. Chairman, I have circulated a notice of an amendment, but I do not have two clear days and I would ask, Sir, that under Standing Order 5(2) you give the leave of the Chair to bring it.

MR. CHAIRMAN: Leave given.

HON. TRUMAN H. BODDEN: I would therefore move that the motion in relation to the new Clause 17 which reads -

"Reservation of rights. 17. Nothing herein contained shall affect or be deemed to affect the rights of Her Majesty the Queen or

HON. TRUMAN M. BODDEN (CONTINUING):

of any bodies politic or corporate, or other person or persons, except such as are mentioned or referred to in this Law and except those claiming by, from, through or under them."

MR. CHAIRMAN: The question is that a new Clause, Clause 17, be added to the Bill, the wording of it being as just read out by the mover. Does any Member wish to speak to that motion? .... In that case I will put the question that a new Clause be added as proposed.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: I should be grateful for guidance. Do we need to put the question also that that new Clause stand part of the Bill or have we automically done that? Perhaps for an abundance of caution it would be as well to put the question that the new Clause 17 stand part of the Bill.

QUESTION PUT: AGREED. NEW CLAUSE 17 PASSED.

CLERK: SCHEDULE.

MR. CHAIRMAN: The question is that the Schedule stand part of the Bill. Unless any Member wishes to speak, I will put that question.

HON. TRUMAN M. BODDEN: Mr. Chairman, in Clause 5 I would wish, subject to leave of the Chair, Sir, to amend that in the second line where it says, ".... in writing addressed" - if I could insert there, "and transmitted". So between the words, "addressed" and "to" in the second line, "and transmitted" is inserted; and remove from it the words "and transmitted to the Member Health, Education and Social Services"; and inserting after the word "Foundation", "whereupon".

MR. CHAIRMAN: As I right then that paragraph 5 of the Schedule as amended would read, "The Chairman may at any time resign his office by instrument in writing addressed and transmitted to the Foundation whereupon the Chairman shall cease to be Chairman and if the instrument so specifies, shall cease to be a Member.". Is that a correct version of paragraph 5 amended in the sense that you propose?

HON. TRUMAN M. BODDEN: Yes, Sir. I wonder if you could just give me one minute please?

Mr. Chairman, I am wondering if we could perhaps take a break now because there is one matter relating to appointment that I may have to ask for an amendment on, Sir?

MR. CHAIRMAN: Very well. It is in fact just about the time we customarily take our coffee break. Let us suspend proceedings for approximately fifteen minutes.

AT 11:15 A.M. THE COMMITTEE SUSPENDED

COMMITTEE RESUMED AT 11:48 A.M.

MR. CHAIRMAN: Please be seated.
Do all Members have a copy of the notice of amendment? Well, let me read out ..... the first is an amendment to paragraph 1, sub-paragraph (2) of the Schedule and the amendment is to add, after the word "Chairman" at the end of that sentence, the words "and shall appoint new Members and Members to fill vacancies". So that paragraph 1(2) as amended would read, "The Foundation shall appoint a Member of the Foundation to be Chairman and another Member to be Deputy Chairman and shall appoint new Members and Members to fill vacancies.".
There is also a proposed amendment to paragraph 2, the preamble of which is to be changed so that it reads, "A Member of the Foundation, excluding Mrs. Helen Marquail, shall hold office until he dies, resigns or has his appointment revoked at the absolute discretion of the Foundation before the end of that term by the Foundation, but;".

HON. MICHAEL J. BRADLEY: I think then, perhaps, we may need a small consequential amendment over the page because really if you hold office for life, the unexpired term would not be of the term of life of the former Member.

MR. BENSON O. EBANKS: In other words we are taking out the three years. Is that what I am understanding?

HON. TRUMAN M. BODDEN: Yes, we would be taking out the three years and they would then hold office until they are really moved or resign. The Honourable Second Official Member is quite right, we would have to alter that period over on the other page.

HON. MICHAEL J. BRADLEY: In fact, Mr. Chairman, Sir, subject to what the Honourable mover thinks, I think that we could just put a fullstop after the word "Foundation" as it is now because if you hold for an indefinite term I think that the small paragraph (a) and small paragraph (b) are redundant.

HON. TRUMAN M. BODDEN: That is correct, Sir.

MR. CHAIRMAN: I cannot, to be truthful, maybe the Honourable mover will remind me, recall whether we ever did take a vote on the amendment which he had earlier proposed to paragraph 5 of the Schedule. Did we deal with that or not? Or maybe the Clerk ..... we did not - no.
So we now have three amendments and subject to the Honourable mover's consent, I propose to take them in turn. First the amendment to paragraph 1, sub-paragraph (2). Does any Honourable Member wish to speak to that amendment? .....
If not, I will put the question that that amendment be accepted.

QUESTION PUT: AGREED. PARAGRAPH 1(2) OF THE SCHEDULE AS AMENDED PASSED.

MR. CHAIRMAN: Next the amendment to paragraph 2 of the Schedule and as I understand them those amendments are

MR. CHAIRMAN (CONTINUING): firstly in effect to delete the words, in the second line, ".... for a term of three years unless ..." and to substitute for those words, the word "until". And then to delete the word "but" at the end of the preamble in paragraph 2 and to delete the whole of sub-paragraph (a) and (b).

HON. TRUMAN M. BODDEN: Yes, Sir, but also in the third line of that paragraph, between the words "revoked" and "before", to put in "at the absolute discretion of the Foundation".

MR. CHAIRMAN: Quite right. Thank you. So, I hope Members now are aware of the amendments that are proposed to paragraph 2 of the Schedule. Does any Honourable Member wish to speak to that? ..... If not, I will put the question that those amendments be adopted.

QUESTION PUT: AGREED. PARAGRAPH 2 OF THE SCHEDULE AS AMENDED PASSED.

MR. CHAIRMAN: Then, there was an amendment, which was mentioned before we took our short break, to paragraph 5 of the Schedule which I think I read out before we took our break and unless any Member wishes me to read it again, I will take it that .....

MR. BENSON O. EBANKS: I did not get that amendment, Sir.

MR. CHAIRMAN: Very well then. It is to insert in the second line of paragraph 5, after the word "addressed", the words "and transmitted". To delete in the second and third lines "and transmitted to the Member Health, Education and Social Services", and to insert in their place the word "whereupon". And the effect of that is that the paragraph would then read, "The Chairman may at any time resign his office by instrument in writing addressed to the Foundation whereupon the Chairman shall cease to be Chairman and if the instrument so specifies, shall cease to be a Member.",

HON. D. E. FOSTER: You left out "and transmitted", Sir.

MR. CHAIRMAN: Sorry, "addressed and transmitted". You are quite right. ".addressed and transmitted to the Foundation whereupon .....". Does any Honourable Member wish to speak to that amendment? ..... If not, I will put the question.

QUESTION PUT: AGREED. PARAGRAPH 5 OF THE SCHEDULE AS AMENDED PASSED.

HON. TRUMAN M. BODDEN: Mr. Chairman, I am wondering if I could recommit Clause 14. I would just like to explain, Sir, this Bill was dealt with extremely quickly.....

MR. CHAIRMAN: I wonder .... could we dispose of the Schedule first and then I am sure that permission to recommit will be given. .....

HON. TRUMAN M. BODDEN: Yes, Sir, I am sorry.

MR. CHAIRMAN: ..... because I am frightened that I will get into a muddle and we shall not finish the Schedule. So, I have dealt now with the proposed amendments to paragraphs 1(2), 2 and 5 of the Schedule. Did the mover have any further amendments to the Schedule to propose? I have not notice of any. Is that the lot? You did not have any more amendments to the Schedule? ... So.

HON. TRUMAN M. BODDEN: The other one was minor - putting the words "of" and "the", but I could do that, Sir.

MR. CHAIRMAN: Well then, I will put, unless any Member wishes to speak to the Schedule as amended, the question that the Schedule stand part of the Bill.

QUESTION PUT: AGREED. SCHEDULE AS AMENDED PASSED.

MR. CHAIRMAN: Now we have only the Title and Enacting Clause. Perhaps we could do that and then come back to .....

CLERK: A BILL FOR A LAW TO ESTABLISH AND REGULATE THE CAYMAN NATIONAL CULTURAL FOUNDATION AND IN CONNECTION THEREWITH AND INCIDENTAL THERETO.

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

HON. MICHEAL J. BRADLEY: Mr. Chairman, Sir I think normally the words used as a wrap-up set of words, are "and for purposes in connection therewith and incidental thereto". The words "and for purposes" ..... would the Honourable mover have any objection to those words going into the long Title.

HON. TRUMAN M. BODDEN: Not at all, Sir.

HON. MICHAEL J. BRADLEY: Well perhaps I could ask leave of the Chair to move an amendment of which no notice has been given.

MR. CHAIRMAN: Yes. Permission granted.

HON. MICHAEL J. BRADLEY: Then, Sir, I would move that after the word "AND" in the long Title, that the words "FOR PURPOSES" be inserted.

MR. CHAIRMAN: I wonder whether .....

MR. BENSON O. EBANKS: I am not sure that I am with you, Sir.

HON. MICHAEL J. BRADLEY: The long Title would then read, Mr. Chairman, "A Bill for a Law to establish and regulate the Cayman Cayman National Cultural Foundation and for purposes in connection therewith and incidental thereto".

MR. CHAIRMAN: I wonder, too, whether, if we are amending the long Title and Enacting Clause, all the preamble "Whereas a petition ....." and "Whereas it is deemed ....." ought to come out because it does not really properly belong there does it? I suppose it is not material whether it stands

MR. CHAIRMAN (CONTINUING): or not.

HON. TRUMAN M. BODDEN: If you wish it amended, I am happy, Sir, to conform.

HON. MICHAEL J. BRADLEY: The only thing, Sir, is that, I have not been here long enough to really know whether there is a pattern established, I think in two previous Private Members' Bills there has been a preamble printed as part of the Bill and I think it may be useful in the sense that it appears to identify Government sponsored legislation from privately sponsored legislation.

MR. CHAIRMAN: Alright. Fair enough then. Well, then, there is just the one amendment to propose to the long Title and Enacting Clause and that is the insertion of the words "for purposes" after the words "Foundation and" and before the word "in" in the Title. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: I will then put the question that the Title as amended and Enacting Clause stand part of the Bill.

QUESTION PUT: AGREED. TITLE AS AMENDED AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: Now, the Honourable mover wanted to recommit Clause 14.

HON. TRUMAN M. BODDEN: Yes, Sir. Clause 14(a). I would just like to explain to Members and really to apologise - this Bill was done fairly rapidly and I do not really have access to the Chairman (these last two days - he is in New York), but my recollection was that going through it with the Foundation they had requested that in Clause 14(a) I delete the words "acquire or", and I think this would be acceptable, Sir, because I think Government should have a right if there is a disposition or real property, but it seems to be a nuisance if there is an acquisition of it. And I would therefore ask for a recommittal, after the leave of the Chair, to amend Clause 14(a) by deleting "acquire or".

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, in order that we may get the procedure absolutely straight in my mind, is it the intention of the Honourable mover to ask for the suspension of certain Standing Order to recommit or does he propose to do it under Standing Order 53(4) when there is a procedure whereby at Report Stage ..... under Standing Order 53(5) there is a procedure upon a Bill recommitted? I think it would be easier just to suspend Standing Order ..... at this moment.

HON. TRUMAN M. BODDEN: Yes, Sir, I agree.

MR. CHAIRMAN: I had assumed he was possibly intending to because we have not ..... so I would have thought that in accordance with the provisions of Standing Order 82, the Honourable mover was .....

HON. TRUMAN M. BODDEN: Yes, Sir, I would like to suspend any Standing Orders which relate to my having to recommit through the procedure laid down in there and those provisions are in Standing Orders 53 and 55. I do not know if you wish me to look for the specific sub-orders but I think if the House agrees that they be suspended to that extent, I would be grateful, Sir.

MR. CHAIRMAN: Yes, well I am perfectly content to accept an arrangement whereby we suspend whatever Standing Orders may be necessary in order to facilitate or enable the recommitment of that particular Clause and in order to enable you to introduce, without notice, a motion amending the Clause concerned.

HON. G. HAIG BODDEN: Mr. Chairman, under Standing Order 55(1) I think it can be properly done because that makes provision for recommittal before the Third Reading of the Bill and .....

MR. CHAIRMAN: But, that would be at a later stage. That was the point that the Honourable Second Official Member raised. If we were using the 55(1) provisions, I think we would be doing it later.

HON. TRUMAN M. BODDEN: Mr. Chairman, once the Committee agrees on that, I think we should not try to get into anymore technicalities on it.

MR. CHAIRMAN: I am inclined to ....., yes ...

HON. G. HAIG BODDEN: I would hate for the Honourable Fourth Elected Member of Executive Council to join the Third Elected Member for West Bay as a lawyer now. (LAUGHTER)

MR. CHAIRMAN: I am inclined to put the question that Standing Orders be suspended as necessary to enable the purpose described. Does any Member wish to speak to that? ..... If not, I will put that question.

QUESTION PUT: AGREED. STANDING ORDERS SUSPENDED TO ENABLE THE RECOMMITTAL OF CLAUSE 14.

MR. CHAIRMAN: I think your motion was quite simply that Clause 14 (a) should be amended by the deletion of the words "acquire or".

HON. TRUMAN M. BODDEN: Yes, Sir.

MR. CHAIRMAN: Does any Member wish to speak to that? ..... I will put the question.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: And for an abundance of caution I think I should probably put also the question that the Clause as amended stand part of the Bill. Does any Member wish to speak to that? ..... If not, I will put that question too.

QUESTION PUT: AGREED. CLAUSE 14 AS AMENDED PASSED.

MR. CHAIRMAN: That I think concludes proceedings in Committee on a Bill entitled the Cayman National Cultural Foundation Bill, 1984. The House will now resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated. Report Stage.

REPORT THEREON

THE CAYMAN NATIONAL CULTURAL FOUNDATION BILL, 1984

HON. TRUMAN M. BODDEN: Mr. President, I have to Report that a Bill shortly entitled the Cayman National Cultural Foundation Bill, 1984, was considered by a Committee of the whole House and amended as set out in the Committee Stage. I would ask that I not have to go back through these, Sir, and if that would be sufficient?

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. Third Reading stage if the Clerk will read the title.

THIRD READING

THE CAYMAN NATIONAL CULTURAL FOUNDATION BILL, 1984

CLERK: THE CAYMAN NATIONAL CULTURAL FOUNDATION BILL, 1984.

HON. TRUMAN M. BODDEN: Mr. President, I am just checking briefly to see whether I need to suspend Standing Orders to do that.

MR. PRESIDENT: Not as far as I know, but I speak subject to correction.

HON. TRUMAN M. BODDEN: It does not appear so. Yes, Sir, it appears not. It is Standing Order 62(9). No, Sir, I do not need to suspend anything.

I therefore, Mr. President, move that a Bill shortly entitled the Cayman National Cultural Foundation Bill, 1984, be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled the Cayman National Cultural Foundation Bill, 1984, be given a Third Reading and passed. I will put the question.

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

HON. MICHAEL J. BRADLEY: And I think, Mr. President, that my colleague, the Honourable Third Official Member, would like if I would just draw the attention of the Clerk to subsection (10) of that section.

MR. PRESIDENT: That I think is the provision about printing expenses and so on - yes.

HON. TRUMAN M. BODDEN: I am wondering whether the Honourable Member thinks I am not good for it, Sir. (LAUGHTER)

MR. PRESIDENT: We now move to item 2 on today's Order Paper - Government Business, Bills - The Liquor Licensing (Amendment) Bill, 1984. The continuation of Second Reading Debate and my recollection is that the Honourable Fourth Elected Member of Executive Council was still speaking I think. I am not quite sure whether he had finished his speech. I do not think he had. I would certainly give him the benefit of the doubt if he told me he had not.

HON. G. HAIG BODDEN: Mr. President, I think I had concluded my speech.

MR. PRESIDENT: Then, in that case I will invite any other Member who may wish to speak, but has not yet spoken during the debate on this Bill to do so now.

THE LIQUOR LICENSING (AMENDMENT) BILL, 1984

CONTINUATION OF SECOND READING DEBATE

CAPT. CHARLES L. KIRKCONNELL: Mr. President, the Bill for a Law to Amend the Liquor Licensing Law, 1974, seeks to make a number of changes which I agree with and consider necessary. However, Mr. President, I do not agree with Clause 7 of the Bill in its present form and in particular the first portion of that amendment.

The second part of the amendment as it now stands will shift the responsibility of making a decision from the Liquor Licensing Board to our churches, schools and civic centre organizations.

Most Caymanians, Mr. President, consider their church sacred and if this amendment is passed into law, as it now stands, we will cause unnecessary problems within the church and the community.

I see no reason for this sudden departure from what the normal functions and responsibilities of the Liquor Licensing Board are and we should not, and I repeat, should not legislate a law in this House which would shift the decision making to any other body. Our churches have enough problems without us broadening them further with matters that we, as Legislators, should find solutions for.

I can see no reason why a restaurant's licence or a wine and beer licence, which can only be sold when a meal is served for consumption at the restaurant, be granted, particularly when the restaurant is enclosed and airconditioned without us involving the churches, schools and civic centres. I hope, Mr. President, that at Committee Stage an amendment will be made to this Bill which will not involve our churches, schools or civic centres in making a decision with regards to our Liquor Licensing Law.

With these few remarks, Mr. President, and with the hope of having an amendment to Clause 7, I support the Bill.

HON. JOHN B. McLEAN: Mr. President, I sat here yesterday and listened to the debate on the Liquor Licensing (Amendment) Bill, 1964, which is now before us, and I must say, Sir, I have agreed with certain areas and I have disagreed with others.

Mr. President, the amendment to Clause 9 of the Bill which deals with the proximity of a bar to a church, school or civic centre was an area in the debate which was very heavily debated. I feel, Mr. President, that if we are to amend the Clause, we should do so, but I cannot agree that the onus should be placed on the shoulders on those responsible for our churches, civic centres and schools.

Mr. President, I honestly believe in the words of Calvin Coolige when he said, "I believe in absolute separation of the Church and State matters.". I really believe in those words, Mr. President, and I further feel that we, as Legislators, here in this Honourable Chamber being the leaders of the majority of people by whom we were elected, would be passing the buck and shrinking from our responsibilities if we took such a retrograde step.

Mr. President, as I think of the Liquor Law, the words of Herbert Humphreys come clear to my mind, and his words were, "There are not enough jails, not enough policemen, not enough courts to enforce a law not supported by the people." Mr. President, I think it has been made clear from the debate in this Chamber that the time has come, not only to have an amendment here on the Liquor Law, but to introduce a completely new law.

Mr. President, if the people do not support the Law, for many reasons that we are aware of, then I feel that it is our duty again to endeavour to do something about it.

I would like, Mr. President, to point out just a few areas in the Law that I have constantly received queries on and honestly, I must say I have to agree that it does merit the queries that were put forward.

I first deal with certain hours which are established in the Liquor Law. I am a believer, Mr. President, that the Sabbath shouldbe kept holy. I think that when the Law was amended to bring in the section which covers a look-up period of twelve o'clock on Saturday nights, it was meant to show respect for the Sabbath. But, on the other hand, Mr. President, if we go a little in, we will see where the same licensed premises are able to open at one o'clock on the Sabbath.

To me, Mr. President, this does not spell sense. If we are going to keep the Sabbath holy, I think we should keep it holy. And if we are not going to respect it fully, I think, therefore, the licensed premises should be able to open on Saturday nights, the same way they are open through the week.

Another area that was brought out in the debate, Mr. President, and I think it was my colleague here in Executive Council who mentioned this, was the fact that if more places were licensed, Government would be sure of having better control, both sanitary and otherwise, and be able to enforce the Law. Presently, Mr. President, the way things are, we constantly hear of speakeasies which I am certain we will never be able to get rid of, but it is my honest feeling that something more can be done about it.

HON. JOHN D. McLEAN (CONTINUING): Also, Mr. President, one Member mentioned that due to the fact that there are so many bars, we have families who are presently suffering. My views, Mr. President, on these remarks - in every society we have odd persons. It is my feeling, Mr. President, that if there was but one licensed premise in these Islands, these individuals would take the same stand. I think it is unfair to penalise the majority for an odd few.

Let us face it, Mr. President, there are many things that can be detremental to our health, We see many who, through their lives, die their graves with their teeth and what I mean to say is that they eat too much. So, we have the same problem with those who may overdo it and drink too much.

Mr. President, for a while I considered an issue which was brought out here yesterday. It really is not something that is in my district, but like I have said oftimes, I stand in this Chamber not only to represent the district of East End, but to represent the Cayman Islands as a whole.

Mr. President, the hotel which was mentioned here yesterday, has, as I understand it, presently applied for a liquor licence. I speak as a Caymanian for a Caymanian. Mr. President, records will bear me out, there are not too many hotels in this country which are owned by a true born Caymanian. And, in this case, Mr. President, I feel I am correct in saying this may be a case where a Caymanian has put his whole life savings into this very important venture.

Mr. President, the economy of these Islands are based on tourism and I am proud to know that such a facility was built to try to accommodate and to encourage tourists to enjoy a little more of these Islands than the Seven Mile Beach.

Mr. President, I am hoping that more such development will be established, not only in the northern district, but also in the eastern district. I am certain tourists will enjoy that part of the Island too.

Although I speak in defense of this, Mr. President, I would like to make it abundantly clear that I have never been to the doors of that hotel. But, as I said in the beginning, I merely speak as a Caymanian, a concerned Caymanian and a Caymnian who supports another Caymanian. I am hopeful, Mr. President, that some solution will be made whereby Government can assist this individual. I, for one, would not like to know that it is because of some malicence, of which whereby we could have helped, this business had to fold.

I think the First Elected Member for the Lesser Islands made it clear a while ago when he said he could see no reason why a license could not be issued, especially in an area where it is well built and is properly enclosed.

Mr. President, to bring my short debate to an end, I would just like to ask Members that when we go into Committee on this Bill that we put our heads together and try to iron out whatever anomalies might have surfaced.

Thank you, Mr. President,

MR. PRESIDENT: I think, possibly, rather than have another Member start speaking and perhaps suffer interruption, it may be best if we break for lunch now and I suggest that we should resume at two-fifteen.

HON. JAMES M. BODDEN: Mr. President, I wonder whether we could resume at two-thirty because I have set an appointment in my office for two o'clock and I need to be back here, Sir, as I am the mover of this Bill - if that would be convenient to the Members?

MR. PRESIDENT: Will that suit Members of the House? .... Well, we will take a slightly longer lunch break than usual then. Let us resume at half past two.

AT 12:33 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.40 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The Second Reading Debate on The Liquor Licensing (Amendment) Bill, 1984. Does any further Member wish to speak?

HON. MICHAEL J. SEALEY: Mr. President, Sir, I rise to participate in this Second Reading Debate of the Liquor Licensing (Amendment) Bill, 1984, not to comment in particular on any of the Clauses here, because as Chairman of the Select Committee which considered this, the Honourable Attorney-General was aware of the deeply held feelings by a number of Members, and I will leave it to the Members to get their own consensus on them. However, there has been mentioned one particular factor and that is that this, amongst a number of other laws, has been widely amended and extensively amended, and in fact this is perhaps the classic example of the old saying, "You need to know what you have to know what you want".

The Liquor Licensing Law originally was passed in 1974, Mr. President. There were amendments to it in 1977, twice in 1979, twice in 1981, once in 1982, once in 1983 and with this present Bill in front of us, it will, if passed, have been amended eight times. The original law was a short one - effectively of forty-two sections of which eight have been amended once, four amended twice, four amended three times, one amended four times, one amended no less than five times and four new sections have been added. And I think that as Members have said, the need for a revision of this is very much a matter that should have top priority because I think we need to see this Law, as at present is in our statute book, in a revised form before we can look at it clearly and see, hopefully in the new year, what a new comprehensive Law should effect.

In relation to that, Mr. President, I am pleased to say, that, not only in relation to this, but in relation to a number of other laws, I have, with the kind assistance of the Honourable Financial Secretary, been able to obtain assistance from British Executive Service Overseas which is a service that makes available, in many fields, experienced executives to assist territories with expertise and we have great pleasure in having, at the moment, a Mr. Roger Suddards who is an English lawyer from BESO with us on the Island, and an assistant who is also a lawyer, who are here to assist in compiling revisions of not only this, but a large number of other laws with a view, eventually, to bringing these laws up to date and seeing as the way than clean for perhaps the preparation of a complete new revised edition of the laws.

HON. MICHAEL J. BRADLEY (CONTINUING). Having listened to the remarks of the Members here, Mr. President, I assure the House that a revision to let the public and Members know what the Law is in regard to liquor licensing to revise the Law and put it into its present form will be one of the first priorities.

Thank you.

HON. TRUMAN M. BODDEN: Mr. President, as the Honourable Second Official Member has mentioned, this law has been amended many times and it is a very controversial Law. I would like to deal with some of the sections and then deal more with the general principles at the end.

In Section 2, the definition of 'seagoing vessel' will now permit the Port Authority to give approval as to the suitability of a vessel for the purposes of holding a liquor licence and having persons on board. And, among other things, it will ensure that the required amount of safety equipment such as life-jackets and life-rafts are on board. This is important, Mr. President, for any vessel which has passengers on on it to be seaworthy.

Subsection (6) of section 7 provides that no liquor can be sold on a seagoing vessel within a half mile of the land.

Section 3 of the amending Bill adds a new subsection (2) to section 3 of the Law and it provides as follows - "Whoever, being the owner, occupier or being concerned in the management of any premises not licensed under this Law, permits or suffers any intoxicating liquor to be sold or exposed for sale from these premises is guilty of an offence.". This section, Mr. President, tightens up the Law considerably and I think that it is right and proper.

Section 4 of the amending Bill adds a new subsection (3)(a) which permits the Liquor Licencing Board to adjourn. The old Law provided that the Board had to sit and deal with all applications and, indeed, under section 6, subsection (4), of the old Law provided, and I quote, " Boards and annual session shall continue in such session on every working day until all applications timously made had been disposed of.". Obviously that section was put in a long time ago when the Board was less busy.

Subsection (5) permits the promulgation of the Board's decision as soon as practicable after the conclusion of the relevant hearing. Before this, it had to be published within twenty-four hours after the hearing and this was not always possible.

Section 6 of the amending Bill removes the words,"prior to the 15th day of that month", and, now an annual session of the Board can take place any time during the month of September. Section 6 also brings the law relating to seagoing vessels in line with amendments that I mentioned at the beginning.

Section 7 of the amending Bill adds the proviso to subsection (1) of section 9 of the original Law which provides ..... I would just like to read this because, Mr. President, this is the controversial, or one of the controversial sections. It says, "provided however that the aforesaid prohibition on the granting of a licence by reasons of proximity to any church, school or civic centre shall not apply in respect of a restaurant licence or a wine and beer licence under section 10 where a written statement has been obtained from the organisations responsible for the local governing bodies of all churches,

HON. TRUMAN M. BODDEN (CONTINUING): schools and civic centres within a quarter of a mile's distance that there is no objection by them to the granting of such a licence.".

So the Law before this stated an absolute prohibition and now what it is sought to do is to change that so that the church or school or civic centre could put in a statement that there was no objection to it.

It is under this section, Mr. President, that the representations made by Mr. James Terry in relation to his hotel have been considered. I think for the benefit of everyone, it is important to remember that while we do have sympathy for Mr. Terry, the Law was enforced a long time before he began to build his hotel and therefore it is not as though this Legislature has, after he has built an hotel, deprived him of a liquor licence. However, I have a certain amount of sympathy for him, but I have an overriding duty, especially to the churches and the schools to ensure that they are not interupted by licenced premises within a quarter of a mile of them.

This section as drafted would put the onus on the church, the school or the civic centre to get a written statement of no objection to the licence. As the First Elected Member for West Bay mentioned, and subsequently by other Members, this places a very heavy burden on the church and I am inclined to agree with them that this Legislature should shoulder its burdens, itself and make a decision either to lift the restriction or to leave it on. However, the First Elected Member for the Lesser Islands did mention, what may well be regarded as an exceptional circumstance in that if it can be shown to the satisfaction of the Board (and we must always bear in mind that the church, school and civic centre can make a general objection under the Law in any event), but if it can be shown to their satisfaction that the licensed premises would be properly enclosed, airconditioned and will not cause a nuisance (as he mentioned in the case of wine and beer and for a restaurant licensee) then perhaps this is the way of settling this section.

In which case, Mr. President, an amendment could just be brought stating that in exceptional circumstances and provided that the Board was satisfied that there would be no detrimental noise or persons who may be drinking disrupting the church, then it could grant it in those circumstances. And, also I would mention it should condition the licence that in the event of having any of those problems it could be withdrawn. So I believe that that is one way of perhaps settling the controversy over that.

Section 10 of the principal Law has been amended by deleting the night resort licence and by adding two categories - restaurant and wine and beer. I feel that this is an improvement as there will be times when it is appropriate to issue a restaurant or a wine and beer licence, but may not be appropriate to issue a retail licence. It will therefore give the community more protection and the Board more flexibility in dealing with applications.

Section 11 of the Law is also amended by giving the Chairman a power to extend licensing hours. I would expect this would only be done when it is an absolute necessity for such an extension.

The remaining sections and some of the previous ones deal with the insertion of the Chief Fire Officer in relation to inspections and the licensing of premises.

HON. TRUMAN M. BODDEN (CONTINUING): I regard this as very necessary because in the event of a fire in a licensed premise which has a large crowd of people, their lives could depend upon proper fire precautions and fire equipment.

We undoubtedly have the best fire department in the Caribbean and perhaps in the world - effectively managed by our Chief Fire Officer and I believe that this amendment is therefore a very positive step in the right direction.

I believe that the Liquor Licensing (Amendment) Bill, 1984, is one which will clear up anomalies in certain areas as well as tighten up the Law in relation to the use of premises for purposes of contravention of the Law. Undoubtedly, in the past, as the Honourable First Elected Member of Executive Council has mentioned, we have see the speak-easy liquor premises springing up and I believe that there should be a more effective control in relation to premises.

Mr. President, drinking is a major problem in Cayman. Our drug and alcohol clinic is now getting well under way, however, unless the law is properly policed, drinking can only become a bigger problem. Drinking becomes the biggest problem when it abused because, like all things, abuse creates problems. Most worrying to me, Mr. President, is the failure to stop, the failure to prohibit youth under the age of eighteen drinking on premises. I believe that the police must properly check premises to ensure that this section of the law is enforced. We must remember that youth are susceptible to temptations and they must be protected; and while appearon perhaps in their mid-teens may be regarded, or may regard himself, as an adult, at law he still is not and I believe that we have to make laws to protect persons under the age of majority.

In conclusion, Mr. President, I believe that these amendments, subject to my reservations in relation to the removal completely of the restriction on the quarter mile limit, will improve the present law. They will tighten up the Law and therefore, in principle, I am in favour of the amending Bill, Sir.

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. D. DALMAIN EBANKS: Mr. President, this Bill that is before us definitely has been amended more times than other Bills in the House, and has still not been finalized. We will have to agree that not until a new Law is drafted that we will probably find ourselves out of this problem. Although these amendments here seem to help in some ways, we are always to find problems. Number one is drinking, which will never be prevented in these Islands. I feel sure that by giving people licenses, their businesses can be better controlled. This This Clause here which puts the onus on the churches I cannot support, Sir. If you can do something about that I will go along with the rest of the Bill. That is my argument against it, Sir. Thank you.

MR. PRESIDENT: Does any other Honourable Member wish to speak? Does the mover wish to exercise his right of reply?

HON. JAMES M. BODDEN: Mr. President, it is not often in life that I become confused or short of words. But today I am. I am not responsible for the Liquor Licensing Law. In other words, it is not my baby. The Law has been on the statute books of this country for ten years, and as various speakers have said today, it has had to be changed and changed and changed. I am charged under the Constitution

HON. JAMES M. BOSDEN (CONTINUING): through you with the responsibility for enforcing the Liquor Law as it is written into the law, and to see about the functions of the Liquor Board, being its Chairman. I think all the Members that have served on that Board with me for the past eight years on many occasions find ourselves wondering just why we are there. Today, I find myself in the position of the happy, expectant father who rushes off to the hospital when the baby is delivered, rushes to the crib, looks into the face of the baby and sees his best friend's features. That's just how I am with this Bill.

I chaired a Committee, I think probably close to two years ago, of the Liquor Board, because we had all become a bit frustrated in trying to deal with the applications that come before the Board, and we were also further frustrated because we could get no enforcement of the Liquor Law. I am ashamed that I have to be the Chairman of a law which cannot be enforced any better than the Liquor Law is. In my opinion we either have something and we enforce it, or we have nothing. You might as well do away with it. We get complaints of speak-easies, of people selling liquor in places where everybody attends from time to time and no one sees it being done. No one can get the necessary evidence to convict, so I really, truthfully ask this Assembly today whether there is any need to have this Law. I am supporting no special interest groups, because when you come before me on the Board, regardless of who you are, I am going to treat you the way that the Law has set it out and the way I think it should be done. I do not believe in the preservation of any special interest groups. But the time had come to try to do something with this Law.

We formed a Committee and we had several meetings. The Committee drafted what we considered to be necessary amendments. I in turn added some comments to them, and we awaited a draft of a new Law. Instead of it being drafted as a new Law, it was brought in as a number of amendments, and in my opinion then it did not fill the Bill, and that is why I brought it to the floor of this House, and I asked that it be put to a Select Committee, because it did not fill what was needed, and I thought it best for the full House to deal with it in the Committee stage in private and see what we could come up with.

Unfortunately, I had to attend to business abroad, as well as I took some time off on my own, and I was unable to attend any of the Committee meetings. The Committee dealt with it. There were five meetings. I have copies here of the Minutes of those meetings. From time to time I think every Member except myself attended that Committee or those meetings, and I wonder why I was presented with an amendment like this and a Bill like this to bring to the House when evidently it had no support, because every Member has spoken against it.

When this amendment first came to Executive Council I said that I would not present it to the House. I later relented after it was dealt with, and decided to present it. Now I wish I had stuck to my first stand. The Law, Mr. President as far as I am concerned as the Chairman, is out of date with the existing conditions in our Country entirely. The section that has had the discussion today again, in my opinion, is superfluous and a bit ridiculous.

We are put here by the people of this Country to make decisions, and we must make those decisions; whether people like those decisions or not, we must make them. The time to remove us if they do not like those decisions we have made is at the elections, and we have one coming up in a couple of months. I always

HON. JAMES M. BODDEN (CONTINUED): say, make a decision even if it is the wrong one. Face the music if it is wrong. I do not believe that I should pass on my responsibility to a church or a school house, or anyone else, not even to one of my fellow colleagues. I was elected a Member of this House. I was then elected from this House to Executive Council, and you have charged me with the responsibility of being Chairman of this Board. Therefore I do not relinquish that and believe that I should bend.

I pose the question to this Honourable House: which minister of religion in this country, which teacher of our schools, is going to be foolish enough to append his signature to a paper that gives permission for a liquor establishment to get a license right next door to him? And the other point about it, Mr. President, is that once an objection is raised, by that person, whether it is the minister or the teacher, or someone in charge of a civic organization, it is a complete prohibition. There is no discretion left in the hands of the Board. We already have a section in the Law which allows for a person to enter a petition against the issuing of a Liquor license. I think that is sufficient if we want to have something that we sort of put the onus on someone else.

As I have said before, Mr. President, it is very seldom that you will ever hear me speak for something I am charged for and not push to have it done, because I believe I have a duty to fulfill: I believe in doing that duty; and I believe in facing it come hell or high water. This time, I cannot face the high water. Mr. President, I leave this amendment and this Bill completely to the discretion of the House because I feel we need a comprehensive Law which should be dealt with next year, whether I am here to present it or not, it does not make a difference. I think someone should present a Bill next year that fully takes care of all the problems we have.

If it is the feeling of the House that we can amend this in Committee stage and go through with it, I will be very pleased to lead it through, Mr. President. But other than that, I leave it completely to the discretion of this House as to whether we proceed any further with this amendment. Thank you, Sir.

MR. PRESIDENT: The motion is that the Bill entitled The Bill for a Law to Amend the Liquor Licensing Law, 1974 be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. BENSON O. EBANKS: Mr. President, Sir, before you move on to any other business, Sir, I wonder if I may, under Standing Order 31 be permitted an opportunity for a personal explanation.

MR. PRESIDENT: Very well, yes. You will remember, and I am sure I have drawn this to your attention on previous occasions, that you must not include controversial matter, and there cannot be any debate arising on the explanation.

MR. BENSON O. EBANKS: Mr. President, with respect, I believe this is the first time I have used this Standing Order. I have used I think it is 43(2) several times but this is the first time I am using this one.

HON. TRUMAN M. BODDEN: Mr. President, he has been using it all along and did not know what he has been using.

MR. BENSON O. EBANKS: Mr. President, this is specifically why I want to make a personal explanation. It seems that a lot of confusion has entered into people's minds between the Committee room and this House.

MR. PRESIDENT: You may start on your personal explanation. If I think it goes beyond what could properly be allowed, I shall obviously stop you.

MR. BENSON O. EBANKS: Yes, Mr. President. It is to do with this section 8 of the Bill which has just had its Second Reading. I think that I should explain my position on that section. Section 7 of the Bill which deals with section 8 of the Law, and that is that to the best of my recollection there were three Members in the Committee: the First Elected Member of Executive Council, the Fourth Elected Member of Executive Council, and myself, who were prepared to support absolute the question of putting this section in a form where we would remove the absolute prohibition of a quarter of a mile, but leave the discretion with the Board.

HON. TRUMAN M. BODDEN: Mr. President, on a point of order, he is debating the Bill still.

MR. PRESIDENT: I am beginning to think this. I do not really think this is a personal explanation. I think this is something that you could quite well have said in the course of your speech about the Bill. I do not think that anybody has, at any stage, after you spoke, said anything that imputed to you some action you did not take, some view you did not hold. If you want to make a further point you may have an opportunity when the Bill gets to Committee, but I do not really think that for the explanation on which you are embarking, which is. . .

MR. BENSON O. EBANKS: I am very well aware of my rights in Committee stage, and I will make it, Sir, but you know that the Committee stage of the Bill is a different matter from the Second Reading, etc.

MR. PRESIDENT: The Second Reading, with respect, has already been completed.

MR. BENSON O. EBANKS: All right, Mr. President, I will record it in the Minutes.

MR. PRESIDENT: I think I said before, that completes the Second Reading, and we can turn next to Item 3(2), the Supplementary Appropriation Bill. I am hopeful that perhaps the debate on that and the Second Reading of the Second Supplementary Appropriation Bill may be quite short and that we may be able to take the Second Readings of those two Bills before we suspend proceedings. We did start a little late after lunch. If the Clerk would read the title.

THE SUPPLEMENTARY APPROPRIATION (1982) BILL, 1984

FIRST READING

CLERK: The Supplementary Appropriation (1982) Bill, 1984.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled A Bill for a Law to Allow and Confirm certain Expenditure during the Financial Year, 1982. Mr. President, the expenditure to be

HON. THOMAS C. JEFFERSON (CONTINUING): confirmed has been approved by Finance Committee during that particular year, and the law has been brought before the House to confirm those approvals given. 1982 to some people may have been a long time ago, Mr. President, and I would just indicate one particular figure which tends to stand out in the Schedule, and that is Thirteen Million Ninety-eight Thousand Eight Hundred and Fifty-five dollars under Finance and Development. It was that . . .

MR. PRESIDENT: Could I interrupt the Member a moment? I think I am right, and if I am right the fault is entirely mine. We have not formally done the First Reading. I did not read my Order paper carefully enough, and it says First and Second Readings. I was thinking that we had had the First Reading. I apologise. I think what I will have to do is now to put the question that the Bill be read a first time. I apologize to the House for my oversight in not seeing it. I am only comforted that nobody else apart from the Deputy Clerk appears to have noticed either, and brought me up on a point of order. So if I may, I will put the question that the Bill be read a first time. Would those in favour please say "Aye".

HON. DENNIS M. FOSTER: Begging your pardon, Sir, I think you have to take it as deemed to be read a first time and sat down for a Second Reading first, because the Clerk. . .

MR. PRESIDENT: Sorry, I do not have to put the question, you mean, I deem it. . . You are quite right. Well then, I will deem the Bill to have been read a first time. If the Clerk would read the title again we could embark again on the Second Reading.

THE SUPPLEMENTARY APPROPRIATION (1982) BILL, 1984

SECOND READING

CLERK: The Supplementary Appropriation (1982) Bill, 1984.

MR. PRESIDENT: I am sorry to have inconvenienced you and the House.

HON. THOMAS C. JEFFERSON: Quite all right, Mr. President, it only makes one point: we are all human beings.

Mr. President, I move the Second Reading of a Bill entitled A Bill for a Law to Allow and Confirm Certain Expenditure During the Financial Year 1982. As I said earlier, Mr. President, the expenditure to be confirmed was approved by Finance Committee during the year 1983 and mainly for the benefit of an Honourable Member or some person who is trying to figure out what the total Fourteen Million One Hundred Thirty-seven Thousand Five Hundred and Ninety-six includes. The major amount of that, Thirteen Million Ninety-eight Thousand Eight Hundred and Fifty-five dollars, was the sum approved in March 1982 for the capital injection in Cayman Airways. I should also indicate, Mr. President, that the last item in the Schedule, Head 40 Development (b) Grant Aid (Canadian), the figure should read "Eight Hundred and Eighty-six Dollars" and not "Eight Hundred and Sixty-six Dollars". Thank you, Mr. President.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Allow and Confirm Certain Expenditure During the Financial Year 1982 be read a second time. The motion is open for debate. If no Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT (CONTINUING): We can move on to the next Bill and I must remember that it is the First Reading.

THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984

FIRST READING

CLERK: The Supplementary Appropriation (1983) Bill, 1984.

MR. PRESIDENT: The Supplementary Appropriation (1983) Bill, 1984 is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: The Supplementary Appropriation (1983) Bill, 1984.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to Allow and Confirm Certain Expenditure During the Financial Year, 1983.

The supplementary expenditure to be confirmed, Mr. President, is Two Million Three Hundred Sixty Thousand Four Hundred and Sixteen Dollars, and the major sum of that is One Million Six Hundred Eighty-Four Thousand Nine Hundred and Four Dollars under Finance and Development. This relates to the purchase of the Cayman Islands Turtle Farm, Mr. President. Thank you.

MR. PRESIDENT: The question is that the Bill entitled A Bill for a Law to Allow and Confirm Certain Expenditure During the Financial Year 1983 be given a Second Reading. Does any Honourable Member wish to speak?

HON. TRUMAN M. BODDEN: Mr. President, I take acquiesance of what you mentioned earlier, but I would like to speak briefly to show that it is justified having regard to the finances of this Country, to put through this Appropriation Bill. I hope, within the confines of that, I would be permitted to speak on it.

Mr. President, this supplementary expenditure of 2.3 Million Dollars, and in fact the previous expenditure, is a supplementary expenditure which the Country can well justify. The last audited account that the Government had was just been laid on the table as at 31st of December, 1982, and it is mainly to these that I shall refer, rather than attempting to get into mere estimates which may be neither factual nor unrealistic.

The present general reserves of the Cayman Islands are at present 10.1 Million Dollars, and as 1983 we had a surplus of another million Dollars, making a total of reserve and surplus of 11.1 Million Dollars. That amount, Mr. President, is approximately a little less than one quarter of our annual expenditure, so that the country could, in fact, be run for three months without receiving any revenues whatsoever. The most important aspect with relation to this Bill, while we are going to appropriate money over and above what was appropriated originally, is the fact that the Cayman Islands has put aside savings for rainy days as I mentioned earlier, in the form of a reserve and surplus. And, Mr. President, I would hope that we would not have any objections in relation to this because in fact the supplementary this time is small compared to what went on in previous years. In fact, a supplementary this size, for example, I would say back in 1975, when the country only had a reserve of a million and a deficit of 2.13 million would have been very worrying. However, the country here at present is in a

HON. TRUMAN M. BODDEN (CONTINUING): very good financial position.

This supplementary expenditure is even further justified, Mr. President, because as at the end of July this year, 1984, approximately a month ago, the Government's financial position showed a surplus of 4.5 million dollars, so when we add that to the $10.1 million we are looking at reserve and surplus of approximately 14 and a half million dollars. Put very simply, even though we are spending an extra ten million dollars here, we have, despite that expenditure, still a very large reserve and savings in the form of this fourteen and a half million dollars.

Mr. President, the other aspect which I think is relevant to this and I have heard Members raise this from time to time, is what really have these expenditures achieved? Well, the way to find that out is to look at the amount of capital expenditure because, Mr. President, this buys assets which continue and when we realise that a part of this expenditure, a large part of it in fact, relates to Head 10, Finance and Development which is in fact capital expenditure, and this is taken from recurrent revenue, then if we look at, say, the last four years, we have expended 36.2 Million Dollars on capital expenditure buying assets; assets which continue. That, Mr. President, compared to 5.6 Million for the four years since 1972, and the distinction I would like to draw in relation to this Bill is the fact that it is a whole different situation from putting money into capital assets such as, for example, the airport or the dock or this building or any type of building, because this is money that is spent well.

The other aspect is what is owed by the Country before one can appropriate supplementary expenditures. And, Mr. President, the public debt now stands at approximately Nine Million Dollars. However, looking back, in 1976 it was 7.3 Million Dollars, or approximately 62% of all the local revenue, compared to 19% of the local revenue at present. And the servicing of that debt is very small indeed, and at present, as stated by the Financial Secretary in his Budget Speech, stands at 2.6% of the local revenue, compared with what is accepted internationally as 10% of the local revenue. So we are way below what is the accepted maximum for servicing the Country's debts.

So Members can feel happy at passing this slight increase in the expenditure, because the Country is really in the best position that it has ever been. One may well say in relation to this Appropriation Law, 'Well, what about the contingent liabilities of Government? How do they affect this?'

Mr. President, a contingent liability is one which does not become a debt which is owing until it is actually called upon. It is like a guarantee that is given. And that has to be discarded when looking at the finances of the country in relation to an Appropriation Law. Indeed, Mr. President, it would be a funny situation in the world if we had to regard as liabilities matters which are contingent such as guarantees. And further, Mr. President, we all know that as long as one continues paying on a debt, then it will not be called. So some of the argument which has been advanced from time to time which state that we should always have enough money, enough cash, to pay all of our debts, and Mr. President, this is the first in the history of these Islands that we do have enough cash to pay all of our debts, is not really being very fair. While this Appropriation Bill will increase the amount spent over the supplementary appropriation which has already been

HON. TRUMAN M. BODDEN (CONTINUING): passed, the Country can well afford it. When looking at the assets of the Country, and I have shown that we have, in the last few years as in this Appropriation Bill, spent a lot of this money on capital assets such as you will see in here: roads, schools, hospital equipment. Those are funds which are well-spent and they are not eaten up by the revenue which is recurrent. So for any attempt to say, as I have hear from time to time, that the Country should not be spending these funds, is really, Mr. President, to confuse what the Country's real position is with the fairy tale world of what some people say it is.

What I have given to you as at July are hard facts, they are accounts, in fact the audited accounts are now before this House. In fact, Mr. President, with this large mount of cash in the bank it really has put us in a position where we are the envy of the world as a whole, because few countries have any surplus at all, normally no reserves, and as we say, for example, the trade deficit with the United States is something like Sixteen or Twenty Million Dollars. That is a horrendous debt.

In this Appropriation Bill, while it is an expenditure, Mr. President, it is money that this Government has earned the hard way, but more than that, as I mentioned earlier with the large reserves that we have it is one that is justified. We do have loans and in fact what I mentioned earlier would exclude the loan that we did towards the Power Building, but even with adding that in there is still sufficient cash to pay all of the Government's loans.

One other aspect that I think is important is that these Appropriation Laws and the Finance Committee are made up only of the twelve Elected Members of the Legislature, together with our civil servants Financial Secretary, and long may we have a civil servant Financial Secretary. And therefore, unlike this House where we have the Official Members with votes, money which is spent here in fact, all money which is spent, is money that the twelve members approve, so I find it very strange at times that Members who were Members of the Finance Committee will go out and begin criticising the finances of the Country. Because that load is squarely on the shoulders of the Finance Committee. It is really like admitting defeat to oneself.

I know that usually Members like to put the blame squarely on the shoulders of the Elected Members, and while we do carry a lot of that load and we do direct policy in many directions, the finances of this country, in its final analysis are directed by the twelve Elected Members of this House, so each of them should join me very proudly, I would say, in upholding the supplementary appropriation that is here, as well as expounding to the world that our finances are in a very strong position.

I would like to add in relation to this specific Appropriation Bill, that I feel very safe and very happy at having our Financial Secretary who is a Civil Servant dealing with this matter, and to a large extent the internal controls on spending and the revenues are in his hands. And Mr. President, lastly on this point, with a Masters degree in finance and statistics from one of the best universities in the United States, George Washington University, and a Bachelor of Science, I think it is, in Economics, and a diploma in Economic Development, he is very capable and I am sure does not feel the burden of the sixty-odd million dollar budget and these appropriation supplementaries that are now going on.

HON. TRUMAN M. BODDEN (CONTINUING): I further believe that we will continue in the future to be able to take supplementary expenditures such as this because I do not believe that matters such as the introduction of income tax or perhaps the licensing of land and presumably the taxation would ever be raised by him. So the House can feel quite happy, not only at the financial position that we now have which permits us to pay these supplementary expenditures, but also by the fact that all twelve of us are contributing in keeping the Country on a steady keel.

I know, and Members of this House know, that the best principle to run the finances of a country is, naturally, to keep expenditure as low as possible. This Government has run this Country by living within its means. If there is not sufficient money for a project to be prudently financed, we do not do it. So this Supplementary Bill now is one which has been prudently put forward. You may well worry that in passing this Appropriation Bill you may be depriving the Country of certain revenues in the future, but with things as they presently are with several major hotels in the pipeline to keep the revenues of Government flowing, and in fact large amounts of condominiums in the pipeline, then we need have no fear. . .

MR. BENSON O. EVANS: Mr. President, on a point of order, Sir, is this debate really relevant to the Bill before the House?

MR. PRESIDENT: Well I think it is arguably relevant, yes. From time to time it wanders off what might be strictly very relevant, but I think it is near enough. After all, he is speaking to persuade you, convince you, that you can reasonably and prudently support the Bill. I think this is fair.

MR. BENSON O. EVANS: But Mr. President, this money has been voted by Finance Committee already. We are committed to vote for this money.

MR. PRESIDENT: On that argument it is pointless to introduce and pass the Bill at all. I hope the Member may not go on too much longer. I would have to take up the point that has been raised otherwise.

MR. TRUMAN M. BODDEN: I shall not, Mr. President. But referring to events and knowing that the Member for example who just raised that point, at least on one occasion stood up and spoke completely against a Bill, and then voted for it. The Narcotics Bill. I assure him I am speaking for this and I am going to vote for it. I will be brief.

So, Mr. President, with the major hotels which are now in line, one two-forty room and one two-fifty room, I think that there is sufficient future security in our finances. I would just mention lastly, Mr. President, that one American President said, "If a thing works, don't fix it". And Mr. President, we are in a very strong financial position and Members of this House have brought us there, and I would hope that the public will not be putting in anyone to attempt to fix a good thing. So, in conclusion, in supporting this Bill, I would sum up briefly that the Country at present has reserves and surpluses of about Fourteen and a half Million Dollars. It has enough cash to pay its debts and is in a very strong financial position, so Members can very happily support this Bill, and I commend it to them, Sir.

MR. PRESIDENT: I think before any other Member gets up he might take our customary break. I had hoped, as I said earlier, to finish those two Bills before we took a short break, but I had not anticipated speeches and I guess there will be further speeches now. Let us therefore break but let us keep the break short even if we cannot keep the speeches short; maybe ten minutes.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Please be seated. Proceedings are resumed. The Second Reading debate on the Supplementary Appropriation (1983) Bill, 1984. The Third Elected Member for West Bay.

MR. BENSON O. EBANKS: I have seen some adroit footwork in this session or in this sitting, meeting, but how the Member who just concluded can justify the speech which he made on this simple Bill beats me. I can only imagine that he came to the conclusion that the radio audience is a wider audience than he would get at a public meeting, and is launching his campaign.

Mr. President, the truth of the matter is that this simple Bill before us merely seeks to confirm expenditure which was made in 1983 and which in fact reflects in the budget which was debated earlier this year or at the end of last year. In other words, these figures, Mr. President, will be shown in the 1984 budget, or that is, Estimates of Expenditure and Revenue, which I do not have before me; but they will be reflected in the revised figures of that Estimates which in fact reflected, if I remember correctly, a saving on the year of better than one million dollars. But in fact that improved situation did come about by any dramatic change in revenue collected. It was almost entirely due to savings in not undertaking expenditures budgeted.

These expenditures which we are now confirming by Law became necessary only because they were not included in the 1983 Estimates for approval. But they were approved during the year by Finance Committee. So these Estimates or these expenditures which we see before us here are not expenditures which we are now being asked to provide money for or use any surplus money for. These expenditures were incurred during 1983 and approved by the Finance Committee. It is the same as the Bill which preceded it; expenditures which were incurred in 1982 are in fact now just being approved by Law.

Now for some strange reason, Mr. President, the Member sought to - I do not know exactly why he was seeking to paint this glowing picture of the finances of the Country, and somewhere down along the line he did get in the 6.5 million dollars for the Tower Building which is now a part of the national debt. And, if I remember correctly, he said that prior to that, the national debt was 9 million, so it is now 14.6 million. But according to him we have no fear because we have a lot of cash and some of our liabilities are contingent liabilities. And I presume he was speaking of the guarantees which Government have given in respect of various loans which the Government has outstanding, including the fourteen million dollars which we have guaranteed for Cayman Airways.

And I am also happy to see, Mr. President, that he has got his contingent debt explanation right, now, and that is that a contingent liability is one which crystalises and becomes due on the occurrence of certain happenings. If I might refer, Mr. President, to the Auditor General's report dated June this year on paragraph 13, we will see this comment: "The Airline is wholly

MR. BENSON O. EBANKS (CONTINUING): owned by Government and the shares held at 31st December, 1983 in Cayman Airways Limited and Cayman Air Holdings Limited are shown in the statement of assets and liabilities at cost". And here, Mr. President, I might turn to the statement of assets and liabilities and say that according to my figures, those total Seven Million Three Hundred Sixty-Six Thousand and Ninety-three Dollars. In other words, that is the investment which we are showing at cost in our statement of assets and liabilities in Cayman Airways and Cayman Air Holdings.

And to go back now to the Auditor General's report, "I stated in an Appendix to my last report a shareholders' deficiency of 1.7 Million was reflected in the audited airline accounts at 30th June 1982. I have since seen financial statements for the year ended 30th June 1983 and certain management accounts covering the months July to November 1983. As the result of losses incurred during these periods, the shareholders' deficiency for the airline as a whole had risen to US$5.9 Million at the 30th of June 1983 and had apparently increased further to a figure probably in excess of US$9 Million at the 30th of November, 1983."

I have enquired whether circumstances have since changed in any material way. Mr. President, what the Auditor General is saying there is that since the airline's deficiency is approximately equal to what we are showing our shareholding value in our in those companies in our statement of liabilities and assets since the deficiency is equal to that investment, he is saying that in fact that figure should not be in our statement of assets and liabilities at all, because the airline is in fact trading with a deficit, and to put it bluntly, is bankrupt.

HON. JAMES M. BODDEN: Mr. President, on a point of order, I wonder whether the Member would tell us whether he is debating the 1982 or the 1983 Bill.

HON. BENSON O. EBANKS: Mr. President, I called attention to relevancy when the last Member was speaking and what is good for the goose is good for the gander.

MR. PRESIDENT: I think that it is perfectly fair because the previous speaker ranged widely over the Government's entire financial position in an effort to convince the House that it was proper and prudent to support this Bill, and I think it is fair for the contrary view to be expressed, too.

HON. JAMES M. BODDEN: Mr. President, that may be true, but I think I heard the Member saying that he was debating the 1983 Bill, and if that is so, I would like to refer you to Standing Order 68 which says, "If from time to time, whether in the course of a particular financial year, or after its close, a supplementary appropriation bill is presented appropriating only proposals which have been agreed to by the Finance Committee under Standing Order 67, the debate on the Second Reading thereof shall be strictly confined to the matters for which additional expenditure is required and when the question thereon has been agreed upon the bill shall not be committed and the question "That the bill be now read a third time" shall be decided without amendment or debate".

The 1983 figures in the Finance and Development does not include anything in regards to Cayman Airways, that is in the 1982 Bill. So if the Member is debating the 1983 Bill

HON. JAMES M. BODDEN (CONTINUING): he is not allowed to bring it out.

HON. BENSON O. EBANKS: Mr. President, the figures were brought up in the statement of assets and liabilities to which the last speaker referred.

MR. PRESIDENT: I think the truth is that if my attention had been drawn to Standing Order 68 by the Third Elected Member for West Bay when he got up on a point of order to enquire whether the Second Elected Member of Executive Council was strictly in order, I might well have decided that the Second Elected Member of Executive Council was out of order. But, not having had my attention drawn to it at that time, and having allowed him to range a little bit more widely than perhaps I should have done, I think it is only fair to allow you to range a little more widely, too, although I give you notice you must not range too widely or for too long, rather as I gave him notice, and I give everybody notice that for the future, not during this particular debate because I have made the mistake, I will try to remember to construe the terms of the debate a little bit more strictly.

HON. JAMES M. BODDEN: Mr. President, if that is the case, then I will give notice now I did not intend to debate this Bill, but when we get to it, I will be dealing then with expenditures and revenue covered under 1982 and 1983 and we have about ten departments in each one of those that is very relevant in regards. . .

MR. PRESIDENT: I will certainly allow the Honourable Member the same amount of freedom that I have allowed other Honourable Members. That is only fair. But not too great a length I did tell each of them.

MR. BENSON O. EBANKS: Mr. President, I have reached the point where I was saying that according to the Auditor General's report the airline is trading with a capital deficiency and in fact, Mr. President, if it was being run as a prudent operation, it would . . .

HON. JAMES M. BODDEN: Mr. President, I take strong objection to this, Sir.

MR. PRESIDENT: Are you rising on a point of order?

HON. JAMES M. BODDEN: Yes, Sir. I think the Member is entirely out of order in his sort of attacks I would say that he is placing. The airline is a national thing, it is owned by the Government, it is owned by the people, and if it is anything that he can add to it to help it rather than to tear it down, but the personal attack that he is making, I take strong objection to it, Sir.

MR. BENSON O. EBANKS: Mr. President, I am not attacking the airline, I am attacking the figures, and this was introduced by the last speaker, and I am getting around to this contingency thing, Sir.

If this airline was operating in any other jurisdiction, particularly in the United Kingdom, it could not operate with a shareholders' deficiency this way, and would be bound to be wound up, in which case the Government's contingent liability on that $14 million guarantee would then be called. And I want to know how the last speaker can say with such assurance that we have the cash to pay all of Government's

MR. BENSON O. EBANKS (CONTINUING): possible debts. That is the point I am making, Mr. President.

HON. TRUMAN M. DODDEN: Mr. President, I intervene there, I do not know if he wishes to give way. I did not say what he said there. He is confusing what I have said. He says possible debts, that is a whole different thing from saying debts excluding contingent liabilities. I would like him to at least try to understand there is a difference between possibilities and actualities.

MR. BENSON O. EBANKS: Mr. President, I am glad the Member has learned the lesson I taught him this morning, Sir. I am well aware of what a continent liability is and an actual liability or a current liability.

If as I said the Member is trying to prove the financial viability of the Country as a whole, I think he should have taken another forum to do it, and not refer to the Auditor General's report and of course I presume he had been through the Estimates and made his notes which he referred to copiously, and often. You will notice, Mr. President, I have no notes on this and in fact it is only good fortune that I in fact have the Auditor General's report. I was cognizant of the Standing Order to which you have just been referred, that was why I drew the attention to the relevancy of the previous speaker's contribution.

One gets the impression that with this Bill we are being asked to spend additional revenue on the various headings mentioned in the Bill, that is, I think one of the things he mentioned was roads and the rest of it; but as I pointed out, Mr. President, these are figures that the Country has already derived the benefit from; expenditures which the Country has already derived the benefit from; or otherwise; and this should have been a very simple debate. In fact, I had not intended to say anything on the Bill; and it has not given me any great satisfaction to point out the things which I have had to point out; but I think it is only fair that the Country know the truth, the whole truth and nothing but the truth.

And when, on the asset side, we are showing Seven Million Two Hundred Sixteen Thousand Six Hundred Ninety-three Dollars in shares in a company which the Auditor General says, and remember, the Auditor General's report only goes back to, or he mentions that he had seen these figures up to November, not at the 31st of December; and, if the situation could deteriorate so rapidly from the 30th of June 1983 to the 30th of November 1983, it is reasonable to assume that the situation was worse at the 31st of December than he was able to state.

Now coupled to that, Mr. President, we could go on and say that what the Auditor General had to say about Cayman Airways was in fact not the full story, because there are loans outstanding to Government made in previous years to the airlines which have not been paid. The last speaker claimed all Government repayment on loans is up to date, and I challenge that statement. Are you suggesting an interruption, Sir?

MR. PRESIDENT: I think you are going to have to be interrupted because by my watch it is 4:30 and I had hoped you might finish by 4:30. I understand you have not, so I will interrupt you, but on the understanding that you will not go on as long in the morning. You will remember I did tell the other Member he was not to speak too long.

MR. BENSON O. EBANKS: But, Mr. President, if I have time to do some research there is no telling how long I am going on tomorrow.

MR. PRESIDENT: Well, I think there may be a little telling in the sense that I may apply the rule of relevancy a bit more strictly if I find the debate going on too long, and meanwhile you will have the time for your research because I think the adjournment is to be moved.

ADJOURNMENT

MOVED BY HON. D.H. FOSTER.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 5TH SEPTEMBER, 1984.

FOURTH MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
WEDNESDAY, 6TH SEPTEMBER, 1984

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS M FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN B McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN M BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON G HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BENSON O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, ODE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MABRY S KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FOURTH MEETING OF THE (1984) SESSION

OF THE
LEGISLATIVE ASSEMBLY

WEDNESDAY
5TH SEPTEMBER, 1984

1. PRESENTATION OF PAPERS AND REPORTS

FINANCE COMMITTEE

REPORT OF FINANCE COMMITTEE (Meeting held 6th August, 1984)
TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER.

2. QUESTIONS

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 56: WILL THE MEMBER STATE BY WHAT AUTHORITY THE TERMS OF THE LOAN TO CAYMAN AIRWAYS HAS VARIED IN A MANNER TO PERMIT ONLY A PORTION OF THE LOAN OF CI$2.6 MILLION TO DRAW INTEREST AS STATED IN THE AUDITOR GENERAL'S REPORT DATED 8TH JUNE, 1984, IN PARAGRAPH 94?

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 56: WILL THE MEMBER STATE WHAT CHARGE IS MADE TO THE "GIS" NEWSPAPER FOR THE USE OF RADIO CAYMAN'S NEWS SERVICE LINKS?

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

NO 57: WILL THE MEMBER IDENTIFY THE LAND PURCHASED IN 1984, REFERRED TO BY THE AUDITOR GENERAL IN PARAGRAPH 48 OF HIS REPORT DATED 8TH JUNE, 1984; STATE THE VALUATION ASSESSED BY THE LANDS OFFICER FOR THE DEPARTMENT OF LANDS AND SURVEY AND THE ACTUAL AMOUNT PAID BY GOVERNMENT FOR THE SAID LAND?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 58: WILL THE MEMBER STATE WHETHER ANY ACTION HAS BEEN TAKEN TO COLLECT THE OUTSTANDING REVENUE, CONTAINED IN THE AUDITOR GENERAL'S REPORT, OF APPROXIMATELY $3.5 MILLION, AS OF 28TH FEBRUARY, 1984, AND IF SO WHAT IS THE CURRENT OUTSTANDING BALANCE BROKEN DOWN BY REVENUE HEADS?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 59: WOULD THE MEMBER STATE WHY THE COMBINED FINANCIAL STATEMENTS OF CAYMAN AIR HOLDINGS LIMITED AND CAYMAN AIRWAYS LIMITED FOR THE YEAR ENDED 30TH JUNE, 1984, HAVE NOT BEEN TABLED?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 60: WILL THE MEMBER STATE -

(a) THE COMPLETION DATE STIPULATED IN THE CONTRACT AWARDED FOR THE CONSTRUCTION OF THE NEW AIRPORT TERMINAL BUILDING AT OWEN ROBERTS AIRPORT; AND

(b) WHETHER ANY BONUS PAYMENTS HAVE BEEN PAID OR CONTEMPLATED TO BE PAID UNDER THIS CONTRACT AS AN INDUCEMENT FOR EARLIER COMPLETION?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 61: WILL THE MEMBER STATE HOW MANY PERSONS TO DATE HAVE BEEN GRANTED CAYMANIAN STATUS GIVING THEIR ORIGINAL NATIONALITY?

NO. 62: WOULD THE MEMBER STATE THE NUMBER OF FIREARMS LAWFULLY LICENSED AND WHAT STEPS HAVE BEEN TAKEN TO TRY AND ELIMINATE UNLICENSED FIREARMS?

NO. 63: WILL THE MEMBER STATE WHETHER GOVERNMENT WILL CONSIDER HAVING BOUND COPIES OF ALL THE HANSARD OF MEETINGS OF THE LEGISLATIVE ASSEMBLY PLACED IN THE PUBLIC LIBRARY?

3. GOVERNMENT BUSINESS

BILLS:-

(i) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984 - CONTINUATION OF SECOND READING DEBATE

(ii) THE COMPANIES (AMENDMENT) (NO.2) BILL, 1984 - FIRST & SECOND READINGS

(iii) THE STAMP DUTY (AMENDMENT) BILL, 1984 - FIRST & SECOND READINGS

(iv) THE CAYMANIAN PROTECTION BILL, 1984 - FIRST & SECOND READINGS

COMMITTEE STAGE

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984
(ii) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984
(iii) THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1984
(iv) THE COMPANIES (AMENDMENT) (NO.2) BILL, 1984
(v) THE STAMP DUTY (AMENDMENT) BILL, 1984
(vi) THE CAYMANIAN PROTECTION BILL, 1984

REPORTS THEREON

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984
(ii) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984
(iii) THE SUPPLEMENTARY APPROPRIATION (1984) BILL, 1984
(iv) THE COMPANIES (AMENDMENT) (NO.2) BILL, 1984
(v) THE STAMP DUTY (AMENDMENT) BILL, 1984
(vi) THE CAYMANIAN PROTECTION BILL, 1984

THIRD READINGS

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984
(ii) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984

TABLE OF CONTENTS

	PAGE
Report of Finance Committe Meeting held on 6th August, 1996 - Laid on the Table	1
Questions	1
The Supplementary Appropriation (1996) Bill, 1996 - Continuation of Second Reading Debate	11
Mr. Benson O. Ebanke	11
Hon. C. Hala Bodden	16
Hon. James M. Bodden	27
Adjournment	37

WEDNESDAY, 5TH SEPTEMBER, 1984

10:10 A.M.

MR. PRESIDENT: Proceedings are resumed. Item 1, Presentation of Papers and Reports. The Third Honourable Official Member.

PRESENTATION OF PAPERS AND REPORTS

FINANCE COMMITTEE

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the table of this Honourable House the Finance Committee Report dated 6th August, 1984.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, that meeting approved a total supplementary of one million dollars for the repairs of the Gerrard Smith Airport runway. This subject, Mr. President, was also discussed, if my memory serves me correctly, in two other Finance Committee meetings. Finance Committee agreed that the entire area of 3,800 feet should be repaired at the cost of one million dollars which would be drawn from the general reserve fund - the balance to be taken from general revenue.

Thank you, Mr. President.

MR. PRESIDENT: In accordance with the provisions of Standing Order 67(4) the House is deemed to have agreed to the motion. Item 2. Questions. The Third Elected Member for West Bay.

QUESTIONS

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 55: Will the Member state by what authority the terms of the loan to Cayman Airways was varied in a manner to permit only a portion of the loan of CI$7.5 million to bear interest as stated in the Auditor General's Report dated 8th June, 1984, at paragraph 34?

ANSWER: The authority for the loan to bear interest at five per cent per annum was given by Finance Committee and no person has any authority to change it. It was an oversight on my part, but interest is collectable.

The reason for the movement of CI$4,000,000 to Cayman Air Holdings Limited was to offset the Escrow Account of US$4,000,000 in respect of the sale of the DAC 1-11s which is placed in the name of the Government of the Cayman Islands and all interest accrued thereon is received in Government revenue.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Supplementary, Mr. President. I note that interest is collectable. Would the Member state whether interest has been paid to date on the loan, and secondly, why is

MR. BENSON O. EBANKS (CONTINUING): the $4 million held in the name of the Cayman Islands Government and not in the name of Cayman Air Holdings Limited since this was the company who owned the BAC 1-11s which this $1,000 represents part payment on? $4 million, Mr. President.

HON. THOMAS C. JEFFERSON: Mr. President, if I do not appear to answer the Member's questions, it is because I may have misunderstood his two questions. The first one dealing with the repayment of interest on loan: There has been, to my knowledge, no payment per se by Cayman Airways, although the Financial Secretary has given instructions to the Chief Accountant to charge against that interest all travel by Civil Servants on Cayman Airways. That is, Mr. President, all travel on Cayman Airways by Civil Servants is not paid to Cayman Airways, but deducted from the interest due to us.

The second part of the question, Mr. President, dealing with the $4 million: To the best of my recollection, when we were dealing with the leasing agreement for the Boeing 727s with Interfirst, it was agreed at that time that the $4 million would be placed in escrow in Government's name in a bank in Texas, and that the Financial Secretary only has an authority to deal with that particular $4 million.

CAPT. CHARLES L. KIRKCONNELL: Supplementary, Mr. President. Could the Member state how much money has been used up by the Civil Servants for travel and has this been deducted from the interest payment of Cayman Airways? Does the Member have any figure that he could give the House?

HON. THOMAS C. JEFFERSON: Mr. President, I would not wish to say in the House a particular figure, because I do not have at my fingertips this morning how much has been deducted from the interest due to Government by Cayman Airways, but I will undertake to provide the Members with this information.

MR. PRESIDENT: If there is no further supplementary, I will invite the Third Elected Member for West Bay to ask the next question.

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 56: Will the Member state what charge is made to the "Sun" newspaper for the use of Radio Cayman's news service links?

ANSWER: There is no charge made to the "Sun" newspaper as there is no established news service link between the two media offices.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Supplementary, Mr. President. The Member has stated that there is no established news service link between the two media offices. Has this newspaper then had use of Radio Cayman news service links on an informal basis?

HON. DENNIS R. FOSTER: Mr. President, if one wants to call it so, yes. On one occasion when an employee of the newspaper came to the radio station asking if there was anything new on the foreign press, the Director said to the employee, "There it is in the garbage. If you want it you can have it."

HON. DENNIS H. FOSTER (CONTINUING): Mr. President, I would like to go on to say that we have two machines which bring news in there. One is the CANA/REUTERS and the other is ASSOCIATED PRESS. I think the Compass newspaper has one or both of those machines. It is not uncommon if ours breaks down for us to get the material from them or theirs from us. In the case of the Sun they do not have, and on this one occasion they asked for it and by that time we had used what we wanted off of it and gave it to them. It is not uncommon, Mr. President, for media organizations to cooperate with one another often in news gathering and news dissemination. We give out a lot of community events to all the papers so that we can get a broader exposure with the community benefiting from such a move.

MR. BENSON O. EBANKS: Mr. President, another supplumentary, Sir. Could the Member state categorically that it was only on one occasion that this tape was retrieved from the garbage can.

HON. DENNIS H. FOSTER: Mr. President, this is the information that was passed to me, Sir. Yes.

MR. BENSON O. EBANKS: Mr. President, I understand that the garbage can is often a convenient way of passing information and...

MR. PRESIDENT: In the Member asking a question or making a statement?

MR. BENSON O. EBANKS: I am coming up...

MR. PRESIDENT: On to the question then.

MR. BENSON O. EBANKS: Yes, Sir. Would the Member assure the House that tapes will no longer be put in the garbage can unshredded?

HON. DENNIS H. FOSTER: If that is the wish, Mr. President, I will certainly give instructions for that to be done. (Laughter).

MR. PRESIDENT: If no other Member has any supplementary, I will invite the Third Elected Member for West Bay to ask the next question.

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

NO. 57: Will the Member identify the land purchased in 1984, referred to by the Auditor General in paragraph 48 of his report dated 8th June, 1984: State the valuation assessed by the Lands Officer for the Department of Lands and Survey and the actual amount paid by Government for the said land?

ANSWER: The land which the Auditor General referred to in paragraph 48 of his Report has been identified as Registration Section West Bay Beach South, Block 13C Parcel 2. The property was valued by the Lands Officer at CI$75,000 and by a reputable Real Estate Broker at $522,000.

Government reached a settlement of CI$390,000 which was subsequently presented to Finance Committee where funds for the purchase was unanimously approved. This settlement took into account the fact that land in the immediate area was sold for prices in keeping with the prices asked by the proprietor of the said parcel.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Supplementary, Mr. President. Would the Member state whether the valuation of the Lands Officer or that of any reputable Real Estate Broker is used when Government is establishing valuation of land for stamp duty purposes?

HON. JOHN B. McLEAN: Mr. President, if you wish, Sir, I will answer that question, but I do think it is a completely different question as it is dealing with stamp duty and not the question before the House.

MR. PRESIDENT: I think it does relate, because the answer that you have given reveals a very significant variation between two valuations, and I can see that it is in consequence of interest. Whether this would be for you or for the Financial Secretary to answer the supplementary, I am not sure, but I can see that the supplementary does arise.

HON. JOHN B. McLEAN: Well, Mr. President, in that case I do not have stamp duty under my Portfolio.

HON. THOMAS C. JEFFERSON: Mr. President, if it is your wish I will try to answer the supplementary question.

Normally before purchases are made, the Lands Officer is asked to do an evaluation. As the Financial Secretary, who has been dealing with the subject of land over quite a number of years, I also dealt with it when I was Deputy Financial Secretary, so perhaps I am not an expert in land values, Mr. President, but at least I have an understanding of what the value should be. If I am not personally satisfied with any evaluation, I will seek second, third or fourth evaluations by other people whom I deem competent to do so in the real estate market.

CAPT. CHARLES L. KIRKCONNELL: Supplementary, Mr. President. Will the Member state who this reputable Real Estate Broker is?

HON. JOHN B. McLEAN: Mr. President, it is my understanding that the valuation was carried out by Mr. Crighton.

MR. PRESIDENT: The Third Elected Member for West Bay I think caught my eye first.

MR. BENSON O. EBANKS: I have a further supplementary, Mr. President, and maybe this should be directed to the Financial Secretary in reply to his answer. My question is whether, in his reply, he is suggesting that the Lands Officer, whom Government uses for valuation of land, may not be totally familiar with land valuation in the country?

MR. PRESIDENT: I am not sure that that is really quite a proper supplementary. His answer was fairly clear that if he was in doubt he sought a second opinion. I think that there must always be a possibility of doubt, whether it is in a matter of this kind or whether it is in any other matter, and of seeking second opinions.

MR. BENSON O. EBANKS: Mr. President, I am entirely in your hands, Sir, but I was left with the distinct impression of the opinion which I sought to be confirmed in that supplementary.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, why was a third Real Estate Broker not called in, seeing that there was a difference in the two valuations of $315,000? Between what Government actually paid, it is $446,000, Mr. President, and Government actually paid $130,000, and the difference between it and the valuation by the Lands Officer was $315,000. Why was not the third, fourth or fifth real estate agent called in to value this land? This looks to me like it is a terrific error.

HON. JOHN B. McLEAN: Mr. President, if there is an error I think it was made by the Finance Committee. The matter was placed there by the Honourable Financial Secretary. I cannot recall anybody asking for a third, fourth or fifth valuation. I am certain the Financial Secretary presented a case. If he, in his good office, was dissatisfied with the price or if he was dissatisfied, as I mentioned in my question, the properties around the said land were sold for a certain price and this was taken into consideration; well then I think it rests with Finance Committee.

MR. BENSON O. EBANKS: Mr. President, a supplementary. Would the Member say whether the figures which he has just given in reply to my answer or in reply to my question, that is that the Lands Officer had valued the land at $?5,000 and that a reputable Real Estate Broker had valued it at $522,000 was put before the Finance Committee?

HON. JOHN B. McLEAN: Mr. President, the Member posing the question is also a Member of Finance Committee. He knows well that what is done in Finance Committee I cannot come to the floor of the House and reveal. He has the Minutes the same way that I do.

MR. BENSON O. EBANKS: Mr. President, is the Member aware that the meeting at which this was decided has been reported to the House and is now public knowledge and he is therefore at liberty to answer my question?

HON. JOHN B. McLEAN: Mr. President, if the Member is aware that it was reported to the House, why is he wasting the time of the House to ask me a silly question?

MR. BENSON O. EBANKS: Mr. President, the ignorance is on the other side. If I am permitted to make a statement, I will say that these figures were never told to the Finance Committee.

HON. TRUMAN M. BODDEN: On a point of order, Mr. President, I object to him continuously making statements and he must at some stage keep the decor and the decency of this House by acting in a reasonable manner and I object to him making statements. We have been sitting here and listening to him all morning making statements. I think the time has come for you to stop him, Sir.

MR. PRESIDENT: I have once stopped him from making what I thought was a statement and I was about to stop him making a further statement, but the fact is that his question has not been answered... the latest supplementary, and there is no confidentiality bar to answering it.

HON. TRUMAN H. BODDEN: Mr. President, on a point of order. As I understand the meetings of Finance Committee, under Standing Order 70(5) it says, "Subject to any Order of the House or resolution of the Committee, the sittings of a Select Committee shall be held in private", and there is a list in subsection (7) of Section 72 which sets out what comes to this House. If the Member is attempting to say that everything which goes on in Finance Committee which has not been through a resolution of this House or that Committee made public, can be made public in here without that resolution, I think there is clearly a breach. Because a lot of discussion goes on in there, and regardless of what relates to his question, I think it is a very important point of principle. That the Committees - the Finance and Select Committees sit in private and unless that Committee or a resolution of this House wants to make discussion public which have not been made public on the floor of the House then I believe we would be in breach of this and in fact probably committing a criminal offence under the Immunities, Powers and Privileges Law. Therefore if it has been made public in the Minutes, it is before this House anyhow and it is a matter of public information, he should refer to that. If it is not in those Minutes, my submission, Sir, is it cannot be referred to, otherwise everybody is going to get up and say what everybody else said and what everyone else did in those meetings. The whole idea of them is to have a free flow of information and discussion in an atmosphere of privacy and secrecy. I would hope, Sir, that you would not rule that those meetings are not secret.

HON. G. HAIG BODDEN: Also on a point of order, Sir, I would direct you to Standing Order 72(1)(f)(x) which says that a question shall not be asked if the answer to which can be found by reference to available official publications.

MR. BENSON O. FRANKS: Mr. President, that is specifically why I asked the question. It is not available in that document. The Member has introduced this information in his answer, and I think I am entitled to an answer to my question. They cannot hide behind the secrecy of Finance Committee and then try to cloak or blame and rope in all the Members of Finance Committee into a deal which the Finance Committee had no knowledge of.

HON. TRUMAN M. BODDEN: Mr. President, on a point of order, if he can show this House the authority, and as far as I go it does not matter to me what comes out on this question, but on a point of principle, Sir, he must show the authority for disclosing what goes on in Finance Committee. If he cannot show that he has no right in this Honourable House to go into it. Now it matters not to me at all what happened on this; it was unanimously passed and it is on our shoulders.

MR. PRESIDENT: It seems to me that, on the one hand, it is perfectly true that some details of the proceedings and discussions that take place in the Finance Committee are and should remain private; and that if it were ever to become the case that all expressions of opinion and all statements and all discussions made during the course of Finance Committee Meetings might subsequently be revealed as a result of subsequent questioning in the House, then that would be a material impediment to the future smooth running of Finance Committee. It would make it more difficult to hold free discussions and to arrive at agreed compromises and conclusions.

MR. PRESIDENT (CONTINUING): On the other hand, that said, it does seem to me that the answers given by the Honourable First Elected Member of Executive Council to, I think, to the supplementaries not to the original - well to the original question and to the supplementaries and did specifically convey the impression that Finance Committee bore responsibility for the decision which was reached to purchase the property for a certain price, and, by implication at least, that Finance Committee was fully aware of the whole position, including the varying valuations given for the land, at the time at which Finance Committee reached its conclusion. That certainly was the impression that in my view was given by the answers. If that impression was indeed misleading, and if it were the case that Finance Committee was never made aware of the conflicting valuations given by different people, then I do think that it is reasonable in view of the answers given by the Member, that the public should be made aware of that. Therefore I do think that the supplementary question that was asked was, under the circumstances, and even having regard to my general ruling, one cannot permit general disclosure of all statements made and all discussions that take place during Finance Committee; even having regard to that I think that on this particular occasion, the question was a proper one.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, could I with respect draw your attention to Standing Order 22(1)(f)(3) which appears to be on this particular point. It says a question shall not be asked regarding proceedings in a Committee which have not been placed before the House by a Report from that Committee; and it is proceedings that have not been placed before the House by a Report from that Committee. I do not know whether the Chair's interpretation of that is that if there is not a matter specifically mentioned in a report, then a question cannot be asked about it.

MR. PRESIDENT: My interpretation of that one would have been, well I do not know, it is slightly ambiguously worded. I had thought that it meant that questions could not be asked about proceedings before any Report had been placed to the House by the Committee, rather than that questions could not be asked after a Report had been placed about proceedings that were not mentioned in the Report. It could mean either.

MR. BENSON O. EBANKS: Mr. President...

MR. PRESIDENT: But in any case I do not think that one is really strictly applicable.

MR. BENSON O. EBANKS: Mr. President, I accept your very lucid ruling completely, Sir, and I would suggest that we get on to the next question so that we do not get bogged down like we did on Monday. I think it is abundantly clear to the public...

HON. TRUMAN M. BODDEN: Mr. President, I once again take a point of order. I mean, with respect, Sir, you have to stop him from making statements, because otherwise I am going to start and everybody is going to start making statements, and where is the House going to be?

MR. PRESIDENT: I agree with that, but I was about to stop him proceeding any further. I think that the first part of what he was saying was helpful. I think that it would be of value to go on to the next question and that is what I propose to do. So I will invite the First Elected Member for the Lesser Islands to ask the next question.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 58: *Will the Member state whether any action has been taken to collect the outstanding revenue, contained in the Auditor General's Report, of approximately $3.5 million as of 29th February, 1984, and if so what is the current outstanding balance broken down by revenue Heads?*

ANSWER: *Appendix I of the Auditor General's Report is a statement of revenue outstanding at 31st December, 1983, uncollected at 29th February, 1984. I will deal with each item individually.*

1. Personal tax - $90,000 outstanding is an estimated figure using persons who were between the ages of 18 and 60 years on 8th October, 1979, i.e. on Census day. No account is taken of persons who are on poor relief and there are no individual records to substantiate the amount. However, steps are taken by announcements over Radio Cayman and the press that personal tax is payable. The Treasury is steadily building records as the public comes forward.

2. Motor vehicles - $83,098. The Traffic Superintendent states that the figure includes vehicles written off or not being used and is therefore incorrect, as the police have no means of determining when a vehicle is taken out of service.

3. Trailers Licence Fees of $4,823 have been collected.

4. Local Companies Fees of $6,400 have been collected.

5. Radio Licences - $21,221. The Postmaster states that it is impossible to know the amount collectable - the Radio Advisory Committee has ruled that frequencies are not to be withdrawn in respect of non-payment. Additionally, many tourists will take out a licence for a short period and may never renew it. The figure of $21,221 is based on Licences that have been issued and not renewed over a period of years. In the Postmaster's view, the amount is uncollectable.

6. Dental Fees - $6,375.

7. Medical Fees Lesser Islands - $3,171 - $390 collected. Balance is uncollectable, according to the District Commissioner. Medical services were rendered to tourists and they are no longer on the Island.

8. Hospital Fees. The fees of $983,678 shown as outstanding at 31st December, 1983, according to hospital administration cannot be substantiated. Investigations are to be carried out by the hospital administration, and to date a large number of duplicate billings have been discovered, and in many instances, bills have been paid but patients' records have not been amended.

9. Garbage Fees at the end of 1982, $20,000 was outstanding, but at the end of 1983 $150,000 were outstanding. Here again it is an estimated figure using the number of household's stated in the census report. The garbage fee is collectable per each apartment, or house etc., and there are many houses with more than one family, you may have, for example, daughter and husband living with daughter's parents. No account is taken of people who deliver direct to the garbage dump, people who are on poor relief, and persons whose fees are waived by the Financial Secretary. However, in 1984, $11,000 have been collected in excess of the 1983 total collection.

10. Landing Fees - $181,003. No collection; the amount is due by Cayman Airways.

11. Survey Fees - $4,224 - $1,689 collected and the remaining balance of $2,535 may need to be written off, as it related to 1978 and prior, and it is doubtful if Government can collect it.

12. Companies Fees - $1,166,800 - a recent computer print-out indicates the following outstanding balances:-

1981 and prior	$ 38,793
1982	816,790
1983	235,518
	$1,091,101

The majority of Companies' Fees outstanding are those represented by a registered office and which have to receive funds from the client before the fees can be paid. The only alternative is to strike the Company off the Register, then no fee is collectable. Normally, the Registrar works with the Registered Office to collect the fee and it may sometimes take a year or two.

13. OSAS - Overseas Service Aid Scheme terminal reimbursement due of $5,800 is being claimed from the United Kingdom Government.

14. Broadcasting - $23,718. The Director of Broadcasting states $10,398 have been collected, but the remaining $12,300 has to be written off due to Companies' insolvency.

15. School Fees - $4,188.

16. Loan Repayments and Interest - $601,298.

17. Port Authority Loan Repayment. The figure of $146,306 quoted by the Auditor General is incorrect. It should be $126,060. The Treasury has collected $51,060 and the remaining $75,000 will be paid on Friday, 7th September, 1984, when the Authority's fixed deposit matures.

It is my view that estimates belong in the Budget and facts, and facts only, should appear in the Auditor General's Report.

SUPPLEMENTARY:

MR. BENSON O. EBANKS: Mr. President, I have a Supplementary, Sir, and it deals with Item 2. Motor Vehicles in the answer, and I hope that is not interpreted as a statement, Sir. I have to identify what I am asking about.

The answer says that the Traffic Superintendent states that the figure includes vehicles written off or not being used and is therefore incorrect, as the police have no means of determining when a vehicle is taken out of service.

The question that I would like to pose, Mr. President, is whether it is not correct that under the Road Traffic Law when a vehicle is written off or taken off the road, that the licence plates are supposed to be turned in to the Traffic Department or otherwise the licence fee continues to run and be collectable on that vehicle?

HON. THOMAS C. JEFFERSON: Mr. President, I think, to the best of my knowledge the question and statement by the Member is correct. It depends on who we are talking about, Mr. President. If the person wrecks a car, leaves it on the side of the street, does not turn in the licence plate, has no funds to pay the fee, how are we going to collect it? But I will just try to answer the Honourable Member.

The Auditor General's Report itself states in appendix 1. item (B):

"Motor Vehicles Licences. The amount of $83,099 shown as revenue in arrear at the end of 1985 is a notional figure only, and has been calculated by reference to the number of vehicles registered with the Traffic Department at that time. Since no allowance is made for vehicles written off or those taken off the road temporarily or permanently, the true figure of revenue outstanding is likely to be less than the amount shown."

SUSPENSION OF STANDING ORDER 23(8)

CAPT. CHARLES L. KIRKCONNELL: Mr. President, under Standing Order 23(8) I would like to have the questions in my name carried over until tomorrow. That is questions No 59 and No. 60.

MR. PRESIDENT: So noted.

MISS ANNIE BULDAH BODDEN: Mr. President, Sir, I should like to have the questions Nos. 61, 62 and 63 in my name put on tomorrow's Agenda.

Thank you.

MR. PRESIDENT: So noted.

My understanding of the Standing Order is that although the Order provides for your questions to be postponed to a later sitting it does not necessarily entitle you to have the questions put down on tomorrow's Order Paper. I think it is for the Business Committee to settle which questions go on which day's Order Paper.

MR. PRESIDENT (CONTINUING): That concludes questions and the time for them is in any case now up.

Item 3. Government Business. Bills. Continuation of the second reading debate on the Supplementary Appropriation (1983) Bill, 1984, and my recollection is that the Third Elected Member for West Bay was speaking and that I had called his attention to the fact that although I had been lenient, or flexible in my interpretation of the Standing Order about what was permitted in the debate on this motion, in view of the speech that had been made earlier on it, I had told him that flexibility had its limits, and that I hoped he would not plan to continue for very much longer, as I might have to start applying the rules a little more strictly if he did. The Third Elected Member for West Bay.

THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984

CONTINUATION OF SECOND READING DEBATE

MR. BENSON O. EBANKS: Thank you, Mr. President, and I will be brief, Sir.

As I said when I started my debate on this, I think that the whole question of debating this Bill was out of order, but as it was thrown into the arena, I claim my right to have a say too.

This morning I am going to try to make my point very quickly and succinctly by using the figures from the estimates and the Auditor General's Report dated June, 1984. Mr. President, the total revenue balances of the Government as at 31st December, 1983, including all reserves, amounted to $11,137,253.10. When the 1984 estimates were prepared, a sum of $1.5 million was shown in those estimates under Revenue Head as a contribution from General Reserves. So that meant that once the estimates were prepared, the revenue or surplus figure in Government automatically fell to $9,637,253.10. I pointed out yesterday, Mr. President, that in the Auditor General's Report, he had stated that he had seen management figures of Cayman Airways to the 30th November, 1983 which indicated that the shareholders' deficiency in that Company, at that date was in excess of US$8 million. I have rounded the figure off to US$8 million, converted it at .83, Mr. President, which is the mid-rate, and that gives us a figure of $6,640,000.

I made the point yesterday, Mr. President, that prudent management would dictate that this shareholders' deficiency be put right. Cayman Airways is the responsibility of this Government, and this Government could never walk away from any commitments or indebtedness of Cayman Airways. If we assume that, and here I would like to point out that I am using the date of the 30th November as opposed to the 31st December, but I am prepared to give that latitude for the purposes of my exercise; if we take the $6,640,000 away from the surplus of $9,637,253.10, we are left with $2,997,253.10, a situation, Mr. President, which would result in the Government not having sufficient on deposit to back the $5.5 million which we authorised in borrowings yesterday to be secured by deposits to pay for the Tower Building. Mr. President, I would like to pause a moment to elaborate on what shareholders' deficiency is, because I believe that it might be a technical term which not everyone will understand, and I know that there will be others maybe, who might put their own interpretation to it, and I would like to give my interpretation.

MR. BENSON O. SEARKS (CONTINUING): Shareholders' deficiency occurs, Mr. President, when all of the paid-up and callable capital in the company has been exhausted. What this really means is that the capital that has been put into that company from time to time, all of the money that has been put into that company from time to time by way of equity capital, has been exhausted and that a further deficit of approximately US$8 million now exists. That is what is meant by capital deficiency and it means that the company, under those circumstances, can only be trading on borrowed money or on the good graces of its creditors. That is the true position of what those figures reveal, and what they say.

Mr. President, that is not a beautiful picture, and you will notice, Mr. President, I have not included the contingent liabilities in those figures; that is another $14 million. I am talking about straight, hard cash that has already been gone through.

Now to refer to the state of the economy or the state of the country financially generally, I would say that if we refer to the Auditor General's Report, the picture gets even more gloomy because during 1983 expenditure amounting to $320,600.05 was incurred against an advance account to be applied to specific Heads from the 1984 budget. So that is an additional expenditure as I see it, to be taken into consideration.

The public debt which stood at $9,090,382.99 as at the 31st December, 1983, did not include Loans from Caribbean Development Bank for on-lending to the Agricultural Industrial and Development Board and student loans. Mr. President, these amounts are not quantified, and I have no way of knowing, but I assume that these figures are substantial and would further increase the national debt.

The revenue balance, or the reserve balance, which is revenue balance, as at 31st December, 1983, also includes an amount of $87,315.36 which represents funds transferred from the Government Savings Bank and which are in fact the property of depositors at large in the community. They still have a right to claim that money.

It should also be noted, Mr. President, that the revenue for 1983 included $1,395,266.94, being profit on the Currency Board operations during 1983. Secondly, there is an element of revenue which has not been quantified from tourists' landing taxes, because it is mixed with travel tax. Now, this figure can be ascertained, and it is my intention to put this figure before the public at an appropriate and later date. The figure can be ascertained by referring to the statistics published by Government which show the number of cruise ship passengers that arrived, and multiplying that by the amount per head charged each tourist to land, so if I had had the time I could have found that figure. But over the years, Mr. President, that has been a substantial figure, and I am merely mentioning this to say that both of these amounts of revenue are the legacy of the pre-1976 Government that has come in for so much whip about its financial management. Those were investments which have yielded revenue to the Government ever since they went into operation and surpluses have been able to be transferred to revenue from those each year.

Now, on the other side of the ledger, Mr. President, it would be noted that the estimated revenue from company fees fell short of the budget....

HON. TRUMAN M. BODDEN: Mr. President, I would just like to take a point of order which has been taken so many times by the Honourable Member. He is standing up holding his speech in front of him reading it, and I would just like to point out that when he

HON. TRUMAN M. BODDEN (CONTINUING): refers to this in the future, just remember he is doing exactly the same.

MR. PRESIDENT: It is the fact of referring to copious note which is singular.

MR. BENSON O. EBANKS: Mr. President, I am quoting figures and there is no way that I can quote these figures without looking at them. The Member will note that I am not following the script with my finger like he does, line by line.

Mr. President, I am making the point that the estimated revenue from company Fees for 1983 fell short of the budgeted target figure of $7.5 million by CI$1,075,978 and, Mr. President, this is not a good omen. The estimated revenue in 1983 from repayment of loans and loan interest fell short of the targeted figure by $1,193,000 and again, Mr. President, I assume that this is due to a large extent, from Cayman Airways.

One more point, Mr. President, is the amount of $932,652.71 paid to Cayman Airways in 1983, which was authorised in 1982. Now, if my memory serves me correctly, Mr. President, that amount of money was voted by Finance Committee when it was given the assurance that the BACs were going to remain in service and that money was provided for their refurbishment for the winter season. So, I question whether that figure paid to Cayman Airways in 1983 when the 727s were in use and the BACs had been disposed of, were in fact, proper payments.

Mr. President, I have not made my remarks regarding Cayman Airways, lightly. I support Cayman Airways fully. In fact, this House will know, and the nation will know that Cayman Airways had its birth with my blessings, many, many years ago. Of course, Mr. President, it was not in its present structure and only time will tell whether the re-structuring of the airline in its present form was a wise one or not, but what is abundantly clear, Mr. President, is the fact that the management of Cayman Airways must be looked at critically, and very critically, or this will become the Waterloo of the Cayman Islands.

Mr. President, I could be speaking much more freely and intelligently on Cayman Airways today, if we had at least the draft accounts of that company up to the end of its financial year, ended June this year. We would know whether the trend of the increasing deficits had been arrested or whether it is getting worse, and it is unfortunate that this being the last meeting of this House before it is dissolved, that those accounts are not before Members.

I have seen glowing statements, Mr. President, coming out of what I consider another waste of Government funds, the propaganda machine of the News Bureau, stating how much money Cayman Airways is making, but the accounts that we have seen to date have not supported that, and one wonders whether we can believe what they are now saying. We see where there has been an increase in revenue, and in the absence of accounts to prove differently, I will have to accept what I have been given on reasonable authority. For example, in the case of transportation of the Peruvian passengers, I understand that this is done at a figure gross to the company of $60. Now, Mr. President, I do not know whether that is one way or return, but even if it is one way, it is almost half what a Caymanian must pay one way. It is about half what the Caymanian would pay, and it has never happened to me, but I understand that it is not uncommon for Caymanians or tourists to be bumped from the flights to make space for those passengers, the Peruvian Fawcett passengers, or whatever it is.

MR. BENSON O. EBANKS (CONTINUING): As I am saying, in the absence of accounts, I am bound to accept those figures, because they were given to me in good faith, and I have no reason to doubt them.

MR. PRESIDENT: I would just like to say to the Member that he is straying rather further still from what I would regard as strictly relevant. I did ask him to keep his remarks, and I thought I had his assurance he would keep his remarks fairly short. So I hope he is intending to complete his speech within the next few minutes.

MR. BENSON O. EBANKS: Mr. President, I am just about finished, Sir, but I would just call your attention to the fact that the Member whom I questioned irrelevancy of his debate was not stopped. He finished his speech.

MR. PRESIDENT: I am allowing you to finish...

HON. TRUMAN M. BODDEN: Mr. President, on a point of order, to be frank about it, we have had a full scale debate on Cayman Airways, which has as I see it no relevance, however, since this tolerance has been shown, and I have been very careful not to object I assume the other Members will receive similiar tolerance. He has been going for nearly an hour, Sir.

MR. PRESIDENT: I was just wanting to make clear that there are limits to tolerance, and I hope other Members will take note of that, but obviously any other Members who wish to speak will have the same grace that I have given those.

HON. JAMES M. BODDEN: So long as we understand, Mr. President, that the tolerance is not just to that Member.

MR. PRESIDENT: That is right. No. The Member may resume.

MR. BENSON O. EBANKS: Yes, Mr. President, I think it is found in Proverbs, something to the effect that "get wisdom, but with all thy wisdom, get understanding", and I have interpreted this to mean that whether you have degrees or qualifications, you must have common sense, and that is what I depend on.

HON. TRUMAN M. BODDEN: He is in a bad state if he lacks the latter, Sir.

MR. BENSON O. EBANKS: I did not get that remark, Mr. President, but obviously he lacks understanding.

HON. JAMES M. BODDEN: You lack both do you not?

MR. BENSON O. EBANKS: These figures indicate that the lacking is somewhere else. Mr. President, you see this is what I am trying to say. We were painted a glowing picture of the financial situation of this country yesterday, and this is what this debate is all about. It should not have arisen, I admit, but the Second Elected Member of Executive Council and Second Elected Member for George Town, in my opinion, sought to use this forum to launch his political campaign, and I am saying, Mr. President, without fear of successful contradiction, that Cayman Airways has to be analysed critically, or it is going to spell doom for this country.

MR. BENSON O. EBANKS (CONTINUING): I am not saying to get rid of Cayman Airways. I might be suggesting that that critical examination would involve a new approach and new management techniques, but I am not suggesting we get rid of Cayman Airways. That is a national asset which we must keep and preserve, but in closing my remarks on Cayman Airways, I would hope that any arguments that are going to be brought are going to be substantiated by figures and not pulled out of a hat either. I quoted figures stated by the Auditor General, and no one has disputed them up to this point, and, Mr. President, maybe this is a good time, too. You know if the Public Accounts Committee of this House had been active during the life of this House, we might be a little bit more enlightened. To my knowledge, I see the Auditor General referring to a Chairman of the Public Accounts Committee, but my Minutes show me that when the Public Accounts Committee was appointed at the beginning of this session, no Chairman was appointed, and certainly no Report of the Public Accounts Committee has been laid on this table. Mr. President, the Public Accounts Committee is made up almost entirely, if not almost entirely, of Government Members, which is something unknown in a democracy. In the average democratic country if it is not the Leader of the Opposition, at least a Member of the Opposition is Chairman of the Public Accounts Committee. When this Committee was appointed all Government Members were put on it.

There is one last thing I would like to say, Mr. President, and I am going to wind up. It has to deal with the Public Accounts Committee, and I think I am at liberty to refer to this, Mr. President, because that schedule would have been attached to the Report that was put on the table. I think it is significant that when one supplementary request was made that the marginal note on that said that when Government, and I might make it clear that the amount in the budget was not a token vote, it was a substantial sum, but the marginal note for the request for increased funds, or virement of funds as the case might have been, stated that it was known when the figure was put in the estimates that it was insufficient to complete the project, but it was done in order to balance the budget.

I can produce that record, Mr. President; I treasure that like nothing else that I have. I only want to state that to show that had the Public Accounts Committee been active, we would have been in a more informed position. Mr. President, I would like to state here that I am not casting any aspersions on the Civil Service or the Financial Secretary for that budgetary error. The Member responsible for that Portfolio has to accept responsibility for that because they are the people who put the projects forward and have them costed and the rest of it.

With that, Mr. President, I think I can safely say that I have proven beyond a shadow of a doubt that the finances of this country are not in the rosy picture and position that the Honourable Second Elected Member of Executive Council tried to paint to us yesterday.

Thank you.

MR. PRESIDENT: I think we have already overrun slightly the time at which we customarily take a short break so I will now suspend proceedings for approximately fifteen minutes.

HOUSE SUSPENDED AT 11.32 A.M.

HOUSE RESUMED AT 12.01 P.M.

MR. PRESIDENT: Please be seated.

Before proceedings are resumed there is one point that I would make. It has been brought to my notice that after I suspended our proceedings for a short period some half hour ago, and after I had left the House, a stranger reportedly was clapping or creating some other noise. There are rules governing the conduct of strangers who are present, and those rules preclude any kind of disturbance or distraction like that, and those rules, I would like it to be clear, apply in such a way as to prohibit clapping, applause, commentary of any kind, even after proceedings have been suspended, and if there were any further disturbance of that kind, I would have to ask the Sergeant-at-Arms to take appropriate action.

Continuation of the second reading debate on The Supplementary Appropriation (1983) Bill, 1984. Does any other Honourable Member wish to speak? The Honourable Fourth Elected Member of Executive Council.

HON. G. HAIG BODDEN: Mr. President, The Bill before the House is the Supplementary Appropriation (1983) Bill, 1984, to approve, allow and confirm certain expenditure during the financial year 1983.

We must congratulate both the Honourable Third Official Member and the Auditor General for making it possible that this Bill could be discussed at this sitting of the House, considering that we had only previously dealt with the 1983 Supplementary Appropriation Law. The 1983 audited accounts of the Government which were laid on the Table on Monday of this week, paint a rosy picture of our finances in 1983, and so pave the way for the general acceptance of this Appropriation Bill which is now before the House.

One Member opened his debate by saying it was out of order to have a debate on this Bill, and he closed his debate by seeming to say that debate should not have arisen on this Bill. I totally disagree with those expressions because I feel every important Bill, whether it is controversial or not, is deserving of a full scale debate during the second reading of the Bill. I feel that there is no more important Bill than those Bills dealing with the revenue and expenditure of the country.

All other things pale in significance with Government. All other things depend upon a healthy state of the economy. All the services which people expect depend upon the collection of revenue as well as the proper disposition of the revenue collected. If we are going to improve the quality of life for the people of the Cayman Islands, we must seriously consider not only the major Appropriation Bill passed at the budget session, but also all supplemental Bills for expenditure, and therefore we cannot take the attitude that has been taken by the Third Elected Member for West Bay when he makes the comments, both at the beginning and the end of his speech that it was not necessary to debate the Bill or debating the Bill was out of order, and debate should not have arisen.

The Bill before the House seeks to give authenticity to certain sums of money which had been approved during 1983. After we passed in November, 1982, the budget for 1983, it was found necessary to spend an additional $2,360,218 in 1983. We went about this in the fashion prescribed by our Laws. The Finance Committee approved from time to time, the different items mentioned in this Bill, and when the final accounts were

HON. G. HAIG BODDEN:(CONTINUING): completed for 1988, the Financial Secretary brought to the House the Bill which we now discuss.

Of the $2.5 million in this Bill, the major part of the funds under the Finance and Development of $1,884,904 went towards the purchase of the Turtle Farm. This purchase would not have been possible if the finances of the country were not in good shape, and if we needed a certificate to show to the public that the present administration had, over the last seven years,performed quite well, we could use the audited accounts which were laid on the table and which are inseparable from the Bill which we now discuss.

Very little has been said on this Bill, very little mention has been made of the $1.6 million which made up the major part of our supplemental expenditure, and while others have strayed from the Bill, I would like to use some time to deal with this major expenditure. Everyone in Cayman knows the saga of the turtle farm. Everyone knows how the farm was started by an individual who had been coaxed into starting it by men interested in the rearing of turtles. How people like Archer Carr and Wayne King coaxed Mr. Naylor into starting the turtle farm. How Mr. Naylor gave the job of operating the farm to Dr. Schroeder instead of giving it to Wayne King or Archer Carr. The relevance to this Bill is the reason why the Government had to purchase the farm. No sooner had the turtle farm gone into operation than Archer Carr and Wayne King, who are renowned experts on turtling, and who had recommended the establishment of the farm in Cayman, felt jilted because the job of running the farm had gone to one of their proteges. So they started a campaign of hate against the turtle farm, and this was the beginning of the events which led up to the ban on the turtle farm.

We know the story of how the original owners of the turtle farm had to put the farm into bankruptcy; how it was bought by Dr. Maytag, a German industrialist, and how he poured money into it, something in the vicinity of $15 million dollars, and how he too found himself in money difficulties because he had brought up the farm to where in the seventies it showed a profit for one year. Unfortunately for us, the United States Government fell into the hands of the conservationists who elected Jimmy Carter, who, in turn, used their clout in Washington to put a ban on the products from Cayman Turtle Farm. This ban resulted in the final downfall of the farm. If the conditions made out in Washington about the farm had been correct, Government would not have been justified in spending this money to buy it but everyone knows that conservationists are people who never stick to the facts.

I remember when I attended a conference in Washington held by the World Wild Life Organisation, I was shocked to see this document called TRAFFIC United States of America, (the word TRAFFIC, the letters stand for the Trade Record Analysis of Flora and Fauna in Commerce, and is a scientific information gathering programme monitoring trade in wild life, plants and their products). This document, which is supposed to be a scientific document, contained many allegations that were definitely untrue about the farm, and this is perhaps responsible, the authors of this were responsible in previous years for giving the misinformation to the world. While I hope I will not be asked to read this document in its entirety, I would like to point out some of the false allegations that were made against the turtle farm in this widely circulated document.

HON. G. HAIG BODDEN (CONTINUING): One statement is that:

> "initially many yearling turtles were released to compensate for the eggs which the farm had taken from the wild. It was thought that yearlings would have a better chance of surviving than hatchlings. However, this procedure was abandoned after the first year,"

That statement was not correct. The abandonment came several years after.

> "In 1975, Mariculture Limited declared bankruptcy. It was sold to a West German industrialist, and was renamed the Cayman Turtle Farm. To date the Cayman Turtle Farm is still not self sufficient, that is, they cannot continue to get turtles, young turtles, from eggs laid on the farm,"

and that statement was not correct at that time. They go on to say:

> "The turtle farm maintains that it plans to be independent of wild eggs by 1980."

The truth is the turtle farm, at the time this was written in 1978, had been independent of eggs from the wild in 1978. The worst lie of all told in this article, or in this document is:

> "At present the main criticism of turtle farms is that they encourage and maintain a market for turtle products, and in some cases, cause wild turtle products to be sold under the guise of farmed ones at a time when the world population is seriously threatened by commercial exploitation. Prior to the United States ban of Cayman Turtle Farm products in July of 1979, the Cayman Turtle Farm was suspected of importing wild turtle products in cartons that were repacked, labelled with the turtle farm emblem, and legally sold and imported into the United States.".

That was an abominable untruth. The turtle farm never bought wild turtle meat, wild turtles, slaughtered them, packed them in Cayman Turtle Farm boxes, and shipped them to the United States. It was a flagrant untruth, and these were the type of people that during the Carter administration imposed the ban. I am satisfied to say that in 1980, when President Reagan took office in the United States, the first man fired from his department was the Secretary of the Interior who had imposed the ban upon the turtle farm. That is why the turtle farm changed its tactics and was able to re-negotiate again with the present United States Government, and hopefully, one day, they may come to an understanding whereby the products of the turtle farm may again be imported into the United States.

Before 1980, Government could not lobby the Carter administration because the Carter administration was filled with cockeyed conservationists. The turtle farm's only recourse was to file a suit in a court in the United States, trying to have an injunction brought which would set aside the ruling of the Department of Interior and Commerce.

The propaganda against the turtle farm continues, and the allegation that the Cayman Government still authorises the trade

HON. G. HAIG BODDEN (CONTINUING): in turtle products still continues. I understand from the Principal Secretary of our Department of Agriculture, than when he attended a CITIES Convention in Botswana last year, that the same world-wide organisation TRAFFIC is still putting out their propaganda. Not only TRAFFIC United States of America, but TRAFFIC Japan circulated a document which contained information about the Cayman Islands which was not correct. I am referring to the BICO imports, which is the tortoise shell of the hawksbill turtle. That document contained amongst its statistics, a statement which said that Japan had imported from the Cayman Islands 111 kilograms of hawksbill shell.

So clearly the conservationists have not given up in their desire to put an end to the turtle farm. In the light of this, Government was faced with a situation where the turtle farm could go into liquidation, or Government could inject the capital to purchase it. Our Government, with the consent of the Finance Committee, appropriated the funds for the purchase of the turtle farm because the Government felt that the turtle farm is symbolic of our heritage; it is an ideal tourist attraction. Furthermore, if we could get the market for the products, it could be a financial enterprise which could be successful. That is why this large sum appears in this Appropriation Bill.

If one examines the audited accounts which were laid on the Table on Monday, one will readily see why the Government could step forward boldly and make the purchase of the turtle farm. For when one examines the audited accounts for 1983, one will see that the year ended with a surplus, despite the fact that we had made a purchase which had not been budgeted for at the beginning of the year.

The year 1983 ended with a surplus, according to these figures, of $1,994,000.39 despite the fact that we had spent during the year $2,360,416 beyond the original estimate.

It is a pity that the Auditor General's comments are not as accurate as this statement of the finances. It is a pity, as has been shown in this debate, that some of the comments were inaccurate, some of the comments were slanted, and this is regrettable. Nevertheless, what stands the test is not any comments the Auditor General may make, but the actual accounts of the Government of the Cayman Islands for the financial year ending 31st December, 1983. It matters not what any Member of the House or any member of the public may read into any comments from any report or from any other paper. What matters is the actual figures - the dollars and cents. What have we done with the money? Was there a surplus at the end of 1983? This is what will stand the test of time. This Appropriation Bill which is a by-product of our finances in 1983, and which is married for all times to the 1983 accounts, is really the example of prudent financial management by the present administration, a type of management which has been reflected every year from 1977 onwards to 1983. What is even much better is that 1984, although the year is not complete, and although the figures which we have are not audited, it is a fact that the figures up to 31st July, this year, 1984, paint the same rosy picture as all previous years. You must pardon me if I become a little elated by the state of affairs that the country now enjoys, a state of affairs which is borne out by the Bill that we are discussing; which is borne out by our latest audited figures, and which is also borne out by our unaudited figures up to July, 1984.

HON. G. HAIG BODDEN (CONTINUING): The position of the Government at the end of 1983, a position which is relevant to the Appropriation Bill which we are discussing, is a rosy position, and if Members are not satisfied with the audited accounts at the 31st December, 1983, they only have to look at our current position to find out that they are doing the right thing when they pass into Law the Appropriation Bill which is before the House. If one looks at the summary of accounts up to the 31st July, 1984, one will see how good the financial condition is today. On 1st January, 1984, the surplus brought forward was $1,294,000.99. The revenue for the seven months up to the 31st July was $36,228,457.15, making a total of $37,329,458.14, and the expenditure was $36,675,667.34, leaving a surplus balance of $653,790.80.

This surplus was only $653,790.80 because the Finance Committee approved the purchase by cash out of our surplus, of the Tower Building, which was a figure very close to CI$5 million. If that building had not been purchased, we would be looking on the 31st July at a surplus in Government of revenue collected above expenditure of a sum in excess of $5 million for the first seven months of 1984.

Also, Members know that Government has taken a loan from Barclays Bank to pay for the Tower Building, a loan which is to be repaid over seven years at an interest rate that is only 1 per cent above what they are paying us on the fixed deposits. In actual fact the cash which we paid for the Tower Building has come back into this year's revenue, and the truth, Sir, is that we still have a surplus of over $5 million.

This is why I say that there has never been a time in the history of these Islands that we have had such a good financial position.

One Member spoke about the pre-1976 Government which comes in for so much criticism, and in discussing this Appropriation Bill, I must say that as far as finances were concerned, they were a total failure. The position which made possible the purchase of the farm and the other expenditures which are included in that Bill was brought about by the present administration. Such a situation never existed before, and if I am permitted I will quote from the Hansards the words of Mr. Vassel Johnson who was our former Financial Secretary. In these words he laid to rest the myth that our prosperity stemmed from the 1972 to 1976 Government. The situation which has made possible the type of Appropriation Bill which we are discussing today started in 1977, according to Mr. Johnson. And I quote his exact words:

> "I do not think that the finances of this Government have ever been as bright as they are at present. I have been in this service, Mr. President, for 35 years. I have seen many good times, and I have seen many bad times, and so from those experiences I know what it is to enjoy a viable and bright financial position. The Cayman Islands are now experiencing a period of great boom which started in 1977, and I only hope that this bright position will continue.".

He goes on in another paragraph, and I hope I am not called upon to read the entire Minutes, but I am prepared to do so if I have to.

> "And too we enjoy political stability from our status as a Crown Colony, and political stability has earned for this country the bright financial position we see

HON. G. HAIG BODDEN (CONTINUING):

> "today. It has stimulated the economy. It has improved the various sections of tourism, and the financial industry, and I think that as long as political stability continues in this Island, the economy will continue to be buoyant. I hope that the politicians of these Islands will take this into consideration, and that there will be no hurry in these Islands to move forward constitutionally. The present system has paid us well. It has treated us well, and, Mr. President, what more could one expect in these days of great turmoil and frustration throughout the world. I think it is a position that we can be proud of and one which we should protect at all cost.".

If there is any doubt in the minds of some people about the finances of this country since 1977, and if there is any doubt about the passage of this Bill, one can take not only the words of our own Financial Secretary when he presented the Budget in November of last year, but one can go back into history and use the words of his predecessor, which all point to one glowing fact, that this Government is in a good financial condition.

But, as I mentioned earlier, it is not necessary to take the comments of those gentlemen when we have the audited financial figures as set forward in the 1983 audited accounts of the Government.

The Appropriation Bill which is a part of the 1983 financial figures, could not have been possible prior to 1976, although the Member feels that this criticism is sometimes unwarranted and unjustified.

MR. PRESIDENT: I wonder whether this may be a convenient moment to break for lunch. If so I will suspend proceedings until 3.15 p.m. if that will suit Members.

HOUSE SUSPENDED AT 12.48 P.M.

HOUSE RESUMED AT 2.25 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. The Second Reading Debate on The Supplementary Appropriation (1983) Bill, 1984. The Fourth Elected Member of Executive Council.

THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984

CONTINUATION OF SECOND READING DEBATE

HON. G. HAIG BODDEN (CONTINUING): Mr. President, a the adjournment I was about to embark upon the principle of whether we are in a position to accept the Bill before the House, and I think that has already been cleared up by, as I mentioned in the beginning, not only the financial records for 1983, but for the unaudited figures for 1984. And if one would look further back, one would see that we are today in a better position to pass this Appropriation Bill than we were in any other period in our history, including the dark days of 1972 to 1976.

If one examines our reserve funds as revealed in this report for 1983, one will see that the reserve balance stands at $10,136,258.00. However, if this Bill, which is before the House, had come to us in 1976, there would not be sufficient reserves to warrant the acceptance of such a supplemental expenditure, because the reserves were only $820,848.00. If one looks at other aspects of the finances of the Government, it becomes much clearer that we are now in a position to adopt the Bill which is before the House, because I have shown this morning that at the end of the seven months up to the end of July, we have an annual surplus, or we have a surplus of revenue over expenditure in the tune of over $5,000,000.00. At the end of 1983, we also had a surplus of over $1,000,000.00, while on the other hand in 1975 we had a deficit of $2,430,794.00. So we are in a much better position today to accept this additional expenditure, than we would have been back in 1975. If we go on to look at the public debt and its relation to revenue, we will find that today we are in a better position to accept the Bill which is before the House than at any other time in our history.

The public debt at the 31st December, 1983, stood at $9,099,383.00 which represents 19% of the local revenue collected for that year. There have been additions during 1984, but the additions to the public debt do not dramatically increase the percentages of the debt to the local revenue, because it has been estimated that the revenue for 1984 will far exceed that of 1983. The performance of the plan to date is such that at the end of July, 1984, we had collected not only what we had budgeted for, but a sum, an additional sum in excess of $5,000,000.00 more.

So, at the end of 1983, which is the last year for audited figures, we were faced with a public debt which represented 10% of our local revenue.

In 1976, the outlook was very grave indeed, because our public debt of $7,397,736.00 represented a percentage of 68% of the local revenue, the worst condition that the country had ever been in as far as its finances were concerned, because the Government had borrowed at that time, far beyond its ability to repay.

There was only one period in the history of these Islands when finances were as bad, but not as bad as in 1976, and that was in the years between 1929 and 1933,

HON. G. HAIG BODDEN (CONTINUING): when we ran several deficits. In 1939, we collected only £6,962.19.9p. and spent £7,022.10.5p. Also in 1951, we collected revenue of £6,239.19.11p. and had expenditure of £7,296.1.5p. Even in those bad days in 1933, 1933 did show a revenue balance greater than the expenditure. Even in the dark days of 1933, when we had just survived the greatest natural calamity these Islands had ever witnessed, the 1932 hurricane, and when the whole world had gone through the great recession of the thirties, we were in a better position financially, than we were in 1976, because, quoting from the Cayman Islands Report of 1938, I read, there is no public debt at that time. Although our finances were in bad shape in the thirties, we had no public debt, while in 1933, the difference between our revenue and our expenditure was only a little over two hundred pounds, at least we faced no debt. But in 1976, we not only had a deficit of almost 24 million dollars,($2,400,000.00) we had a deficit; we had public debt of over $7,000,000.00 representing 62% of the revenue, and taking 11% of the revenue to service the debt.

So these Islands have never had a financial crisis equal to the one which we saw presented at the end of the 1976 administration. It is indeed fortunate for these Islands, that Government had a change of not only Members, but a change of policies, which resurrected the finances of this country and brought them up out of the doldrums into the light of a new day.

I would like to examine this subject in greater detail, but I am mindful, Sir, of the wish of the Chair that the debate will be as brief as possible, so I will move on and turn to the last page of my notes.

I am amazed to hear the criticisms of Members against Cayman Airways. How can a person sit in Finance Committee and vote the money to buy the shares in Cayman Airways; sit in Finance Committee and vote the funds to land Cayman Airways, then come here at election time and condemn themselves for having done this. It is not the Third Elected Member who Executive Council who has given this money to Cayman Airways? It is not the Managing Director, Mr. Gonzales, who has given this money to Cayman Airways. It is the Members of Finance Committee who have approved these loans for Cayman Airways, and if it is bad, it is the Members to blame. Every penny spent by this Government is approved by a majority of the Members, and the majority of the Members of this House must bear the responsibility for having made the loans to Cayman Airways. They must bear the responsibility for having taken the equity in Cayman Airways, and they must bear a further responsibility for having come into this House and passed resolutions which guaranteed the borrowing of Cayman Airways.

We had a fine lesson in semantics when we were told the difference between the debts and the contingent debts, debts owing, and debts due. This House is responsible for the contingent debts of Cayman Airways which they approved by resolutions in this House when they gave the Government guarantee to buy the two '727s' and to buy the two BAC 1-11s before that. It could well be that the odd Member may not have supported the guarantees. It could well be that the odd Member may not have supported the loans. It could well be that the odd Member may not have agreed to the purchase of the shares in Cayman Airways, but it is a fact which cannot be disputed that the majority of the Members agreed to every penny which Cayman Airways has received from this Government. They

HON. G. HAIG BODDEN (CONTINUING): must bear the blame; the blame cannot be put on the shoulders of one person or two people, because in Finance Committee, our Financial Secretary has no vote unless there is a tie. A majority of Members agreed, and if this thing is good, they are responsible.

Of course, Mr. President, there are two kinds of good. If a man shot his mother-in-law at 500 yards distance, I would not be able to say he was a good man, but I would have to say that he was a good shot, so that here we have a situation where I believe we have two kinds of good. Those who were good to Cayman Airways in lending the money, in buying the shares, in approving the contingent liabilities, and those who are now good to themselves in trying to press the burden, or to pass the buck to one Member or to two Members of this House, or even to the four Elected Members of Executive Council. The burden cannot be shifted because these are the people who have done whatever has been done in giving Government's money to Cayman Airways. What is even more important, the votes on many occasions, I think in the majority of the occasions, were unanimous votes.

Why is it that no Member has ever brought to this House a resolution seeking to do away with Cayman Airways? Is it not because they know that within their heart of hearts Cayman Airways is good for the country? If it had not been for Cayman Airways we would have no 30 million dollar a year budget to debate.

The history of Cayman Airways is closely linked with the success of this country. We have an island country, three small islands. We now see the Lesser Islands suffering because of the lack of air communication. This is a real problem. What do you think would have happened to Grand Cayman, and in fact to the entire Cayman Islands, if there was no jet service at all into the Cayman Islands? This nearly happened Mr. President, in 1977, when we were faced with several things. One of them was the negotiation of the Bermuda II Agreement, which our negotiator, an Official Member of Government carried out on our behalf, a negotiation in which the United Kingdom was allowed to trade the rights of the Caribbean...

MR. PRESIDENT: Well, I just want the Honourable Member to realise he is straying a little bit far from the true subject matter, and he is also taking a little bit longer than he had led me to hope he might, so I hope he will not be too long.

HON. G. HAIG BODDEN: No, Mr. President, I will not be too long, but I hope I can catch up with the Third Member from West Bay, who strayed much further than I did. He strayed so far, I have not even caught sight of him yet, but I am meandering my way towards him. I will cut this part of it short. But the point I want to make is that the Government was forced into a situation by the Bermuda II Agreement where we had two alternatives, either acquire the Lacsa shares of Cayman Airways and have our own national airline, or to get out of the business altogether, and close down the Miami run. Because the Bermuda II Agreement said that for any British Caribbean country to fly into the United States, that country would have to substantially own and effectively control the airline which operated into Miami, or into the United States as a whole. So in the dark days of 1977, we had to go out and purchase the Lacsa shares of Cayman Airways so that the airline could be owned by the Government of the Cayman Islands.

HON. G. HAIG BODDEN (CONTINUING): There was one other alternative - we could have an airline owned by a private citizen, by the nationals of the country. We were also faced with the problem of buying a jet, because Lacsa could no longer lease the aircraft which we had bought for them. They could no longer lease it to us.

Our money paid for the lease on that aircraft which Lacsa owned, but it came to where they needed it more than we did, and we could no longer have the use of the aircraft which we had bought for Lacsa. We had to go out, despite the dismal picture I have shown you, and borrow the money to buy the first BAC 1-11 at a time when the country was running a deficit, at a time when our public debt was 42% of our revenue, at a time when the servicing of the debt was taking 11% of the revenue. This is what this Island was faced with in 1977. It is no wonder that when we went to Cayman Brac to tell the Cayman Brackers about the purchase of the aircraft, the Cayman Brackers were very hostile to the Second Elected Member from Executive Council and me.

Their hostility was justified because at that time the Government really was not in a position to negotiate a loan to purchase a jet aircraft. Today, the Cayman Brackers thank us for the action which we took, and they are now saying that while in 1977 they were saying Cayman did not need a jet service, they are now saying Cayman Brac cannot live without it.

But those days are behind us, and I believe that Cayman Airways is an essential ingredient in our economy. No Island state can survive for long without a proper air service. If we were to do away with Cayman Airways, we would be back to the days when we did not have any air service. We would be back to the days of husking coconuts and painting their shells, which is promised by some of the aspirants. We would be back to those days, and I do not think the public in Grand Cayman, Cayman Brac and Little Cayman want this. I think they want to move forward, and I think they want to preserve the air service so that we are not dependent upon a foreign carrier.

The Government initially went into the airline business because, all of a sudden, B.W.I.A. said they could no longer run into Cayman because they were now using bigger jets. We do have the service, for which we are thankful, of Republic Airlines, but any foreign carrier will move whenever the route becomes too unprofitable. In fact the history of the airline business has been that the first routes to be cut are the routes which have the smallest population.

The financial figures of which this Appropriation Bill is a part, have some amazing records which baffle me, to say the least, and I hope they can be explained by the Financial Secretary, or by someone else, because I notice under Liabilities there is a sum of $7,399,793.54 listed as Equity Participation in Public Institutions. Under Assets the identical figure appears, shown as the shares held at cost for Cayman Airways Limited, Cayman Air Holdings, Cayman Turtle Farm and Caribbean Development Bank. So, it is clear that if both of these items were removed, the Balance Sheet would not be affected, we could not be any worse off than we are now.

Then, what is even more amazing, if I can refer to the Appropriation Bill for 1983, the figure under Finance and Development of $13,098,855.00 was the Cayman Airways figure for March, 1982, and why that figure, or a part of that figure appears in the 1983 financial figures, certainly baffles me.

HON. C. HAIG BODDEN (CONTINUING): One Member said Cayman Airways will be our Waterloo, a statement that is by now overtired and overworked because we heard that story back in 1976 and 1977, and every year right through. Why do they believe that the most important ingredient in our economy will be its Waterloo? Take it out and you will have your Waterloo, because you will have a country which will go backwards in time. You will have a country in which Government's revenue will drop. You will come back to the days of deficits. You will come back to the days when surpluses were unknown, and as a Member said yesterday, if a surplus, as he said about another matter, if he saw a surplus on the street he would not know it. This is what would happen if we went back to the days of no Cayman Airways.

You know, speaking against Cayman Airways and voting the monies as I explained earlier, is the same story as speaking against the Narcotic Bill and voting for it.

One Member was alarmed at what would happen if all of Government contingencies fell due tomorrow. What would happen? I think the audited figures for 1983, of which that Supplementary Bill is a part, show that Government would be able to pay off all of its real debts and have some money left. Of course, Government would not be able to pay off the contingent liabilities, that is the guarantees they have made to the light plant to buy their electricity plant; they would not be able to pay off the loan they have guaranteed for Cayman Airways. But these contingent debts would only fall due if the light plant went out of existence, if Cayman Airways went out of existence, and if the days of gloom which we lived through in the dark days of 1972 to 1976 were to come back. So it is actually living in a fairy-tale world, when he imagines that all the bad things in the world will be swept together in one little bundle and dumped in our laps.

I do not see this happening. I see this country with a big, bright, financial future. I do not see any gloom on the horizon for this country. Of course, this depends a lot on the decisions of the people in the forthcoming election; whether they will elect people who have visions of glory for Cayman, who have visions of surpluses instead of deficits, and who have visions of a revenue balance rather than a deficit balance. I see nothing but hope for the people of the Cayman Islands. They have worked towards this for years. They deserve it, and if I am around, I will try to see that they get it.

Members very happily agreed to the supplementary expenditure in 1983. They also happily agreed to supplementary expenditure in 1984 when they approved by unanimous decision that we spend this year $1,000,000.00 on improving the airport at Cayman Brac.

In Finance Committee, Members agreed to the purchase of lands this year. We can only do this if we have hope in the country. What are we going to do with an airfield in Cayman Brac which can accommodate jets, if there are no jets to land on it?

The last item I shall mention is that one Member bemoaned the fact that the Public Accounts Committee has not made any reports to the House and he seemed to hanker after the time when the Leader of the Opposition will be the Chairman of the Public Accounts Committee. I would only like to say that here again, he lives in a fairy-tale world, because there are at present no political parties; there are at present no moves towards self-government and towards Independence where we will have a Leader of the Opposition in this House, one final comment - I would just like to read what was said. This is the final comment

HON. C. HAIG BODDEN (CONTINUING): (and I will sit down) about the hope in the old days, when we would have such a situation. He had a case recently when a would-be candidate talked about removing the Financial Secretary and putting the sixty million dollar budget under an Elected Member. This would be a major step to Independence, but this thought has been around because reading from Lord Oxford's statement on the 3rd February, 1971, when he had a meeting in Bodden Town, he said that amongst other things, the Lawrences felt that the Attorney-General and the Financial Secretary should have no vote, but should be there merely to advise. I would be happy to read the contents of the entire document if Members so wish. So the idea of having the Leader of the Opposition as the Chairman of the Public Accounts Committee and of having the Financial Secretary removed from the Legislative Assembly, at least from voting on important matters, is a dream that I hope will never be realised in my time, because I will work to see that people like the Lawrences are never elected to put it in.

MR. PRESIDENT: Does any other Member wish to speak? If no other Member wishes to - the Third Elected Member of Executive Council.

HON. JAMES M. BODDEN: Mr. President, my debate on the Supplementary Appropriation (1983) Bill, 1984, will centre around replying to the points raised on Cayman Airways, and I intend to reply to that in a very broad spectrum. In making my presentation, I intend to analyse the 1983 supplementary expenditure as well as to drift into the many areas which we have drifted and I intend to give some factual figures to this House.

I would first like to clarify a point, and I would submit to a ruling even by you on this point, because, in my opinion, there cannot be expenditure without corresponding revenue, or a loan to back it up. If I am right in that assumption, then I will spend, God willing, quite a bit of time on my feet here.

Mr. President, I am proud as every Member of this Legislature, and every person in the Islands should be, of the economic transformation which has taken place in this country since 1976. If one would take the time to look at the large supplementary votes and the transfers of capital and reserves that have taken place since January of 1977, one would realise that this country only began to come into the new world after the Third Elected Member from West Bay and his group were defeated in 1976. If this man had been such a financial genius as he would purport to be, the country, Mr. President, would not have gone through the death pangs which it went through between 1972 and 1976. They not only bankrupted the country and the Treasury, they bankrupted the feelings of the people who aspired to do anything. In 1972 to 1976 we had a country of gloom. We had a country of favouritisms; we had a country of intimidation, and yet they would try to put those on us at this time.

I well remember it, I lived through it like the rest of the people in this country did, and I would wish to have some of them refute, or try to refute the things that I will enumerate.

In 1972 to 1976, it was a major undertaking to attempt to even get a house plan approved through the Planning Department. They talk about the Work Permit situation: that was in a similar condition, unless you looked at the large amount of people from one particular country which they allowed to come into these Islands.

HON. JAMES M. BODDEN (CONTINUING): So those people should not be throwing their stones while they live in glass houses. They make remarks about the expenditure by this Government in the past eight years of over $300 million. Mr. President, a part of that $300 million was revenue earned in 1983, so I can specifically relate to it. The figure, to clear it up, was not over $300 million, but approximately $283,468.00, I think. And I am proud that this administration has been able to spend that money, and to save some of that money, because at least, we earned it. It was not the deficit spending that went on in the years of the Third Elected Member and his group.

To clear up a further point on that, Mr. President, I refer to Finance Committee. I would like to clear a point, not to the Members of this House, but to the people of these Islands, to let it be fully understood that no money can be spent by any Member of this House unless it is first approved by Finance Committee. Finance Committee consists of the twelve Elected Members of this House, chaired by the Financial Secretary, who only has a vote in case there is a tie. The nearly $300 million that we refer to was voted by Finance Committee, which comprised all the Members of this House except the Official ones, as I have said.

From the 9th March, 1977 until the Meeting which dealt with the estimates for 1984 Finance Committee met on seventy different occasions, including the times it met in 1983. During that time, in perusing the Minutes of the Finance Committee, there have only been fifteen objections to expenditure that were voted on by Members of the House.

In 1977, Mr. Craddock Ebanks voted against the vote of $74,238 for the Planning Department 18th January, 1977 - Head 21, Item 5, Miss Annie Bodden voted against the expenditure of $2,500. 5th September, 1980, Miss Annie Bodden abstained on a vote of $915,670 for Cayman Airways. 5th August, 1981, there was a proposal by the then Financial Secretary, Mr. Johnson, to appoint either three full time Assistant Tax Collectors, or five part time Tax Collectors at an expenditure of $25,000. The Minutes do not reveal the names of the persons who voted for or against, but it says that it was voted down by a majority of the Members. I can quite well recall that time, and it was voted down mostly by the Members of our group.

9th July, 1981 - Head 25, Government Information Service the sum of $41,700 was voted against by Capt. Charles Kirkconnell, Capt. Mabry Kirkconnell, Miss Annie Bodden, Mr. Benson Ebanks and Mr. Norman Bodden; Mr. Craddock Ebanks and Mr. Delmain Ebanks abstained. This is a very important point for the people of this country to know, Mr. President, because these Members and would-be Members should not be allowed to go around spreading the vicious news that they try to spread.

12th January, 1981 - Head 25, Government Information Service the sum of $220,150 was voted against by Capt. Charles Kirkconnell, Capt. Mabry Kirkconnell, Miss Annie Bodden, Mr. Benson Ebanks, Mr. Norman Bodden; Mr. Craddock Ebanks abstained. 23rd March, 1982, a vote of $3 million for Cayman Airways Limited was voted against by Miss Annie Bodden. 26th May, 1982, on the gift to the United Kingdom of up to $1 million, I was not present at the time the vote was taken, but I asked to be recorded that I voted against it. My reason for voting against it was, at that particular time, the Pines Retirement Home needed $850,000, and it needed it badly. That was only one of the avenues that needed assistance in this country. Many other areas needed it, and I felt that the money we were sending, we could not afford, and I voiced my opinion; I do it publicly today, and I would do it again tomorrow.

HON. JAMES M. BODDEN (CONTINUING): 1982 (I do not have the date for this) Sub-Head E, $4,000 for expenses on a trip to Washington D.C. seeking support for the turtle farm was voted against by Miss Annie Bodden and Capt. Charles Kirkconnell. 16th August, 1982, a deposit of US $1.5 million to Quebecair from monies voted for Cayman Airways Limited was voted against by Mr. Benson Ebanks and Capt. Charles Kirkconnell. This passed the Finance Committee, but the deposit was never used, although it was approved. 19th August, 1982, guarantee of the Cayman Islands Government to Quebecair of US$12.5 million was voted against by Miss Annie Bodden, Mr. Benson Ebanks, Mr. Norman Bodden and Capt Charles Kirkconnell. Again, Mr. President, I would like to point out that although this had the approval of Finance Committee by a majority, the guarantee was never used.

16th August, 1982, a guarantee to I.L.F.C. of U.S.$14.4 million for Cayman Airways was voted against by Mr. Benson Ebanks, Capt. Charles Kirkconnell, Miss Annie Bodden and Mr. Norman Bodden. The guarantee, again was approved by Finance Committee, but not used. 29th August, 1982, a deposit of US$2 million and a guarantee of US $14.5 million to Inter-First Bank for two B-727s for Cayman Airways Limited was voted against by Mr. Benson Ebanks, Mr. Norman Bodden and Miss Annie Bodden. I am bringing these points out, Mr. President, to prove to this House and to prove to the people of this country how irresponsible these people can be when they go out and shout about the waste in Government. If there is a waste in Government, Mr. President, they are involved in it as much as anyone else because they voted it.

What I have read out here to you and to this House would probably amount totally to not more than about $3 million of expenditures that were ever voted against by anyone in the House, and we have taken in a revenue, about $254 million nearly.

11th October, 1982, a loan of $45,000 to the Adventist Church for assistance with the school was voted against by Capt. Charles Kirkconnell. 6th July, 1983, $35,000 for the purchase of a Daimler car for your use was voted against by the Hon. John McLean; he being in favour of the purchase of a Cadillac automobile, as I said I was. I did not go on record but I made the statement.

Now, Mr. President, that deals with the $280 million odd of revenue, which has come into the coffers of this country through much hard work since the demise of the Third Elected Member's Cabinet in 1976. What I am proving to the House and to the people of this country is that Finance Committee has voted the way the money should be spent. We cannot even vire money, once it is voted into a Sub-Head, from one Sub-Head to the other unless we come back to Finance Committee. So please, I implore these people not to delude the people of the Cayman Islands any longer. Please be as factual as you can.

This large amount of money. No, I will deal with that later, that is another point I will raise. This large amount of money has come into the coffers of the Cayman Islands Government as a result of stability, hard work, and the strength that goes with being determined enough to see that we are on the right course.

Today, the Cayman Islands no longer have to hide behind the bushes. It is respected in all quarters. No longer do we as a Government or as a people have to go on bended knees begging for aid and sustenance at the master's feet. No longer are we forced to eat pottage or take the morsels that fall from the table after the master has eaten. If I remember

HON. JAMES M. BODDEN (CONTINUING): correctly, Mr. President, in the years 1972 to 1976 this Colony was grant aided and that should be a bitter word in the face of most people. Even...

MR. BENSON O. EBANKS: Mr. President, will the Member give way?

MR. PRESIDENT: Is the Member willing to give way?

HON. JAMES M. BODDEN: No Sir.

MR. PRESIDENT: You are not rising on a Point of Order?

MR. BENSON O. EBANKS: No Sir.

MR. PRESIDENT: No. Well then, the answer is no.

MR. BENSON O. EBANKS: Well, I reserve the right under Standing Order 43(2), Sir.

HON. JAMES M. BODDEN: Mr. President, he cannot make another speech. He has made enough speeches; now I am replying to him. I sat down and took it, he is going to sit down and take it while I speak.

MR. PRESIDENT: That is right.

MR. BENSON O. EBANKS: I have the right under 43(2).

HON. JAMES M. BODDEN: You have no right at this time. I am on my feet and I intend to stay there.

I can see how it touched you though. Mr. President, even with all the grant aid that was given to this country, (and thank God we did not need any in 1983), with all the grant aid money which was given by the Mother country, and all the loans that the previous administration took out, they still continually ran in deficits and they left a bankrupt Government to be inherited.

The Cayman Islands are a sound financial and tourism centre. They has not gotten there overnight. Many people have contributed to it and contributed some hard work, but I am proud to say, you can take the figures of tourism, and you can take your figures of your financial industry, and I think it proves to the entire world that this entity has been done in the last eight years. The great success that has been enjoyed in 1983 and the other years of our administration can speak for itself any place they go.

MR. PRESIDENT: I wonder if this would be a convenient point from the Member's point of view to take our usual afternoon break.

HON. JAMES M. BODDEN: Yes Sir, I am ready to go on till midnight, and willing.

MR. PRESIDENT: Well then, before suspending proceedings, perhaps I could seek Members wishes. The debate on this particular Bill is going on perhaps rather longer than most of us originally expected, and I wonder whether either today or some day later in the week, the House would wish to consider

MR. PRESIDENT (CONTINUING): sitting after half past four in order to try to complete business this week, or whether Members would prefer to continue next week? A number of Members have voiced the view to me that they would like to finish this week.

HON. JAMES M. BODDEN: Mr. President, in order to facilitate some of the Members of the House, I am prepared to speak until midnight; I am warmed up now, and I would like to keep on. So if the Members would agree I would like for us to just go on tonight.

MR. BENSON O. EBANKS: Mr. President, I have no objection to going on till midnight on some other night, but since we were not given notice that we would be sitting late today, I have commitments.

MR. PRESIDENT: Well, I expect every evening people will have commitments. I have a commitment tomorrow evening and I have a commitment the evening after that although the commitments are not till half past six or seven. But I am not suggesting that that is a reason for not sitting tomorrow or the day after if Members wish to.

Firstly, would Members prefer to try to finish this week? If that is so and I see nods all round, then I think on one or more evenings we may have to sit a bit late. Could we make a start by sitting a bit late this evening, I mean maybe till half past five even? That would give us a little bit more time to go through.

MR. CRADDOCK EBANKS: Mr. President, I have arrangements for commitments for this evening. There is no way that I could break them because there were commitments prepared a week or more ago.

MR. PRESIDENT: I could quite understand that if we did stay on, say this evening, some Members might be unable to remain beyond four thirty. I am in the hands of the House. If a majority of Members think that it is desirable to finish this week, as I understand, and if a majority of Members agree that it is unlikely that we shall finish unless we do stay late on one or more evenings, then I do think it behooves us to consider staying a bit late this evening, even if one or two Members may be unable to manage that.

HON. JAMES M. BODDEN: Mr. President, suppose we have a vote by a show of hands of those can stay after four thirty.

MR. PRESIDENT: All right.

MR. BENSON O. EBANKS: Mr. President, I am prepared to stay till five thirty.

MR. PRESIDENT: Well, how about till five thirty this evening?

HON. JAMES M. BODDEN: Could we compromise till six thirty, Sir?

HON. D. HAIG BODDEN: Mr. President, I will not be staying until five, Sir.

MR. PRESIDENT: Or compromise on six, I do not mind. Supposing we suggest....

MR. BENSON O. EBANKS: Mr. President, the last time that this House accommodated the particular Member who is trying to get an extension to hold a Committee Meeting for which he was Chairman, he did not show up.

MR. PRESIDENT: Well, let us not...

HON. JAMES M. BODDEN: Mr. President, this is being very irrelevant. I do not recall exactly what he is talking about, but I will assure him of one thing, unless I drop dead when I leave the Chamber here to go to the Committee room, I will sure be back to pepper him this evening.

MR. PRESIDENT: I think let us see whether six o'clock this evening, how many people we can get in favour of that? Those who would be prepared to stay or would not necessarily be able to stay themselves, but would agree to a proposition that we do stay till six o'clock this evening.

MR. CRADDOCK EBANKS: Mr. President, this is the last Meeting of this House for the year, and I feel, Sir, that it should be so conducted that every Member have the opportunity to attend; whether it takes all of this week, whether it takes next week along with it, that every Member will have the opportunity to hear and debate or answer any question, or make any comments that they might wish. I do not feel, Sir, and I am not going to agree at this stage that it be broken up into pieces until half past five, quarter to six, and six o'clock; some Members not being here, and this and that and the other.

MR. PRESIDENT: Well, I am sure...

MR. CRADDOCK EBANKS: I think that you in your capacity, Sir, as President of this Assembly, ought to take into consideration that this House continue to proper procedure until the business of the House is completed, Sir.

MR. PRESIDENT: Thank you for making your point. I quite understand it. On the other hand, I am really in the hands of the majority of Members, and my sole anxiety is to reach whatever arrangements a majority of Members may prefer.

HON. G. HAIG BODDEN: Mr. President, I would suggest that we sit this evening until five and tomorrow and Friday until five thirty. I think that would satisfy all Members.

MR. PRESIDENT: Well maybe even till five thirty each day.

MR. CRADDOCK EBANKS: Mr. President, again...

MR. PRESIDENT: I do not think we shall satisfy all Members.

MR. CRADDOCK EBANKS: It does not satisfy me.

MR. PRESIDENT: No, I do not think we are...

MR. CRADDOCK EBANKS: I have as much right and privilege to argue for my rights and the rights of the people of this country as any other Member in here. I am saying, Sir, I feel it is unfair to split up the Sittings, the hearings in piecemeal and not go on until the House has completed its duties and its obligations as laid down.

HON. JAMES M. BODDEN: Mr. President, if there is going to be this much of an uproar over staying, we will exhaust the time arguing in here before we can get out.

MR. PRESIDENT: That is right.

HON. JAMES M. BODDEN: I will suggest then, as I am the speaker, that we close this session at four thirty and please come back tomorrow and be ready for the whole day.

HON. D.H. FOSTER: I suggest we take our break now, Sir.

MR. PRESIDENT: Well, yes, let us take our break. Perhaps we can continue discussing it informally during our break and maybe come to some accommodation. I will suspend proceedings for fifteen minutes.

AT 3.36 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 4.03 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The Honourable Third Elected Member of Executive Council.

HON. JAMES M. BODDEN(CONTINUING): Mr President, before the break I started to speak a bit on tourism and the financial centre which the Cayman Islands had become.

There is a lot of faith being put in the Cayman Islands; faith in making it one of the largest offshore financial centres which exists. It makes me wonder why in 1983 there was substantial investment channelled through this country, much, much rebuffing their answer because the people from abroad had no faith in this country and its leadership. They have it now.

The economy is sound. The country is strong because of good steady leadership, not bending to every whim and fancy that comes along, not waiting for a year or sometimes more to make their decisions while the experts expertad it to death.

This is what we had, plus the Rasputin advisors from the outside which made the decisions for Government and not the Elected Members making the decisions as they should have done to fulfil their duty to the electorate and to the country.

We have catapaulted the Cayman Islands into a position of strength. I referred a while ago to grant aid. What we obtained may not have been phrased grant aid, but, Mr. President, a rose by any name is still a rose. It might have been better if they had called it grant aid instead of sending us the beautiful prefab buildings which were supposed to be a gift which we had for school rooms at that time.

HON. JAMES M. BODDEN (CONTINUING): I am sure if any country in the world should have been ashamed of school buildings, the Cayman Islands at that point would have rated at the top. These were school buildings which the Member responsible for Health, Education and Social Services at that time probably had to get on his knees and have them well padded to beg to get them. There is no doubt that during that time development aid was given to this country and soft loans and interest free loans. I was very proud at the time when the delegation came from London and said this country has progressed far enough that we cannot justify the gifts that we have been giving you.

That is correct, Mr. President, because our people should live as a people dependent upon themselves and not on hand-outs from some foreign Government.

This country at the present time has savings from revenue in the form of reserves and cash balances at least fifteen times the amount that has ever been put into reserves in the history of this country, and if that is not a success story, will then tell me what is.

1983, like other years of this administration, has seen a sizeable contribution to capital expenditure. Capital expenditure from general revenue in the eight years since 1976 amounts to nearly CI$28 million. The country is much richer by this amount. No longer, Mr. President, do we have to go on bended knees and borrow $30,000 to fence the Public Works compound. If we need to spend $3.6 million to fence the Public Works compound we could do it out of cash.

So this is the story that must be told to the people of this country, not the stories that these people would have us believe.

Mr. President, taking 1976 as a base year in comparing 1983 with it, we will find that in 1983 there was a capital expenditure of $11,267,739, or 260 per cent more than was spent in 1976. The contribution from the General Revenue Fund in 1983 was $10,337,012 or 625 per cent more than it was in 1976. I would like to have these figures disputed if they can.

I am reading, Mr. President, from a chart which has the actual figures up until 1983. 1984 is a projected year in that, and, if I may remind the Member across the hall that in 1984 it is estimated that we will contribute to capital $12,025,047.

From revenue surplus in 1983, and other years, our public debt stands at the present time at about $12 million including the amount that has just been voted for the Tower Building. If we compare that again to 1976 we find that in 1976 the Government had a debt of $7.3 million, and at that time that amount represented 68 per cent of total revenue, as total revenue that year was $11.3 million. At that point they talk about bankruptcy; the country was fast approaching it, it was becoming a banana republic because at that point it took over 11 per cent of general revenue to service the long term debts.

Some of them will shout about the nice buildings that were built. The buildings were all built from borrowed capital on which the repayments had started only a few years back since this administration took over. Yet, these same people are shouting about the guarantee to Cayman Airways. They built buildings but they did not have to worry how to pay for them.

Mr. President, there is one other point that I am very proud about in 1983, and that was that in 1983 like the other years of this administration, we were able to

HON. JAMES M. DOUGLAS (CONTINUING): decrease taxes, and we have not had to consider about implementing an income tax system like the Third Elected Member from West Bay and some of his colleagues tried to do years ago. If income tax had ever been instituted in this country you could have forgotten about the growth that you have today. You would have had no financial centre to boast about, and that will show you how far and how broad these particular people thought about the good of the Cayman Islands. As I said awhile ago, Mr. President, a rose by any name is still a rose. They may have called it a graduated poll tax and maybe it was a graduated poll tax because by the time they had gotten through with it, everybody would have graduated.

These are some of the things that were implemented and were tried to be implemented by that administration that brought the Cayman Islands literally to its knees. Thank God the electorate of this country had enough sense in 1976 to see the handwriting on the wall as they will in this election, and they will tell these people that they want no more of that type of Government.

We could have, and allow, large supplementary expenditures in the years from 1978 because there has been a surplus amount of revenue obtained. Now, Mr. President, I would like to refer to Head 2, I will call it, of the amounts which were listed in the Supplementary Bill. Head 2 was Internal and External Affairs. In 1983 we find that the total expenditure in that section was $9,467,721. In 1976 it was $1,527,765. That is an increase of 520 per cent.

That amount of money could not have been spent in 1983 or the six years previous to that if the Government revenue had not been in a healthy condition.

Head 10 is Finance and Development. In 1983 we find that that vote was changed in the accounting system and another Sub-Head appeared. But even with that the increase was still 217 per cent in just the one area that was carried forward.

Head 13. Expenditure, was able to increase by 136 per cent. That is Legal Administration.

Head 15 is the Portfolio of Health, Education and Social Services. In 1983 there was an expenditure of $10,265,236 or 266 per cent over 1976. In 1976 the expenditure was only $2,802,787 and they were lucky they could find that.

But I wish at this point to give a further break-down of that amount. In 1983 we spent $35,000 on child care and protection compared to the mighty amount in 1976 of $2,635 or an increase of 1,304 per cent. I really cannot imagine what they could have done with $2,635. Poor Relief - it is not good to have to mention this, to know that we still have people in the country who have to be aided by poor relief, but it happens in every country and in 1983 we spent $100,000 compared to $12,365, or an increase of 708 per cent.

Now, people may think that I have spent quite a bit of time in speaking today and that my colleagues have spent quite a bit of time, but Mr. President, I remember one time in this House that I really, along with my colleague from Bodden Town had to spend a long, long time. I think that was going back to 1972 or 1973 in the preparation of the budgets in the Finance Committee. At that point, I think poor relief was in for $1,500 a year, and that is the administration this man was responsible for that has done so much according to him, for the country.

When we called in the officer in question, she said "I do not know how to spend it, it is so little". Yet they would tell you that they are taking care of the entire

HON. JAMES M. BODDEN (CONTINUING): country. I wish to deal with that in another statistic before I get through.

Support grants took $95,000 in 1983. Drug and Alcohol Rehabilitation took $20,000. On the medical side of it in 1983 we had an expenditure of $252,000 compared to $66,869 in 1976 for drugs, or an increase of 277 per cent. In 1983 we spent $98,000 for medical supplies compared to $10,996 in 1976, or an increase of 791 per cent.

Scholarship grants in 1983 took $350,880 compared to $76,417 in 1976, or an increase of 359 per cent. But that is not the only story to be told on scholarships. At the time this measly amount was being spent to try to further the education of our youngsters. Those scholarships only went to the very, very, very selected few. It had to be somebody's child, or somebody's sister or brother before they were ever considered. That system, thank God, has changed. Today we are able, despite the constant criticism, to offer an excellent school system locally to our children. We are able to offer them excellent scholarships. We are able to offer them soft loans; those who do not qualify for the scholarships. We are able to offer them technical training where they are even paid a subsidy to attend school to become better educated to serve the community. Yet, these people would get on the street corners and preach and say that we have not thought about the youngsters of this country. If we have not, I wonder why we have gone to such pains to try to do these things.

In 1983, in the administration of Health, Education and Social Services, for Education there was an expenditure of $6,193,901 or an increase over 1976 of 214 per cent. Health Services was an expenditure of $4,066,499, or an increase over 1976 of 313 per cent.

Social Services. There was an expenditure of $585,096 compared to $42,553 in 1976, or an increase of 1,274 per cent. Yet we hear that this administration has forgotten the Social Services. Well, if we have forgotten the Social Services why did it take an expenditure of $585,096 in 1983?

Now I wish to give some further statistics concerning this wonderful 1972 to 1976 administration compared to 1983.

In 1983, Mr. President, Social Services accounted for 1.2 per cent of the General Revenue of this country, comparing that to 1976 where it was only 0.1 per cent. If we go further on, we will find the break-down, and I am sorry that my sheet is missing from my page here, because I would have given the statistics on what I referred to in a previous Meeting of this House as that administration becoming famous for the nickel poor relief candy bar. Because, if I remember correctly, Mr. President, at that point this Government, headed by the Third Elected Member from West Bay who at that time was in charge of the Portfolio of Health, Education and Social Services, I think we were offering the people on poor relief a seven cent out of every hundred dollars that we took in, candy bars. I think he should be very proud of those candy bars. They should be marketed under a particular name brand.

MR. PRESIDENT: I think that the Honourable Member may, not that I wish to encourage him to prolong his speech unduly, he may have an opportunity to obtain that extra paper that is now missing because it is four thirty, and we did not really reach agreement we would go on this evening. So I shall ask the First Official Member to move the adjournment.

ADJOURNMENT

MOVED BY HON. D.H. FOSTER

MR. PRESIDENT: The motion is that this House do now adjourn until 10 o'clock tomorrow morning. I am not encouraging any Member to speak to the motion, but I am inviting Members to reflect overnight whether most of them really might wish to stay slightly longer tomorrow evening or the evening after, and possibly even at the risk of having to recast some of their arrangements or whatever. I am not, as I say, inviting comment on that now, but it is something we might discuss informally tomorrow to see if we can reach an agreement that suits everybody, or if not unanimity, at least a compromise.

So, unless any Member wishes to speak I will put the question that this House do now adjourn until 10 o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4:33 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. THURSDAY THE 6TH SEPTEMBER, 1984.

FOURTH MEETING OF THE [1984] SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
THURSDAY, 6TH SEPTEMBER, 1984

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN B McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN H BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON G HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BENSON O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MARRY S KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FOURTH MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY

THURSDAY
6TH SEPTEMBER, 1984

1. QUESTIONS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 58: HAVE ANY OF THE DANGEROUS DRUGS REPORTED MISSING OR NOT BEING SUPPORTED BY PRESCRIPTIONS IN A 1976 AUDIT REPORT BEEN RECOVERED?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 59: WOULD THE MEMBER STATE WHY THE COMBINED FINANCIAL STATEMENTS OF CAYMAN AIR HOLDINGS LIMITED AND CAYMAN AIRWAYS LIMITED FOR THE YEAR ENDED 30TH JUNE, 1983, HAVE NOT BEEN TABLED?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 60: WILL THE MEMBER STATE:-

(a) THE COMPLETION DATE STIPULATED IN THE CONTRACT AWARDED FOR THE CONSTRUCTION OF THE NEW AIRPORT TERMINAL BUILDING AT OWEN ROBERTS AIRPORT, AND

(b) WHETHER ANY BONUS PAYMENTS HAVE BEEN PAID OR CONTEMPLATED TO BE PAID UNDER THIS CONTRACT AS AN INDUCEMENT FOR EARLIER COMPLETION?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 61: WILL THE MEMBER STATE HOW MANY PERSONS TO DATE HAVE BEEN GRANTED CAYMANIAN STATUS GIVING THEIR ORIGINAL NATIONALITY?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 62: WOULD THE MEMBER STATE THE NUMBER OF FIREARMS PRESENTLY LICENSED AND WHAT STEPS HAVE BEEN TAKEN TO TRY AND ELIMINATE UNLICENSED FIREARMS?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 63: WILL THE MEMBER STATE WHETHER GOVERNMENT WILL CONSIDER HAVING BOUND COPIES OF ALL THE HANSARD'S OF MEETINGS OF THE LEGISLATIVE ASSEMBLY PLACED IN THE PUBLIC LIBRARY?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 64: WOULD THE MEMBER STATE THE AMOUNT OF FEES OUTSTANDING TO THE HOSPITAL FOR THE PERIOD 1ST JANUARY TO 31ST AUGUST, 1984?

2. GOVERNMENT BUSINESS

BILLS:-

(i) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984 CONTINUATION OF SECOND READING DEBATE

(ii) THE COMPANIES (AMENDMENT) (NO.2) BILL, 1984 - FIRST AND SECOND READINGS

(iii) THE STAMP DUTY (AMENDMENT) BILL, 1984 - FIRST AND SECOND READINGS

(iv) THE CAYMANIAN PROTECTION BILL, 1984 - FIRST READING

COMMITTEE THEREON

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984

(ii) THE COMPANIES (AMENDMENT) (NO.2) BILL, 1984

(iii) THE STAMP DUTY (AMENDMENT) BILL, 1984

REPORTS THEREON

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984

(ii) THE COMPANIES (AMENDMENT) (NO.2) BILL, 1984

(iii) THE STAMP DUTY (AMENDMENT) BILL, 1984

THIRD READINGS

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984

(ii) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984

(iii) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984

TABLE OF CONTENTS

	PAGE
Questions	1
The Supplementary Appropriation (1983) Bill, 1984 - Continuation of Second Reading Debate	
Hon. James M. Bodden	13
Miss Annie H. Bodden	29
Capt. Charles L. Kirkconnell	30
Hon. Thomas C. Jefferson	36
The Companies (Amendment) (No.2) Bill, 1984 - First and Second Readings	38
The Stamp Duty (Amendment) Bill, 1984 - First and Second Readings	39
The Caymanian Protection Bill, 1984 - First Reading	40
The Liquor Licensing (Amendment) Bill, 1984 - Committee Thereon	41
Adjournment	64

THURSDAY, 6TH SEPTEMBER, 1984

10.00 A.M.

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

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 53 Have any of the dangerous drugs reported missing or not being supported by prescriptions in a 1976 Audit Report been recovered.

ANSWER: The dangerous drugs reported missing or not being supported by prescriptions in the Government Auditor General's Report of 31st December, 1976, were as follows:-

The following dangerous drugs were loaned to Doctor Skinner in November, 1976, and to date no evidence was seen of their return. Such transactions are irregular and the authority was not produced.

(a) 3 mgs - morphine sulphate injection
(b) 2 ampoules - pethilorphan 100 mg injection
(c) 2 ampoules - pethidine 50 mg injection

Issues made as under were not acknowledged by the receiving department.

Req. No.	Date	Drugs	Department
515	30/6/76	10 amps morphine grk	General Ward
515	30/6/76	10 amps pethidine inj. 50 mg	General Ward
33	?/?/76	26 amps morphine grk	Maternity Ward

Other discrepancies as under were noted.

Drugs	Book Balance	Physical Check	Shortage	Surplus
Dihydrocodine DF118	12	NIL	12	-
Morphine sulp tablets	660	684	-	24
Pulv. Codine Phosphate	139 grms	NIL	139 grms	-

Issues not supported by requisitions or other written authority were as follows:-

Date	Quantity	Drug
14/10/76	40 amps	Pethidine tabs. (50 mgs)
22/2/76	30 amps	Pethilorfan 50 mg
22/2/76	30 amps	Pethilorfan 100 mg
22/2/76	60 amps	Pethidene 50 mg
22/2/76	60 amps	Pethidene 100 mg
28/2/76	20 amps	Pethidene 100 mg
1/3/76	10 amps	Pethidene 50 mg

The record of these drugs were unsystematically maintained. Other drugs which could be considered dangerous, but not treated as such, were:-

(a) Solium Phenobarbia labelled with the caution "Warning - may be habit forming".

(b) Valium.

These have never been recovered.

SUPPLEMENTARIES:

MR. D. DALMAIN EBANKS: Supplementary, Mr. President. Could the Member say who was responsible at that time for the administration?

MR. PRESIDENT: No, I do not think that is a supplementary.

MR. BENSON O. EBANKS: Mr. President, I have a supplementary, Sir. I have the Auditor General's Report for 1975 and in that Report on the hospital the only annexure referred to is appendix A. It certainly does not include all of those drugs which the Member gave as being reported short. So I am wondering if I could have a copy of that report he is reading from to substantiate his reply?

HON. TRUMAN M. BODDEN: Mr. President, it is appendix A, paragraph 22 and it is the first one that is headed Dangerous Drugs. I am reading from the Minutes here but I am prepared to supply this to him afterwards. But at this stage I need it.

MR. PRESIDENT: I think if the Member undertakes to supply it afterwards that will....

MR. BENSON O. EBANKS: But, Mr. President, the Member is purporting to read from the Auditor General's Report not the Minutes of the House, and I have the Auditor General's Report here and those drugs are not listed on it. I have appendix A referring to paragraph 22 too.

MR. PRESIDENT: My understanding is there was not an Auditor General in 1975. What Report is it that you have, an External Audit Report or an Internal Audit Report?

MR. BENSON O. EBANKS: Yes, Sir. The one done by the Auditor General of Jamaica.

MR. PRESIDENT: Was the Member reading from an Internal Audit Report or an External Audit Report or is the...?

HON. TRUMAN M. BODDEN: Mr. President, I am taking this from the Minutes where the Report was listed. In fact everything was listed on it which purports to be a copy of....

MR. PRESIDENT: You mean the Minutes of the House?

HON. TRUMAN M. BODDEN: Yes, which purports to be a copy of the Report.

MR. PRESIDENT: Of what Report? The External Auditor's Report?

HON. TRUMAN M. BODDEN: Of the External Report. I agree that there was not an Auditor General but at that stage there was an External Report. The repetition, Mr. President, in the Internal Report when a further investigation was carried out in 1977....

MR. BENSON O. EBANKS: Mr. President, on a Point of Order, Sir, the question refers to the Auditor General's Report in 1975 not an internal audit in 1977.

MR. PRESIDENT: No it does not. The question as I understand it refers to a 1975 Audit Report. It does not refer to the Auditor General's.

MR. BENSON O. EBANKS: No, but not the 1977 Report.

MR. PRESIDENT: No, it is a 1975 Report.

HON. TRUMAN M. BODDEN: Because he mentioned the late Internal Auditor's Report and I was trying to explain to him. But I am sure he knows that those drugs are missing.

MR. PRESIDENT: What puzzled me was that as you read the answer and indeed reading it through now, it deals with dangerous drugs loaned to Dr. Skinner in November 1976, for example. Yet it is an Audit Report of December, 1975. Now I do not quite see how a 1975 Report could deal with 1976 loans. It sounds very odd.

MR. BENSON O. EBANKS: Mr. President, that is what happens when questions are planted for specific purposes.

MR. PRESIDENT: No statement.

HON. TRUMAN M. BODDEN: You know, Mr. President, on a Point of Order, if you cannot really control the Third Elected Member for West Bay's mouth this House is going to get to a stage where everyone is going to get up and make remarks. It is no good telling him to sit down day after day and hour after hour if you do not keep him sitting down. Because to rule him out of order once, with respect Sir, and then half an hour later have to rule him out of order again. It must be getting to a contemptuous stage, you know.

MR. PRESIDENT: If there is no further supplementary? In view of the fact....Oh, very well.

MR. CRADDOCK EBANKS: Mr. President, could I ask the Member if he has any knowledge as to what might be the estimated cost of these missing drugs?

HON. TRUMAN M. BODDEN: Mr. President, the cost of the dangerous drugs as far as the legal purchase of them would go from suppliers, would probably be small. But the street value of, for example, 139 grams of Codeine I expect would be fairly substantial, Sir.

MR. BENSON O. EBANKS: Mr. President, the question refers to the Audit Report, 1975. I would like to ask the Member if there was any suggestion in that Report that Government should attempt to recover those drugs, or if there was even the slightest indication of malfeasance in the Report?

HON. TRUMAN M. BODDEN: Mr. President, I can give you the comments that the Auditor made and in it on the fourth line he said - well I will read it:-

> "Dangerous drugs are stored in a concrete vaulted cabinet built into the main storeroom and is fitted with an outer door..."

MR. BENSON O. EBANKS: On a Point of Order, Mr. President, is the Member reading from the Report or from the Minutes of the House?

HON. TRUMAN M. BODDEN: I am reading from...:

MR. PRESIDENT: My understanding is that the Member has already explained that he believes that the Minutes of the House contain a record of the Report.

MR. BENSON O. EBANKS: That is not correct, Mr. President, because I have a copy of those Minutes too.

HON. TRUMAN M. BODDEN: Well, then, Mr. President, why is he asking me these questions because he knows what is down in this section of it. How do you want me to read it and really let you know what you already know?

MR. BENSON O. EBANKS: I want you to read from the Audited Report of 31st December, 1975.

HON. TRUMAN M. BODDEN: It says:-

> "Dangerous drugs are stored in a concrete vaulted cabinet built into the main..."

MR. BENSON O. EBANKS: Mr. President, can he call my attention to the section he is reading from?

HON. TRUMAN M. BODDEN: Sure. It is paragraph 1 of appendix A:-

> "These stores and records are the responsibility of the pharmacist. An inspection of the doors..."

MR. BENSON O. EBANKS: With respect, Mr. President, appendix A has no paragraph 1.

HON. TRUMAN M. BODDEN: You know, Mr. President, if he wants me to reply he has to give me an opportunity. The first thing you learn as a lawyer is that you never ask a question unless you know the answer, and he is going to get an answer now he does not want.

MR. BENSON O. EBANKS: Mr. President, could I help the Member by giving him my copy of the Auditor's Report?

MR. PRESIDENT: I am not sure that the Member will accept.

HON. TRUMAN M. BODDEN: Mr. President, if I ever need his help it will probably be when he qualifies as a lawyer which he is struggling to do.

MR. PRESIDENT: I think it might be convenient to go on to the next...

MR. BENSON O. EBANKS: No, I have a supplementary, Mr. President, and I would like to ask the Member whether using the Auditor General's Report, the Auditor General of Jamaica who was the External Auditor for Cayman at that time, whether he would say that the Report on the pharmacy or personal health service at that time is any more derogatory or detrimental than the Report in the Auditor General's Report for 1983.

MR. PRESIDENT: I do not think that is a supplementary any more than the Second Elected Member for West Bay's first supplementary question...

MR. BENSON O. EBANKS: Mr. President, I would be delighted if you would allow that question.

MR. PRESIDENT: Please sit down. I dare say you would be delighted but I cannot allow supplementaries which seem to me to be out of order. I allowed an earlier supplementary of yours because it dealt with recoveries and you were asking about whether an Audit Report had recommended recoveries or something of that kind. But now we are straying far, far from recoveries and the original question dealt with recoveries.

MR. CRADDOCK EBANKS: Mr. President, in all of my years in this House I have never experienced such behaviour among a few Members, and I cannot understand, Sir, why you in your capacity let this continue in this manner, Sir.

MR. PRESIDENT: Thank you. I will now invite the First Elected Member for the Lesser Islands to ask the next question.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 59: Would the Member state why the combined financial statements of Cayman Air Holdings Limited and Cayman Airways Limited for the year ended 30th June, 1983, have not been tabled?

ANSWER: Financial Statements of Cayman Airways Limited and Cayman Air Holdings Limited for the period ending 30th June, 1983, were tabled in the Honourable House on 7th May, 1984, and 15th August, 1984, respectively. Combined Statements have not been produced by the Auditors as there is no requirement for such Statements.

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: With respect, Mr. President, supplementary. Yesterday I saw the Honourable Third Official Member of Executive Council with a combined Statement of both Companies and I wonder why other Members of this House have not been given the combined Statements of Cayman Air Holdings and Cayman Airways?

HON. JAMES M. BODDEN: Mr. President, the Member to whom he refers happens to be the Financial Secretary of this country.

MR. BENSON O. EBANKS: Mr. President, a supplementary, Sir. The Member has stated that combined Statements have not been produced by the Auditors as there is no requirement for such Statements. Is the Member saying that the Board of Directors, in other words, have not requested audited Statements of the combined accounts?

HON. JAMES M. BODDEN: I do not have all the Minutes of the respective two Companies, in fact one of them I really do not think I have had any Minutes for. So I am not in a position to answer that question.

MR. PRESIDENT: If there is no further supplementary I will invite the First Elected Member for the Lesser Islands to ask the next question.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 60: Will the Member state:-

(a) The completion date stipulated in the contract awarded for the construction of the new airport terminal building at Owen Roberts Airport: and

(b) Whether any bonus payments have been paid or contemplated to be paid under this contract as an inducement for earlier completion?

ANSWER: (a) The completion date stipulated in the contract awarded for the construction of the new airport terminal building at Owen Roberts Airport is 31st March, 1985.

(b) No bonus payments have been paid nor contemplated to be paid under this contract as an inducement for earlier completion.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Supplementary, Mr. President. Could the Member state whether the anticipated completion date is now earlier than the 31st March, 1985 and if so what is the anticipated date of completion?

HON. JAMES M. BODDEN: An easy question to answer, Mr. President. This represents quite an accomplishment for the country and for the unity team Government. We plan to open it on November 10th.

MR. BENSON O. EBANKS: Supplementary, Mr. President. The Member states that no bonus payments have been made nor are they contemplated. Would the Member state whether because of directives from his Portfolio or any other Government Portfolio work was speeded up on this progress at the expense of other programmed projects for the year?

HON. JAMES M. BODDEN: Mr. President, I am glad to answer that one too. This happens to be a contract which is on record and as far as I know the company concerned is not handling any

HON. JAMES M. BODDEN (CONTINUING): other Government contracts at this time.

I am used to trying to get things done in my Portfolio and I do give directives.

MR. BENSON O. EBANKS: Supplementary, Mr. President. Could the Member then explain the statement made by the Honourable Fourth Elected Member of Executive Council on Monday which stated that other projected works could not be completed because the efforts of Public Works Department were directed to the airport to achieve an earlier completion date?

HON. JAMES M. BODDEN: Mr. President, it is true that my colleague from Bodden Town, the Honourable Fourth Elected Member of Executive Council and myself are pretty well on the same wave length in most things but I cannot really look into his brain and give the Member the answer for that. Maybe he is capable of doing so. I cannot tell you why he made that statement. I am sure he had good reason for doing so. It may have been that they were trying to accomplish some work in West Bay, I do not know, but the Public Works Department has played a part in the construction work on the ground for the new terminal building, that is the parking area and things like that. It could have been that Public Works decided they wished to do it. Now I do not have anything to do in regards to issuing directives for Public Works. If my colleague would like to answer that as to why he has given the directive I would be happy for him to do so.

HON. G. HAIG BODDEN: Mr. President, this may be a little bit irregular but it was an irregular question when the Member asked somebody else to explain my statement. The simple fact is Public Works had programmed their part of the construction job of the airport which was mostly the laying of the asphalt and the preparation of the hangars and car parking facilities and so on. This work was programmed to be spread out over several months but we discovered that the contractors were able to complete the terminal building in a shorter time than had been anticipated, and naturally it then became incumbent upon Public Works to go ahead with their work so that both jobs could be completed. There was no reason for Public Works to drag its feet and so delay the completion. And this is the reason why Public Works speeded up a job which would have taken much longer. In fact in the final analysis it has been a good thing because we have now had the emergency of the Cayman Brac airport and Public Works will be able to shift some of its emphasis on the work in Cayman Brac just because they have finished the job here. Had they not finished here we could not be moving on to Cayman Brac. So it is a good thing that it has happened and I might say, Mr. President, that this is in contrast to the dock under the Member's administration that took a much longer time and cost Government so much by the delays.

MR. BENSON O. EBANKS: Supplementary, Mr. President, to the Honourable Third Elected Member of Executive Council. In his rambling reply to the last supplementary I understood him to say that undoubtedly the Honourable Fourth Elected Member of Executive Council had a good reason for saying what he said and maybe it was because some work was contemplated in West Bay. Would the Member state that a good reason would be to delay work which was scheduld to be completed in West Bay? That is a good reason for shifting the equipment of Public Works to the airport for an early completion then?

HON. JAMES M. BODDEN: Mr. President, he should be proud that the country has such an efficient and competent Public Works Department. Or I wonder if it is because it is showing up the lack of ability when his group had control of Executive Council in public work. But by the way to enlighten the Member just a little bit further, Sir, while I have been sitting here and listening to some of the questions I think we may speed up the opening of the terminal building to October 16th when the first Concorde flight into Grand Cayman will arrive.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. The Member made reference to the administration of which I was a part. Would the Member care to tell the House had he not obstructed the construction of the terminal at that time what it would have cost the country?

HON. JAMES M. BODDEN: Mr. President, that is a drifting question and in my opinion you should have ruled it out of order, but I am glad to answer it. Yes, I objected to the terminal building along with my colleague from Bodden Town in the 1972 to 1976 administration. I am thankful to God in many ways that we did, remembering the monstrosity which was contemplated. It could not have probably been anything else but a monstrosity if it had been handled by that group, but the big point about it, Mr. President is this. At that point the country was in bankruptcy and if we had saddled the Government with another large debt, if we could have got it and I am sure that we probably were not in a position to really get that loan at that time, but at that point we were spending nearly 12 per cent of recurrent revenue to service the long term debt. If we had gone ahead with that proposal at that time, considering the over expenditure that took place...

MR. BENSON O. EBANKS: Mr. President...

HON. JAMES M. BODDEN: Sit down!

MR. BENSON O. EBANKS: That is not an answer to my question.

HON. JAMES M. BODDEN: I am answering your question.

MR. BENSON O. EBANKS: You are not answering my question.

MR. PRESIDENT: Will you please both sit down. Both of you please. Order, order. Were you rising on a point of order?

MR. BENSON O. EBANKS: Yes, Sir, he is not answering the question which I asked him.

MR. PRESIDENT: No, that is not a point of order.

HON. JAMES M. BODDEN: Mr. President, the Member asked me a question and I attempted to answer that question. If he wishes to interrupt in any way he has the right after I have sat down and answered that question to then pose another question. I am not going to sit down as long as I have the floor from now on.

MR. PRESIDENT: You have to sit down if there is a point of order raised, not otherwise. I do not consider that a point of order therefore you may continue.

HON. JAMES M. BODDEN: Mr. President, to further answer his question. If the country at that time had been foolish enough to go into further expenditure we would have been to the point where we would have been committing, I do not remember the exact amount at this time, but probably about 18 per cent of recurrent revenue. If I remember correctly at just about that time, the civil service of this country had to forego a raise because there was insufficient money to pay them. Therefore, Mr. President, it would have been foolish for myself and my colleague as politicians to stand in this House and agree to the country being put in a position such as that. But everybody again remembers 1972 to 1976 and I am sure that just our two opposing voices, maybe coupled with a couple of other ones at that time, were not enough to block the vote. So I am sure the reason the vote was blocked is because the Member and the Government at that time were not able to put sufficient padding on their knees to get some bank to be foolish enough to loan them added money.

MR. BENSON O. EBANKS: Supplementary, Mr. President. My question was not answered and I am asking the Member what was the amount placed in the Bill before the House in the 1971 to 1975 development programme for the construction of an airport terminal. Can he enlighten the House?

HON. JAMES M. BODDEN: Mr. President, I do not recall that question being asked in the first question but I would not attempt to stand here this morning and pull out of the recesses of my mind a figure for 1972. That would be like comparing many other things. So therefore, Mr. President, I am not in a position to answer that at this time and I do not think it is a relevant question.

MR. PRESIDENT: If you had not risen so quickly I was going to rule that it was not really strictly a relevant question in the sense that... Will you please sit down. Do not rise again while I am talking.

MR. BENSON O. EBANKS: I beg your pardon, Sir. I thought you had finished.

MR. PRESIDENT: No. I think we have strayed a long way and it is my fault for being too lenient, although some of the answers may have encouraged straying in the supplementaries. I think we have strayed a long way from what was really proper supplementary questioning in respect of the original answer to the question that was on the Order Paper, and I think we have really strayed too far. Now I have not finished yet. We have strayed too far already and I do not propose to allow any further supplementary unless it is very strictly relevant. Now you may rise, Sir.

MR. BENSON O. EBANKS: Mr. President, this supplementary arises out of the last answer.

MR. PRESIDENT. Yes, but we had strayed too far from the first answer. I have already ruled it out of order. Unless you have another supplementary please sit down.

MR. BENSON O. EBANKS: But I have a supplementary. The supplementary is could the Member state what was the first time any record of Government having been refused a loan, what was the date on which that was recorded?

MR. PRESIDENT: This too is far too far from the original question. I have said I am not going to allow further straying. There are a number more questions on the Order Paper and I must cease being quite so lenient as I have been so far this morning and during this Meeting and ask Members to be relevant and brief, both in their answers and in their supplementaries.

Now I will ask the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 81: Will the Member state how many persons to date have been granted Caymanian status giving their original nationality?

ANSWER: To date 252 persons have been granted status, all Commonwealth citizens from the following territories:-

United Kingdom	33
Jamaica	121
Bahamas	1
Trinidad	2
Belize	28
Barbados	4
Canada	14
Australia	2
Turks Islands	1
Montserrat	1
	252

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: A supplementary, Mr. President. Could the Member say how many of these 252 were granted by the Boards?

HON. DENNIS R. FOSTER: I could not really be exact about that.

MR. PRESIDENT: Perhaps the Member would undertake to get and to circulate the information because I can understand the interest in it, but I can also understand it is not perhaps strictly a supplementary and the Member may not therefore have the information at his fingertips.

MR. CRADDOCK EBANKS: Mr. President, I was not expecting a correct amount, I just thought approximately, but I will accept the supplying of the figures.

MR. PRESIDENT: Well, if the Member can give an approximation, but he may be reluctant to risk misleading the House. I do not know.

HON. DENNIS R. FOSTER: I will not try to mislead them, Sir, but I will try to give my best answer. As far as I know, Sir, the majority of these have been granted by the Board because to the best of my knowledge since 1972 I think the courts have only made a few grants, not too many. Maybe there have been half a dozen or more and there have just been a couple of other instances where the Governor in Council granted them. So I would say the great majority of these were granted by the Board.

MR. PRESIDENT: But perhaps the Member could undertake to supply detailed figures in writing later.

HON. DENNIS E. FOSTER: Yes, Sir. I will accept that.

CAPT. CHARLES L. KIRKCONNELL: Supplementary, Mr. President. I know the question has no date on it but could the Member state what was the commencement date and the closing date of these figures that he has given us, Sir?

HON. DENNIS E. FOSTER: Mr. President, from the commencement of the Law in 1972, I think, Sir.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I am not asking a supplementary but I think perhaps it may help if we clarified for Members in case there is any ambiguity that the court does not grant status. The court merely declares whether a person has it or not and there is no power in the judiciary in this country to grant status to anybody. They merely declare what a person already has under the Law.

MR. PRESIDENT: So that the 252 ought to exclude, that is what I would have thought, declarations by the court because the court is not granting it, it is saying somebody has always had a right to it. I think the only cases in which there would be grants made by anybody other than the Board would be the, I do not know, two or three, a very small number of cases where grants were made by the Governor in Council. But I would prefer the Member to research it and give you an accurate answer because it is a complex point and I would not wish to mislead the House.

Unless there are any further questions I will ask the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 82: Would the Member state the number of firearms presently licensed and what steps have been taken to try and eliminate unlicensed firearms?

ANSWER: The number of licensed firearms as of 31st August, 1984, is 806. Whenever there is reason to suspect that someone is in possession of an unlicensed firearm the premises are searched.

SUPPLEMENTARY:

MISS ANNIE H. DONDEN: Mr. President, Sir. I should like to ask the following supplementary question. In the case of any search having been made have they discovered any unlicensed guns or firearms whatsoever?

HON. DENNIS E. FOSTER: Mr. President, I cannot really answer this with any certainty but I am sure on occasions they have been successful and on other occasions they have found nothing.

MR. PRESIDENT: It is not really my place to answer but it may be of interest to Members. To my knowledge something like six unlicensed firearms have been recovered within the past few weeks. There was a court case in respect of two which was reported in the

MR. PRESIDENT (CONTINUING): newspapers just a day or so ago and there were another three or four following an incident in the vicinity of the Marquis Cultural Centre about a fortnight ago. There may have been others of which I am ignorant but I do know of quite a number of recent recoveries.

Unless any Member has a further supplementary I will invite the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 63: Will the Member state whether Government will consider having bound copies of all the Hansards of Meetings of the Legislative Assembly placed in the public library?

ANSWER: Unbound copies of all the Hansards of the Legislative Assembly since 1987 are in the public library. The possibility of having them bound will be examined.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, a supplementary. The question was asked about the public library but I am wondering if the Member could state if any of these have been placed at the High School library?

MR. PRESIDENT: Again it is not strictly relevant but I would be quite happy if...

HON. DENNIS H. FOSTER: Not to my knowledge, Sir. I do not know if the Clerk would know. No, no Hansards go to the High School library.

MR. PRESIDENT: Maybe it is something the Member and the Clerk would like to note as a possible idea for consideration because I can see that there would be perhaps merit in sending copies to the High School library, or to the High School libraries both in Grand Cayman and Cayman Brac.

MR. CRADDOCK EBANKS: I only felt, Mr. President, that it has to be very beneficial to the school to have them in the library where the students are studying.

MR. PRESIDENT: Well, perhaps the Honourable First Official Member would undertake to look into that in consultation with the Honourable Second Elected Member of Executive Council and with the Clerk.

MISS ANNIE H. BODDEN: Mr. President, Sir, if I may be permitted to make a statement. Perhaps in the next year's estimates some allocation could be made to include...

MR. PRESIDENT: I think you ought to turn it into a question, could some allocation be made in the next year's estimates?

MISS ANNIE H. BODDEN: Well, I will put a question then, Sir. Could some allocation be made in the forthcoming new estimates to cover such a job?

MR. PRESIDENT: Well, I am not sure whether anybody here can commit the new Assembly but I am sure the Honourable First Official Member would be happy to bear the suggestion in mind.

I think we just have time for the last question and I will invite the Member for North Side to ask it.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 64: Would the Member state the amount of fees outstanding to the hospital for the period 1st January to 31st August, 1984?

ANSWER: Hospital records indicate for the period 1st January to 31st August, 1984, that two hundred and thirty-six thousand, eight hundred and fourteen dollars and seventy three cents ($236,814.73) remain outstanding.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Supplementary, Mr. President. In following on the breakdown given to an earlier question could the Member say what amount of that is due and what amount is owing?

HON. TRUMAN M. BODDEN: Mr. President, I can only state that where ignorance is bliss it is folly to be wise and I am not going to take him up on it. He seems to have calmed down now.

MR. PRESIDENT: Do not excite him.

If there are no further supplementary questions, that concludes the questions on the Order Paper for today and we may now proceed to Item 2, continuation of the second reading debate on the Supplementary Appropriation (1983) Bill, 1984. The Honourable Third Elected Member of Executive Council was speaking, I think.

THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984

CONTINUATION OF SECOND READING DEBATE

HON. JAMES M. BODDEN: Mr. President on the closure of the House yesterday evening I had been dealing with the fourth expenditure in 1983 of the Portfolio of Health, Education and Social Services. I do not wish to be repetitious so I will close that part of it hoping that the Third Elected Member for West Bay understands the expenditures involved and what it takes to run an efficient service.

I will now proceed to Item 18 on the Supplementary Appropriation list. Item 18 is a small vote of over expenditure for the Portfolio of Agriculture, Lands and Natural Resources, a Portfolio like the other Portfolios in this Government which has done admirable work since 1976. We find, Mr. President, that in 1983 the Portfolio of Agriculture, Lands and Natural Resources was able to spend $2,442,437 compared to 1976 $738,608, or an increase of 230 per cent. Mr. President, this would not have been possible if the economy of the Islands had not been as prosperous as it was.

HON. JAMES M. DODDEN (CONTINUING): We should be proud that we are able to present these Supplementary Bills because as long as we are able to do so we know that the country is on sound economic ground.

To refresh the memory of my learned opposition Member the Portfolio of Agriculture, Lands and Natural Resources for administration in 1983 spent $356,439 compared to $88,378 in 1976, or an increase of 303 per cent. The Lands and Survey Department had an expenditure of $414,553 compared to $105,704 in 1975. This was an increase of 292 per cent. Mosquito Unit expended in 1983 $1,266,209 compared to $488,960 in 1976, or an increase over this seven years of 156 per cent. The Planning Department expenditure was $159,915 compared to $62,566 in 1976, or an increase of 156 per cent. Now I know, Mr. President, that as I read these high percentages out and these high figures, that the Member on the other side of the House is beginning to see the wisdom of his folly.

I will proceed to Item 38 in The Supplementary Appropriation Bill of 1983 and that happens to be my Portfolio, the Portfolio of Tourism, Aviation and Trade. The figure, I think, which was asked for there was an infinitesimal amount but it has given me an opportunity to range far and wide into the Portfolio, because it is covered in this supplementary expenditure. We find that in 1983 the Portfolio of Tourism, Aviation and Trade spent $5,183,211 compared to $931,107 in 1976, or an overall increase over the seven years of 556 per cent. I will supply a rough breakdown of those figures for the benefit of the House, Mr. President.

Advertising in 1983 saw an expenditure of $650,000 compared to $124,861 in 1976, or an increase over the base year of 1976 of 420 per cent. Public relations and publicity saw an expenditure of $368,852 compared to $42,290 in 1976, or an increase of 869 per cent. Mr. President, I will remind this House that these two expenditures are expenditures which yield a very good return, because it is true with this expenditure we are able to promote tourism in the manner that we have, and bring people with money to our shores to enjoy the hospitality of West Bay. Collateral and photography in 1983 saw an expenditure of $281,400 compared to $70,145 in 1976, or an increase of 301 per cent. The operating expenses for the overseas offices in 1983 were $778,094 compared $132,499 in 1976 that glorious year, or 643 per cent increase.

Now just so that my Honourable friend is not led astray I will show him that although the Department of Tourism has had those expenditures, the Department of Tourism overall expenditure which includes the fire service and so forth was over $5,000,000. But in return the Department of Tourism, through accommodation tax in 1983 we took in approximately $1,000,000 compared with $233,742 in 1976, or an increase of 328 per cent. Travel and cruise ship tax increased to $1,205,000 revenue in 1983 compared to $169,933 in 1976, or an overall increase of 606 per cent. Mr. President, revenue received from these two sources in the Department of Tourism over a seven year period has increased from the gloomy year of 1976 by 745 per cent.

A further breakdown of the expenses reveals that the civil aviation side of my Portfolio spent $990,928 in 1983 compared to $328,838 in 1976, or an increase of 201 per cent. The fire service in 1976 was not a part of the Portfolio of Tourism, Aviation and Trade therefore I cannot give you the vital statistics on that as the first vote which appeared for that department was a token vote of $8,169 in 1980. It only became an integral part of this Portfolio in 1982 but

HON. JAMES M. BODDEN (CONTINUING): it first came on stream in 1981, but not completely. In 1983 the expenditure was $845,869. The Department of Tourism had an overall expenditure of $2,533,399 in 1983 compared to $502,259 in 1976 or an increase of 424 per cent.

Hotel accommodation tax and the cruise ship tax has yielded to the Portfolio approximately 2.25 million dollars of revenue in 1983 and the expenditure for that department was $2,633,394. In other words, Mr. President, from those two sources of revenue actually the Portfolio came close to breaking even in regard to revenue against expenditure.

The amount that occasioned me to be able to speak on that side of my Portfolio was, Mr. President, the small vote which I was asking for in 1983 as a supplemental of only $1,690. So you can see, Mr. President, and the House can see that the Fire Department which is headed by a notable Caymanian is well organised, very efficient and runs properly. He is able to stay within his assigned budget and only asked in 1983 for $1,690. That is not the way the Portfolio ran in 1976.

The next expenditure which is in the 1253 supplementary vote, Mr. President, that I will deal with is listed as No. 29 and it is the Public Works Department.

In 1983 Communications and Works Portfolio had an overall expenditure of $2,802,631 compared to $1,297,359 in 1976, or an increase of 116 per cent. That expenditure, Mr. President, is broken down into the Postal Department having an expenditure in 1983 of $661,210 compared to $288,282 in 1976, or an increase of 129 per cent over the seven year period. Public Works Department in 1983 saw the expenditure of $1,842,592 compared to $665,065 in 1976, or an increase of 177 per cent.

We find, Mr. President, that in 1983 from customs duty this Government took in $18,700,000 compared to $4,584,080 in 1976 or an increase of 310 per cent. From licences we took in $5,078,000 compared to $1,461,087 in 1976, or an increase of 248 per cent. From fines in 1983 the revenue was $175,000 compared to $50,286 in 1976,or an increase of 248 per cent. Rent and Leases in 1983 saw a revenue of $300,250 compared to $38,815 in 1976, or an increase of 720 per cent. Contributions in 1983 were $3,638,416 compared to $803,304,or an increase of 352 per cent.

The revenue in 1983 continued the rapid increase which it has done every year since 1977 and we wound up the year with $48,682,616 which represents a 318 per cent overall increase in revenue compared to the basic, drastic year of 1976.

To give my fellow Members a further breakdown of this, Mr. President, in 1982 the revenue was $37,964,378, or a 303 per cent increase over 1976. In 1981 the revenue was $42,654,533,or a 254 per cent increase over 1976. 1980 the revenue was $34,837,636,or an increase of 194 per cent. 1979 which is a part of the money which was brought forward in reserves to 1983 saw an income of $22,608,180 compared to $11,887,846, or a 90 per cent increase. This is the most telling thing, I think, in this whole summation, Mr. President, as it shows that in 1976 when this country was on its knees and its revenue was under $12,000,000, that actually in two years time it had increased just about double, a fantastic accomplishment for any country. But that was what helped us to have the Reserves which we can boast of in the year 1983, Mr. President. So it is quite relevant to what I am speaking about. These figures do tie in overall with the year 1983 and as other Members have strayed away from the point I am allowed also to stray in that direction.

In 1977 the Government's revenue was

HON. JAMES M. BODDEN (CONTINUING): $13,084,209 compared to $11,987,840 which only showed a 10 per cent increase, and even that was quite an accomplishment considering the condition this country had got itself into.

In 1983, I spoke yesterday and gave the amount of money overall which had been contributed from the general revenue of the country towards capital expenditure. I am holding in my hand the revised estimates for the year 1983 of expenditure and I will detail some of the important things that were paid for out of the general revenue of this country.

There was an expenditure of $11,267,730 for capital. Now here are some of the items that go to make this up, Mr. President. Communication equipment saw an expenditure of $469,000. Hospital furniture saw an expenditure of $275,000. This goes to show that medical treatment continually costs the Government money. Mechanical equipment which was purchased, which was heavy equipment was $700,000. Office equipment $170,000. School equipment $85,000. Vehicles $169,000. Airport development $2,133,000. Construction of roads $1,429,500. Government staff housing $183,400. Government offices $265,000. Harbour and docks development $71,000. Medical facilities $363,580. Police buildings $35,000. Prison buildings $171,000. Public buildings $60,000. Purchase of lands $250,000. School buildings $1,384,250. Sports centres, playing fields and parks $159,000. Water and sewerage development $136,000. Construction of roads $405,000. A further expenditure on airport development of $1,210,000 which was done out of loan funds. I can also go ahead, Mr. President, if my learned colleague would like me to do so and give the breakdowns of each of those because I have only given the overall Heads.

Mr. President, at this point I would like to touch on the airport development and the money which has been spent there which I have just related was spent in 1983, so therefore it is quite relevant to the Bill which is before this House.

MR. PRESIDENT: I think if I could interrupt the Honourable Member, since clearly he intends speaking for a further period it might be convenient to break at this point and take our customary break. Let us try to limit it to fifteen minutes because we have a lot of business to get through.

HON. JAMES M. BODDEN: You did not mean my speech did you, Sir?

MR. PRESIDENT: No, I meant the.....I will express no views. I was not going to suggest as long as fifteen minutes for the speech but I think if we suspended proceedings for approximately fifteen minutes, not I hope longer.

HOUSE SUSPENDED AT 11.27 A.M.

HOUSE RESUMED AT 11.51 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The Honourable Third Elected Member of Executive Council.

HON. JAMES M. BODDEN (CONTINUING): Mr. President, The Supplementary Appropriation (1988) Bill, 1988 includes the expenditure of money for the purchase of the Cayman Islands Turtle Farm in West Bay. In my opinion this was a good investment for the country. It will be probably a long time before it will ever show any profit or return a direct revenue to Government but in the Turtle Farm we are investing in the heritage of this country.

Our people in years gone by had been known for the way they excelled on the sea and most of them literally cut their teeth in the fishing waters of Nicaragua, Honduras and the banks, fishing for the elusive sea turtle for food as well as to be able to sell abroad and give the family some comfort. I think that the rearing of turtles in captivity is a good thing. A lot of money has been spent and lost by previous investors in this project but if Government had not purchased the Turtle Farm and had allowed it to go into liquidation it would have affected the livelihood of several people in the West Bay district. People who have worked around turtles all their life. Most of these people are in their fifties or older and when a person gets that old it is difficult then to change and do something new. If these people had been youngsters you could have put up an argument that we could have trained them for other work but what the Turtle Farm expenditure represents is what so much Government's expenses and expenditures represent, in that Government has to look at what is for the overall good of the country and the people, not just for the direct revenue that may be involved today or tomorrow. This administration has spent quite a bit of money with attorneys and with trips abroad to explore the possibility of getting the ban lifted against turtle products. It has not been an easy task. I personally have been in on some of the negotiations with top personnel in the United States Government but my colleague who is responsible for that Portfolio has really carried the brunt of it.

I am hopeful that in his quest for assistance from abroad, in the very near future, something will be done to assist us. The Turtle Farm again is one of our few attractions that we can offer the tourists who come here and there is a large amount of the tourists visiting the Islands who visit the turtle farm and take back mementos to their native land. So the expenditure which this Government incurred in 1983 in the purchase of the Turtle Farm was a very wise investment into the future of our country. It was not an investment, I repeat, that we expect to pay dividends today or tomorrow.

Now, Mr. President, I come to the part of my speech which deals with that old Caymanian political football name, Cayman Airways Limited. It is surprising, Mr. President, all the criticisms that have been levelled against Cayman Airways but there are very few times when I have heard anyone come up with an idea that could help Cayman Airways. It is always that someone is trying to tear it down either "you are paying so and so, too much money". "So and so got bumped". "You bought this type of liquor when you should have bought that type of liquor". "You served a turkey sandwich when you should have served a turtlelunger". It goes on and on and on. "We are bankrupt". "We cannot pay our bills", and we even have Members asking for the cheque for

HON. JAMES M. BODDEN (CONTINUING): a small amount which has been owing to them in the Legislative Assembly. I mean the story just goes on and on as far as the criticisms which can be levelled against Cayman Airways.

Cayman Airways, Mr. President, is the largest single investment this country has. It is in my opinion one of the most important assets this country has and as I go into my delivery, from time to time I will speak on the various areas where Cayman Airways helps to shore up the economy and well-being of this country. Mostly what we hear from the opposition is that we should disband the airline; we should ground the planes; we should sell the planes and we should forget about Cayman Airways. Mr. President, it is going to take me quite a while to expound on all these different areas and to show to the Members of this Honourable House why that is completely ridiculous and is a fallacy.

One thing which would help Cayman Airways tremendously is if the people of Cayman would realise that it is their airline and that they will support it. By supporting it I mean many different ways of support. Support that we have got in the House here from time to time. Support on the streets to say that this is marl road talk; it is not the truth and they do not believe it. Another area where they can help, Mr. President, is by buying a ticket when they have to go abroad, and buying it direct from Cayman Airways or even through one of the travel agencies. But do not travel on another airline when you have your own national airline. We could probably be in the position that we might break even if we had our people supporting us by riding on the airline. If we compare the B737 which is now about two and a half maybe three years old with the planes which the other airlines are using, we will find that in every respect our two planes are far superior to the others. Therefore it would behoove these people who criticise and try to talk about the company going into bankruptcy, to support the national flag carrier. If they did, and we have statistics on that and can prove it, the large amount of Caymanians who still fly with Republic or with Air Jamaica, if they would support the airline many times it would mean the difference between breaking even on a flight to the respective points to which we travel or losing maybe $1,000 or $1,500 a trip.

This is a very vindictive campaign over the years that has been mounted against the survival of Cayman Airways. It is quite true, Mr. President, that the company has lost a significant amount of money over the years but there are many, many different reasons for that, and if I can keep them in this context without getting too involved I will try to enumerate most of them.

Cayman Airways, Mr. President, provides many high paid jobs for local people. No longer than yesterday afternoon I was reviewing the payroll for the past month and I find Caymanians in some areas of responsibility in the company drawing $50,000 and more a year. They deserve it, Mr. President, because they have trained and they have worked and they have become dedicated to the jobs which they have. I am not meaning to cast any aspersions on the amount of salary they receive when I mentioned the amounts. I am merely trying to show this House that it provides a lot of good high paying jobs. It provides jobs, for instance, Mr. President, for the pilots, the co-pilots and the flight engineers. These are jobs which if they were not provided by the national airline, these men would have no jobs or have no jobs in the field of aviation because it is a known fact that they cannot get

HON. JAMES M. BODDEN (CONTINUING). employment outside the Islands in other airlines. Therefore these men who have dedicated their lives to becoming efficient pilots, co-pilots and flight engineers would have to, in the middle of their life, change to other vocations.

One other point on this which we must bear in mind, Mr. President, is that the youngsters who are coming out of the schools today, like youngsters in other countries they have aspirations. Surprisingly a lot of them wish to join the aviation field and eventually become captains of airlines. But, Mr. President, it is true as I tell so many of them, that we will never be able to provide the jobs for all of them who wish to learn this particular craft. If we did not have our national airline we would not be able to encourage any of them to train for this high paying profession because we would not be able to provide them with the jobs. If our men could not find jobs with Cayman Airways I am sure they could find jobs, maybe, in the labour construction side of things or something like that, but stop and think of the large amount of money they would lose and think about the wasted talent.

We have continually and are still doing so through Cayman Airways, providing a lot of training for the youngsters of this country. We believe that to have an efficient operation we must have dedicated staff and the best way which we know of to have dedicated staff is by training and providing the jobs for our own people. Cayman Airways pays to Government a substantial amount of money in overtime pay for customs, immigration and other personnel. Travel tax, parking and landing fees are other significant contributors to Government coffers. It spends a lot of money locally with businesses such as catering and liquor supplies. It serves as an emergency vehicle in case of disaster. It is well known how in the past Cayman Airways has borne the brunt; at one particular time I think we ran eight trips to Miami in one day with a half load. By meaning a half load, we went up full and we came back empty, just to do what should have been done in that particular case. We had tourists on the Islands who were panicking because of the advent of a hurricane. Cayman Airways did what Government would have wished it to do have done, it provided a service at quite a cost to Cayman Airways to make these people happy and take them off the Islands.

There are cases where things could happen here and an emergency condition existed and we needed to get our people off the Islands. We have the airplanes which can take them. We have the airplanes which can provide passage for medical cases which have to go abroad. So it plays a very substantial part in the development of this country.

Cayman Airways carries over 50 per cent of the visitors to our shores. It carries them speedily, efficiently and safely.

Another important part that is played by Cayman Airways is that it serves as a promotion tool and is a goodwill ambassador abroad for the Cayman Islands. I for one am very proud when I go to a foreign airport and I see our airplanes parked there. To think that a country the size of ours with few resources can have such a capable airline at its disposal, should make any Caymanian feel justifiably proud of being a Caymanian.

I think what Cayman Airways represents to the world abroad is really the determination of our people, the determination which over the last 300 years has built this country into what it is today. It has built it from the arrival of the first recorded settler whose name was Bodden, and I am glad to know that he has so many offsprings in the Cayman

HON. JAMES M. BODDEN (CONTINUING): Islands today and so many offsprings abroad. I think that speaks for the spirit of Cayman and it is a spirit which I hope we all will uphold and will die with.

Cayman Airways also serves as a carrier of mail for the Government. It keeps the Islands supplied with foodstuff. Everyone knows that with the 727 we are able to bring in sometimes up to 10,000 pounds of cargo per flight. The cargo which cannot be accommodated on the 727 is usually brought in by a chartered DC 6. This is very vital to the lifeblood of the Cayman Islands. If we did not have this type of service our hotels could not operate efficiently. Our tourism would suffer tremendously because the tourists are not going to come here and eat breadfruit and cassava even if they could get it. They may try it for a one time deal but all the salads and so forth which it takes to run a hotel operation they need it they want it and it is brought in by Cayman Airways. It provides, Mr. President, a good income for those of our people who have gone into the taxi business, the 'U' drive business. Many of these people were seamen like myself. They know what the sting of salt water in their face feels like. They have been able to come back and invest in the hope of a good future for this country. They have been able to invest their life savings in the automobiles which they then turn into a taxis. By Cayman Airways bringing in the amount of tourists that we bring in these people are able to earn a very good living. The same goes for the more fortunate people who have been able to invest in the 'U' drive business.

Mr. President, I mentioned awhile ago that there are many reasons why Cayman Airways has suffered losses. We remember that just before we were lucky enough to get rid of the BAC 111s in a one year period we had, I think it must have been at least a dozen or more engine ingestions. Some of those cost us over $200,000. Most of it was not covered by insurance. We had many breakdowns. But, Mr. President, the reason for one of the biggest losses of Cayman Airways I will deal with in just a minute. When it became necessary to put Cayman Airways on an international level and with Caymanian ownership we had to search for aircraft. At that point none of us had had any experience in the airline business or in coping with aircraft salesmen. We had feasibility studies done by Boeing Aircraft, Douglas Aircraft and over the years many of those feasibility studies were done. The feasibility studies then pointed out the similar thing that they would do now, that the 727 with its capacity for up to 175 people and with the added cargo space which could be utilized of up to 10,000 pounds, with its ability to tanker fuel between different points, was the ideal aircraft for Cayman Airways. We worked in securing an aircraft of that type.

Mr. President, one of the Members of Executive Council at that time was adamantly against any aircraft unless it was a BAC 111. In order to get the money voted to get the airline in operation we conceded to the purchase of the BAC 111 and God knows we paid for it. We do not have to search far to find out what accounts for many of the losses. By the time we wound up the operation of the BAC 111 we certainly had lost a tremendous amount of money. A lot of the spare parts we sometimes had to pay three and four times the amount of money we would have paid for the similar part for an American aircraft. We had to have a substantial amount of spares on hand in order to keep the aircraft operational. When we finally succeeded in getting rid of the BACs we were not successful in getting rid of most of the spares so we took a very heavy loss on them.

HON. JAMES M. BODDEN (CONTINUING): I could go on and on and recount roughly every one of the tremendous losses which we had. I think that Cayman Airways is like any other company. I would be foolish to say that there is not some efficiency. I would be foolish to say that there is not some carelessness. I would be foolish to say that everybody works as they should be working. I would be foolish to say that there is not some waste because you have waste even in your own home where you can supervise it yourself. Therefore, Cayman Airways has had a multiplicity of reasons why it has lost money, but I feel that it can be defended. I feel that it is a wise investment and I feel that it is an investment which will pay. Mr. President, it is like a father with a son. A son is born unto a man and the man keeps paying and paying and paying because you have to rear that child; you have to educate it and you are not rearing and educating that child hoping that

when that child is twenty-one you can then sit back in idleness and live off his income for the rest of your life. You have fathered that child, raised that child and put it out as a productive thing into the community hoping and having pride in the fact that that child will try to excel and carry on for the good of the country and the good of himself. The same analogy nearly can be drawn to Cayman Airways. It is not something that we must expect a lot of dividends for in the form of actual cash dividends returning. It is the overall good that it continues to do for this country.

Mr. President, some people have said that we should get rid of Cayman Airways and invite foreign carriers in here. That may sound good to them but I do not think it is the Caymanian spirit for one thing. We in the past have experienced what can happen when you are dependent on a foreign aircraft or a foreign airline. We had experiences of it with B.W.I.A. A small country close to us has experienced it recently. The Turks and Caicos Islands do not have their own national airline. They put their eggs in one basket in the hopes that they would get good and efficient service from Air Florida. Air Florida went bankrupt and Turks and Caicos was left without service. Thank God, although I have got much criticism for it I had taken steps before to ensure that we had our foot into the door, and today it is paying handsomely with regard to the loads which we are taking to and from the Turks and Caicos Islands.

If we were to depend on a foreign carrier to come into this country we would be giving up at that point all our rights which we have under Bermuda II. I have quite a discourse to make to this House in regards to Bermuda II as I progress with my speech and to show the part that was played in putting the noose around our necks by our ex-Financial Secretary when he went to Washington to meet with the United States Government officials and the United Kingdom Government officials, and on behalf of our good friend LACSA we wound up with nothing. We are still fighting that one.

If we did not have our own national airline we would not be in a position to control the future of the country. We would not have the right to dictate on certain terms which we can do now and we would be giving up a national birthright. I personally feel that there are very few true blooded Caymanians who would be willing to do that. If I did not have that faith in my people the Caymanians, Mr. President, I would not have had the ability and the strength to take all the mud slinging that I have taken in regard to Cayman Airways, but I take it in the full belief that when I have departed this

HON. JAMES M. BODDEN (CONTINUING): land like most of us will in the next probably fifty years, I will leave something behind that my children and my grandchildren will point out and say "at least he had the courage to stand to his convictions". I think every Caymanian now and in the future, if he is the Caymanian who I think he is, has that guts in him.

Mr. President, some people would have us believe that the break with LACSA was a very sinister plot with demons lurking in every corner. That is far from the truth. When Mr. Johnson went to Washington and joined the tail-end part of the delegation from the United Kingdom which negotiated the Bermuda II with the United States Government, he was told and we were repeatedly told since that that in regards to Cayman Airways as it was with LACSA, we had no airline; we did not control it and unless we controlled it we could get no more points of entry into the United States of America and we might even lose Miami. That came about because the British Government sacrificed the right of the Cayman Islands people in favour of their rights and routes into Hong Kong which they have now given to the Chinese, and Mr. Johnson sat back with his pleasant smile and said "I am the Financial Minister and there is nothing more I can do. If you want to take it away, take it away". That is what we got. We lost every right that we had and we came out with the crumbs which usually fall from the master's table.

I hate to puncture this hot air balloon of LACSA but somewhere between now and November 15th it will be done. Mr. President, LACSA and its management people tried to make bond servants out of the Caymanians and they tried to humiliate us at every turn. If you own a company or you own anything 60 per cent you should be able to dictate something about what is going on but we could not dictate anything. We had a Chairman who was Chairman in name only, and the only time he was there as Chairman was when he was taken to Costa Rica to wine and dine and sign the balance sheet at the end of the year. That is what he knew about the operation of the airline. We could not even say to LACSA we are going to hold the meeting in Grand Cayman. We are 60 per cent shareholders so you must come here. LACSA said "No you come here" and we went trooping along like little puppy dogs.

I remember on one occasion, Mr. President, when I did not agree to travel to Costa Rica a few of my fellow Executive Council Members went to Costa Rica, and my Principal Secretary the late Mr. Wentworth Bodden as the Secretary of the airline went along. When he left I gave him a tape recorder and some tapes and said, "Please be sure and tape everything that happens and bring it back to me". And like the good, diligent person he was he brought it back. When I took it home that night and played it I was utterly shocked and disgusted and those of my friends and colleagues who are now with me in Executive Council know what took place on the next morning which was a Saturday, when I asked for a special Meeting of Executive Council. I did not think that Caymanians would have sold their birthright down the drain the way we knuckled to LACSA and its management team in Costa Rica. I did not believe that it was humanly possible for such a thing to happen, Mr. President, and I was made out to be really a demon. I could not believe it could have happened.

Anyhow, I digressed a bit, Mr. President. We finally got them to a meeting in Cayman and some of the good news publications which we have and have had, and some of the good stories that are told on the mail road related many stories of what I was supposed to have done. I had supposedly thrown an ashtray in the face of the Managing Director of LACSA. I think I had slapped him and

HON. JAMES M. BODDEN (CONTINUING): I had done this and I had done that. Anyhow, when the whole thing calmed down we thought we had a deal with LACSA that we could continue. We agreed on it. We agreed on the press release. Two days later we got a telegram from LACSA, "No we are breaking the deal completely with you". This is all documented, Mr. President. But before we got to that final point in it, Mr. President, LACSA told us, "We have other uses for the aircraft. We can give you three trips a week to Miami, one trip a week to Houston, no cargo planes, no further expansion of your route". Well you tell me what this country would have done when its hands were tied in that position. To further humiliate us they then said to us, "We will fly the planes and we will fly them with our crews. All of your crews must come off the planes; we cannot employ any of them". Should we have told people like Captain Bothwell, Captain Thompson at that point and several other ones, "Well we are sorry but you must go and dig ditches or do something else, we cannot protect your jobs". Would we have been the type of Legislative Members which we are supposed to be and the type of Executive Members which we are supposed to be to stoop to sell out our people in that way? If so, Mr. President, I am guilty and accept full responsibility for it.

They went away and they said, "Yes we agree to this and we agree to that". Then they cancelled it and I do not remember exactly how many days notice they gave us for the cancellation, but I think it was something like 21 days. No 30 days I think it was. We had 30 days on cancellation and then we had to put an airline together in 30 days. So if mistakes were made there are many good reasons why those mistakes were made.

Another thing I would like to point out before I get off this subject, Mr. President, is that if I am correct, and I think I am, the planes that LACSA were flying at that time had been offered on a soft finance deal from the United Kingdom to the Cayman Islands Government. But yet our people, our Government at that point of which the Third Elected Member for West Bay was a Member of Executive Council, turned down the offer and invited LACSA to take it, and LACSA got it under preferential terms.

LACSA did not do us the favour that people would like you to believe. LACSA stopped in Grand Cayman because it was an economic necessity for them to stop in Grand Cayman. Flying from Costa Rica to Miami they had a load penalty. They had to carry sufficient fuel to be able to go to an alternate point and hold for thirty minutes like all of us do in the airline business, and to do so they probably had to sacrifice 20 to 25 passengers. But they could come from Costa Rica to Grand Cayman with as many as they wanted. If they did not have a full load they could pick up the load here and carry them on to Miami so they made money. They were not doing anything to really help us. They were looking after themselves and one of the candidates in this election, I understand has been saying how efficient and so forth management of LACSA is. I intend to deal with that further in this submission too, Mr. President, because this all goes back to 1983 and it was all dealt with on the other side by the Member for West Bay.

Another point I wish to raise. LACSA in the operation of the Cayman Brac run, was year after year paid a subsidy by the Cayman Islands Government. No mention has been made of that. Cayman Airways, although it has suffered substantial losses on the Cayman Brac run has not been paid any subsidy. I sympathise with the people from Cayman Brac in regards to the service. I do. There is nothing else I can do about it at this time but I feel that they should have as good service in Cayman Brac

HON. JAMES M. BODDEN (CONTINUING): as we have in Grand Cayman because we are all of one father. We are all of one people and they all pay taxes as we do. So I do not wish any attack on that point, I am fully in agreement with good service for Cayman Brac but I wanted to point out that LACSA was continually paid a subsidy to operate the Cayman Brac run. Cayman Airways has never received any.

When we had the break and finalised things with LACSA, I wish I could really have found my chart last night on all of these figures and I would have been here until next week Friday. But we paid LACSA at that point in losses which had been sustained over the previous year, way in excess of half a million dollars. I wish I could remember the exact amount. I think it was about 700,000 but I am going to put the figure at half a million. So please, people, do not tell me that they are not used to losses in the airline business. We have sustained losses with LACSA although it was a fairly good deal in some senses every year except one or two years in its full operation, and there is no doubt about it the figures and the audited balance sheets can bear it out, Mr. President. LACSA was paid for the service which they rendered to these Islands on their jets, over $12 million, so why are they worried because we are paying $14 million for two jets of our own now.

You know this is really a farce. Some of the junk which these people go on about. I have heard it said that LACSA was the greatest friend that the Cayman Islands ever had, the greatest friend as long as we paid the money. You know, in this life, and I know it quite well, Mr. President, the funny thing is when money is in your pocket how many friends you have, and we were a good friend to LACSA. I have heard about this wonderful management team and I only wish I could keep this debate going until next week as I have been promised the latest audited balance sheet of LACSA, so I could show this House and tell the people of this country the success story of LACSA. I understand at the present time that LACSA is in debt for more than $50 million. I understand it has lost two of the four 737s which it had and is about to lose the third one, and their pilots and co-pilots and flight engineers are working for about 40 per cent of what they were paid before. So it seems that they really have an efficient management team. I wonder if the great supporter of LACSA the man who saw the angels in Heaven hovering around the heads of LACSA personnel. I wonder if he will go on the platform and tell the other story to the people. Hypocrisy, Mr. President, is the worst sin in this world and it is a shame how much hypocrisy we are seeing.

I do not gloat over the problems which LACSA is having because we are having some of them too. Republic is having them and Air Jamaica is having them and so forth, British Airways and everyone else. The airline business is a tough business and most airlines today are losing substantial amounts of money, but if you curtail the airline business then you are going to curtail the success and the prosperity of a country.

Mr. President, I have much more to say and I will be going on this evening if you would wish to call for a break at this time, Sir.

MR. PRESIDENT: Well, I was waiting until it seemed a convenient moment not that I want to encourage an expectation that you will go on all evening. Let we suspend proceedings until 2.15 p.m. Will that suit Members? Yes 2.15 p.m.

HOUSE SUSPENDED AT 12.40 P.M.

HOUSE RESUMED AT 2.15 P.M.

MR. PRESIDENT: *Please be seated. Proceedings are resumed. The Honourable Third Elected Member of Executive Council.*

HON. JAMES M. BODDEN: *Mr. President, I will resume my debate on the 1983 Supplementary Bill which is before this House. 1983 was a good year economically for the Cayman Islands and for the Government as a whole. It would be nice to know at this time the complete assets of this Government but I am certain that if the tangible assets of the Government were valued that they would probably approximate $200 to $250 million, and 1983 has contributed a large part of this. Our administration has bought a large amount of land and the Government now owns quite a bit of property. We bought a lot of homes and we have added a lot of buildings to the various communities throughout these Islands. Bodden Town for instance has a civic centre building that would do any town of 50,000 in the United States justice. It is a beautiful building, spacious and it adds a lot to the community. I only hope as I have said before that it will be used and used wisely. We could not have and could not give to the people of this country these types of amenities if the Government was not a prosperous Government, and the Members of the Opposition instead of tearing down should try to join hand in hand and be thankful that the country in in such good financial condition. They should be justly proud that a small country of less than 20,000 has been able to accomplish so much. It is my humble opinion, Mr. President, that there is only one country in the world that its nationals can boast of accomplishing much more than we can, and that would be the State of Israel and the Jewish people who inhabit it. I do not know whether there is a similar type of blood which runs into the veins of a Caymanian as runs into a Jew, but one thing we both have in common is determination, and we have accomplished a tremendous amount.*

Mr. President, I wish to speak on the various guarantees that Government has given out in the years past. These guarantees, Mr. President, are contingent liabilities of the Government. It is a liability which will only be called on in the event of forfeiture. Much has been said about buying the two B-727s which Cayman Airways flies, and buying on a mortgage. Everyone in this community has become quite conversant as far as mortgages are concerned. Even the Third Elected Member for West Bay, I am sure, has got quite a lesson in that field. It is like the average person in the Cayman Islands buying a home. You may buy a home for $50,000. That does not mean that you have the $50,000 of your own to pay for it. It means that you may pay $10,000 and you owe $40,000 which is in a form of a mortgage which you repay to the lender principal and interest over a period of so many years. It does not mean that you must have, as the Third Elected Member for West Bay would try to let the people of these Islands believe, that money in reserve some place to meet that liability at one time. It means that you pay this mortgage over a period of years and it is only if you fall down on the mortgage that it becomes due. If it becomes due and you are able to pay it off it is then yours and is an asset. If it should happen that we had to pay off the contingent liability in the form of the lease purchase agreement which we have on the two 727s it would then mean that once that amount is paid off, the planes, subject to the other particulars of the agreement, would then become the property of Cayman Airways.

HON. JAMES M. BODDEN (CONTINUING): Cayman Airways is a stockholder company owned by the people of this country. It is owned by the Cayman Islands Government so they would then become the assets of the Caymanian people. It would mean that we would have two planes that on the market today would probably fetch at least $24 million. So what it means, Mr. President, is that the manner in which we are purchasing those planes is the same manner in which you would purchase a home and we have used the best manner we could to get a low interest rate. We have done something similar to what we have tried to do with the housing development scheme. We took advantage of the double dip taxation treaty which exists between the United Kingdom and the United States of America. If I remember correctly as to percentages (and I have always tried to give the Third Elected Member for West Bay a good lesson in percentages), 60 per cent of the loan value of those planes has been put up by Lloyds Bank of England. 40 percent has been put up by Eighty-First Bank of Dallas. By taking advantage of the double dip taxation treaty we have got a very low interest rate compared to the interest rate which prevailed in the open market at the time we made the agreement on the planes.

We have tried to do the same thing, Mr. President, on the Housing Development Corporation, something of which I personally am very proud and I would hope that all the Members of this House, although some of them may have objected to it, but at this time I am sure that they see the wisdom of it.

The Housing Development Corporation was established to assist the lower and middle income people of this country to secure adequate housing. It was never intended and I hope that it will never be intended that the mortgage development scheme will extend to those in the higher income brackets. I feel if a person wishes to live in a home that costs $150,000 to $200,000 then if he does not have the money in cash to pay for it, he should pay the higher interest rate which prevails at the lending institutions. The mortgage development scheme is a scheme by which Government has guaranteed $6 million in bonds. Again this is a contingent liability in the same manner that we have guaranteed the planes, but yet really I will give the Opposition one benefit and that is that I have not heard them criticise that guarantee. It has only been the guarantee for the airplanes and I wonder why because it is a similar type of guarantee. It means that we guarantee to the lending institutions who have purchased bonds that if the money is not available through being invested in homes for our people and it is called upon, that the Government will then pay it off. It would mean that at that point we would have the homes and we would have the money which is in the Housing Development Corporation so it would not be a loss.

This has been a very worthwhile project for our people and I personally feel that the lending institutions of this country have not lived up to the obligation which they owe this country. The atmosphere which exists in this country is not an atmosphere which has come about by accident. It has been steadily built on; it has been nourished and the institutions from abroad who have set up branches or their headquarters here are able to take advantage of what exists in that they have to pay no taxes. Therefore to have an atmosphere that is conducive with building the type of society we are trying to build, it is incumbent that these people assist us hand in hand to build a country for the future. If we do not pay attention to the social ills which exist in this country they will one day devour us.

I am very pleased that my fellow Executive Council Member has seen fit to push programmes in the social field and welfare fields and that we have had the money to be able to do it to the point where he can boast of his $100 candy

HON. JAMES M. BODDEN (CONTINUING): bar instead of the seven cents candy bar which the 1976 administration made famous.

Housing is an important thing in any community. It is an important thing to any individual. It is one thing in life which any man or woman takes pride in, which is to be able to point to a building and say, "That is my home. Be it ever so humble it is my home". It is a great feeling and we should be willing to try to give this feeling to every Caymanian so that he can join with us in helping to build a good viable economy, and a strong country for the future. We will never be able to build this unless everyone in these Islands shares to an extent in the good that comes from these Islands. If everything which is good in this country rests in the hands of a select few and is controlled by a select few because they may have had the advantages of an education or an inheritance, Mr. President, then this country will be a country which will not prosper. It is a country which we will have many problems with. Therefore the Housing Development Corporation is something which should have been supported by every Caymanian. It should have been supported by every bank and financial institution in this country. The banks in their various meetings with myself said, "You have no problem, you ask for what money you want if you get a Government guarantee". This House saw fit, much against my better judgement to give a guarantee to the banks. You know what we hear now, Mr. President. "I have to contact my Head Office. I have to see what the Director is wearing this morning as to whether he is going to agree. When you get $2 million subscribed from the other banks come back and see me". That is the kind of ridiculous talk we get. But I serve notice to them. I intend to be back here, Mr. President. I am growing a beard now so that it will look like my head, and I intend to be here God willing until both of those grey hairs trip me down. And I intend to see that that bond issue is adequately subscribed to in the future.

We have another guarantee, Mr. President, which the Members of this House are well aware of. It was necessary in order for expansion to take place with Caribbean Utilities that the Government should assist them in a guarantee in the purchase of some new equipment. I cannot truthfully tell you that I was fully in favour of this although I am in favour of anything which means development for this country. But be that as it may, we cannot all agree on the same subject at the same time. The country did give a guarantee. That guarantee is for $2 million. Now I ask the Members of this House that if Caribbean Utilities should go "bottoms up" as the phrase we use and we had to pay off the generator and pay the $2 million, what are we going to do with that generator? What are we going to do with that? Are we going to put it on a cat-boat and take it away after we have dug up the foundations of it, and think we can sell it some place? Now that is an asset in my opinion, then you say we should not have guaranteed, but I go along with guaranteeing something which is tangible and can be used and can be sold, and there is a market for it. The same exists for the Housing Development bonds and Cayman Airways.

In addition to guarantees, Mr. President, Government has made in the last eight years now, many loans. We have loaned money to the Cayman Brac Power Company. We have loaned money to just about every school in the Cayman Islands. We have loaned it to the Pines retirement home, the National Council of Social Services and I could go on and on. Most of these loans carry but very little interest. I forgot to mention another sizeable loan and that is the loan which we made and have made several of them now to the Civil Service Credit Union in order to assist the Civil Servants with adequate housing. This is something, Mr. President, that people could not even have conceived the idea of during the years 1972 to

HON. JAMES M. BODDEN (CONTINUING): 1978 because there was no money, not even to build something for Government and pay for it, what do you think to help the people. I am sure, Mr. President, that the people of this country will remember those days and do not want to go back to an existence like that. I alone will not have to remind them, they are well reminded of it every time they sit down to their tables and they can have a good meal instead of sow belly and corn meal mush. That is what you gave them.

Mr. President, at this point I would like to come back and deal with a few things on Cayman Airways. I can never help but wonder how rumours get started in this country and how the marl road gossip can continue. There has been a vicious rumour lately that passengers on Cayman Airways were getting bumped and were unable to fly because of the passengers who we have been handling for Air Peru. Now, Mr. President, some Members of this Legislative Assembly have tried to belittle Cayman Airways in every respect that they can. Now when we try to improve the fortunes of Cayman Airways they come up with something else. Tell me in all honesty what do these people want? If you are doing well then there is something wrong. If you are doing badly then there is still something wrong. Where is the common sense behind this?

Mr. President, I checked yesterday with the various managers at our various stations and I have been assured that no ticketed passenger has been bumped to facilitate a Peruvian. Now what may have happened is that we have a final check out period of fifteen minutes before the airplane leaves and it could have been that somebody had a reservation and was not there at the fifteen minute time limit; came at ten minutes to the hour and at that point was told that there was not a seat available. That can happen and it will continue to happen, Mr. President, because the airline must have revenue. If it does not have the revenue then I get all the whips on my back from these same people that I can stand it. Therefore, if they are not there in time and we have another passenger be he Peruvian, Mongolian, Russian, whatever he is he is going to fly if he has the money to pay for the ticket.

Another point I would bring out on this, Mr. President, to clear up some of the rumours, is that yes these people do fly back and forth on a ticket that costs less than if you go to the airport and buy one yourself. There are many reasons for that. We are giving what is commonly given in the airline industry, a bulk rate because if these people bring in 70 passengers or eighty passengers, they are buying that many tickets and therefore they get a discount. Besides that there is something known as pro-rating the ticket in the airline business. It is like a person coming from New York to Cayman. He travels from New York to Miami on an Eastern ticket. He travels from Miami to Cayman on an Eastern ticket written by Eastern. It is a ticket that to get our share out of it has to go to the Clearing House in New York and be pro-rated. Therefore on that type of ticket we receive much less than we would receive if you had just gone to the counter in Miami and bought that ticket. This is something that we have been trying to get the United States Government to agree to increase our share of the pro-rated tickets, but we have not to date been successful with it. By the way, Mr. President, Republic Airlines also carries some of these people when we are full and they get the same money that we get and they are carried on the same basis.

The airline has had a turbulent and rocky past. I hope it is getting to the point where it may be much easier. July and August we had very good passenger loads. Our income was very good and for those months we are showing a

HON. JAMES M. BODDEN (CONTINUING): profit but, Mr.President, that profit can easily be eroded. We are now into the months of the year where we do not get a lot of passengers to haul. September and October in the total airline industry are known as bad months. They are the North Wester months, and we can only hope that this September and this October will not show us the losses that September and October showed us in 1983. We have tried to change that by a bunch of new type advertising, new promotions and new packages and we have been guaranteed by the Peruvian airline that they will be able to take at least 1,000 seats in September. So if all of this comes to pass we should not suffer the great loss in September and October like we did in previous years.

Mr. President, I would like to touch on the losses which Cayman Airways has sustained over the years on the Cayman Brac run, particularly in the last financial year since jet service has gone in there and the year before that when we were operating the expensive Avro. As I said previously in my speech I feel that the people of Cayman Brac have been very tolerant. I feel that they are due the same type of service as the people of Grand Cayman because we are all one people and it is their money which finances this as well as it is the people in Grand Cayman. But, Mr. President, I can truthfully say that Cayman Brac again only emerged as an organ of this Government since 1976 and the financial records can bear me out on that because since 1976 Cayman Brac has got a substantial per capita amount more than Grand Cayman has got, and it has got that because we are looking overall at the problems which exist in this Island and not looking at it only as being Grand Cayman although there are bitter criticisms levelled in that respect. We lost in the year 1983 on the Cayman Brac operations roughly $1 million so these are the things that go to make up the losses in Cayman Airways' balance sheet. With the new jet service to Cayman Brac, Mr. President, we have repeatedly operated the jet out of Cayman Brac to Miami with 35 to 40 passengers and the same amount coming back. Now anyone who knows anything at all about the airline business knows that you have got to have at least a 65 per cent load factor if you are even thinking about breaking even, so you can readily see the amount of money which has been lost.

I am very hopeful that although we have had these tremendous losses I look on the benefits to Cayman Brac and the spin-off effects of it to the community and what can be done to promote tourism, and I am hopeful that in the very,very near future the Cayman Brac runway will be back and it will be operational and that we can resume service to the Brac. They need it and I think it is incumbent again on the Government that we provide it and do everything that we can to help the Lesser Islands.

Mr. President, I would have liked to have continued my teaching class to the Third Elected Member for West Bay into next week but I think there are other Members who may want to speak so at this point I thank you, and I thank the Members of the House for the attention they have paid to my contribution. Thank you, Mr. President.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The Third Elected Member for George Town.

MISS ANNIE H. BODDEN: Mr. President, Sir, this money in this Bill for 1983 has long been spent, and there is no use in saying any more about it now. All I would like to say, Sir, is since we have got the value we should be satisfied and I do not think, Sir, that any of us should make this a long debate on a political issue. If the money has gone it has been spent whether wisely or not wisely.

MISS AMMIE W. DOBSON (CONTINUING): Now one thing, Mr. President, that I should like to say is this, that our first investment in the Turtle Farm which is now being discussed was the waiving of the stamp duty of $50,000 as I recall. Instead of them paying us the money, the Government I mean, we instead took shares in the company so that was really the first investment that we made in it. And I am very sure at that stage we had some opposition but nevertheless the majority prevailed. I do still think that the Turtle Farm is an asset. Our very shield shows that we are turtle people. The shield has a turtle on the top of it. We have been seamen from the start. Unfortunately we were, I would say, a manless family. We had nobody to go to sea but nevertheless we have been a seafaring community for generations and I thought that when we were waiving this stamp duty we were doing our part to assist this venture. I am very proud now to say, Sir, that it is still in our hands. Although it might have been a sacrifice to buy it, nevertheless it has helped us with tourism and other things and my only regret is that through some mis-management I would say, we have been called upon by the United States not to ship any turtle products to their country, which I hope one of these days they will see fit to change.

Mr. President, while I am on my feet, Sir, I, if the Lord spares my life and continues my health, shall be a candidate in this forthcoming election and I feel, Sir, that this spirit of hatred I would say, against Members is not in our best interests. We are here as a group to try to do all we can for the good of the Cayman Islands and it does not behoove any of us, including myself of course, to disrupt and make the happenings of the past destroy what we are doing now.

I would say, Mr. President, without fear of contradiction that every human being who has ever sat as a Legislator or a Justice in this country has contributed in some way or another to the good of the Cayman Islands. When I was a child, Sir, I heard that there was a man called Amos Diaz, a coloured man who as they did not even have a building there where they could house officers, that he would go to West Bay and around, collect the money and all those who had to be paid would share it. Even these type of people have contributed to the good of our Islands and the 1972 to 1976 Government, although I was not on Executive Council I feel that they too have done their part. It is not only since 1976 that we have advanced. We have been growing all the time and I think it is unfair for all these allegations to be made against this House of which I have called myself a Member for 32 years. I am beseeching the Members of this House to try to live in a more harmonious manner and to see the good in each other.

I support this Bill, Sir, because the money has already been spent regardless of what we say or do.

Thank you, Sir.

MR. PRESIDENT: First Elected Member for the Lesser Islands.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise, Sir, to support this Supplementary Appropriation Bill, 1985 which seeks to allow and confirm supplementary expenditure for the financial year 1985.

The Turtle Farm was purchased for $1,401,267 and is therefore the biggest expenditure in the supplementary. I fully supported this transaction. I feel that it should be preserved and developed into a real tourist attraction which would in time earn revenue for our Islands and also feel that this purchase was well justified.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): Mr. President, the financial position of our Islands is still good but we are eroding that position fast, and we should not lull ourselves into a false sense of security. We must stop living in the past and face up to the challenges and problems of the present.

The Auditor General has sent out a warning signal and has backed it up with facts and figures. He has made it abundantly clear that all is not well. I expected to have heard from some Members concern but instead they have brushed this warning aside and have completely ignored it. We have uncollectable debts and our liabilities are rising rapidly mainly because of Cayman Airways. I find the Auditor General's comments on the accounts of the Cayman Islands Government for the year ended 31st December, 1983 to be in keeping with the figures. A man in the position of the Auditor General would not make comments on the accounts if he was not sure of his facts and figures.

Mr. President, I have listened carefully to every Member who has so far debated the Bill. There has been only one Member and that is the Third Elected Member for West Bay who has stuck with the facts and figures contained in the Auditor General's Report. I do not intend to waste the time of this House to re-state what the Third Elected Member for West Bay has said because I can find nothing new to add to his debate. I have heard one Member state that as of the 31st July, 1984 there was a surplus of $8.4 million which he added to General Reserves, which led the House to believe that this would bring our General Reserves up to $16.5 million. Another Member stated that there was a surplus of funds at the same date of over $5 million. Mr. President, neither of the Members are correct. The amount of money which the Government had at 31st July is money which is needed to complete Government's projects for the year 1984. If at the end of the year there is a surplus, which I doubt we will have, then that amount will go into the Surplus and Deficit Account.

Another Member said that the revenue earned by Government since 1976 amounted to $280 million. I agree with this figure but it also indicates that all of the revenue was not prudently spent or we would have a substantial Reserve Fund now. Mr. President, we can forget what the Reserves are at the present time and concentrate on what is causing the erosion of our financial position.

As the Auditor General has pointed out in his Report it is a large deficiency which is accumulating in Cayman Airways since 1982. The Auditor General has stated quite correctly in his Report that if this Government was called upon to meet the present deficiency of Cayman Airways, not only would there be no Reserves but the country would go into the red.

Mr. President, I have studied Cayman Airways financial position and I find that since December, 1977 Cayman Airways has earned over $102.5 million and the Government injected another $17.5 million in 1982 bringing the total to the end of August to $120 million, and Mr. President, it has all been spent and the airline is in debt. Can this be a healthy picture to paint to the public of the Cayman Islands? I say no. Furthermore, Mr. President, the Government has given a guarantee of HK$11 million to underwrite the arrangements entered into by Cayman Airways for the lease of the two 727 aircraft.

Mr. President, this is a real problem and concern which we need to address and control in a prudent and businesslike manner or it will wreck the economy of the Cayman Islands, and I say this, Mr. President, without fear of any contradiction.

CAPT. CHARLES L. KIRKCONNELL: No, Sir, I am not imputing that but what I am saying, Sir, is that he did not tell the story as it was. He only told the part which suited him.

Anyway, Mr. President, to make a long story short, that was what started the negotiations to get an aircraft of our own. That is what started Cayman Airways to go on the market to try to find an aircraft. When the connection was broken with LACSA, arrangements were made for Air Florida to take over. They came in and it cost this country, I think in the region of $1 or $1.5 million, and then this nation precipitated an extra effort by the Government, by the Member to try to find an aircraft of our own so that we could do away with the lease that we had with Air Florida. We sent delegations as far away as Denmark, Seattle Washington, California, Houston, all over the place, Sir. We had many people looking for an aircraft which would be suitable for our run. On each occasion, just as one would have thought that we could close the deal we heard the aircraft had been sold elsewhere and it was no longer available.

It was at a meeting which was called by the Member. He was Chairman of Cayman Airways. I was a Director at the time. He met in the Government Administration Building. The Directors all were seated and the news came in that the last aircraft which they thought we could have purchased had been sold as well. At that point, Mr. President, I turned to the Member and said, at the risk of having my head chopped off, 'I am going to repeat something which is said in the Bible, "The stone which the builder rejected the same was made the head of the corner". "Why do we not look at a BAC aircraft and see if we can get one. A BAC is better than nothing at all".

With that, Mr. President, the First Elected Member for George Town, who was then the Managing Director of Cayman Airways, who was also on the Board, turned to him and said, "Go in my room and make a phone call to British Aerospace and see if that aircraft is still available". He did so and returned and said, "Yes the aircraft is still available". Mr. ..... I cannot remember his name, came out form British Aerospace within a couple of days and that is how we got our BAC 1-11s.

Mr. President, I am very happy that the blame has been placed on me because at least I stopped the rot with Air Florida, and until 1981 when British Calidonian made their report, the most suitable aircraft their evaluation team found was the BAC 1-11. But the Member was obsessed with 727s and no other aircraft could possibly do. Mr. President, the BAC 1-11 aircraft has been blamed for the failure of Cayman Airways, but now that we have the 727 aircraft, the financial position is getting even worse and eroding daily.

Mr. President, Cayman Airways was founded to provide scheduled passenger and cargo transportation to, from and within the Cayman Islands. This was its aims and objects. What gives me great concern is the change in policy of Cayman Airways. We are now servicing other territories and it is at the expense of the taxpayers of these Islands. We have not heard anything about a loss but the aircrafts are going there and they are sustaining losses if we could only get the accounts, but we can never get the accounts.

Mr. President, if this territory is to maintain its financial independence we must have a change of policy in Cayman Airways and exercise strict control and prudent handling of its finances. If this is not changed, Mr. President,

CAPT CHARLES L. KIRKCONNELL (CONTINUING): we will surely end up on bended knees seeking money to run this country or use other drastic means to finance our expenditure. Mr. President, the time for rhetoric has long passed. We must face the issues and let the people know the truth.

Mr. President, you can fool some of the people all the time and all of the people some of the time, but you cannot fool all of the people all of the time.

Mr. President, that concludes my contribution and I thank you, Sir.

MR. PRESIDENT: I think it is about the time when we customarily take a short break so I will suspend proceedings for approximately ten minutes.

HOUSE SUSPENDED AT 3.32 P.M.

HOUSE RESUMED AT 3.40 P.M.

MR. PRESIDENT: Please be seated.

Continuation of the second reading debate on The Supplementary Appropriation (1988) Bill, 1992. Does any other Member wish to speak? If not I will invite the mover of the motion to exercise his right of reply if he wishes. He may not wish to, of course.

HON. THOMAS C. JEFFERSON: Mr. President, that would be wishful thinking. Mr. President, I am concerned that the members of the public who have been listening to this debate, who have heard it second hand may not be aware of what the true financial position of the Cayman Islands Government is and I begin by asking you, Sir, to bear with me if I appear that I am straying a bit far. I assure you it will only be done in the interests of clarifying the position.

Dealing with the General Reserve, Mr. President. In your first Throne Speech given on the 17th March, 1992, on page 2 you said, and I quote:

> "Government's total Reserve at the end of 1991 is now confirmed at $13.4 million plus $8.53 million Revenue balance, or $21.93 million."

Using these figures as a base, Mr. President, the next decision which affected the General Reserve position was the decision taken on the 17th March and 23rd March, 1992, where the Finance Committee agreed to a capital injection of $14 million in Cayman Airways thus reducing the General Reserve and Revenue balance from $21.93 million to $7.93 million. In August, 1992 Finance Committee agreed to another draw-down of $2 million to deal with the Owen Roberts Airport Terminal because under the loan agreement with Caribbean Development Bank Government has to first pay the bill and then claim it.

HON. THOMAS C. JEFFERSON (CONTINUING): Mr. President, putting aside the interest earned on these General Reserve balances the Revenue balance and General Reserve balance should then be $5.9 million. However, Mr. President, the 1982 Annual Accounts showed a balance of General Reserve and Revenue of $10.1 million Cayman.

Although the Supplementary Expenditure (1982) Bill indicates that in excess of $13 million was paid out to Cayman Airways in the form of a loan and equity participation, $7.5 million in loans and $6.5 million in equity participation. Mr. President, there was an item of $93,000 paid to Cayman Airways in 1983 as a result of the decision taken by Finance Committee in 1982 to allow $10 million capital injection

The public debt, Mr. President; let us now deal with that subject and see if we can trace it through so that the public and all of us will have the same understanding as to what it really is. In accordance with the 1982 accounts the public debt was approximately $8.6 million. This figure was increased by a net of $500,000 during 1983 and the accounts of 1983 will show that the public debt at that particular time was $9.1 million. This net figure, Mr. President, is the borrowings from Caribbean Development Bank for the Owen Roberts Airport terminal building, net of the amount of money which is being paid annually on other loans. So the net position for the year increased the public debt to $9.1 million.

The recent decision by the Legislature to borrow $5.5 million (United States) for the Tower Building which has, I am told, a market value of somewhere between $7 and $7.5 million according to our official Appraiser of properties, increased the public debt by U.S.$5.5 million to C.I.$13.7 million.

Additionally, Mr. President, there will be a further draw-down of funds; I am referring to the loan from Caribbean Development Bank which at the moment is $2.3 million which is being claimed from them. That figure, to the best of my knowledge should be $16 million, Mr. President. I have not taken into account at this particular time the payments that were made in 1984. So the $16 million will be reduced by the payments made during 1984.

Mr. President, moving now to the Balance Sheet of Government as of 31st December, 1983, and in particular dealing with the shares held in Cayman Airways, Cayman Air Holdings, Cayman Turtle Farm and Caribbean Development Bank, a figure of $7,399,782.54 is shown on the asset side as it represents an investment in the companies or bank which I have named and as a conservative accounting procedure, it is only a piece of paper so there is an offsetting entry in the liabilities for $7,399,782.54.

Mr. President, speaking generally about the Balance Sheet of the Cayman Islands Government as of December, 1983 or any other time, we must emphasise that it is a cash accounting Balance Sheet and it deals specifically with current liabilities and current assets. It does not include property owned by Government, for example, in addition to the Balance Sheet figure you could add the buildings which Government own and a list of those buildings, Mr. President, is before me and I have the figure for the insured value of them which is $57.8 million. There is also much land which is owned by Government, Mr. President, and the figure for that is also not part of the Balance Sheet.

The Balance also does not show the loans recoverable from various organisations which we have lent money to. The total guarantees given by Government which are contingent liabilities, that is if payment is not made by the

HON. THOMAS C. JEFFERSON (CONTINUING): company or organization Government has to pay. However it does not mean in all cases that the total amount of the contingent liability is due and payable. In some cases it may mean that Government may be required to pay the monthly sum due or a number of monthly payments due until the company recovers from its difficulty. Or in the extreme case the total sum guaranteed is payable. Some of these guarantees given, Mr. President, are secured by a charge over the assets for which the loan was granted and in the 1983 accounts we see the guarantees which we are talking about. The U.S.$74 million in favour of Inter First Bank of Dallas which is really in respect of and covering the quarterly payments due to that bank by Cayman Airways until the Lease expires in 1998. The other guarantee is to Caribbean Utilities Company for U.S.$2.5 million, a guarantee given to allow that particular company to purchase an additional generator from Mirrlees Blackstone in the United Kingdom. The third guarantee stated in the accounts is of a similar nature. It is for the purchase of a generator by Cayman Brac Power and Light Company from Mirrlees Blackstone as well.

If we now go quickly, Mr. President, to the financial position and try in some way to make this all sound simple and easy to understand, as at the 31st July, 1984, which would include the borrowing on the Tower Building which we bought a few months ago at the Cayman Islands Dollar equivalent of $1.5 million, the surplus would be at the end of July $5.2 million. The General Reserve taking the figure from the 1983 accounts is $11.1 million and if we add those two figures together, Mr. President, we get a total of $16.3 million. That was the cash position of the Cayman Islands Government on the 31st day of July, 1984.

Mr. President, as someone once said, "Facts do not cease to exist because they are ignored". They are there, Mr. President, and I assure every Member who is listening to me or every member of the Cayman Islands that is the position of this Government.

Dealing now with Cayman Airways, Mr. President, I would venture a guess that every Member of this House supports our national airline and appreciates the services which it provides to these Islands. The financial position of Cayman Airways is not pleasing to all of us and I should preface my comments, Mr. President, by saying that I am no expert in airline operations but then again, Mr. President, where are these experts? Even those who we may consider experts are having a very difficult time indeed directing airline operations around the world. We can look at Eastern Airlines. We can take another look at Pan American. We can look at United and American Airlines, Trans-World Airways, etcetera. Where are the profits of the experts? I am not saying, Mr. President, that Cayman Airways cannot be run more prudently, that is not the point I am making. I would like to suggest to all of us that let us be someone once said, "Put our shoulder to the wheel", and let us see how every Member of this House can influence the prudent financial running of Cayman Airways. I believe that is the answer, Mr. President.

The shareholders' deficiency of $5.9 million in Cayman Airways, the deficiency is not anything new, Mr. President, because if we examine the 1980 accounts of Cayman Airways and Cayman Air Holdings we will find that the shareholders' deficiency was U.S.$3.1 million rising to $5.9 million in 1981. While Government injected $14.1 million in Cayman Airways in 1982 the shar. deficiency was still U.S.$1.7 million and the only difference between one Balance Sheet and the other is that the $8.0 million which was a liability payable to Royal Bank was discharged and the share subscription of

HON. THOMAS C. JEFFERS N (CONTINUING): U.S.$8.3 million increased. Mr. President, the share deficiency of Cayman Airways and Cayman Air Holdings simply means that if you take the shares issued and paid up of $8,778,912 less the accumulated loss since the accounts began when they set up in 1977, I think that is the correct years, of $14,677,954 and you subtract the $14 million from the $8 million you get the difference $5,298,041. It is this figure which the Auditor General is referring to. I have always tried, Mr. President, to deal with known qualities and I would not venture to reply or try to refute what the Auditor General says about the $8 million. I know that at the end of June, 1983 this was the position and any person I meet in the street, that is the same position. It does not change. Unaudited accounts can change, Mr. President, that is why I am not going to venture into it, but I will come back to my original statement about Cayman Airways.

I have a great deal of respect for a lot of people connected with Cayman Airways. I think they have serviced the country extremely well and I do not think that any of us will agree that Cayman Airways should not continue. Let us, Mr. President, look to putting whatever we think is right wrong, and do it unanimously. Thank you.

I think I said that wrong, Mr. President, let us try to put what we think is wrong right.

MR. PRESIDENT: I did not think you wished to be on permanent record with the other statement. (Laughter).

Well, the motion finally before this House is that a Bill for a Law to allow and confirm certain expenditure during the Financial Year 1983 be read a second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING

MR. PRESIDENT: In accordance with the provisions of Standing Order 69 the Bill does not go to Committee and the Bill we had dealt with previously, it seems now days ago, The Supplementary Appropriation (1982) Bill, 1984 does not go to Committee either. They both go to third reading.

The next item on the Order Paper is Item 3(3), another Bill if the Clerk will be kind enough to read the Title.

THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1984

FIRST READING

CLERK: The Companies (Amendment) (No. 2) Bill, 1984.

MR. PRESIDENT: A Bill entitled a Bill for a Law to amend The Companies Law is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Companies (Amendment) (No. 3) Bill, 1984.

HON. THOMAS C. JEFFERSON: Mr. President, I move the second reading of a Bill entitled a Bill for a Law to amend The Companies Law, Chapter 22.

Mr. President, due to an amendment which was put through at a

HON. THOMAS C. JEFFERSON (CONTINUING): previous sitting, we have come across some cases dealing with Exempt companies. Under the Companies Law, Mr. President, Exempt companies have the power to issue Bearer shares and the concern about companies who own land and issue Bearer shares and the possibility of losing a great deal of Stamp Duty and Government revenue in that way brought us to bring the amendment to the House at a previous sitting. This amendment, Mr. President, which is before us today is to give the Financial Secretary some authority to deal with an Exempt company which owns land but has not issued any bearer shares and does not intend to issue Bearer shares. It is to give the Financial Secretary some authority to allow the company to remain on the books of the Company Register because otherwise the Registrar is required to strike it off.

That is the reason for this amendment, Mr. President, and I would prefer not to go into detailed cases which we have found. The amendment which is put before the Honourable Members is justifiable in all the cases which I have come across so far and I feel that it would be wrong of me not to bring forward this amendment. I ask the Honourable Members' support.

MR. PRESIDENT: A Bill for a Law to amend the Companies Law, Chapter 22 be given a second reading. The motion is now open for debate.

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

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING

MR. PRESIDENT: He can go on to Item 2(3) on the Order Paper if the Clerk will read the Title.

HON. THOMAS C. JEFFERSON: Mr. President, if I could just rise on my feet and thank Members for their support of the Bill.

THE STAMP DUTY (AMENDMENT) BILL, 1984

FIRST READING

CLERK: The Stamp Duty (Amendment) Bill, 1984

MR. PRESIDENT: The Bill entitled The Stamp Duty (Amendment) Bill, 1984 is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Stamp Duty (Amendment) Bill, 1984.

HON. THOMAS C. JEFFERSON: Mr. President, I move the second reading of a Bill entitled a Bill for a Law to amend the Stamp Duty Law, 1973, Law 6 of 1973.

At a previous Meeting, Mr. President, we brought before the House an amendment to the Land Holding Company Share Transfer Tax Law and this amendment is needed because of cases we have where a company owns the land. It is beneficially owned by, shall we say, John Brown and Mary Brown and they wish to transfer a parcel of the amount of land that they have, they may have more than one particular parcel, to their son for natural love and affection.

This amendment is needed under the Stamp

HON. THOMAS C. JEFFERSON (CONTINUING): Duty Law and it is really a result of the amendment which we put through before. I would give notice, Mr. President, that I intend at Committee stage to do an amendment.

Thank you.

MR. PRESIDENT: The question before the House is that a Bill entitled The Stamp Duty (Amendment) Bill, 1984 be given a second reading. The motion is open for debate.

MR. BERSON O. EBANKS: Mr. President, I merely question the 45 per cent holding in the company and I am wondering why that limit has been placed. I see that it is not less than 45 per cent, but if the individual owns the land and his share is less than 45 per cent in the company, providing he is not getting more than the value of those shares for the land I do not see why it should be excluded.

In other words once the value of the Land and the value of the shares are equal why are we setting a minimum limit? That is basically the query which I have on the Bill, Mr. President.

HON. MICHAEL J. HADLEY: I think, Mr. President, Sir, that it is unfortunate perhaps that the Honourable Third Elected Member for West Bay did not raise this point on the occasion in July, 1983 when the amendment was made to the Land Holding Companies Share Transfer Tax Law because it is analogous to that. The wording in this Bill reflects the wording then and if there were to be any change in Committee stage to the percentage as specified here, we would then in due course have to come back and amend the previous Bill again in order to put them on parallel. I think though I cannot read the mind of the Honourable mover in this, I think that basically that there is a minimum decided upon because otherwise a person no matter how minor an interest they have in the property would seek abatement and the administration work would be considerable.

Thank you.

MR. PRESIDENT: Does any other Honourable Member wish to speak? Unless the mover wishes to exercise his right of reply I will....

HON. THOMAS C. JEFFERSON: Yes, Mr. President, but I will do it quickly. This is just to say thank you to the Members for their support.

MR. PRESIDENT: I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING

MR. PRESIDENT: Item 2(4). The Clerk will read the Title.

THE CAYMANIAN PROTECTION BILL, 1984

FIRST READING

CLERK: The Caymanian Protection Bill, 1984.

MR. PRESIDENT: A Bill entitled a Bill for a Law to repeal and replace the Caymanian Protection Law (Revised) is deemed to have been read a first time and is set down for second reading.

The House will now go into Committee to study the Liquor Licensing (Amendment) Bill, 1984, and certain other Bills which stand committed to it.

COMMITTEE THEREON

THE LIQUOR LICENSING (AMENDMENT) BILL, 1984

MR. CHAIRMAN: Please be seated. The House is now in Committee. A Bill for a Law to amend the Liquor Licensing Law, 1974.

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2 OF LAW 11 OF 1974.

MR. CHAIRMAN: I should have said at the start and I apologise for failing to do so that I will take it in respect of this Bill and in respect of any other Bills with which we may have time to deal in Committee today, that it would be, unless Members tell me otherwise, the wish of the House that the Second Official Member be as usual empowered to make any necessary corrections of printing errors and the like. I am not even sure whether there are any. I have not spotted any but I expect that there probably are the odd one or two. Unless any Member wishes to express a contrary view I will take it that that is the wish of the House. So now the question is that Clause 2 do stand part of the Bill. Does any Member wish to speak? Then I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 3.
CLAUSE 4. AMENDMENT OF SECTION 5.
CLAUSE 5. AMENDMENT OF SECTION 6.

MR. CHAIRMAN: The question is that Clauses 3, 4 and 5 do stand part of the Bill. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSES 3, 4 AND 5 PASSED.

CLERK: CLAUSE 6. AMENDMENT OF SECTION 7.
CLAUSE 7. AMENDMENT OF SECTION 9.

MR. CHAIRMAN: The question is that Clauses 6 and 7 do stand part of the Bill. My understanding is that the Honourable First Official Member will be seeking leave to move an amendment of which two days' notice has not been given, but which I believe Members have in typescript now. Perhaps under the circumstances I could take Clause 9 first and put the question that Clause 6 do stand part of the Bill. Does any Member wish to speak on that? Then I will put the question that Clause 6 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

MR. CHAIRMAN: Now I will give the Honourable First Official Member leave to move his amendment. Perhaps you would read it out in case any Member has not got it.

HON. DENNIS H. FOSTER: Mr. Chairman, I seek leave of the Chair, Sir, under Standing Order 32(2) to bring this amendment.

As you know, Sir, in the second reading of this Bill this was the controversial section and I think having thought over it and having been Chairman of the Liquor Licensing Board for many years that the best way to get over this impasse which we might face or find ourselves facing is to delete (a) in Clause 7 and replace it by the following new paragraph. Shall I read the whole thing, Sir?

> "That Clause 7 of the Bill be amended by the deletion of paragraph (a) thereof and the replacement therefor of the following new paragraph (a) -
>
> (a) by the deletion of the words "and are not within a quarter of a mile's distance of any church, school or civic centre"."

MR. BENSON O. EVANS: Mr. Chairman, I wonder if the Member offering the amendment or the Honourable Second Official Member could then throw some light on what the effect of this amendment will be. Because it seems to me that it is going to cause a lot of confusion.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. Chairman, Sir, if I may respond to that with the permission of the mover of the amendment, as the Law is at the present time Section 8, sub-section (1)of the Law reads:

> "The Board shall not grant a licence with reference to any premises unless satisfied that the premises to be licensed have suits plainly marked and lighted and an adequate fire extinguishing system and comply with the laws and regulations affecting
>
> (a) building
> (b) town planning
> (c) public health
>
> and are situated at a location where they will be of service to the public and will not cause inconvenience to the owners or occupiers of neighbouring property and are not within a quarter of a mile's distance of any church, school or civic centre."

The words at the end "and are not within a quarter of a mile's distance of any church, school or civic centre" were inserted in 1977 in July by the Liquor Licensing (Amendment) Law then.

What the Honourable mover of the amendment at this Committee stage is seeking to do as I understand it is to restore the words of Section 8(1) to what they were originally when the Bill was enacted in 1974 and before the amendment which created an absolute prohibition was put in as an addition in 1977.

So the situation would be if this Committee stage amendment were passed that the Board shall not grant a licence if they are not satisfied that it will not cause any inconvenience to the owners or occupiers of neighbouring property, but does enable them to have a discretion if they are so satisfied, to grant a licence even though a church, or a school or a civic centre is closer to the proposed licensed premises than a quarter of a mile.

MR. BENSON O. EBANKS: Yes, Mr. Chairman, but Clause 7 of the Bill which we are proposing to deal with now, I presume this is what the amendment is being offered to?

MR. CHAIRMAN: I am not quite sure I understand your point. What is being suggested is an amendment to Clause 7 of the Bill. Clause 7 of the Bill itself amends Section 3 of the principal Law. I do not know whether that answers your point. I am not quite sure what you are trying to ask.

MR. BENSON O. EBANKS: No, what I am saying is if this amendment is carried what then is the proviso in that Section then becomes redundant as I see it.

HON. MICHAEL J. BRADLEY: The amendment proposed by my Honourable colleague the First Official Member seeks to delete from the Bill the entirety of paragraph (a).

MR. CHAIRMAN: Have you got the written amendment? If you have, I suggest if you read it. It should be clear.

MR. J. CARSTON SMITH: Mr. Chairman, if I understand it right this amendment by the Honourable First Official Member would delete the proviso that was....

MR. CHAIRMAN: That is quite right. It would delete the whole of (a) starting (a) by the deletion and ending "such licence". All of that would come out.

MR. J. CARSTON SMITH: In other words I would say it would return to the original state as it was in the beginning?

MR. CHAIRMAN: That is quite right.

MR. BENSON O. EBANKS: Yes but, Mr. Chairman, I am not satisfied having sat in the Committee, that this proposed amendment is the wish of the Committee or of the House.

MR. CHAIRMAN: With respect that is what people will vote on in a minute.

MR. BENSON O. EBANKS: Yes, well, can I speak to the proposed amendment then?

MR. CHAIRMAN: Of course you can, yes.

MR. BENSON O. EBANKS: Mr. Chairman, I tried at one point to make an explanation on this and say that you know there was some very adroit footwork between the Committee room and the floor of the House. Because what was basically agreed by Members in the Committee was discussed in the debate.

Now my compromise to this action as it stands was to meet the wish of what I thought was the majority of Members, but if this proposed amendment is carried it seems to me that we are saying that any type of licence including general retail licences would be able to be issued to premises notwithstanding the fact that they are within a quarter of a mile of a church. It is my feeling that the "quarter of a mile" is reasonable in the case of general retail licences. My sympathy is with the new type of licence which has been introduced in the Bill, that is the restaurant wine and beer licence and I would

MR.BENSON O. EDANKS (CONTINUING): respectfully submit that an amendment which would remove the absolute prohibition against those types of licences being issued within a quarter of a mile's distance of a church be inserted in this Clause.

MR. CHAIRMAN: Could I interrupt because it is 4.30 p.m., and because it is 4.30 p.m. the Member will have, if he wishes it, an opportunity when we continue tomorrow to move an amendment to the amendment. There is nothing against that and I would give you permission to do so and you will have overnight to draft it if you wish, to find out whether others will be likely to support you.

MR. BENSON O. EDANKS: I will do that, Mr. Chairman.

MR. CHAIRMAN: But it is 4.30 p.m. and therefore the House will resume in order that the adjournment may be moved.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow morning, Sir.

MR. PRESIDENT: The motion before the House is that this House do now adjourn until 10.00 a.m. tomorrow morning. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED! AT 4.32 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., FRIDAY, 7TH SEPTEMBER, 1984.

FOURTH MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
FRIDAY, 7TH SEPTEMBER, 1984

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR C PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN B McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN M BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON G HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBER

MR J CARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BENSON O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MABRY S KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CHADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE.

ORDERS OF THE DAY

FOURTH MEETING OF THE (1984) SESSION
OF THE
LEGISLATIVE ASSEMBLY

FRIDAY
7TH SEPTEMBER, 1984

1. QUESTIONS

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 65: WILL THE MEMBER STATE THE TOTAL AMOUNT OF STAMP DUTY COLLECTED ON LAND TRANSFERS FROM THE 1ST DAY OF JANUARY TO THE 31ST DAY OF AUGUST, 1984?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 66: WILL THE MEMBER STATE WHAT ACTION HAS BEEN TAKEN TO SEE THAT THE DRESS CODE IS OBSERVED?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 67: THE AUDITOR GENERAL IN HIS REPORT OF 31ST DECEMBER, 1983, STATED THAT CAYMAN AIRWAYS LIMITED HAS A SHAREHOLDERS' DEFICIENCY, PROBABLY IN EXCESS OF US$8 MILLION AS OF THE 30TH NOVEMBER, 1983.
WILL THE MEMBER STATE WHAT ARRANGEMENTS HAVE BEEN MADE TO MEET THIS DEFICIENCY?

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 68: WILL THE MEMBER STATE WHAT PROGRESS HAS BEEN MADE REGARDING THE SURVEY AND GAZETTING OF THE BLUFF ROAD ON CAYMAN BRAC?

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 69: WOULD THE MEMBER GIVE A PROGRESS REPORT ON THE WATER AND SEWERAGE PROJECT?

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 70: WILL THE MEMBER STATE HOW MANY CAYMANIANS ARE PRESENTLY SERVING TIME IN JAMAICA'S PRISONS FOR CRIMES COMMITTED IN THAT COUNTRY?

3. GOVERNMENT BUSINESS

BILLS:-

COMMITTEE THEREON

(i) THE STAMP DUTY (AMENDMENT) BILL, 1984
(ii) THE COMPANIES (AMENDMENT) (NO.2) BILL, 1984

HOUSE RESUMES

REPORTS THEREON"

(i) THE STAMP DUTY (AMENDMENT) BILL, 1984
(ii) THE COMPANIES (AMENDMENT) (NO.2) BILL, 1984

THIRD READINGS

(i) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984
(ii) THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984
(iii) THE STAMP DUTY (AMENDMENT) BILL, 1984
(iv) THE COMPANIES (AMENDMENT) (NO.2) BILL, 1984

SECOND READING

THE CAYMANIAN PROTECTION BILL, 1984

COMMITTEE THEREON

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984
(ii) THE CAYMANIAN PROTECTION BILL, 1984

HOUSE RESUMES

REPORTS THEREON

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984
(ii) THE CAYMANIAN PROTECTION BILL, 1984

THIRD READINGS

(i) THE LIQUOR LICENSING (AMENDMENT) BILL, 1984
(ii) THE CAYMANIAN PORTECTION BILL, 1984

TABLE OF CONTENTS

	PAGE
Questions	1
The Stamp Duty (Amendment) Bill, 1984 - Committee Thereon	17
The Companies (Amendment) (No.2) Bill, 1984 - Committee Thereon	18
The Stamp Duty (Amendment) Bill, 1984 - Report Thereon	18
The Companies (Amendment) (No.2) Bill, 1984 - Report Thereon	18
The Supplementary Appropriation (1982) Bill, 1984 - Third Reading	18
The Supplementary Appropriation (1983) Bill, 1984 - Third Reading	18
The Stamp Duty (Amendment) Bill, 1984 - Third Reading	19
The Companies (Amendment) (No.2) Bill, 1984 - Third Reading	19
The Liquor Licensing (Amendment) Bill, 1984 - Committee Thereon	19
The Liquor Licensing (Amendment) Bill, 1984 - Report Thereon	42
The Liquor Licensing (Amendment) Bill, 1984 - Third Reading	42
Adjournment	43

FRIDAY, 7TH SEPTEMBER, 1984

10.05 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed but before I invite the appropriate Member to ask the first question I would like to explain two minor points about today's Order Paper to the House.

The first is that although we were part of the way through the Committee stage on the Liquor Licensing (Amendment) Bill, 1984 when we adjourned yesterday afternoon you will find that certain other Bills have been put on the Order Paper to be taken before we resume the Committee stage on the Liquor Licensing (Amendment) Bill, 1984. In other words we would be starting in dealing with Committee stages of the Stamp Duty (Amendment) Bill, 1984 and the Companies (Amendment) (No. 2) Bill, 1984, report stages of them and third readings of those two and of two other Bills. This is because I understand that the Financial Secretary, the Honourable Third Official Member has a commitment to travel overseas on official business leaving tomorrow, and I thought it would be convenient for him and for the House if Bills for which he had been responsible were completed before his departure.

That is the first point I was going to make. The second was that it had been my intention that on the completion of the third readings of the four Bills I just mentioned we should resume the Committee stage of the Liquor Licensing Bill and then continue with the report stage and the third reading of that Bill before we embarked on the Caymanian Protection Bill. Because I thought probably it would be more convenient for Members to finish the one Bill before we embarked on the major task of the other.

The Order Paper, probably because I did not make my proposals clear enough to the staff, does not quite reflect that but subject to the agreement of Members I would intend, when the time came, to do what I originally proposed, that is to continue with the Liquor Licensing (Amendment) Bill, 1984 Committee stage and further stages before we embark on the Protection Bill.

So may I now invite the Third Elected Member for George Town to ask the first of today's questions.

QUESTIONS

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

No. 85: Will the Member state the total amount of stamp duty collected on land transfers from the 1st day of January to the 31st day of August, 1984?

ANSWER: The stamp duty collected from 1st January, 1984, to 31st August, 1984, is CI$4,096,988.00.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: A supplementary, Sir.

Could the Member state how does this amount compare with the same period last year?

HON. THOMAS C. JEFFERSON: Mr. President, I am not able to say how it compares with January, 1983 to August, 1983, but I am able to say that the actual collections in 1983 were $5,499,907.00.

MR. BENSON O. EBANKS: Supplementary, Mr. President. Could the Member state whether these figures have been audited?

MR. PRESIDENT: I would have thought that the Member must know the answer to that, that the Audit Report does not come out until the end of the year's accounts have been completed.

MR. BENSON O. EBANKS: Yet, Mr. President. I could not put the matter straight without making a statement so I bow to your ruling.

MR. PRESIDENT: Unless there is any further supplementary I will invite the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

No. 66: Will the Member state what action has been taken to see that the dress code is observed?

ANSWER: The Department of Tourism in conjunction with the Government Information Service has distributed a special pamphlet explaining the dress code. Those pamphlets have been distributed locally and overseas. A supply has also been sent to all cruise ship lines serving the Cayman Islands, to be given to passengers before coming ashore in Grand Cayman.

MR. PRESIDENT: Unless any Member has a supplementary I will invite the....

SUPPLEMENTARY:

MR. BENSON O. EBANKS: Mr. President, I have a supplementary, Sir.

Could the Member state if when he states that the pamphlets have been distributed locally that that includes Cayman Brac and Little Cayman.

HON. JAMES M. BODDEN: As far as I am aware, Mr. President, the Cayman Islands are made up of three islands, namely Grand Cayman, Cayman Brac and Little Cayman, and I think they have all been in the past looked at as being called "locally".

MR. PRESIDENT: Unless there is any further supplementary I will invite the First Elected Member for the Lesser Islands to ask the next question.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

No. 67: The Auditor General in his Report of 31st December, 1983, stated that Cayman Airways Limited has a Shareholders' deficiency, probably in excess of US$8 million as of the 30th November, 1983.
Will the Member state what arrangements have been made to meet this deficiency?

ANSWER: The Auditor General's statement was in respect of the airline as a whole and not just Cayman Airways Limited. The airline as a whole comprises Cayman Airways Limited and Cayman Air Holdings Limited.
It would not be prudent at this time to release publicly the many different avenues that could be available to handle this matter.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Supplementary, Mr. President. Would the Member state that action is in hand to correct this unsatisfactory position?

HON. JAMES M. BODDEN: The airline's condition is being monitored daily.

CAPT. CHARLES L. KIRKCONNELL: Supplementary, Mr. President. Could the Member state whether the financial situation of Cayman Airways has improved or deteriorated since November, 1993?

HON. JAMES M. BODDEN: Mr. President, the answer to that would entail a long debate because it depends which way you look at certain things in regards to the operation of the airline.

MR. BENSON O. EBANKS: Mr. President, supplementary, Sir. I would have thought that would have been a simple question to answer inasmuch as he said it is monitored daily.

MR. PRESIDENT: You must ask a question not make a statement. You could rephrase what you are saying to make it into a question.

MR. BENSON O. EBANKS: Would the Member state why would it have to entail a debate since he says that the accounts are monitored daily.

HON. JAMES M. BODDEN: Mr. President, the airline has had very good load factors in the last few months. The first part of the year the load factors were not that good. We have had problems with charters and so forth. Then you have to take into consideration the payment on the aircraft, the depreciation and everything else so it depends which way you look at it as to how it has improved. I tried to give as much information as I could yesterday and that is about as far as I can go at this point.

MR. CRADDOCK EBANKS: Mr. President, could the Member say what the load factor might be more or less around this time?

MR. PRESIDENT: I am not truly sure that that arises from the answers to the question but at the risk of getting myself into the trouble I have got myself and the House into before through being over liberal, if the Member is willing to answer and other Members are willing not to stray much further, then I will allow the Member to answer this one.

MR. CRADDOCK EBANKS: To eliminate straying I would withdraw, Sir.

HON. JAMES M. BODDEN: I will be glad to answer the question, Mr. President. I spoke in this House yesterday and said that we should all hope that we would have a good September and a good

HON. JAMES M. BODDEN (CONTINUING): October because they are always the lean months of the year in regards to travel. Well, I think we need to get down on our knees and pray a bit because we have a lot of people in here that appear to pray a bit. Yesterday on one trip from Miami, Sir, the load factor was 47, not 47 per cent but 47 people. On the other one it was a little over 100. So I will ask the Members to help me with my arithmetic and see if that is a break even position.

MR. PRESIDENT: Before I tempt anybody to go too far I think we might pass to the next question. The First Elected Member for the Lesser Islands.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

No. 68: Will the Member state what progress has been made regarding the survey and gazetting of the Bluff road on Cayman Brac?

ANSWER: Survey is in progress, but due to the workload in connection with the resurfacing of the airport and the difficult trailing on the Bluff, the survey will not be completed until end of the year.

MR. PRESIDENT: Unless any Member has a supplementary I will invite the First Elected Member for George Town to ask the next question.

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

No. 69: Would the Member give a progress report on the water and sewerage project?

ANSWER: The Water Authority has been operational for just over two years. In that time much preparation has been carried out in order to develop public water supply and sanitation in such a way as to be acceptable to the people of these Islands, where the provision of these facilities is an unfamiliar concept. Initially the Authority was made aware that the people were suspicious of public systems. It is believed that this attitude is now changing and people are realising the worth and urgent need for a pure, affordable water supply and a system to deal with the disposal of sewage. Both of which the Water Authority has shown can be provided with the right level of investment and at an affordable cost to the user.

It must be realised that the construction cost of these systems is high and it is inevitable that for the first few years, until substantial systems are provided, this cost will require partial subsidy. It has been shown, that in the long term it can be financially viable. The competing priorities of Government expenditure has meant that up until now water and sanitation has not received the level of investment it warrants. It is now time that the development of this sector receives high priority.

The two years of operation have seen the enactment of the Water Authority Law; Regulations have been written; a development plan has been proposed; comprehensive ground water quality monitoring programmes in George Town, East End and Cayman Brac have been established and are on-going.

ANSWER TO QUESTION NO.89 (CONTINUING):

A thorough water resources investigation in the Lower Valley lens area has been completed and that lens is now fully developed, providing a pure and low cost supply of water to the truckers. This development has removed the former risk of the destruction of this resource, it is also meeting its operational costs, ground water resource monitoring programmes have been intensified and rationalised and are now established such that proper control of the water resources is possible.

A water resources investigation of the East End lens has commenced on its south east part, presently this part of the lens is being developed to provide a water supply to a reservoir and treatment works just north of Old Isaacas. This work will be completed before the end of the year. It is hoped that funds will be made available in 1995 to extend this development to a piped distribution to households in East End. The funding for the initial development of the East End lens, although placed in the Authority's 1994 estimates, was not approved and it was only after Finance Committee approved a supplementary expenditure, this work could go ahead.

I may add (although this is not in the answer on the paper), that Finance Committee in approving these supplementary funds, conditioned it on the funds being made available by virring funds in the Estimates for other projects to the water scheme in East End. I have now been informed that no Department was willing to give up any funds for the East End Scheme, and it is my understanding that the Finance Committee will be calling a meeting of Finance Committee to try to determine whether the Finance Committee will now make available the money which has been sought for this scheme. Whether we can proceed or not will depend on whether Finance Committee will put its money where its mouth has been for a long time to develop the water scheme.

I continue to read -

The Authority in conjunction with the Public Health Department has now identified and partially quantified the water supply problems in George Town, although predicting demands accurately is difficult. In view of the urgent need for a safe supply of water in many areas of the capital, the Authority is currently investigating and reviewing the practicality of satisfying this need, in the short term, by the provision of desalted water. This is despite the fact that the least cost water is that provided by ground water development, even though the main resource is as distant as East End.

However, the initial capital cost of developing East End and piping the water to George Town is high, in the order of $15 million. Unless Government is able to sanction this level of investment, then the only solution is to opt for the lesser investment, but higher cost water provided by desalination. Even if this latter option is selected then the long term goal of developing ground water as the basis of the supply must still be promoted.

Approximately one million gallons per day of good quality ground water is available. This quantity will be available forever or for as long as rainfall keeps at its historical levels. At the present rate of development, it is estimated that this will meet demands up to the year 2000, after that time the extra demand will be met by water production. The provision of desalinated water in George Town initially will be a reshuffling of the plan that was initially proposed.

The Authority anticipates that the investigation and project preparation for the first phase of a distribution to George Town, based on distillation, will be complete by next year and subject to approval and financing, construction would proceed at the beginning of 1996.

At the same time development of the ground water resources will continue, with the long term plan of piping ground water as far as to George Town and West Bay.

It is planned in 1985 to better quantify the resources in Cayman Brac and, should it appear feasible, to construct a small well field and treatment works and reservoir to at least provide an emergency supply of water.

The sewerage for the West Bay Road and the sewage treatment works is proceeding behind schedule. Various delays have been caused by the unavailability of staff, the selection of a site for the treatment works, and the absolute lack of data necessary to carry out the design. The latter two problems have been resolved; Government has purchased the only suitable site, which will be shared with the garbage dump. The collection of design data has been a mammoth task, as not only is it necessary to determine existing levels of sewage generation, it is also necessary to predict future development and where that development will take place. For example, the proposed development of the golf course, if it goes ahead as planned, could double the sewage flow of the West Bay Road; the same applies to other proposed developments. A pumped sewerage system can only be over designed to a certain degree. In order to minimise operational problems and cost, it is very important that the basis of the design is correct.

The design is now almost complete and it is hoped, providing staffing problems are resolved, that project preparation will be sufficiently advanced to take to the Caribbean Development Bank towards the end of this year. Earlier discussions with the Bank were promising and there would appear no problems as far as funding is concerned.

The contract documents should be ready for tendering early in 1985 and with the provision that the letting of mechanical and electrical contracts do not substantially affect the civil works, then construction could commence towards the middle of 1985. Contract duration is anticipated to be two years.

The provision of systems to provide public water supply and sanitation is not a small task; it cannot be achieved without a long term plan and without an investment commitment.

For the Authority to develop efficiently, it needs the acceptance of its development plan and it needs the right level of staffing. Presently all this work is being carried out by a small staff, with only one engineer and a trainee draughtsman available to work in the West Bay Road sewerage. In 1985 it is proposing a different form of funding project preparation which will allow more ability and greater flexibility without the build up of a large permanent staff.

In addition to capital development, the Authority is also involved with building development control, water resource licensing, maintenance and operation of existing works and pollution control.

SUPPLEMENTARIES:

HON. CHARLES L. KIRKCONNELL: Supplementary, Mr. President. Could the Member say specifically what has been done with regard to Cayman Brac. That is how far have they advanced with their programme?

HON. G. HAIG BODDEN: Mr. President, my information is that in Cayman Brac a survey has been carried out and copy of this can be made available to Members. The five wells have been investigated and together with an earlier report we are almost certain that there is some ground water in Cayman Brac which can be developed for commercial use. I must admit that the work in Cayman Brac has not been very expensive so far.

MR. BENSON O. EBANKS: Mr. President, a supplementary, Sir. On page 2, paragraph 3 it refers to the fact that the Authority placed funds in its estimates for 1984 for the development of the East End lens but it was not approved. Could the Member state at what point these funds were not approved in the estimates? Were they at portfolio level or where, Sir?

HON. G. HAIG BODDEN: Honestly, Mr. President, I do not remember but I know the funds were cut completely from the estimates and I have a feeling that it may have been at Finance Committee stage, but I am not positive.

MR. PRESIDENT: I think the questioner should be able to find out if it was at Finance Committee stage.

HON. G. HAIG BODDEN: I am informed by the Honourable First Elected Member of Executive Council that it was in Finance Committee. In fact I remember that very clearly now because the Member informs me that it was in my absence. When I came back I discovered that every request that I had made for my portfolio had been taken from the estimates and this was one of them that I was very annoyed about, and was surprised that Members of Finance Committee should treat the matter so lightly.

MR. BENSON O. EBANKS: Supplementary, Mr. President. I wonder if the Member would refresh his memory from the Minutes of that Finance Committee and upon so doing, inform this House whether those funds were not withdrawn from the proposal rather than cut?

HON. G. HAIG BODDEN: Mr. President, Members will know that during the Budget session I had been away for about three weeks and I think the Member asking the question is probably being pricked by his conscience now. He should have demanded that these funds be supplied. You see, Mr. President, what happens in Finance Committee is that every Elected Member gets up in the House and says "Government are spending too much money; Government must cut the Budget". But every Member comes with a long shopping list to get something for his district and, of course, things done in the district provide votes in the district. When it comes to national projects it is always difficult to get a commitment for funds. We are seeing it here. When we brought it back to Finance Committee some time ago as mentioned in this report, to get supplemental funds to start the development of the East End lens, what did Members of Finance Committee do? They said "you can have the approval of the $50,000 which we were seeking providing the Financial Secretary can find a way of taking it from some other Department or some other funds within your estimates". I had to accept the condition imposed by Finance Committee. Now today the Financial Secretary will be holding a Meeting of Finance Committee to report that he was unable to vire the funds, and we are back to square one. I am annoyed that I am not getting the support of the Third

HON. G. HAIG BODDEN (CONTINUING): Elected Member for West Bay to get these funds; I hope today that he will vote them, and that in future whatever he says in his debate on the Budget will be maintained in Finance Committee.

MR. BENSON O. EBANKS: Supplementary, Mr. President. Is the Member suggesting that I as a mere Member of the Legislative Assembly should insist that an amount which was withdrawn from the estimates as I understand it, by the authority of the portfolio, should be kept in the estimates?

HON. G. HAIG BODDEN: The simple answer is yes, but it goes beyond that. Members know that in Finance Committee the emphasis is placed on getting things for "my constituency". In the Legislative Assembly we get up and make glorious speeches about the overall good of the country, the water supply, Cayman Airways and so on, but when it comes to actual facts things of national interest are given very low priority by certain Members, not by all Members but by a few Members. I would hope that when we go to Finance Committee today I will have the support of the Third Elected Member for West Bay in getting the money which we need to go ahead with this project.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. In his answer the Member states that the Authority needs acceptance of its development plan to proceed. Could the Member enlighten the House who is supposed to accept this plan. Is it the Government, is it the portfolio, or is it some outside agency?

MR. PRESIDENT: Could you help me by just referring to the page and paragraph where the acceptance point is made because it is rather a long answer.

MR. BENSON O. EBANKS: Page 6, Mr. President;

> "For the Authority to develop efficiently it needs the acceptance of its development plan."

HON. G. HAIG BODDEN: Well, I think, Mr. President, the answer to that is very clear when one reads the first paragraph of the Report. About the middle of the paragraph it says:

> "Initially the Authority was made aware that the people were suspicious of public systems. It is believed that this attitude is now changing and people are realising the worth and urgent need for a pure, affordable water supply and a system to deal with the disposal of sewage. Both of which the Water Authority has shown can be provided with the right level of investment and at an affordable cost to the user."

And then on the final page it is summed up by saying:

> "For the Authority to develop efficiently, it needs the acceptance of its development plan and it needs the right level of staffing."

This simply says that we want acceptance from the public, from the Members of the House, from Government as a whole of what is necessary. For example, we had a case when we developed the well field in Lower Valley. I hope I will have time to finish this answer because it is very long. When we developed the well field in Lower Valley we

HON. G. HAIG BODDEN (CONTINUING): thought we had done a good thing. The Press started out by spreading propaganda which hurt the Water Authority. Sales actually fell in Lower Valley when the Herald was spreading its propaganda that the Pop Shop had stopped using the water when the Pop Shop had never used it; when the Herald was spreading its propaganda that the water was unfit for human consumption, when all the tests showed that the water was well above the world health level. This type of propaganda actually hurt the revenue of the Water Authority. The revenues fell during that period and this is what has been going on. People were on the outside telling other people "You should not use this and you should not do this. You should not let them do this". This is what I am talking about when we say that we need acceptance. I would like not only the Third Elected Member for West Bay but other Members to go out on their platforms and give this portfolio the credit which it deserves for initiating a programme which is of vital importance.

I have seen the Water Reports completed by the Public Health Department on George Town, and the Water Report completed in East End and those Reports really give cause for alarm. And I think with the Members who have been elected by the public criticising on the sly, I call it, the portfolio for its valiant effort we can never achieve the public's acceptance. I am looking forward to hearing that when the Third Elected Member for West Bay has his next political meeting that instead of criticising me he has a good word for the Water Authority.

HON. BENSON O. EBANKS: Supplementary, Mr. President. Since the Member obviously does not understand that sentence...

HON. G. HAIG BODDEN: Is this a statement, Mr. President, or a question?

MR. PRESIDENT: We will see.

MR. BENSON O. EBANKS: I am leading up to a question, Mr. President. Since the Member obviously does not understand that statement on page 4 about the acceptance of the Development Plan would the Member undertake to go to the Chairman of the Water Authority after this Meeting and ask him to explain what he means by that?

MR. PRESIDENT: I do not think that that is a permissible supplementary because it contains a statement, or it starts with a statement that does not seem to me to be justified.

MR. BENSON O. EBANKS: Could I ask a further supplementary, Mr. President? Would the Member state if the piece of land purchased for the sewerage treatment plant is a piece of land for which we were told in this Meeting, Government paid $315,000 in excess of the valuation placed by the valuator in the Lands Department?

HON. G. HAIG BODDEN: The piece of land purchased for the sewerage scheme is the parcel of land mentioned in the question before the House. The idea that the piece of land cost $315,000 more than the valuation put by the Lands Officer is subject to much speculation. Actually, the truth about the land is that it was valued by a Real Estate dealer for over half a million dollars which was less than the price paid for the adjacent properties bought by Mrs. Harquil. So it was considered that the price paid for this piece of land for the sewerage system was a good price.

HON. G. HAIG BODDEN (CONTINUING): It is true that a new Lands Officer said that this piece of land which we bought for $390,000 was only worth $75,000 but I would like to see anybody go out in central George Town and purchase 30 acres of land for $75,000. To my mind it was the height of nonsense to even bring a question like that because everybody knows the value of land. The purchase of the land was a fair price. The land area is a total of 30 acres and at a price of $290,000 would put it at around $10,000 per acre, which was a fair price. It is only because the land was purchased from Mr. George Seymour who is a strong supporter of this Government that it has come under criticism.

Furthermore, Mr. President, I would like to add that when the Members approved the purchase in Finance Committee they were satisfied with the price and they have only raised it now on the eve of the election.

MR. PRESIDENT: I think that I shall not allow further supplementaries about a matter which has already been the subject of a specific question, and shall end these supplementaries. So unless there is any supplementary on a different aspect of the Member's progress report I shall ask in order that we can complete the questions on the Order Paper, and we have just time to do so, the First Elected Member for George Town to ask the last question.

THE FIRST ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 76: Will the Member state how many Caymanians are presently serving time in Jamaican prisons for crimes committed in that country?

ANSWER: I only have knowledge of one Caymanian presently serving time in a Jamaican prison for a crime committed there.

SUPPLEMENTARIES:

MR. W. NORMAN BODDEN: Supplementary, Mr. President. Could the Member state whether Government would consider making an approach to the Jamaican Government with a view to negotiating the prisoner's return to serve his time in the Cayman Islands?

HON. DENNIS H. FOSTER: Mr. President, unfortunately Jamaica has no legislation which provides that the prisoner could be sent back here to serve his sentence, but if it is the wish of the Legislature we could explore the possibility of such legislation which could be used even in the future.

MR. BENSON O. EBANKS: Mr. President, a supplementary, Sir. Has the Member forgotten the undertaking given to this House when the Prison Law was introduced that such an agreement would be formalised with Jamaica for the exchange of prisoners? That is Jamaica would take their persons committing crimes in Cayman, and we would take our persons committing crimes in Jamaica. That assurance was given in this House many years ago.

HON. DENNIS H. FOSTER: Mr. President, we do send the Jamaicans convicted here to the Jamaican prisons, Sir, but when a Caymanian is convicted in Jamaica they have no legislation whereby they can send that person to the Cayman Islands.

MR. PRESIDENT: Perhaps it will help if I comment that if indeed an assurance was given that we would seek to negotiate with Jamaica an arrangement whereby they would send any Caymanians convicted in their courts to serve prison sentences to these Islands, then we can certainly seek to negotiate such an arrangement now, but we cannot promise that it will be negotiated. It depends upon the agreement of the Jamaican authorities. Moreover, local legislation would have to be passed too to enable this to be done. If a Caymanian prisoner came here today who had been sentenced by a Jamaican court to continue serving his term of imprisonment, we could not accept him into the prison because our law would not provide for him to be so accepted.

Now there would be no problem, if it were the wish of the House, in changing our Law. I just want to make clear that the position is that firstly we should have to get the Jamaican Government to agree to do this, and secondly we should have to change our Law. The possibility of doing both those things can clearly be explored.

HON. DENNIS M. FOSTER: Mr. President, the Member has the assurances which he referred to mixed up, Sir. The assurance that was given was that when the prison was completed here we would take back to Cayman all Caymanian prisoners who were sent to Jamaica to serve their sentence, Sir. And we did that.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Then the Member is saying that there are no other Caymanian prisoners in Jamaica except the one who was convicted in Jamaica?

HON. DENNIS M. FOSTER: No, Mr. President, I am not saying that at all. I am saying that this was a Caymanian who was convicted of a crime committed in Jamaica and is serving a sentence in Jamaica.

MR. CRADDOCK EBANKS: Mr. President, may I ask the Member then how many other Caymanians may be serving time in Jamaica?

MR. PRESIDENT: Do you mean Caymanians who were convicted here in Cayman?

HON. DENNIS M. FOSTER: Mr. President, that is a different question but as far as I know we have none now.

MR. W. NORMAN BODDEN: Mr. President, supplementary. It is realised that there is only one prisoner involved but this prisoner of course is important to his family too, and my supplementary is to ask that we be given the assurance that the matter will be further investigated.

HON. DENNIS M. FOSTER: I think I can give the Member that assurance, Sir.

MR. PRESIDENT: By inadvertence we have strayed, it is my fault, beyond 11 o'clock no question time must now end.

BILLS

MR. PRESIDENT: The House will now go into Committee to study a Bill entitled The Stamp Duty (Amendment) Bill, 1984 and one other Bill.

COMMITTEE THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1984

MR. CHAIRMAN: Please be seated.
The House is now in Committee. A Bill for a Law to amend the Stamp Duty Law, 1973.

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. Unless any Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: CLAUSE 2. AMENDMENT OF SCHEDULE OF LAW 5 OF 1973.

MR. CHAIRMAN: I think before I invite debate on this question I would just point out to Members, I have certainly had and I think all Members have had copies of a Notice of Amendment to Clause 2. I am assuming that the Honourable Third Official Member has sought or intends to seek my leave in accordance with the provisions of Standing Order 52(2) to move an amendment of which two days notice has not been given. I think I am right, we have not had two days notice, but I certainly give leave.

HON. THOMAS C. JEFFERSON: Yes, Mr. Chairman. I would like to move an amendment to Clause 2:

> that paragraph (c) of Clause 2 be amended by the deletion of the words "no charge to duty" in the second line thereof, and the substitution therefore of the words "a charge to duty in the sum of seventy-five dollars".

QUESTION PROPOSED: DEBATE ENSUED

MISS ARNIE H. BODDEN: Mr. Chairman, presently what we call a Deed of Gift requires to be stamped with a twenty dollar stamp or there is a collection fee of twenty dollars. I personally think that if we increase that thirty dollars more and make it fifty dollars, that would be reasonable. I will agree, Sir, that there is a lot of Stamp Duty which has never been collected through the same wording of "natural love and affection", which I am sure is not exactly how it should have gone. Nevertheless, I feel now that there are a lot of poor people involved in this Deed of Gift business and a fee of fifty dollars in my opinion would be very reasonable. The rich could pay the seventy-five dollars without any question, but personally I feel that fifty dollars is an equitable amount for this.

MR. W. NORMAN BODDEN: I support the views expressed by the Lady Member and I feel that the amount should be fifty dollars as well instead of seventy-five as the amendment proposes.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I concur, Sir. This is what we agreed to, fifty dollars, verbally and I see seventy-five here in writing. So fifty dollars is what I would recommend.

MR. BENSON O. EBANKS: So say we all, Sir.

HON. JOHN B. McLEAN: Mr. Chairman, subject to what our colleague the Honourable Third Official Member thinks we feel it is all right for fifty dollars, too.

HON. THOMAS C. JEFFERSON: I am in agreement with the amendment from seventy-five dollars to fifty dollars, Mr. Chairman. I realise of course that on many occasions Stamp Duty is not going to be collected. There are cases where it is said that a brother is giving a parcel of land to a brother for "natural love and affection" and no money has exchanged hands. My years of dealing with this suggests to me that that statement, although you may have an affidavit, it is not in all cases a hundred per cent true. Thus the reason for placing some charge, some higher charge on the "natural love and affection" section.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, while this may be true in one or two cases we are dealing on a whole, and I do not think that it is correct to say that everybody who gives for "natural love and affection" is trying to avoid paying what is due to Government.

HON. THOMAS C. JEFFERSON: Mr. Chairman, I was not suggesting that it is everybody doing it.

MR. CHAIRMAN: I think we have got to a point where there is a fairly general feeling that "fifty" should be substituted for the "seventy-five". I am not quite sure whether the mechanics are going to be that somebody moves an amendment to the Honourable Third Official Member's amendment, or whether he himself seeks leave, which I would grant, to alter his own amendment. All that needs to happen is that the figure "seventy-five" gets changed to "fifty" I think. Do you want to take responsibility for altering it yourself or would you prefer somebody else to move an amendment?

HON. THOMAS C. JEFFERSON: Mr. Chairman, I would prefer that someone else moves the amendment.

MR. CHAIRMAN: I wonder whether the Third Elected Member for George Town who first made the proposal would move it? I would be quite willing to grant permission to you to move an amendment of which notice has not been given if you wish.

MISS ANNIE R. HODDER: Mr. Chairman, I move an amendment that the amount of "seventy-five dollars" be reduced to "fifty dollars", Sir.

MR. CHAIRMAN: I think what you will have to do is to move an amendment that the amendment proposed by the Honourable Third Official Member be itself amended by deleting the words "seventy-five" and substituting therefore the word "fifty". Subject to the advice of the Honourable Second Official Member I think that would achieve the purpose, and I think there would probably have to be a seconder to your motion.

CAPT. CHARLES L. KIRKCONNELL: I second it, Sir.

MR. CHAIRMAN: It is not necessary in Committee the Clerk tells me. So are you content with the amendment to the amendment that I, as it were, put into your mouth?

MISS ANNIE H. BODDEN: Mr. Chairman, I propose, Sir, an amendment to the amendment suggested by the Honourable Third Official Member, that the amount of "seventy-five dollars" be reduced to "fifty dollars", Sir.

MR. CHAIRMAN: I think we will have to get the wording slightly different because what you have to move is that the amendment proposed by the Honourable Third Official Member be amended by deleting the words "seventy-five" and substituting for them the word "fifty", and if you are content to accept that wording...

MISS ANNIE H. BODDEN: I am very content to put that in, Sir. Shall I repeat my....

MR. CHAIRMAN: No, I do not think you need to repeat it. I think we have got it straight now.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I am just slightly worried for the future about the manner in which this proposal is being put forward. As I see it in our Standing Orders there is no direct reference to any amendment to an amendment, and I think what Members are proposing is that the substantive clause be amended in a different manner. The way I have been used to it, Sir, is if the proposer of an amendment is willing to incorporate a change into his own substantive amendment it is acceptable enough, but we could get to a stage sometime where great confusion be caused when there would not only be an amendment to an amendment, but an amendment to the amendment of the amendment and so on. I think that I personally would like your guidance as to the policy for future occasions, not necessarily now.

HON. DENNIS M. FOSTER: But, Mr. Chairman, that is what we do in Committee stages...

MR. CHAIRMAN: I think we have amended amendments in the past in Committee stage. I do take your point that....

MR. BENSON O. EBANKS: It is covered by Standing Order 52, Mr. Chairman.

MR. CHAIRMAN: Which part of 52?

MR. BENSON O. EBANKS: 52(10).

HON. MICHAEL J. BRADLEY: Standing Order?

MR. BENSON O. EBANKS: 52. Five two.

HON. DENNIS M. FOSTER: Subsection (10), Sir, of 52.

HON. MICHAEL J. BRADLEY: My attention, Sir, has been drawn to 27(1) which in fact shows that you can amend an amendment.

MR. CHAIRMAN: I think we have amended amendments before in Committee. I do take your point that if we were going to amend amendments to amendments and then amend them too, we could get into a tangle, and we have to be very careful.

HON. MICHAEL J. BRADLEY: I think this was my worry and on the reading of 27 I think an amendment may be amended once.

HON. TRUMAN M. BODDEN: Mr. President, this is the point I was going to make. You can only have a second generation amendment, you cannot go beyond that so to speak.

MR. CHAIRMAN: Well, if we have that built in safeguard I think we are better off than I thought. I will then rule that an amendment to an amendment is permissible under our Standing Orders; that the motion proposed by the Third Elected Member for George Town is consequently acceptable, and that motion which is to amend the amendment proposed by the Honourable Third Official Member in a sense that will have the effect of making the charge be fifty dollars rather than seventy-five as he proposed, or no charge as the original Law said.

I will now allow debate on the amendment to the amendment if any Member wishes to speak. If not I will put the question that the amendment of the Honourable Third Official Member be itself amended in the sense proposed by the Third Elected Member for George Town.

QUESTION PUT: AGREED. AMENDMENT TO AMENDMENT PASSED.

MR. CHAIRMAN: We now come to debate the amendment of the Honourable Third Official Member as amended. If any Member wishes to speak he may do so, he or she. If not I will put the question that the amended amendment do stand part of the Bill.

QUESTION PUT: AGREED. AMENDMENT AS AMENDED PASSED.

MR. CHAIRMAN: We now come to Clause 2 as amended.

MR. BENSON O. EBANKS: Mr. Chairman, yesterday in second reading I raised a question on the 65 per cent figure in Clause 2(b). I am prepared to allow this to move through without pressing my questioning of that and I will have that thrashed with the Honourable Third and Second Official Members afterwards, at a later date.

MR. CHAIRMAN: In other words you would make representations to them that both this Bill and the other Law to which we....

MR. BENSON O. EBANKS: Unless they can convince me that this is a reasonable figure, Sir. I would just like to know how it is arrived at, but I do not intend to pursue it here.

MR. CHAIRMAN: In that case, unless any other Member wishes to speak I will put the question that the amended Clause 2 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: THE STAMP DUTY (AMENDMENT) LAW, 1984.

MR. CHAIRMAN: The question is that the Title and Enacting Clause stand part of the Bill. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: We move next to a Bill for a Law to amend the Companies Law.

THE COMPANIES (AMENDMENT) (NO.2) BILL, 1984

CLERK: CLAUSE 1 SHORT TITLE

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 AMENDMENT OF SECTION 88(a).

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 128.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

MR. BENSON C. EBANKS: Mr. Chairman, I would just like to enquire whether the establishment of our own Court of Appeal is sufficiently advanced that we can with safety make this amendment.

MR. CHAIRMAN: Yes, we can. The part of the Constitution which creates our own Court of Appeal became operative from the 1st September. There was a proclamation which was issued I think in late March, I could not give it a precise date, which had the effect of bringing certain parts of the Order in Council amending our Constitution into effect on the 1st September. Some of the parts dealt with the election arrangments and others dealt with the Court of Appeal. I have appointed four persons, and I shall be announcing this in a day or two, but there is no reason why I should not announce it now to Members of the House, to be Members of our Court of Appeal and their appointments take effect from, in two cases the 1st and in two cases the 2nd September. The four persons are the present President of the Court of Appeal of Jamaica the Honourable Edward Zacca who will be President of our Court too, and I should like to express gratitude to the Government of Jamaica for agreeing that he and one other person whom I shall presently name might serve on our Court. A second Member of our Court will be the present Chief Justice of the Bahamas, and I should like to express similar gratitude to the Government of the Bahamas. He is the Honourable Professor Telford Georges. A third Member will be the Honourable James Kerr who is a Member of the Jamaican Court of Appeal and the fourth Member is Mr. Justice Henry a former Member of the Jamaican Court of Appeal from which he retired a while back. He is, I believe, although I am not absolutely certain of my facts, a Member of one or two other Courts of Appeal, perhaps Belize, possibly Bermuda or the Bahamas but essentially is now living in the United States.

Those are the four persons who will be the Members of our Court of Appeal. The expectation is, although no precise date has yet been set, that the Court will come here for its first session some time in late November

MR. CHAIRMAN (CONTINUING): which is roughly the time when the Jamaica Court of Appeal would have come had it still been our Court of Appeal. So the answer to your question which has enabled me to explain the full position to the House is that yes our Court of Appeal is in being.

MR. BENSON O. EBANKS: Thank you very much, Sir. If we do not ask we will not know.

MR. CHAIRMAN: Well, I hope I would have remembered to issue a statement to the press announcing the appointments. They have only just been completed.

That gets us back with apologies for the diversion, to Clause 3 of the Bill, and I will put the question that it stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: THE COMPANIES (AMENDMENT)(NO.2) LAW, 1964.

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

QUESTION PUT: AGREED. THE TITLE WAS PASSED

MR. CHAIRMAN: Before we move out of Committee perhaps I should just say in case it is necessary to say this again, that I am assuming, or have been assuming when we went through these two Bills that it would be the wish of the Committee that any necessary corrections to printing errors and the like should, in accordance with our normal practice, be made with our authority by the Honourable Second Official Member. I am not sure whether there are any but just for an abundance of caution in case there are I would like it recorded that the Committee agreed that he should make them. Is that all right?

HON. D.H. FOSTER: Agreed, Sir.

HOUSE RESUMED

MR. PRESIDENT: I think that before we resume proceedings it may be convenient to take our customary morning break so I will suspend proceedings for approximately fifteen minutes.

AT 11.29 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.53 A.M.

MR. PRESIDENT: Please be seated. Reports. The Stamp Duty (Amendment) Bill, 1984.

REPORTS THEREON

THE STAMP DUTY (AMENDMENT) BILL, 1984

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Stamp Duty Law, 1973, Law 5 of 1973, was considered by a Committee of the whole House and passed with the following amendment:-

> That paragraph (c) of Clause 2 be amended by the deletion of the words "no charge to duty" in the second line thereof and the substitution therefore of the words "a charge to duty in the sum of fifty dollars".

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

I think there has been a typing error in the Order Paper because Item 3(3) under the heading Reports should clearly be the Companies (Amendment) (No. 2) Bill, 1984.

THE COMPANIES (AMENDMENT)(NO.2) BILL, 1984

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Companies Law, Chapter 22 was considered by a Committee of the whole House and passed without amendment.

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

The next item is Third Readings.

THIRD READINGS

THE SUPPLEMENTARY APPROPRIATION (1982) BILL, 1984

CLERK: THE SUPPLEMENTARY APPROPRIATION (1982) BILL, 1984.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled The Supplementary Appropriation (1982) Bill, 1984 be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Supplementary Appropriation (1982) Bill, 1984 be given a third reading and passed. I will put the question.

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

THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984

CLERK: THE SUPPLEMENTARY APPROPRIATION (1983) BILL, 1984.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled The Supplementary Appropriation (1983) Bill, 1984 be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Supplementary Appropriation (1983) Bill, 1984 be given a third reading and passed. If no Member wishes to speak I will put the question.

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

THE STAMP DUTY(AMENDMENT) BILL, 1984

CLERK: THE STAMP DUTY (AMENDMENT) BILL, 1984

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled The Stamp Duty (Amendment) Bill, 1984 be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Stamp Duty (Amendment) Bill, 1984 be given a third reading and passed. Unless any Member wishes to speak I will put the question.

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

THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1984

CLERK: THE COMPANIES (AMENDMENT)(NO.2) BILL, 1984.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill entitled The Companies (Amendment) (No.2) Bill, 1984 be given a third reading and passed.

MR. PRESIDENT: The question is that The Companies (Amendment)(No.2) Bill, 1984 be given a third reading and passed. Unless any Member wishes to speak I will put the question.

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

MR. PRESIDENT: I did,I think,explain at the start of this morning's proceedings that I proposed to adjust the order in which items appeared in the Order Paper so that we could take the Committee stage,which we are already half way through,of the Liquor Licensing (Amendment) Bill, 1984 and its further stages before we embarked on the Caymanian Protection Bill. So I now announce that the House will go into Committee next to study a Bill entitled a Bill for a Law to amend the Liquor Licensing Law.

COMMITTEE THEREON

THE LIQUOR LICENSING (AMENDMENT) BILL, 1984
CONTINUED

MR. CHAIRMAN: Please be seated.
I apologise for pausing a little. Members will recall that we had reached the stage of discussing Clause 7 of the Bill to which,with leave,the Honourable First Official Member had moved an amendment of which I think all Members have copies, and that subsequently the Third Elected Member for West Bay had indicated that he might propose to move an amendment to the amendment. I have just been reading

MR. CHAIRMAN (CONTINUING): a note which he has had circulated and it seems to me that really it was less an amendment to the amendment proposed than a different amendment to the same clause. I am not sure I have made myself wholly clear. It is so worded that instead of seeking to alter the wording of the amendment proposed by the Honourable First Official Member it seeks to amend the clause in the Bill. In other words therefore I do not think I can regard it, subject to any representations the Member may make in a moment, that I could regard it as an amendment to the Honourable First Official Member's amendment. It would have to be discussed subsequently as an amendment in its own right, unless it is rephrased.

HON. MICHAEL J. BRADLEY: If the Honourable Member in the Chair would permit me to give my understanding of it, and that is that once you had finished speaking, Sir, I understood it was the intention of the Honourable First Official Member to withdraw his amendment thus permitting the Honourable Third Elected Member to put it forward as a substantive amendment in its own right.

MR. CHAIRMAN: But you see as phrased in the thing that is circulated it is expressed to be an amendment to the amendment moved by the Honourable First Official Member.

MR. BENSON O. EBANKS: Mr. Chairman, the wording that is there was done by shall I say the Officers at the Table, but I think we can get over our problem by putting a full stop after amendment on what I have circulated at the end of the fourth line and deleting all the rest of the preamble up at the top.

MR. CHAIRMAN: Let me first find out whether the Honourable First Official Member intends to withdraw his amendment because if he did that would clarify the position slightly.

HON. DENNIS H. FOSTER: Mr. Chairman, Standing Order 25(6) says:

> "Any amendment may be withdrawn at the request of the mover, by leave of the House, before the question is fully put thereon".

I seek the leave of the House to withdraw the amendment that I circulated yesterday, Sir, in accordance with Standing Order 25(6).

MR. CHAIRMAN: Well, then the first question before I come back to the Third Elected Member for West Bay, is whether there is any dissent to the Honourable First Official Member's request to withdraw his amendment.

If nobody dissents from that then I do not think I need to put a question on it. His amendment is now withdrawn and can be forgotten.

We come next to the Third Elected Member for West Bay and I think it is quite true you wanted to delete in what has been circulated the words "to the amendment moved by the Honourable First Official Member", as it then stands as an amendment in its own right is what it amounts to.

MR. BENSON O. EBANKS: Yes, Sir.

HON. MICHAEL J. BRADLEY: I think it is fair to say, Sir, that in relation to the Officers at the Table, that they were presumably acting it from the understanding of the House as of yesterday afternoon in so phrasing.

MR. CHAIRMAN: That is quite right. It is perfectly true. I had understood that the Third Elected Member for West Bay wanted to move an amendment to the amendment. That is recorded in the Minutes and the Officers at the Table were trying to move an amendment to an amendment.

HON. TRUMAN M. BODDEN: Mr. Chairman, that is what I wanted to mention. I mean if we ask the Officers at the Table to assist us it is unfair then to try to blame them because it is signed.

MR. BENSON O. EBANKS: Mr. Chairman, I was not casting any aspersions on the Officers at the Table. I was merely pointing out that the amendment which I had handed in for typing was enlarged by them in keeping with the understanding which they gathered from the procedure yesterday evening. I think they were quite right. I was not casting any aspersions.

MR. CHAIRMAN: I think there was some understandable confusion and we need not apportion blame. I do not think anybody is to blame. That is all right. Let us get back to the business then.

I have given you leave in accordance with Standing Order 52(2) to move an amendment. The amendment that you have moved is that which has been circulated and its effect is to amend Clause 7 of the Bill by deleting the proviso in paragraph or sub-clause, I am not sure what the terminology is, (a) of Clause 7, and substituting for it a different proviso saying:

> "PROVIDED, however, that the aforesaid prohibition on the granting of a licence by reasons of proximity to any church, school or civic centre shall not apply in respect of a restaurant licence or a wine and beer licence under section 10.".

MR. BENSON O. EBANKS: Mr. Chairman, it is my amendment could I speak to the amendment then...

MR. CHAIRMAN: I think that is fair, yes you can speak to the amendment and then other Members can speak to it too.

MR. BENSON O. EBANKS: Mr. Chairman, had the amendment proposed by the Honourable First Official Member not been withdrawn or it had been carried, the effect of that amendment would have meant that any type of licence could have been granted notwithstanding the fact that the premises sought to be licensed were within a quarter of a mile of any church, school or civic centre.

The amendment which I am proposing will limit the granting of licences within a quarter of a mile of a church to a restaurant licence or a wine and beer licence. In fact, all that my amendment is really doing is deleting that section of the proviso which presently stands in the Bill after the words 'section 10". In other words it deletes that section of the Bill which requires the written permission of the authorities of the church, schools or civic centres. I think that if I remember the feelings of Members of the Committee and those of Members who spoke on the Bill, this would meet with majority approval. It certainly is what I am prepared to live with but I am not prepared to live with a situation where a general retail licence could be issued within that quarter of a mile. I think that for the time being pending the drafting or redrafting of a comprehensive new Liquor Licensing Law which we have all agreed is needed and will be forthcoming, this would serve the country well and would take away the objections

MR. BENSON O. EBANKS (CONTINUING): which I have sensed exist in the community with regard to having to get the permission of the church, school or civic centre authorities.

HON. JAMES M. SOUDER: Mr. Chairman, all we are doing is playing a game with the Liquor Law. We are going to wind up with one of the most awkward pieces of legislation that has ever been on the Statute Books of this country. What is being displayed here, Sir, is pure hypocrisy. I said in introducing this Bill that I did not agree with it and to have put the onus on the churches and expected that any minister was going to give anyone a letter saying 'I have no objection to you getting a liquor license next door to my church" is ridiculous. We knew it would not happen. No school teacher would do it. Nobody with the social services would do it. What are we trying to play at?

Now we come with another one, Mr. Chairman, and this says the prohibition would not apply in respect to a restaurant licence or a wine and beer licence. Now, Mr. Chairman, a restaurant licence is a bit of an anomaly because when you come to the meal there is no definition of meal in the Law and how are we going to determine what constitutes a meal? Someone could go into a restaurant or one of these establishments and order a small bowl of jello. It could be a meal. The next one could go and order Norberg patties, one of them, that would be a meal. The next one might get a doughnut. That is considered a meal. Yet that restaurant with that license would be able to supply any type of mixed drinks that it wanted to supply so the person can sit there with a plate in front of him with a half eaten patty on it and get drunk, and cause as much disturbance as he would have caused if he was in a general retail licensed place.

The same thing applies to the wine and beer licence, Mr. Chairman. I am sure that the gentlemen in this House, the Lady Member and myself have seen people many times in life drunk on beer and if you want to see a nasty drunk, that is a nasty drunk. So what are we trying to do? I am promoting no special interest group but a person who is going into either one of these ventures is investing, say $50,000. A person who is going into a hotel in an area like this and he may have inherited the land and did not have the money to buy it in another area, has probably invested half a million dollars and he is catering more or less to offshore people. I want to make it specifically clear that I have nothing to do with and no say to help the establishment in North Side other than what is covered in the Law. I believe in being fair with it. What I am saying to this House is, where is your conscience? If you can give a licence to somebody in this area who is going to invest $50,000 when you have a man who has invested maybe half a million dollars or more in a hotel which is an entirely different type of trade than the restaurant or beer hall are you going to say he is not exempt? This is hypocrisy.

The Members of this House are going into an election. I am going into one too and all we are doing is trying to placate the church on one hand by saying "I did not do anything to you, I just voted for a restaurant licence, I did not vote for a hotel licence", to try to get some votes. Mr. Chairman, whether we win or lose the election we must stand up for what is good for the country and it must be fair. This is not a fair amendment. This is not a fair Bill in totality and as I said in my opening speech the entire thing should have been withdrawn until a comprehensive Bill could be put before the House next year.

MR. BENSON O. EBANKS: Mr. Chairman, I mentioned at other stages in dealing with this Bill the fancy footwork that has been going on with this Bill and I would like to understand exactly what is going on. This is not a Private Members Bill. This is a Government Bill. What I want to know is whether Government has presented this Bill with its collective responsibility and Members have departed from that collective responsibility since they have got into this House, or whether they wish...

MR. CHAIRMAN: Wait, wait.

MR. BENSON O. EBANKS: I am not finished, Mr. Chairman.

MR. CHAIRMAN: No, but I am interrupting you so you will have to wait for a moment, because you have raised a point which I think does need answering. My understanding is that this is a Bill which was in effect the product of a Select Committee, not of the Government. The Government Member concerned moved a motion which was passed by the House in May if I remember right, but I am subject to correction on that, to appoint a Select Committee to review the Liquor Licensing Law. The Select Committee went through the Law and drafted a Bill. Select Committee certainly appended a Bill amending the law to its Report. Therefore, although the Government Member responsible brought the Bill to the House it was in effect a Select Committee Bill, not a Government Bill. I had already told the Official Members of the Government that in my view this would be a free vote as far as they were concerned because it is a matter about which deeply held, sometimes religious, beliefs arise, and Members it seemed to me should be entitled to a free vote.

MR. BENSON O. EBANKS: Mr. Chairman, you will recall that when that motion was brought to the House I objected to that type of back door legislation.

HON. TRUMAN M. BODDEN: I am going to take a Point of Order because he is beginning along the lines today which created the bad procedure which arose yesterday.

MR. CHAIRMAN: I think we should get back to the specific clause. I did think it was right to clarify the point as to whether this was a Government Bill or not and to make it clear that people have a free vote, but now I would wish to get back, not to argument about who brought the Bill or said what when, but to discussion specifically about the proposed amendment to this particular clause. Anybody who starts to talk about something other than the proposed amendment to this particular clause will be out of order.

HON. JAMES M. BODDEN: Mr. Chairman, I would like to clarify a point here which has been raised and I think it is my duty to clarify it. The Member has raised a point about it being a Government Bill. This came from a Committee.

MR. BENSON O. EBANKS: Mr. Chairman...

MR. CHAIRMAN: I have already said that.

HON. JAMES M. BODDEN: Mr. Chairman, please. Would you make the Member stop interrupting until I have said what I have to say?

MR. BENSON O. EBANKS: On a Point of Order, Mr. Chairman. You ruled me out of order for carrying on in that direction.

MR. CHAIRMAN: If you had not interrupted me I would have been about to have asked the Honourable Third Elected Member of Executive Council to stop for the same reason. I have made the point clear that it was brought by a Select Committee with you bringing it on behalf of the Select Committee, not as a Government measure, and as you have made clear you are by no means in full agreement with it.

HON. JAMES M. BODDEN: Mr. Chairman, I think I am entitled to have my say and I would....

MR. CHAIRMAN: No, I have stopped him and...

HON. JAMES M. BODDEN: No, hold it a minute please. You have brought out a point here, Sir, which none of my elected colleagues and myself were aware of until yesterday afternoon you mentioned to me in the Committee room that you had released the three Official Members on a vote of conscience on this Bill. Now if that had been your decision, in dealing with this, I took it from Executive Council to bring here expecting I was bringing it really as a Government Member in respect of the portfolio reporting from the Committee. I was not aware, and you would have put us in a right spot if we had been depending on the votes of our Official Colleagues to get this through. The point is that this was a Bill that the Members all met in Committee on. They agreed; I have the Minutes. In the five Meetings that were held there was nobody recorded as objecting, and this came as a Report from the Committee. Then when it was put on the floor of the House everybody went away from what the Committee's Report was, which is different than what is usually done with a Committee to which a Bill has been referred. I think that should be clarified.

MR. CHAIRMAN: I think you are quite right. That is to say, I think that at one stage it had been expected that a consensus had been reached and that the Bill would go through without serious problems. It subsequently became clear that there were going to be differences of view and conceivably a lot of debates and discussions and maybe divisions on the Bill. At that stage in accordance with what I understood to be your views and wishes, I said I thought that it should, as far as the Official Members were concerned, not be regarded as a Government measure and be a measure in which people could vote according to their consciences. Because I do think also that it is a matter of conscience in respect of the religious implications of it.

MISS ANNIE H. BODDEN: Mr. Chairman, if I may be permitted to say, Sir, that four of these Meetings were held while I was ill. I only attended the last one.

MR. CHAIRMAN: Well, may we get back to the amendment?

MR. CRADDOCK BANKS: Mr. Chairman, through you, Sir, to the Honourable Second Official Member, by votes would it be possible to withdraw this from the House to some other time, maybe the next two years, three years, five years?

MR. CHAIRMAN: I think the answer to that point, subject to the Honourable Second Official Member's view is that if you are referring and I take it you must be to the clause concerned, then the answer must be that it would be possible, if the Committee so wished, to delete the particular clause...

MR. CRADDOCK EBANKS: I am referring to the whole Bill, Sir.

HON. MICHAEL J. BRADLEY: If the answer, Mr. Chairman, Sir, is to the whole Bill, I think Standing Order 56 is relevant, which reads:-

> "The Member in charge of a bill may make a motion for its withdrawal, either before the commencement of Government business or when any stage of the Bill is reached in the Order of Business."

HON. DENNIS H. FOSTER: Mr. Chairman, I do not feel that should be done, Sir. I hate to stop in mid stream. If we have brought the Bill certainly we can make the amendments to the sections which need to be amended, and go through with the Bill, Sir.

MR. CRADDOCK EBANKS: Mr. Chairman, that does not mean to say that I am afraid to stand on the dictates of my conscience.

MR. CHAIRMAN: I think that there are two potentially controversial aspects of the matter. One is this particular clause on which Members evidently have strong and differing feelings. A second is not really directly related to the contents of the Bill but rather to what the Bill does not contain, because the mover of it has made clear that he thinks various other amendments not contained in the Bill ought to be made to the Liquor Licencing Law. It has been generally acknowledged that the other amendments are matters which should be left until a comprehensive new law has been written. If therefore we can either delete this clause or find some amendment that a majority can agree to, or pass it in its present form if a majority wished that, then it does seem to me that the Bill ought to be able to go forward because the rest of the Bill seems to me to be reasonably uncontroversial.

MR. BENSON O. EBANKS: Mr. Chairman. I want to make one final statement and I will be finished. It relates to this clause, Sir, it relates to my amendment. This amendment to Section 7 of the Bill which refers to Section 9 of the principal Law is as far as I am prepared to go. I am not saying that Members have to accept this; that is their business, but I am not accepting the removal in its totality of that quarter of a mile.

HON. C. RAIG BODDEN: Mr. Chairman, the Section we are dealing with is very important because it was brought out in the debate that probably nine out of ten liquor establishments are now operating illegally because they are within a quarter of a mile of a church, a civic centre or a school, and each application for a licence is actually a new licence. If we are going to leave the clause as it was in the original Bill we would have to enforce the law now that it has come to light that most of the liquor establishments are within a quarter of a mile of a church. So I think the House has an obligation to put this clause right and my feeling on it is that since the clause is obnoxious and since the clause is disregarded in the enforcement of the law, we should amend the clause by taking the entire restriction from it until such time as we can put in a comprehensive Law that may contain a grandfather clause to take care of the establishments which are now operating illegally. I do not think that in the face of the knowledge we have we can just shut our eyes and walk away from this clause. So we are forced to either shut down all the places or amend this clause.

MR. J. CARSTON SMITH: Mr. Chairman, as I look over this amendment before us here today I am more convinced than ever about what I said in my debate which was that every time we mingle with this Law we make it worse. Mr. Chairman, I had intended to support certain sections of this Bill but now I have entirely changed my mind. The defence has come up, Mr. Chairman, that we would have to shut down the old restaurants within a quarter of a mile if we left it as it is, but I cannot look at it in that manner. I am not prepared to come back here, Mr. Chairman, and legislate retroactive legislation because these places were there, Mr. Chairman, before this Law even came into effect. As it stands now, Sir, I am not supporting this amendment.

MR. CRADDOCK EBANKS: Mr. Chairman, it has been my policy as a Member of the Liquor Licensing Board to support the majority of people in any place that an application was made for a license rather than to support the applicant. The records can prove that we have had numerous petitions against applications before the Board and none of those applied to the areas of a church or civic centre, and I opposed the applicants because a number of people were against the license. Why should I support an applicant against the wishes and desires of one, two or three hundred people? When the amendment was brought to this House as a distance proximity between a church and a licensed premises it was made abundantly clear that it would not affect existing licensed premises, for a church might have been built within the proximity of that distance.

I feel, Sir, that when we think in terms of stepping a little further to degrade what ought to be the one and only stone that we would be able to turn to and kneel to, that is the churches. There are only three types of liquor licences if you want to talk about soft liquor as a restaurant with beer and wine, and then hard liquor that has more alcohol. But the hotels and other licensed premises are licensed to sell any type of liquor. Probably three quarters of their customers go in and drink beer and some of them have to be led out. Some fall down in the premises. Do you feel, Mr. Chairman, that the behaviour would be any better in a restaurant licensed to sell beer and wine? When we lose respect for the church we have lost respect for our parents, for our people, for our country and for God. I am really surprised, Mr. Chairman, that hard backed men cannot come to some decision and say we will do what is fair to the people, the church, the schools and the country.

Mr. Chairman, I have heard a lot go on in this House for two days when I was calm and quiet except when I spoke to the President of this Assembly. It was said that about nine out of every ten licensed premises are in the proximity of a church and that is a false statement. I have been all over this Island and I say, Sir, without fear of contradiction that there are not nine churches out of every ten which are in the proximity of licensed premises.

Mr. Chairman, I am not against any one individual. On principle for this country and its people I am not prepared to support such an amendment that licensed premises are allowed within a quarter of a mile of churches, schools and civic centres regardless of whether it was Her Majesty setting up premises there.

HON. JAMES M. BODDEN: Mr. Chairman, I would like to advise the Members of this House that since I have been Chairman of the Liquor Licensing Board I have tried repeatedly to see if we could not tighten up this Law. What we are talking about here today is an amendment that I proposed several years ago to the House and it was passed. It was not brought by any other Member and it was not the idea of any other Member but myself. The Committee which was held on this - here is where I am at a loss to understand what happens because in a Committee if you do not agree you can submit a minority report. No minority report was submitted with the Committee's report. No objections were registered in the Committee's report. Therefore I brought to this House what came out of the Committee. I did not attend any of the Committee Meetings so I am not responsible for anything, and as I have said before and repeat, it will probably be the only time in my life that anyone will ever say that Jim Bodden remained neutral because I believe strictly that in life you go down one side of the road or the other. But I am to the point that I think I will have to remain neutral on this Bill and I still feel that the best service that can be rendered to this House and to the people of this country, because it is tearing the House apart I would say quite foolishly at this point, is not to pursue this Bill any further. The Bill should be withdrawn regardless of who it hurts and it should be brought back next year or some other time.

MR. CRADDOCK EBANKS: Mr. Chairman, I can assure you, Sir, that it is not going to hurt me whether it is passed or not passed.

MR. CHAIRMAN: I think at this stage what I would prefer to do is to suspend proceedings for lunch which may give us all a chance to consult quietly and see whether some sort of accommodation can be reached, before a matter about which people have very strong feelings causes anyone to let his feelings overcome him.

I think I can suspend from Committee without resuming in the House can I not? I will suspend proceedings until approximately 2.15 p.m.

AT 12.59 P.M. COMMITTEE SUSPENDED

COMMITTEE RESUMED AT 2.34 P.M.

MR. CHAIRMAN: Please be seated. Before we resume proceedings in Committee I would like just to make two points. The first is that I think it was said on a number of occasions this morning by the Honourable Third Official Member or by others that there is a need for a Meeting of the Finance Committee. What I would propose is that we continue with the business of the House until our customary afternoon break at 3.15 p.m. or 3.30 p.m. or whatever time turns out to be convenient, that we then take the break and after the break Finance Committee meet. I am assured by the Honourable Third Official Member that the Finance Committee Meeting should not last too long. So if that is convenient we will plan accordingly.

MR. CRADDOCK EBANKS: Mr. Chairman, there is going to be another Committee of the House too, the Commonwealth Parliamentary Association Committee, so I do not know if the Member responsible for that is considering carrying on after the Finance Committee Meeting.

HON. G. HAIG BODDEN: I would hope so, Mr. Chairman. There is just one item which would take about five minutes.

MR. CHAIRMAN: Well, hopefully the Finance Committee might be over soon after 4.30 p.m. and if we break soon after 3.15 p.m. they might be able to meet at 3.45 p.m. and finish by 4.30 p.m. and have the Commonwealth Parliamentary Association Meeting thereafter.

That was the first point and we can plan accordingly if that suits Members. The second point was simply to ask for Members' assistance and co-operation during the remainder of the debate at Committee stage of the Liquor Licensing Bill. I fully understand that it is a Bill about which a number of Members have very strong views and sincere personal convictions of one kind or another but I hope that we can, nevertheless, manage to debate it without Members becoming angry with one another, and in particular without Members putting me in the Chair in a position of having to call them to order or otherwise exercise any disciplinary functions of a kind to which I am not accustomed. Because the behaviour of Members in this House is usually so impeccable by comparison with the behaviour of Members in, let us just say in certain other places. So I look to you for your help and support this afternoon.

HON. TRUMAN M. BODDEN: I wonder if I may just speak on the amendment briefly, Sir.

MR. CHAIRMAN: Yes, if I can refresh Members' minds, the amendment under consideration is an amendment to clause 7 of the Bill and it was proposed by the Third Elected Member for West Bay, and I did rule that future discussion of it should be confined strictly to it. So the Honourable Second Elected Member of Executive Council.

HON. TRUMAN M. BODDEN: As I mentioned in the second reading, Sir, I think the Legislature must either take off the restriction or let it remain. I am against taking it off unless Members can find a solution which will ensure that the amendment is not going to create a problem to churches which I have seen happen in the past. Then I am really in the position that I will vote against

HON. TRUMAN M. BODDEN (CONTINUING): both the amendment which is before the House and the section of the Bill and just let it run as it is, Sir.

MR. V. NORMAN BODDEN: Mr. Chairman, I endorse the words of the last speaker. I am unable to support the amendment that is presently before the Committee and it is my position that the absolute prohibition of the quarter of a mile distance that stands under the principal Law, Section 9, should remain. That is my position, Sir.

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

MR. CRADDOCK BANKS: Mr. Chairman, I think I made that point abundantly clear when I spoke before the House was suspended and I do not have any changes in my thinking to add, to delete one word or a line or anything else from it. I expect, Sir, to vote as I have stated.

MR. CHAIRMAN: The Third Elected Member for George Town.

MISS ANNIE H. BODDEN: Mr. Chairman, Sir, I expressed my view at the introduction of this Bill and I still feel the same. I would suggest, Sir, that this matter is so complicated that we adjourn this whole matter until the next crew come to this House, which would be 1985. Thank you, Sir,

HON. JOHN B. McLEAN: Mr. Chairman, I think that we all realise that there is a problem and the only way to solve a problem is to face it. I cannot see us as Members of this Honourable House shirking our responsibility and hoping to pass it on to those who may be back here in the next House. I stated quite clearly, Mr. Chairman, in my debate on this Bill where I stood and I for one, my back is hard enough to stand by what I said then. I in no way would like to see the responsibility of this section placed on the shoulders of the churches, schools or civic centres, but what I would like to see, Mr. Chairman, is that the necessary steps be taken here to have this matter resolved today, and for each one of us to try to put ourselves together and instead of getting furious over something let us think and think properly and solve the problem. The motion which is before the House is not going to set some new precedents. We have the Cayman Arms, Mr. Chairman, that is only a stone's throw away from a church but like the Member for the Lesser Islands pointed out in his contribution, the place is properly built; it is air-conditioned; it is enclosed and I cannot think of it at any time disturbing the church. So why can we not be realistic and face the facts and get this thing over with. We are wasting a lot of time. Thank you.

MISS ANNIE H. BODDEN: Mr. Chairman..,

MR. CHAIRMAN: The Second Elected Member for West Bay caught my eye first.

MR. D. DALMAIN EBANKS: Mr. Chairman, I stand on what I said in the debate. I cannot see us putting the onus of this thing on the church or civic centres or anybody else. We have to face up to it. We set the Law. Another thing that I will not support is the moving of the quarter of a mile out of this

MR. D. DALMAIN EBANKS (CONTINUING): Bill. Everything else, Sir, I will go along with even to the drawing up and drafting of a new Bill.

MR. CHAIRMAN: The Third Elected Member for West Bay. Yes, sorry....

MR. CRADDOCK EBANKS: Mr. Chairman, I do not think by this time that it is any secret or there is any misunderstanding of where I stand on this Bill, but one of the things that bothers me is I stated in my debate that I had objected to the proviso in this Bill. I also asked that my objections be recorded and I hear here today that no objections have been recorded at all in Committee stage. I cannot support the amendment as I have said before and I will be voting strictly no. I thank you, Sir.

MR. CHAIRMAN: I think if I can just put one point on record. The Report of the Select Committee did in fact record some objections and your objection to Clause 7 in the Bill was there recorded.

MR. CRADDOCK EBANKS: I appreciate that, but I thought that I understood the mover to say that he did not see any objections.

MR. CHAIRMAN: I think some Member mistakenly, earlier today, did say that the Select Committee Report had not recorded any objections, but in fact it did. The Third Elected Member for George Town.

MISS ANNIE H. BODDEN: Mr. Chairman, Sir, what I would like to have settled in my mind is this. Those places which are within the quarter of a mile of any church, school or civic centre, if and when it happens that they have to be treated in a new application, will it be considered that they can no longer hold a licence? I would like to have that settled in my mind, Sir. Or are we obligated to carry on with them as they are?

MR. CHAIRMAN: My understanding is that the provision in question in the present Law which places a bar on the grant of liquor licences to premises within a quarter of a mile of a church, a school or a civic centre has been Law for some seven years. I am not quite sure whether it is seven or five, anyway for a number of years. The Liquor Licensing Board has, rightly or wrongly, taken the view that any premises which were licensed before those provisions became Law could properly continue to be licensed, and the Board believed that it was the wish of the Assembly that that should be done. Now I do not think that the Board will change its procedure or its practice because there may now conceivably be some doubt about what the Law properly requires. If, in due course we do get legal advice that it is necessary to amend the Law to enable the Liquor Licensing Board to do what it has been doing without being questioned for some six or seven years, and to do what I understand was the wish of the Legislature, then I am sure an amendment would be introduced. But meanwhile I think the Board would and could and should continue to follow the practice that it has followed for several years. I hope that answers your question.

The First Elected Member for the Lesser Islands.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I am not trying to evade this issue. I have spoken out my contribution in my debate. I made the point quite clear what I would and would not support. We are elected, Sir, as the leaders by our people, and if we are unable to carry out that function we should not be here. We have a problem and I say we must solve it, election or no election, Sir. We must face the issue and find a solution to it.

The amendment that was brought in to take out the quarter of a mile, Mr. Chairman, if you removed that the Law would have no teeth in it. I objected for that reason. We put that amendment in in 1977 to strengthen the Law therefore I was against removing that section which put some teeth into the Law. The provision as has been amended and is before the House today, I said in the debate that I could live with the first part of it. I could not live with the second. The second part has been deleted. I see no reason why we cannot pass this into Law. I can see no reason why we cannot issue a new license that this Bill will create, that is a restaurant licence and a wine and beer license. I see no reason for that, Sir. The places will be enclosed and air-conditioned and I see no reason why we cannot come to a decision here today, and I hope that Members will take on this responsibility and be leaders and not followers.

MR. CARSTON J. SMITH: Mr. Chairman, I am wondering if the Member for the Lesser Islands has that assurance that if he was to permit this kind of license that all these places would be enclosed and air-conditioned. As far as I am concerned there are many of these places which are just open to serve a hamburger and they are asking to have a license to sell liquor to go along with it. Mr. Chairman, I cannot accept this.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, if I could perhaps assist this Committee by drawing their attention to the words of Section 9 of the main Law which says:-

> (1) The Board shall not grant a license with respect to any premises unless satisfied..."

and then it goes on until -

> "unless satisfied that it will not cause inconvenience to the owners or occupiers of neighbouring property."

If the prohibition on the quarter of a mile were removed and I am not seeking to go on one side or the other as to whether it should be but if it were removed, there is still a mandatory obligation on the Board not to grant a license unless the Board is satisfied that such a licence will not cause inconvenience to the owners or occupiers of neighbouring property, under Section 9 as it is at present.

MR. CRADDOCK EBANKS: Mr. Chairman, I think I have been in this House long enough and have faced a lot of problems and responsibilities in this House, and I do not intend as long as I am here to shirk or shrug off my responsibilities. I stand on the ground of my responsibilities and to do what I feel is in the best interests of this country. Government itself with all the experts and advice and knowledgeable people that it has in its service, there comes a time sometimes when Government has to send overseas for an expert to come in to solve a problem. I am not shirking my problem or my responsibility in here either, Sir. For the past six months the press has been feeding the

MR. CRADDOCK EBANKS: public with every Bill that Government proposed to present, it would be brought to you the people in the public to have your input in it, for you to deal with it, for you to have your say in it and to say what should be done about it. Take this one out into the public too.

I am not going to beat around, Mr. Chairman, and be dragged in to satisfy whims and fancies of any investor into this country. I helped make the laws of this country for the last thirty years and I am not going to beat around them and what it spells out I am going to stick to.

MR. CHAIRMAN: I think most Members have probably now had an opportunity to make their... All right the Honourable Fourth Elected Member of Executive Council.

HON. G. HAIG BODDEN: Mr. Chairman, I would like to say that I support the amendment before the House by the Third Elected Member for West Bay as a compromise between what is a very harsh provision and what might result in no action being taken. I feel that it would be cowardly for the House to leave this matter unresolved for the next House. They may not be as competent as we are and I feel that we should take a decision on it one way or the other. I am not convinced that the Board would be legally correct in going on to issue licences when we were told in the Select Committee by the Legal Draughtsman who acted as Chairman in the absence of the Attorney-General, that it was his opinion that we could not legally continue to issue licences because the Law contained no grandfather clause to protect the already existing businesses. There is also another anomaly where the licensed places even if they were within or outside the ambits of the church, civic centres and schools are being crowded daily by them. For example, we have a case in Bodden Town where the Government has built a civic centre quite recently and has put the Eastern Queen in jeopardy of losing its licence. So it is a problem which has to be examined in all its many areas and I believe that Members should take a decision one way or another.

It is quite correct that in the Select Committee the Third Elected Member for West Bay and the Honourable First Elected Member of Executive Council and I were not happy with the provision which had come out in the Bill, and I am prepared to support the Third Elected Member for West Bay in the amendment that he has made. I would like to say while I am on this subject that an earlier statement of mine was misunderstood and I would like to clarify that. I did not say that 90 per cent of the churches were within a quarter of a mile of the liquor establishments. I said 90 per cent of the liquor establishments were within a quarter of a mile of a church, civic centre or school and this is correct. For example, in Bodden Town 100 per cent of the liquor establishments are within a quarter of a mile of a church, a civic centre or a school and this applies to East End and most of the establishments in West Bay and Georye Town. It is probably only the Seven Mile Beach where the liquor establishments are not within a quarter of a mile of a church, civic centre or school. It also applies to Cayman Brac which has more churches than it has liquor establishments.

MR. CHAIRMAN: Thank you...

MR. CRADDOCK EBANKS: Mr. Chairman, my one other point. Bodden Town civic centre has been built ten or twelve years after the Eastern Queen and I would have no sympathy to allow the Bodden Town Civic Centre to close Miller's liquor places.

MR. CRADDOCK EBANKS (CONTINUING): Also, Mr. Chairman, if a church was built within a quarter of a mile of licensed premises I could not support that church either afterwards.

MISS ANNIE B. BODDEN: Mr. Chairman, Sir, I would like to know about a licence which we turned down several years ago because it was within a few feet distance of a church in regard to the quarter of a mile, if we were to grant this now would that applicant have an opportunity to make a new application?

MR. CHAIRMAN: I think if the Law were amended to delete the prohibition on licensed premises within a quarter of a mile of a church, either generally or in respect of certain kinds of liquor licenses, then the Board would be at liberty to consider new applications for liquor licences either generally or in respect of the particular kinds concerned. It would not have to grant them because there would be various other restrictive provisions in the Law but it would be able to grant them if it saw fit.

I do hope that nearly every Member has had a chance of a say now.

MR. JAMES M. BODDEN: Mr. Chairman, I would just like to say one final thing on this. I really cannot understand what we are trying to accomplish with this amendment because if you sell liquor in a place that is licensed as a restaurant and you sell it in a place that is registered as a hotel or that has a general retail licence you are dispensing the same amount of drink with the same effect. So I cannot see how the Members can cover this up in their conscience and vote for this thinking that they have given a little bit to this one and a little bit to that one and they are in between. You either have to be one way or the other on this and certainly as I have said before, if a person is going to get drunk he is going to get drunk, and a person who is drunk on beer is as drunk as if he was drunk on whisky. So how can you make your conscience feel better by passing this amendment? This amendment, to be very frank about it, is more ridiculous than the one we had before, because the one we had before we knew before we passed that that no minister, no teacher, no social worker was going to be foolish enough to put his signature on a paper allowing a place to open. Which meant that it was entirely a prohibition which instead of it being a prohibition that would have been granted by the Legislative Assembly and by the Liquor Licensing Board, it was a prohibition then being granted by the person involved. Now here we come with another one and we say all right we can make our conscience feel better if we say "you can eat a patty and get drunk with the liquor next door to the church, but you cannot go to the other side of it and get drunk without eating a patty".

What are we trying to do? I am sure we would be looked on as the biggest bunch of hypocrites in this world if we passed this amendment. We only have two alternatives open to us, Mr. President, and those are to keep the Law as it is today without granting licences to anybody, with a complete prohibition, or take it off. It is another case of where you are either walking on one side of the road or the other. You cannot walk the middle path. I will finish my contribution I think unless someone says something that angers me a bit, in which case I may say something else. Other than that, Sir, we have no alternative before us but one or the other of what I have just suggested, and the best thing that can be done for this House is what I suggested before the noon break, and that was to withdraw this Bill and bring it back at another time when the Members may not be so afraid.

MR. BENSON O. EBANKS: Mr. Chairman, as the mover of this amendment I think it might be incumbent on me to try to explain what the effect of this proposed amendment would be. That is that in addition to all of the other considerations which the Board must take into account including whether the place will be a nuisance generally to the occupier of any premises, which would mean a house, a church, a school or a civic centre. If this amendment were accepted as proposed it would mean that the Board would not be bound to turn down an application for a restaurant or a beer licence only because it was within a quarter of a mile of a church. Now there is, Mr. Chairman, a difference between a restaurant licence and a beer and wine licence, and a general retail licence because in Section 8 of the Bill which we will be coming to next the restaurant licence is defined. It says:-

> "(g)permits the sale, when a meal is ordered at a restaurant for consumption there, of intoxicating liquor;
>
> (h)permits the sale,"

that is now the wine and beer licence:

> "permits the sale, when a meal is ordered at premises where food is served for consumption there, of wine and beer."

MR. CHAIRMAN: I do not want to....

MR. BENSON O. EBANKS: Well, Mr. Chairman, I have....

MR. CHAIRMAN: I am speaking just for a moment, please. I do not want to deny the Member his rights but the points he is making have been made before and I think are understood. Not all Members agree with them. Some Members have put forward contrary arguments, but I do think that the Member is in danger of becoming repetitious.

MR. BENSON O. EBANKS: I am going on to make another point now, Sir.

MR. CHAIRMAN: Well, if you are going to make another point perhaps you would be kind enough to get on to the other point, because I do think Members really would like to vote on this.

MR. BENSON O. EBANKS: When I have finished making the point that I want to make now I am going to really throw the cat in the pigeons.

The point I am making is that there is a difference, Mr. Chairman. A restaurant is established primarily for the sale of food.

MR. CHAIRMAN: I have asked you not to continue making that point. You have made that point and now you are repeating it.

MR. BENSON O. EBANKS: You obviously have your mind made up, Mr. Chairman, and are not prepared to listen but I would ask you then to refer to Standing Order 72(5) and tell me how you can get around that with this Bill being a Government Bill, or where the Members of the Committee are going to run to hide after you look at that.

MR. CHAIRMAN: I am not sure that I understand your point. Are you arguing that the Bill has to be immediately enacted into Law without any debate or any of the normal readings because the Committee has recommended it?

MR. BENSON O. EBANKS: No, Sir. What it says is:-

> "The report or special report together with a copy of the minutes of proceedings of a select committee shall be presented to the House by the chairman or other member of the committee acting on his behalf, and shall be recorded in the minutes of proceedings of the House as having been so presented and the chairman or any member may forthwith and without notice move that the recommendations contained therein be adopted, modified or rejected, and if the motion be seconded and unopposed the Presiding Officer may forthwith and without debate put the question thereon."

MR. CHAIRMAN: Well, with respect if I may interrupt you, the recommendation was that a Draft Bill be set down and that was accepted and that was done, and we are now debating the Bill and therefore 72(5) is exhausted.

MR. BENSON O. EBANKS: Was there a specific recommendation?

MR. CHAIRMAN: The recommendation is in the report. I read from the report of the Select Committee:-

> "The Committee recommended that a Draft Bill to amend the Liquor Licensing Law, 1974, which incorporated all its recommendations and a copy of which is attached hereto, be set down for the Fourth Meeting of the 1984 Session of the Legislative Assembly."

The Select Committee Report was presented by the Honourable Second Official Member and the recommendation in it was accepted by the House and it is as a result of that that the Bill has been introduced. The Bill having been introduced, no Member is obliged to support it, nor do the provisions of 72(5) bite in respect of the Bill.

MR. BENSON O. EBANKS: Was there any Minority Report submitted, Mr. Chairman?

MR. CHAIRMAN: The Minutes of the Meetings which were attached to the Report make clear that certain Members had had reservations or objections to certain of the conclusions reached.

I think we are wandering off the point quite honestly. I propose now, I think, to put the amendment to the vote because I think that Members have had a sufficient chance to make their views known. I think we would go on and on.

HON. JAMES M. BODDEN: Mr. Chairman, is it too late to put another amendment?

MR. CHAIRMAN: I would sooner dispose of this amendment first. There could be another amendment later because after we have voted on this amendment then we are either debating the clause as amended or debating the original clause. There would certainly then be an opportunity to.....

HON. JAMES M. BODDEN: Mr. Chairman, really in all honesty, what bothers me with this one is that any way the vote is taken on this it has to be wrong, because we are dealing with liquor in one form or another regardless of what we call the licence. "Meal" is not identified in the Law so it can mean anything and I would be bold enough, I was the man who thought up the idea of a "quarter of a mile" years ago and brought the amendment to the House. I am bold enough now in having enough faith that if I want to get back in the House I will get back in it, and it will not affect me. I will move, with the permission of the House an amendment that we take that section out of the Law completely therefore we will have to argue this no more.

MR. CHAIRMAN: You will have an opportunity to do that later. I think we have got to dispose of this amendment first and then you shall have an opportunity to move that amendment. It is just procedural.

So what we are now about to vote on, or what I am about to ask Members is whether the Committee supports the amendment to Clause 7 of the Bill moved by the Third Elected Member for West Bay, which if I may explain briefly its meaning so everybody is clear, would have the effect of enabling the Board to grant either a restaurant or a wine and beer licence in respect of premises within a quarter of a mile of a church, school or civic centre, which in respect of new applications they are not now able to do.

QUESTION PUT: AYES AND NOES

MR. CHAIRMAN: I think we need a division. I am not quite sure whether I am entitled to ask for one but I would feel much more comfortable if there was one, because otherwise I would have to declare a tie.

HON. MICHAEL J. BRADLEY: For the purpose of the records I will ask for one, Sir.

MR. CHAIRMAN: I think a division and then we shall know.

DIVISION

AYES	NOES
Hon. First Official Member	Hon. Second Elected Member of Executive Council
Hon. Second Official Member	First Elected Member for West Bay
Hon. Third Official Member	Second Elected Member for West Bay
Hon. First Elected Member for Executive Council	First Elected Member for George Town
Hon. Fourth Elected Member for Executive Council	Third Elected Member for George Town
Third Elected Member for West Bay	Second Elected Member for Lesser Islands
First Elected Member for Lesser Islands	Elected Member for North Side
7	7

THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL ABSTAINED.

MR. CHAIRMAN: Seven all and one abstention. I shall need to consult with the Honourable Second Official Member for my...

HON. MICHAEL J. BRADLEY: I suppose it would be unfair to accuse myself having voted for it, Sir. I feel that the position generally is that you vote to preserve the status quo, and as I see it the status quo...

MR. CHAIRMAN: I do have a vote?

HON. MICHAEL J. BRADLEY: A casting vote, yes.

MR. CHAIRMAN: A casting vote; I thought that was the case. I vote to preserve the status quo which would have to be against the amendment.

HON. MICHAEL J. BRADLEY: I fear so, Sir.

MR. CHAIRMAN: That is my understanding of the normal parliamentary practice.

HON. MICHAEL J. BRADLEY: Unless you feel in conscience you cannot, as it is a free vote, Sir.

MR. CHAIRMAN: No, I think that I should be guided by the hallowed practice that governs the conduct of Presiding Officers in Assemblies, and just for the record and so all Members understand it and it is on record, though I have not found the right Standing Order, my understanding is that under these circumstances I am expected to cast a casting vote. Moreover, under these circumstances parliamentary practice lays down that a Presiding Officer or the Chairman of a Committee shall cast his vote in such a way as to preserve the status quo. Now what that means in a case like this is that I must vote against the amendment and to preserve the clause which was in the Bill. I therefore so vote and the amendment is lost.

THE CHAIRMAN PUT HIS CASTING VOTE AGAINST THE AMENDMENT

THE AMENDMENT WAS DEFEATED

MR. CHAIRMAN: That means that we return to debating the clause as it was originally in the Bill. I think that the Third Elected Member of Executive Council had said earlier that given the opportunity, which he now has, he would wish to move an amendment to that clause. The way is now open for him to do so.

HON. JAMES M. BODDEN: Mr. Chairman, I really cannot understand that vote because I cannot see how we would up seven all unless I heard something wrong.

MR. CHAIRMAN: Well let me read it out and be quite certain that we have not misrecorded anything:-

DIVISION

AYES	NOES
Hon. First Official Member	Hon. Second Elected Member of Executive Council
Hon. Second Official Member	First Elected Member for West Bay
Hon. Third Official Member	Second Elected Member for West Bay
Hon. First Elected Member of Executive Council	First Elected Member for George Town
Hon. Fourth Elected Number of Executive Council	Third Elected Member for George Town
Third Elected Member for West Bay	Second Elected Member for Lesser Islands
First Elected Member for Lesser Islands	Elected Member for North Side
7	7

THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL ABSTAINED.

MR. CHAIRMAN: Now, if that is correctly recorded and I can promise you the addition is also correct, it is seven Members each and one abstention.

HON. JAMES M. BODDEN: I am glad you had to use your vote, Sir.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman. With respect, Sir, I make that seven for, one abstention and six against.

MR. CHAIRMAN: I think your arithmetic is wrong because there are fifteen Members. I promise you I added it with great care because I did not want to have to exercise a casting vote.

CAPT. CHARLES L. KIRKCONNELL: I am sorry, Sir.

HON. TRUMAN M. BODDEN: We are going to get you a calculator for Christmas Captain Charles.

MR. BENSON O. EBANKS: Mr. Chairman, if I might say so, Sir, the vote is not a bad indication of what might happen later on.

MR. CHAIRMAN: I am not quite sure what that is intended to mean but it does seem to me that it is a good indication of the fact that feelings on this matter are deeply held and run quite contrary to any normal voting patterns here.

HON. D.H. FOSTER: We are back to square one now, Sir.

MR. CHAIRMAN: I think that the Honourable Third Elected Member of Executive Council, I keep inviting him and he is not quick enough off his feet, very unusually, to get it forward. I think he would like to move an amendment.

HON. JAMES M. BODDEN: Yes, Sir. This is an unusual thing for a Member moving a Bill, but I will move at this point that Section 7, subsection (a)(i) with the proviso be deleted in its entirety from this Bill. I am not in favour of that going through to put the onus on the ministers.

MR. CHAIRMAN: So if I could just make certain that we have got it tidied up. Your amendment would have the effect of deleting the whole of paragraph (a) of Clause 7 of the Bill and presumably, consequentially making paragraph (b) into paragraph (a) and paragraph (c) into paragraph (b).

HON. JAMES M. BODDEN: Yes Sir. My stand is as it was before. If you are drinking liquor next door to the church, if you bought it from a restaurant or you bought it from a nightclub you are still drinking liquor. Therefore I was not in favour of that amendment and I am certainly not in favour that we should put the onus of making a decision of this sort on the ministers or the teachers or the social workers. First of all it would be very undemocratic to do that. I do not think legislation should be drafted in this manner. Therefore I am asking that that be deleted in its entirety and we go back to the status quo of the law as it stands now on the books. It will be showing no favouritism and we go back to what is in the law and we stand to it.

MR. CHAIRMAN: In other words to the existing prohibition on new licensed premises within a quarter of a mile of a church, school or civic centre.

HON. JAMES M. BODDEN: Yes, Sir.

MR. CHAIRMAN: The amendment proposed therefore is that Clause 7 of the Bill should be amended by deleting paragraph (a) and by renumbering paragraphs (b) and (c) as (a) and (b). For the record perhaps I should say that I have granted leave in accordance with the provisions of Standing Order 52(2) for the amendment to be moved although no notice of it has been given. Does any Member wish to speak to that amendment? If not I will put the question and perhaps it would be wise to vote again, we ran into difficulties even when voting. I will ask the Clerk to record the individual votes. The voting now is whether the amendment proposed by the Honourable Third Elected Member of Executive Council should be accepted, and it would have the effect of deleting the first part of the Clause and therefore retaining the present prohibition on licensed premises within a quarter of a mile of certain premises.

DIVISION

AYES	NOES
Hon. First Official Member	Hon. Fourth Elected Member of Executive Council
Hon. Third Official Member	
Hon. Second Elected Member of Executive Council	
Hon. Third Elected Member of Executive Council	
First Elected Member for West Bay	
Second Elected Member for West Bay	
Third Elected Member for West Bay	
First Elected Member for George Town	
Third Elected Member for George Town	
First Elected Member for Lesser Islands	
Second Elected Member for Lesser Islands	
Elected Member for North Side	
12	1

THE HONOURABLE SECOND OFFICIAL MEMBER AND THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL ABSTAINED.

MR. CHAIRMAN: I declare that amendment carried by twelve votes to one so I do not have to participate further.

THE AMENDMENT WAS PASSED

HON. JAMES M. BODDEN: That is what I call a good democratic vote.

MR. CHAIRMAN: We now have to consider the Clause as amended and unless there is any further debate on it I will put the question that the Clause as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 AS AMENDED PASSED.

CLERK: CLAUSE 8 AMENDMENT OF SECTION 10
CLAUSE 9 AMENDMENT OF SECTION 11
CLAUSE 10 AMENDMENT OF SECTION 12

HON. MICHAEL J. BRADLEY: Are we not, Mr. Chairman, just being faintly optimistic taking the three together?

MR. CHAIRMAN: I am being optimistic. I thought that we had probably dealt with the Clause that caused the most difficulty. I may turn out to be wrong.

MR. BENSON O. EBANKS: Except, Mr. Chairman, I do not see why the Member piloting the Bill does not move for the deletion of Section 8 since the question of the...

MR. CHAIRMAN: Sorry, Section 8 or Clause 8?

MR. BENSON O. EBANKS: Clause 8.

HON. JAMES M. BODDEN: Mr. Chairman, there is no reason for me to. That has no connection nearly with Section 7. I think that is what he is trying to do is to tie the two together.

MR. BENSON O. EBANKS: I think the Member.

HON. JAMES M. BODDEN: Just a minute. You asked me to comment. I will comment. What we have done in the Bill is to create a restaurant license and a wine and beer license which was not in the law before, and as I understand the intention it is to give these additional licenses in areas outside of the quarter of a mile areas from the church. So he is entirely wrong. I would not have to move for the rejection of this section, Sir.

MR. BENSON O. EBANKS: Except, Mr. Chairman that he seemed to have had great difficulty with the definition of these two licenses in considering the last Clause.

HON. JAMES M. BODDEN: No, Sir.

MR. BENSON O. EBANKS: In other words, now let me speak. Mr. Chairman, he seemed as though we were creating a situation where a person could get a restaurant license merely to sell a hamburger with drinks. So I do not know why we need those licences if this

MR. BENSON O. EBANKS (CONTINUING): is the type of restaurant we are talking about. I think an ordinary retail licence would suit that person.

HON. JAMES M. BODDEN: Mr. Chairman, I think that the Member should be able to hear better than he is trying to make and delude the people he can because my statement on that was what was the difference between drinking alcohol next door to a church whether you had bought it from a restaurant or you had bought it from a general retail store. I would not agree with the balm of conscience that some people were trying to put on this. I have no problem in interpreting the difference in the licence but I did have a problem in interpreting it if you are going to give it next door to a church and take off the prohibition when you say it is all right as long as you bought it from a restaurant or you bought it from a beer parlour and did not buy it from a night-club or a general retail licence. I am not confused, I will tell you that, Sir.

MR. BENSON O. EBANKS: I did not say the Member was confused and I am not going to push the issue. I just thought that I would suggest to him that he might want to remove it.

MR. CHAIRMAN: Well, I am sure that the Member is grateful for the suggestion but he is not taking it up.

MR. BENSON O. EBANKS: Except to say, Sir, that I do not know about the soothing of the conscience or salving of the conscience, but as far as I am concerned the irritant to the conscience on this Bill is in the Report.

HON. JAMES M. BODDEN: Mr. Chairman, the Member should not delude himself any further today. He has been able to get my colleague from the capital city of Bodden Town to vote with him one time. He does not have to get me to follow.

MR. CHAIRMAN: In that case if there is no further discussion I will put the question that Clauses 8, 9 and 10 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 8, 9 AND 10 PASSED.

CLERK: CLAUSE 11. AMENDMENT OF SECTION 13.
CLAUSE 12. AMENDMENT OF SECTION 14.
CLAUSE 13. AMENDMENT OF SECTION 16.

MR. CHAIRMAN: The question is that Clauses 11, 12 and 13 do stand part of the Bill. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSES 11, 12 AND 13 PASSED.

CLERK: CLAUSE 14. AMENDMENT OF SECTION 37.
CLAUSE 15. AMENDMENT OF SCHEDULE

MR. CHAIRMAN: The question is that Clauses 14 and 15 do stand part of the Bill. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSES 14 AND 15 PASSED.

CLERK: THE LIQUOR LICENSING (AMENDMENT) LAW, 1994

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee. The House will now resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated. I suggest we just take, which should only occupy a few moments, the Report and third reading stages of this Bill so we can complete it before we take a break.

REPORT THEREON

THE LIQUOR LICENSING (AMENDMENT) BILL, 1994

HON. JAMES M. BODDEN: Mr. President, I have to report that a Bill for a Law to amend The Liquor Licensing Law, 1974, Law No. 11 of 1974, was considered by this Honourable House section by section and was agreed to with the exception of the deletion of Clause 7(a) (I) in the proviso of the said Bill, Sir.

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

THIRD READING

THE LIQUOR LICENSING (AMENDMENT) BILL, 1994

CLERK: THE LIQUOR LICENSING (AMENDMENT) BILL, 1994

HON. JAMES M. BODDEN: Mr. President, I move the third reading of a Bill entitled a Bill for a Law to amend The Liquor Licensing Law, 1974, Law No. 11 of 1974.

MR. PRESIDENT: The motion is that The Liquor Licensing (Amendment) Bill, 1994 be given a third reading and passed. Unless any Member wishes to speak I will put the question.

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

MR. PRESIDENT: I did explain earlier today to Members that I would suggest we broke at the point at which we normally take a short afternoon break and that we then adjourned proceedings in order to enable Finance Committee to meet after our break.

Before I call upon the Honourable First Official Member to move the adjournment in consequence of that may I just thank Honourable Members for the way in which they responded to my plea at the beginning of this afternoon's proceedings to be of assistance to me during what was a quite difficult and strongly felt matter under debate. Thank you very much.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m., Monday, 10th September, 1984.

MR. PRESIDENT: The motion before the House is that this House do now adjourn until 10.00 a.m. on Monday, 10th September, 1984. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED.

AT 3.28 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., MONDAY, 10TH SEPTEMBER, 1984.

FOURTH MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
MONDAY, 10TH SEPTEMBER, 1984

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON ORRIN H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON LEMUEL HURLSTON	ACTING THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN B McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN M BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON G BAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J GARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BENSON O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MABRY S KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FOURTH MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY

MONDAY

10TH SEPTEMBER, 1984

1. ADMINISTRATION OF OATH

2. GOVERNMENT BUSINESS

BILLS:-

(i) SECOND READING
THE CAYMANIAN PROTECTION BILL, 1984

(ii) COMMITTEE THEREON
THE CAYMANIAN PROTECTION BILL, 1984

HOUSE RESUMES

(iii) REPORT THEREON
THE CAYMANIAN PROTECTION BILL, 1984

(iv) THIRD READING
THE CAYMANIAN PROTECTION BILL, 1984

TABLE OF CONTENTS

	PAGE
Oath of Allegiance administered to Mr. Samuel Hurleston	1
The Caymanian Protection Bill, 1964 - Second Reading	1
The Caymanian Protection Bill, 1964 - Debate on Second Reading	2
Mr. J. Garston Smith	2
Capt. Mabry C. Kirkconnell	3
Mr. W. Norman Bodden	8
Miss Annie Huldah Bodden	16
Hon. Truman M. Bodden	17
Mr. Benson O. Ebanks	23
Adjournment	27

MONDAY, 10TH SEPTEMBER, 1984

10:00 A.M.

MR. PRESIDENT: If Members will kindly remain standing we can proceed with the first item on the Order Paper, the Administration of an Oath.

ADMINISTRATION OF OATH

OATH OF ALLEGIANCE ADMINISTERED TO MR. LEMUEL HURLSTON BY THE PRESIDENT OF THE LEGISLATIVE ASSEMBLY

MR. PRESIDENT: Welcome back to our House. Please be seated.

The second item of business today is the second Reading of the Caymanian Protection Bill, 1984.

THE CAYMANIAN PROTECTION BILL, 1984

SECOND READING

CLERK: THE CAYMANIAN PROTECTION BILL, 1984.

HON. DENNIS A. FOSTER: Mr. President, I beg to move the Second Reading of a Bill for a Law to repeal and replace the Caymanian Protection Law (Revised).

Mr. President, following the coming into effect in the United Kingdom in January, 1983, of the British Nationality Act, 1981, it became necessary for all Governments of dependent territories to look at their local legislation and to see the necessary and desirable amendments which were essential to their local legislation.

Mr. President, although the British Nationality Act did not come into effect until January, 1983, it was published from January 1981. Shortly after that a Select Committee of the whole House was appointed to look at the Caymanian Protection Law. This Law has been studied by the Select Committee for a period of nearly two years.

As the Chairman reported earlier, there was no less than about fifteen meetings. Representations were received from individuals and organisations and the general public. These were gone into, each individually one at a time.

Naturally, Mr. Chairman, it was impossible to make every change which everybody wanted, because some were not desirable.

Mr. President, this is a very important Bill, and I would suggest we go through it clause by clause and make very sure of the amendments that we make. This Bill, Mr. President, is of vital importance to the country and to Caymanians here, and to people coming here to work and to live. I think it should be borne in mind that people who come here and invest after they have proven themselves to be desirable, require some measure of security. We cannot expect people to come, bring their wealth with them, and give them no security.

I think also, Mr. President, that people who have lived abroad but who are of Caymanian ancestry should be given some consideration. Mr. President, the older Members of this House, and the older Caymanians, will know very well, that in the thirties there was scarcely anything in the Islands for

HON. DENNIS R. FOSTER (CONTINUING): anybody scarcely. Those people with ambition went abroad. They went to Jamaica, they went to Haiti, they went to Cuba, they went to Nicaragua and the Bay Islands. The more fortunate ones with families in the United States migrated there.

I think it is generally thought that most of those people that went away in those days have done fairly well. They have married and probably had children over there, and now that our Islands are prosperous and we do need expertise here in nearly all fields, any of these people who have that and desire to come back to the homeland of their parents should be allowed to do so, and to work without any hindrance. I think careful consideration must be given to this point because I have seen many, many cases where a Caymanian by parentage returns here and he is told"you have not got status!"

I feel,Mr. President, if these children are Caymanians by parentage, they should automatically have status. However, I am sure these points will be debated at Committee stage. I am not going to prolong my address, because I know we have plenty of work ahead of us if we are to consider this Bill properly, but I would like to take the opportunity to ask Members, not only to think of themselves and what is here now, but to think about those that might want to return and share what they have gained abroad with us.

I thank you Sir.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to repeal and replace the Caymanian Protection Law (Revised) be given a Second Reading.

The motion is now open for debate. Does any Honourable Member wish to speak? First Elected Member for West Bay.

DEBATE ON SECOND READING

MR. J. GARSTON SMITH: Mr. President, once more we meet in this Honourable House to legislate a Law that will have far reaching effects on the future of this country. Immigration Laws, Sir, and their controls are the central part of a country, and guarantee the protection of those who live within a country's borders.

Mr. President, the Caymanian Protection Law has been amended many times since its inception and much controversy has surrounded this Law and its administration. Most of the criticisms, Sir, have been ill-founded and in most cases have come from special interest groups.

Mr. President, we have to realise that for the protection of our people there must be stringent controls of immigration. We are a small country with but little resources, and if we did not have strong legislation on immigration and forcible controls, our people's welfare and the economy of these Islands would be easily shattered.

Mr. President, we must make it understood in plain language that the floodgates of these Islands will not be open.

Mr. President, we readily realise that in some areas we need the experience and expertise of people from abroad, because it is only in the last twenty years or so that our people have been fortunate enough to improve their educational standards locally and take advantage of training abroad. For these people, Mr. President, we are willing to open our doors, but we implore you to treat us as equals and not

MR. J. CARSTON SMITH (CONTINUING): they think that their improved education makes you our master, but that you will work hand in hand with us to build a country of which we all can be justly proud.

Mr. President, greed must not become our master. Mr. President, I am fully in favour of bestowing equality in our laws to the women of our country, as it is my opinion that some of them have suffered hardships in the administration of this law in the past. We must all fully realise that the granting of status must be discretionary and must not be granted to all who aspire to it. Rather, Mr. President, we must be selective and grant it on participation in our society and at times when it will not upset the economic conditions or the harmony which exists in these Islands today.

We are no different, Mr. President, from other countries. Every country controls immigration. Do not try to create ill will and bring us into ill-repute because we are protective of our birthright. I am fully aware, Sir, of the fact that in the months and years to come there will be future amendments to this Law, because, Mr. President, no one can formulate a law that will please everyone. My only hope, Sir, is that Almighty God will give us the wisdom in all our deliberations and actions, to act wisely and justly.

Mr. President, I support the Bill.

I thank you very much, Sir.

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

CAPT. MABRY S. KIRKCONNELL: Mr. President, the Bill now before this Honourable House, a Bill for a Law to repeal and replace the Caymanian Protection Law (Revised), is a very important Bill.

This Bill has been given most serious consideration by all Members of this Legislature, a large number of citizens throughout the Islands and various organisations. This is borne in mind by the over forty representations which we have discussed, and many oral presentations.

We are most grateful for all input which we have received to enable us to arrive at the Bill now before us.

Firstly, I would like to thank the Honourable Second Official Member for his able leadership in chairing this Select Committee, and also the Acting Second Official Member who acted in his absence, for their guidance throughout the two year period.

Mr. President, the British Nationality Act, 1981, which came into operation on 1st January, 1983, necessitated certain changes in the Caymanian Protection Law, 1971, which governs mostly immigration, gainful occupation licences, and the granting of Caymanian status. The British Nationality Act, 1981, changed our category of citizenship from a British subject or a member of the United Kingdom and Colonies, to British Dependent Territories citizens. It also created British citizens and British overseas citizens.

The principal concern of Her Majesty's Government is to ensure that everyone who becomes a British Dependent Territories citizen through a connection with the Cayman Islands shall be granted a new citizenship and a right of abode in the Cayman Islands.

The British Government has given its assurance that they will afford consular protection to all holders of British Dependent Territories citizenship in accordance with international practices.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): Mr. President, this Bill coming on the eve of our General Election will serve to remind all of us that we are enjoying free consular service and protection for our people working, studying and travelling abroad, which our Government could not afford to provide for us.

The many other benefits we receive from our mother country are too numerous to mention here.

Mr. President, in my judgement it is time to stop and think carefully how much we are benefiting and in how many ways due to our close relationship with our mother country. I would like to say to those who may have other ideas that they should look before they leap, and consider carefully the consequences of advancing our Constitution towards Independence.

The second object of the Bill is to up date by amendments, additions and deletions to the Cayman Protection Law, 1972, in order for it to meet the present day needs of our people, and to serve to protect our rights.

Substantial amendments have been made and all sections have been reviewed and up dated where necessary.

The Select Committee was assisted in no small measure by the community, which offered many constructive suggestions which helped to produce the Bill before this Honourable House today.

Mr. President, in keeping with the policy towards our constituents, my colleague, the First Elected Member for the Lesser Islands, and myself held two meetings at the Seton Hutty civic centre in Cayman Brac on the 16th and 17th of July. The Draft Discussion Bill was gone through clause by clause, with much comment from our constituents. Minutes were taken of this meeting and a presentation was made to the Chairman, setting forth the suggestions from our people.

I am most thankful to the Select Committee, and I am happy to say that most of the suggestions which we submitted are now part of the Bill.

Mr. President, we spent a considerable time on interpretations as we wanted to make sure all understood the definitions of each term listed, and in particular, the current interpretation of 'eligible person'. Mr. President, I support the definitions and I have they will be accepted.

The Caymanian Protection Board, according to Section 5, will consist of a Chairman, a Deputy Chairman, and not more than nine other Members, at least one of whom shall be resident in Cayman Brac or Little Cayman, who shall be appointed by and hold office at the pleasure of the Governor. This, Mr. President, I am very thankful for, as it will enable the Member who resides in Cayman Brac to have a knowledge of the needs of our community, and therefore, when an application comes before the Board, his knowledge will be there. It will not have to be asked for or delayed for many meetings as has been done in the past in some instances.

Section 8, Sub-section (4) states that the Board shall reach a decision by a majority of the Members present who are voting at that meeting. The Chairman or the Presiding Member shall have an original vote and not a second casting vote. Five Members will make up a quorum of this Board.

All appeals of decisions of an Immigration Officer must be made within seven days of the communication of the decision. An appeal of a decision of the Board must be made within twenty one days of the communication

CAPT. MABRY S. KIRKCONNELL (CONTINUING): of the decision. Our people considered that to have this in the Draft Discussion Bill would create hardships for those residing there; due sometimes to the delay in the post in getting the communication. I am happy to say that a proviso was added which reads:

> "Provided that for the purposes of this Section the decision shall be deemed to have been communicated to him at the time at which it would have been received in ordinary course of post."

An appeal to Section 10, a decision of an Immigration Officer will be made to the Caymanian Protection Board. An appeal of the decision of the Board will be to the Appellate Tribunal, the Governor in Council.

Much has been said, Mr. President, in the representations and in the Press concerning the administrative decision that must be given in such cases. After this situation having been carefully explained to them I support that we must have an administrative decision and not a judicial decision. I am happy that in this Bill it says that at the absolute discretion of the Board they may give a reason for their decision.

General provisions regarding the possession of Caymanian status,

> "A person shall, for the purposes of this Law, be deemed to possess Caymanian status if such person is an eligible person who is under the age of eighteen years for the purposes of this Law, to be deemed to possess and enjoy Caymanian status before and after the attainment of the age of eighteen."

Mr. President, again, I think this is setting the record where it should have been in the beginning. It is a person who has enjoyed Caymanian status to the age of eighteen and then finds himself in this community, probably the only home that he knows, all his friends are here, is not able to work until he can secure a gainful occupation licence. I am happy that this situation will no longer exist.

I would also like to call to the attention of all persons that any person claiming to be of Caymanian status by virtue of claiming to be domiciled or originally resident in the Cayman Islands, may apply to the Grand Court for a declaration to that effect provided it is done before the 31st December, 1965.

This date should be borne in mind by all who feel that they are eligible for the deadline is definitely, I repeat, the 31st December, 1965.

Mr. President, in the Draft Discussion Bill, Section 10, Subsection (3) provides that a person over fifty years of age who invested $500,000 and resided in the Cayman Islands for twelve months, was eligible for Caymanian status. This was not supported by one person that I talked to in my constituency, and the same here in Grand Cayman. I am very happy that in their wisdom of the Select Committee, this does not appear in the Bill which we are discussing today, it has been removed.

I have much sympathy for Caymanians married to foreigners who have had many problems over the years in securing gainful occupation licences and also Caymanian status. This has caused hardships, breaking up of homes and many problems too numerous to mention here today. A provision has now been

CAPT. MABRY S. KIRKCONNELL (CONTINUING): injected into this Bill which says that in considering a person for status, the hardship that may be caused to the spouse and his or her dependants will be given special consideration. This, in essence, is giving them sort of a special treatment, and I think this is the way it should be.

Another provision of the Bill is that on the death of a person of Caymanian status, leaving a spouse who does not enjoy Cayman status, that they will be allowed to remain resident in the Island provided they make an application to the Chief Immigration Officer. At a later stage, if that spouse should remarry, he or she may be allowed to continue to live here. There is not a definite provision that their residency would be terminated if they remarried a person not possessing Cayman status.

Mr. President, for many years we have not had equality of men and women in the Cayman Islands in regards to their rights. This has been hard for me to understand why it was ever allowed to exist, but I guess in the wisdom of the makers of the Law, they had a reason, but I feel in 1984 that that reason does not exist in my mind, and I am happy that this Bill provides equality for men and women.

Much hardship will be eliminated and I think, a more peaceful attitude will be created towards our Government and its Members by the women who have been affected so severely.

I am also satisfied that the quota of people receiving Caymanian status will be established by the Governor. I feel that this is fitting and proper as a specified number would be difficult to work with. It may split up the number in families and certain circumstances will alter the number, so I feel that this authority must rest with the Governor in Council.

The Board, in considering an application for a gainful occupation licence of a person whose spouse is Caymanian, or has Cayman status shall take particularly into account the hardship that may be caused to a spouse's and his dependants if this was refused. This, Mr. President, is also, as I said before, now ending for status and the same provision is here for a gainful occupation licence.

There shall be fees paid into the Treasury in respect of these licences, as prescribed, but a proviso has been issued that which reads:

> "PROVIDED that no fee shall be charged in respect of a licence to the spouse of a person possessing Caymanian status."

It is my hope that the bond which is now required will also be removed when the regulations are drafted.

The Bill gives an Immigration Officer or a Constable the power to take into custody without warrant, any-one suspected of acting or being about to act in contravention of this section. This, I hope, will help to eliminate the employment of people without gainful occupation licences, and maybe in turn eliminate the number of overstayers which we have in our community.

I also would like to call to the attention of the people that it is in contravention of the Law to employ a person that you know does not possess a gainful occupation licence, and this is also subject to a fine and imprisonment, or both.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): Permanent Residence has existed for some time, but this Bill is making some amendments. A visitor to whom permission has been granted to remain in the Islands for a period up to six months, may at any time after the expiration of that six months, and before that extension has expired, make an application to the Chief Immigration Officer in the prescribed form to request to remain in the Islands permanently. This will be acted upon by the Board, and it can either be refused, deferred, or granted.

A provision has been made that a permanent resident may, after residing in the Islands for two years continuously, request that such be endorsed or entitlement varied by the Board so as to permit the person to engage in gainful occupation of such type, at such place, and for such period and under such conditions as be established by the Board.

This, Mr. President, I am glad to see; particularly in my district it will be of great help to us, for in the past we have had a few permanent residents there who possess skills that we did not have available on the Island, but because of endangering their permanent residency, they would not assist the community. This provision will now allow them to give their expertise and be within the Law. This shall be very beneficial I am sure, in Grand Cayman as well.

Another provision included in this Bill is that a Deportation Order can be issued by the Governor. The Governor may, if he thinks fit, make a Deportation Order in respect of any person who has violated the Law. Prior to this amendment, Deportation Orders went through the Courts which were often very time consuming, cumbersome, and very costly. This will, I hope again help to eliminate overstayers.

Another important feature before us in this Bill is the introduction of identification cards. Any person who is issued a gainful occupation license or is granted permission for permanent residence with a gainful occupation licence to be able to perform gainful occupation, will be issued an identification card. This person shall present this identification card to an Immigration Officer, Constable or a Labour Officer whenever required. If it is not in his possession at the time, he has 48 hours in which to produce it. If it is not produced within that time he is in violation of the Law and can be fined up to $100, six months imprisonment, or both. This, I think is a step forward. It has been used in most developed countries that I know of, and I feel it will be beneficial here as well. Some people feel it is giving you a number. Well throughout the world, in larger territories it is a must.

Mr. President, I would like again to thank the Honourable Second Official Member for his leadership. He has put forth many, many hours of hard work during the course of the years that we have discussed this and many other Bills. His assistance to me personally, the knowledge I have gained, is priceless, and I cannot thank him enough.

And in conclusion, Mr. President, it is my wish that as we go into Committee, that we shall take much time and give careful consideration to each clause within this Bill, and if there are amendments that need to be made, that we, as Honourable Members of this House, will make them, that will make the best Bill that is possible to go into a Law as a memorial to our term of 1972 to 1976.

In view of what I have said, Mr. President, I support the Bill, and I thank you very much, Sir.

MR. PRESIDENT: First Elected Member for George Town.

MR. V. NORMAN SOLOMON: Mr. President, this Bill before us today, a Bill for a Law to repeal and replace the Caymanian Protection Law (Revised) is the product of a hard and tedious task performed by the Select Committee of this Honourable House, with the Honourable Attorney-General as its Chairman, and the invaluable contributions made through the input of an alert and watchful public.

Numerous organizations and individuals have taken a very keen interest in this important piece of legislation, and as one Member of the Select Committee, I have found their constructive criticisms and suggestions most helpful, for which I would like to take this opportunity to sincerely thank them.

Mr. President, we are not speaking here today of any short and insignificant piece of legislation with minor amendments, but we are dealing with a Bill for a new Law that must help preserve the Caymanian way of life, a Bill for a Law that must continue to serve the interests of Caymanians for generations to come, and the errors in judgement that we make today, can in fact prove detrimental tomorrow.

The Caymanian Protection Law has been amended some fourteen times since it came into operation in 1972, so it was constantly under review. Changes, as has been said, had to be made to bring it in line with the British Nationality Act, 1981, which came into effect in January, 1983, and in any event, it was time to conduct an overall review in order to meet the growing needs and demands of a swiftly changing Caymanian society. Mr. President, whenever a country reaches a stage in its development that it can boast of prosperity and a higher standard of living in the Caribbean, when it is seen as a land of opportunity surrounded by unfortunate and underprivileged people, it suddenly finds it difficult to stem the tide of outsiders to whom it has become a symbol of hope and a chance for a better way of life. Its continued safety and orderly development suddenly become problematic, and its immigration policies must come under closer scrutiny.

The means, therefore, must be found to prevent an influx of undesirables, and to preserve the very vital ingredients that made our country what it is today, a task that demands high priority, and a total dedication to the cause of all Caymanians, if we are to maintain the peace, happiness and tranquillity we all know and quite often take for granted.

I have a very deep sympathy and understanding for underprivileged people, and while we can offer help whenever and wherever possible, caution must always be exercised so that it does not come at a high cost to ourselves. To my mind, this is what the Caymanian Protection Law is all about, preservation of the Caymanian way of life.

I know that we cannot prevent changes, changes have come and will continue to come as time goes on, but the necessary measures have to be taken and upheld to enable us to cope with those changes and still preserve our identity.

Though this Bill is still by no means perfect, I honestly believe that it can be considered a substantial improvement over the current Law. Much criticism of this Law has not been only in some of the inequities which needed correcting, but much criticism has been aimed at the administration thereof, the administration of the system, as well as certain directives and policies of the Board which the public have found disturbing and unsuitable.

MR. W. NORMAN BODDEN (CONTINUING): I support this Bill, Mr. President. I agree with certain sections, and I disagree with others which I will deal with in addition to certain policies of the Caymanian Protection Board, which as I have said, have caused some dissatisfaction and unrest.

Turning to the Bill, in section 2 under Interpretation dealing with Appeals Tribunal, appeals on the Caymanian Protection Board's decision will continue to be heard by the Governor in Council. I believe that the decision by the Board and the Governor in Council should continue to be administrative and not judicial. There can be no doubt that appeals through the Courts could result in a long drawn out, complicated and onerous procedure with appeals mounting and going on for years and years. Take a person whose continued presence in the Cayman Islands would prove detrimental to our country, an undesirable in the true sense of the word, a person whose conduct and character have been substantiated by information reliably supplied by any of the internationally recognised organisations dealing with matters of that nature, but basically cannot be proven in a Court of Law. Our Government must have the means of ridding our community of that type of individual through the administrative process.

I maintain that it would be an embarrassment to any Government if the administrative arm is powerless to deal with cases of similar nature efficiently and expeditiously. Furthermore, should such an individual have substantial financial means, with the help of a good lawyer the appeal in the Courts could go on for an indefinite period, with the individual remaining here in any case for years until his appeal is finally decided. I do not know for a fact, but it is my opinion that many times Government finds itself in a position where it just cannot state reasons for their actions in cases of this nature.

It must be borne in mind that regardless of one's opinion, this type of legislation of which the British Nationality Act is a prime example carries with it discretionary power which is provided to the body responsible for its administration, and our Laws can do no less.

Nevertheless, in this Bill, provision has been made for the Board or the Governor as the case may be, to give a reason in the matter of appeals, that at their absolute discretion, and I believe that this is understandable and an improvement over the present law which states that they shall not give any reason at all.

In Section 2, again under Interpretation of the term "eligible person", this establishes to my mind one of the most important sections of the Bill, the definition of which is the basis for the general provisions regarding the possession and the granting of Caymanian status, the possession of which actually places everyone in equal standing in this country, because it confers equal rights to the person who has it as a right, or who acquires it by grant. This is therefore a very powerful and all-embracing element of this Bill.

In this Section, Mr. President, "eligible person" is listed in four categories. In category (a) any British citizen or a citizen of the Republic of Ireland; in category (b) any British Dependent Territories citizen, which is the new category created through the British Nationality Act, 1981; in category (c) any citizen of Australia, Bahamas, Barbados, Belize, Canada, Jamaica, New Zealand, Trinidad and Tobago, and in category (d) any United States citizen.

MR. W. NORMAN TIBBETTS (CONTINUING): Now, Mr. President, I have no difficulty with the categories of persons listed under Subsection (a) and (b), and in (a) certain countries have been listed instead of all the Commonwealth, which, as far as I can gather would include some 44 countries. I agree with listing only certain countries as has been done in category (a), and I believe that the selection of those countries which I have just named out is a good selection. It is my considered opinion that the time has come for Cayman to become more selective of those countries within the Commonwealth whose citizens we would consider for Caymanian status. It is also my view that many Commonwealth countries have undergone significant changes through the years, and today, many of those countries are Communist, strongly leftist, over populated, and poverty stricken, and I do not honestly believe that we should ever make it possible for citizens of those countries to be able to apply for Caymanian status.

With all the changes that will eventually be brought about when this Bill becomes law, I think that we will have opened the doors of our small country quite widely enough, bearing in mind the future that must be protected for generations that will rise up and call this country home.

Mr. President, in Subsection (2) it states that any United States citizen is eligible to apply for status. I cannot agree that any, underline any, United States citizen should be specifically singled out for special treatment that would give him the same rights and privileges as true born native Caymanians. If not more than from a business and economic point of view, this, to my mind, is not a healthy situation. Bona fide Caymanians should reap the benefits of the local business opportunities in this country without unfair competition from outsiders with larger financial resources, and better business experience than many Caymanians. I have found this section much too broad and all-inclusive. Everyone wants the best of both worlds, but any United States citizen who honestly expects the same rights as Caymanians, and who loves this country enough, can take the route of naturalisation to gain those privileges. It should not be made that easy just through the granting of Caymanian status, when at the same time he can retain his United States citizenship, and many times to the disadvantage of Caymanians.

I would like here to make it abundantly clear that I am by no means anti American, nor anybody else, but I am pro Caymanian, and if the Caymanian Protection Law is to do what it is intended to do, then it should be protecting and safeguarding Caymanian interests at all times and in all areas.

We have many good United States citizens in this country who have made, and continue to make very valuable contributions to our community. We are happy to have them, and I believe that we should even do more to attract well off United States retirees to come and live amongst us in order to help build up this country in the right way, with the right kind of people. Many have become naturalised Cayman citizens, and I welcome those who have done this, because they are not seeking the best of both worlds. They have demonstrated a faith in this country, and I feel that others who follow should do the same.

Mr. President, if the idea is to encourage those United States citizens with close Caymanian connections, whose roots are in the Cayman Islands to stake a claim for Caymanian status, then I agree with that wholeheartedly, but my point is that it should be restricted to that category of

MR. W. NORMAN BODDEN (CONTINUING): persons I have just mentioned, those with Cayman roots, rather than the broad all-inclusive category of any United States citizen. In fact, to come to think of it, Mr. President, in dealing with the acquisition of Caymanian status by dissent in Section 18 (3) of this Bill, some other countries other than those already listed as eligible countries in Section 2 should also be included. What about the Caymanian grandfathers and fathers who had to go to other countries in our area to make a living, those countries such as Panama, Costa Rica, Honduras, Nicaragua, and others nearby, What about the rights of their children and grandchildren.. Should they not also be provided for. This is discriminatory in my opinion to exclude them.

What I am speaking about here is fairness, justice, and equality for all, not just a chosen or select few, and if we are to open our doors any wider, then it should be to our very own people. I will perhaps be told that being an "eligible person" means only that it is possible for that category of persons to apply for Caymanian status, that is only part of the requirement. Well since this is the case, why categories and list any specific countries at all, why not just say, that any citizen of any foreign country may apply, and providing the other conditions are met, status will be granted.

In Section 5 dealing with the composition of the Board, I am especially pleased to see that provision will be made for one of the members of the Board to be from Cayman Brac or Little Cayman. This is only fair and reasonable and I fully support this change.

While on the subject, I must state that I share the view that all districts should have at least one person from their area on the Board, and that a rotation of Members system should be adopted and followed. Should this not be possible and practical to provide for in this Bill, then I would submit that it should be provided for through the regulations to this Bill, and since I have no input in regulations, I am mentioning it here.

In Section 14, I am also specially pleased to see that children of persons of Caymanian status who have spent the majority of their lives in the Cayman Islands, will no longer be placed in the predicament on reaching eighteen years of age, when they stand to lose status, and have to apply to the Board. This has caused many hardships in the past and created undue and unfair uncertainties in the lives of many young people, many of whom were actually born in this country, born here in the Cayman Islands, and only know Cayman as their home.

Subsection 5(a) of section 18 refers for the first time to the spouse of a person who possesses Caymanian status, and for the first time, provides equality of rights for all Caymanians, men and woman alike, as far as treatment of foreign spouses are concerned. Any foreign spouse of a person of Caymanian status, once they are from an eligible country, and have been resident in the Cayman Islands for three years, will be able to apply for Caymanian status under the new Law. Also, the Board in considering such applications for Caymanian status, or for a gainful occupation license of the spouse of a person of Caymanian status, must also bear in mind the hardships that may be caused to the spouse and his or her dependants if the permit or status were to be refused.

Additionally, under Section 20, no fee shall be charged in respect of a gainful occupation license issued to the spouse of a person having Caymanian status.

MR. W. NORMAN BODDEN (CONTINUING): These are all necessary improvements which I fully support, and which I am sure will please many members of the public who are specifically affected by this section of the Bill.

In Section 18, subsection (5) dealing with marriages of convenience, it states that the spouse of a person who possesses Caymanian status may apply providing that he or she has not lived apart from their spouse for an aggregate period of twelve months out of the past five years immediately preceding their application. In other words, an attempt is being made here to curb, control and discourage marriages of convenience which have been taking place here in the Cayman Islands in the past couple of years. This is common knowledge, and something has to be done before it gets any further out of control. It is the case where a foreign woman marries a Caymanian man, or now possibly vice versa, and after the ceremony, they head for different homes, and thereafter an arrangement is made where monthly hush money is paid out from one to the other. This is a ridiculous situation, but some people will go to any extreme to circumvent the Law, and this is also common practice in many countries.

I realize that this section might be difficult to enforce, but enforcement must be brought about if we are to achieve the desired result.

There have been other amendments and consequential changes that will be mentioned from different Members speaking on this. Some have been mentioned before, but I would like to go on to another area, Mr. President.

Cayman has become a very closely knit and deeply intermingled society, and this Bill touches the lives of more Caymanians directly or indirectly than any other law I can think of. Its importance can therefore never be overemphasised nor its implications taken lightly. A fair and unbiased approach must always be maintained in the operation of this Law if its objects are to be attained. There can be no doubt that the operation of this Law has at times been controversial. There have been claims of unfair treatment, allegations of it being used as a vehicle to wage political victimization. Some have blessed it, and many have cursed it, but for my mind, it remains the single most important and powerful piece of legislation on the law books of this land.

Strong public concern has been expressed over the administration of this Law, and especially to many policies of the Board. Having served years ago on the Caymanian Protection Board, I know that many times the Board and its Members are severely and unjustly criticised when they are in fact acting under the directives issued to them by the Governor-in-Council. This brings me, Mr. President, to some of the controversial policies and directives which, though perhaps well intended, have created considerable concern, and much inconvenience to many of our very own people, the people that this law is intended to help and protect.

I believe that those directives which set policies of the Board should be published so that the public may be informed, and so that they will not burden the Board with requests which in fact cannot be met because they are contrary to the Board's policies. I would like to mention here, amongst other things, the quota system and the turnover policy. Mr. President, it must be borne in mind that there are some categories of employment which some Caymanians cannot fill, and others which they will not fill. This is the situation at the present time, and I know that as time goes on the situation

MP. W. NORMAN BODDEN (CONTINUING): will change, but in dealing with the present, it is an established fact that many Caymanian-owned businesses are heavily dependent on outside labour for a variety of reasons, and while we cannot afford to swing wide the flood gates, a more realistic and practical quota system should be developed and applied to our genuine needs so that local businesses are not forced to take the risk of hiring illegal labour, and then have them and their staff hounded with threats of law suits for violations of the law.

Additionally, Government is losing the revenue from work permit fees because of this. That this situation exists, is acknowledged by people at all levels, and turning a blind eye is not helping the situation one iota. Once the genuine needs in the local labour market have been met, or the work for which a person has been brought in has been completed, then those persons should be returned to their country of origin.

On the other hand, we have those positions which some Caymanians are not yet fully qualified to fill. I have always seen this as a two way street: a small country produces qualified persons slowly, and we must accept this, and not jump the gun as it were, nor destroy the bridge that will eventually take Caymanians to the top. That bridge is a vibrant, thriving business community which must continue to be provided with the facilities and means of conducting their business under pleasant, peaceful and stable conditions, the features which attracted them to our shores in the first place, and the ingredients which helped to make this country what it is today.

However, as has been said many times before by many different people in different places, once a Caymanian is qualified and able to do a job, he or she must be given the opportunity to take their rightful place within their own country, so that resentment and hard feelings are not built up which could become destructive. This must be seen, Sir, more as a mere lip service, a genuine effort must be made by all concerned to recognize this as a means to continued peace and harmony.

I believe that many of the larger countries, larger companies, some, such as Cable and Wireless, some of the banks and trust companies have done this and I feel that others should follow, in recognizing that this is one method of building a well balanced society that is beneficial to all.

This next brings me to the rollover policy. To my mind, this policy has never ever served any useful purpose. Why should any employer who has a well trusted, tried and honest employee who has served him well be forced to get rid of that good employee, whether it is a domestic or a banker or what have you, and exchange him for another he does not know, or know practically nothing about. It is true, as has been said, that the majority only want security of tenure and many seek status as an alternative to the uncertainty of having their work permits renewed annually. There is nothing that says that because a person has been here five, or now seven years, he has to be granted status. He is only eligible to apply and could remain on work permits for years without any further obligation from any board or law in this country.

This policy, I believe, has only brought hardship to both Caymanians and non Caymanians alike, and I would like to be reassured that this will be discontinued through regulations, or directives, or what have you, so that the renewal of work permits in future will not be refused just on the length of stay only.

MR. W. NORMAN BODDEN (CONTINUING): This now brings me, Mr. President, to the employment of non Caymanians by Government. Provision has been made in section 21 of the Bill for those persons to be exempt from work permits in respect of their employment to Government, which makes it clear that even though a person is exempt from a work permit as a Government employee, he or she cannot then go out and work for other individuals or companies under the premise that they do not in fact require a permit, which has apparently been happening in the past. I would like to point out here also that many in the private sector regard the Government as one of the chief violators of this Law because of the many instances in the past when an individual or firm applied to the Board for a work permit and it was turned down for whatever reason.

Then later on that same individual turned up on Government's pay-roll, evidently appointed as a temporary Civil Servant. This situation has caused a strong feeling amongst the private sector that Government should also be obliged to seek the Board's clearance or approval by filing a full application with supporting documents before employing non Caymanians.

Justified or not, it is the opinion of some of the general public that in cases like these, Government is becoming a haven for individuals who cannot pass the test of the Board. While it cannot be expected for Government services to be hindered or hampered due to the need of staff, I feel that there is some merit in Government following an established procedure of liaison with the Board so that any such cases which might have existed in the past would be eliminated altogether in the future.

It is also my understanding that provisions will be made through regulations for the remission of work permit fees under certain circumstances. In the case where an employer finds it necessary to replace an employee who has only served him for a short period of time, the full work permit fee will not be charged for the replacement. I would also like to see that provision is made for the conversion of a temporary gainful occupation licence to a full permit, which would allow employers to have a probationary period. This in many cases, works to the advantage of both the employer and employee.

I am aware that under the Law, temporary gainful occupation licences were never intended to be used for this purpose. Nevertheless, it is being done, it is an accepted practice, and it would help to have this specifically stated that such a procedure is possible, whether it be through directives or regulations, or whatever.

Mr. President, at Committee stage, I propose to move an amendment to subsection (3) of Section 19 if you will allow the suspension of the necessary Standing Orders, in an effort to offer the same privileges to at least the children of Caymanians in some other countries in our area who are being offered the same in countries which have been listed already in Section 2.

As with any other Law, Mr. President, enforcement must be given top priority if we are to realize the desired results, and I would say here in all fairness to all concerned, that to my mind, both the Caymanian Protection Board, and our Immigration Department are heavily overworked. In 1972, when this Law came into operation, the population of this country was 11,680, and by 1973 the population had risen to 18,750, a 60 per cent increase.

MR. W. NORMAN BODDEN (CONTINUING): Visitors' arrivals in 1972 when this Law came into effect, were 30,646. In 1973, visitors arrivals were 130,783. All had to be processed in and out. The growth of population all brings with it needs and demands, and these all have to be met in one way or another.

Suggestions have been made, and I trust will be taken up to streamline the operation of these departments administratively, and to give them the needed manpower to effectively administer this Law on which so much time and effort has been spent, and which is so vital to our continued stability and success.

Mr. President, we still have a good country, and I am proud to be a Caymanian. This pride stems from a sense of security, of belonging to a stable and progressive country, but while this is true today, complacency is a luxury we still cannot afford. It will therefore take a strong but reasonable Caymanian Protection Law, fairly applied to one and all alike, a Protection Law which is highly respected and upheld by the people of these Islands, to ensure that the security and stability of which we often boast, are protected and maintained.

In conclusion, Mr. President, it is true that no law can ever be so designed to cover every eventuality, but with a few amendments, a revision of regulations, and changes in certain directives to the Board, I believe that generally speaking the public will find that when this law is implemented, it will be found to be a substantial improvement over the present Law, and that most of the changes will be welcomed by the majority, which is after all, democracy at work.

Thank you, Mr. President.

MR. PRESIDENT: I think this may be a convenient moment to suspend proceedings for our usual morning break.

Before I do so, perhaps I could make one point. The First Elected Member for George Town who has just spoken, did mention that provided I gave him leave, he would propose to move at the Committee stage one amendment to, I think, clause 18 of the Bill. I suspect that when we come to the Committee stage, a number of Members may plan to move amendments. I would propose to be lenient in granting the necessary permission, but I think it would be very convenient for the House, if Members could ensure that amendments they have in mind to move, have all been typed up so that all Members have copies of them. I can otherwise see us getting into quite a muddle when the time comes. So, in the interest of avoiding confusion I shallbe much more lenient when granting leave to Members who, even though they have not been able to give the full notice required of Standing Orders, have at least had the amendments they proposed typed up, and can have them distributed at the time they move them.

I would just ask for Members' help in ensuring thatthat gets done whenever possible. It may, sometimes, I quite understand, be impossible, because something may come up in the course of the discussion of a particular clause when the time comes.

Now I will suspend proceedings for approximately fifteen minutes.

HOUSE SUSPENDED AT 11.25 A.M.

HOUSE RESUMED AT 11.58

MR. PRESIDENT: Please be seated.

Proceedings are resumed. Does any other Honourable Member wish to speak? The Third Elected Member for George Town.

MISS ANNIE HULDAH BODDEN: Mr. President, Sir, I had intended to wait until this afternoon to submit my debate, but since the men seem to be afraid to come back in, I will have to begin.

First and foremost, I should say, Sir, that this Committee which dealt with the Cayman Protection Law, had a picnic to what we three Members, who are now present in this Chamber, had when we dealt with the first draft of the Cayman Protection Law. Today, the reason why we have, I would say, a very qualified Barrister and law man in this Chamber, is because of the aspersions which were made to us by the then Chairman of that Committee. Whenever we made any suggestion whatsoever, we were told "you people only know the skimmings of the law, I am here to direct you," and in other words, take what I say .

At that stage when the new election was coming up, I applied to a certain qualified lawyer to join our ranks as one of our Members decided not to continue. I was told "I have not got time", and consequently I consulted the Second Elected Member of this House and put our plight before him, and asked him to join our forces. Well, he said he could not at that particular stage, but he promised me in 1976 he would take over the reins, and I must say, regardless if I lose my seat in this House in the coming election, that we have an asset to our Assembly in the person of the Second Elected Member to Executive Council.

Now, Mr. President, we struggled and struggled with this Law. We tried every way possible to make it the Caymanian Protection Law, and since then we have been accused of making the Caymanian 'Destruction' Law it was not destruction, but it certainly was not what it should have been. But, nevertheless, we have spent a lot of time in Committee and we have come up with this Bill, which I hope will go into Law, but nevertheless, I am not quite happy about certain sections.

This matter has been so broadly discussed, I feel I could add very little to this Bill, but in any case, I quite agree with certain mentions that have been made. I feel that woman should be protected, and vice versa, if they have husbands who are foreigners, that each, vice versa, should have the opportunity to have status in the Cayman Islands, if and when they qualify and they are of good character.

Unfortunately, women have been discriminated against in this Law, and I do not think it is fair. I said God never provided me with a husband, for which I thank Him. I have no regrets, but I feel those who are married to foreigners as they are termed, or non Caymanians, that they should have privileges enjoyed by either sex, and I wholly agree with it. What I disagree with principally, Sir, is this concession which is made to certain people who are termed "eligible persons". (a) any British citizen or citizen of the Republic of Ireland, I quite agree with. I quite agree with (b) any British Dependant Territories citizen. With (c) I have some questions, and most of all, I certainly do not think we should have in our Protection Law any United States citizens. I do not feel, although the great United States of America, has been a godsend to us, a godfather, like Jamaica has been our godmother, but nevertheless, I do not think it would be fair to the business

MISS ANNIE HULDAE BODDEN (CONTINUING): community of these Islands, who have struggled, and I mean struggled very hard to have themselves in the places which they now occupy as businessmen, to have Americans, who, I would say have expertise in business, come here, and as it were, take away the business which Caymanians have fought so hard and have gained where they are now. It would be unfair competition, and I disagree with that.

We have gone a long way, and we have prospered up to a point where I think Caymanians are able to take care of themselves in certain ways. Of course, like has always been thrown at us, we are an uneducated crowd. Nevertheless, as one former Member of Executive Council said publicly in the Chamber, it is a good thing that all of us are not educated because with the common sense which prevails, we could rule the world. I am not saying we could rule the world, but we certainly have ruled the Cayman Islands.

Mr. President, I feel that it is time that we study this Law, and when Committee stage comes, we shall have to deal with certain sections, and I am sure that we will find that they should be corrected.

Now, I could go on and on, and on, and talk for a couple of hours, but the situation has been made clear by other Members, that I will only say, I support the Bill fully, but when it comes to Committee stage, I shall have some comments to make.

Thank you, Sir.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak, I shall be obliged to ask the Mover of the motion whether he wishes to exercise his right of reply.

No Member seems to be seeking to catch my eye, so I will ask the Mover of the motion whether he wishes to exercise his right of reply.

HON. DENNIS M. FOSTER: Mr. President, since there is no other speaker, Sir...

HON. TRUMAN M. BODDEN: I guess if nobody, Mr. President, is going to get up, I may as well begin.

MR. PRESIDENT: The Second Elected Member of Executive Council.

HON. TRUMAN M. BODDEN: Mr. President, the Caymanian Protection Bill is the most important piece of local legislation in the Cayman Islands, because it affects the legal status of every person within the Cayman Islands.

It is important because it not only defines the rights of visitors to the Island, but it also defines the rights of you and I who live in the Cayman Islands.

This Law has been studied since the 4th February, 1983, or approximately one year and seven months, and the Committee which was comprised of all Members of this Honourable House, held fifteen long, complex Meetings. Most important, the Committee has studied and accepted the recommendations of many of the 43 written comments and the other verbal comments which had been made on the Bill. These comments were very detailed, comprehensive and well thought out, and I wish to thank personally, all of the persons and organisations who made these comments and recommendations.

HON. TRUMAN M. BODDEN (CONTINUING): The Bill has been changed substantially in many areas as a result of the acceptance of a majority of these representations from the general public. This Bill therefore represents the wishes of the majority of the people of the Cayman Islands, and it is therefore in accordance with their wishes that this new Bill has been redrafted and brought to the House.

I would especially like to thank the Second Official Member and the Acting Attorney-General for their Chairmanship and their patience in drafting this complex Law. I also would like to thank the First Official Member for his assistance and his recommendations which carried with it the experience of many years of handling this very difficult topic of immigration.

This Bill is the result not only of the comments over the past year and a half, but it is also a consolidation of some thirteen or more amendments that have been made to the Law over the years.

The process of public comment and scrutiny is one which I personally began some six or seven years when I published the three comprehensive written policies, in ago fact at that stage the first comprehensive written policies of the Government, of any Government here for Health, Education and Social Services respectively, and invited the public comment.

Since that time it has been used for other laws including the Education Law, and now has become an accepted and popular procedure.

Mr. President, I believe it is the most infallible procedure because it allows the public to produce a law which they want, and after all, we are here to represent the public.

Much has been said by the newspapers of the fact that the Bill should have been published for a longer period. However, the first notification to the public was in February, 1983, and the public's comments were invited in relation to the Law.

After that, the Committee sat, and on the 9th July, 1984, it produced a draft Discussion Bill which took into consideration some of our views as well as some of the views of the public, and that, Mr. President, was put out to the public for approximately three weeks, and it was extended by a further week and a half to ensure that all persons made their representations.

Some organisations did ask for much longer periods extending up to a further six months, for the consideration of it. However, I believe that human nature being what it is, no matter how long a period of time was put on the publication of this Bill, there would be some members of the public who would want more time.

Lady and gentlemen, it comes down to the fact of persons and organisations getting their priorities in order. If this Bill is important to a person or organisation, no one can tell me that they are not prepared to sit down for a few hours and go through it and come up with their comments.

What was interesting was that one of the organisations which asked for several months to consider it, did produce a very comprehensive in-depth, helpful series of representations prior to the 31st July, 1984, so as I mentioned if the Bill is important to a person, then the period of time granted was definitely a sufficient time, and especially when you realise we had 43 written representations.

HON. TRUMAN M. BODDEN (CONTINUING): It must be remembered that the allegation of a lack of time was not only originated, but was pressed along by the newspapers. I do not think I have to mention to Members of this House nor the public that they should be cautious of some things which they read in newspapers, and here I think that two important aspects should be borne in mind.

Firstly, it is the business of newspapers to keep good headlines, and the Protection Bill has been one of the best headlines they have had in a long time.

Secondly, and very importantly, many times the editorials are written by persons who have only been resident in the Cayman Islands for extremely short periods of time, and therefore I think some caution has to be exercised when reading an editorial on a matter such as the Caymanian Protection Bill when it is written by a person who has lived all of their life in another country. However good they may be, however good their intentions may be, it is quite different from you and I who have lived all of our lives and seen the good and the bad times. I am not criticizing, I am just being logical and factual.

Mr. President, I shall be attempting to go through as much as I can of the recommendations made by the Joint Committees' Report of the Business and Professional Women's Club, Caymanian Contractors' Association, Cayman Islands Chamber of Commerce, Cayman Islands Hotel Association and the Young Caymanian Businessmen's Association, which is set out in the Caymanian Compass of Friday, 31st August, 1984, at page A 11. I do so because I regard these Associations as the main and most important representative of important fields of the Cayman Islands business community.

Mr. President, to clear up doubts which have been alleged by the press and in letters, I would like to make it abundantly clear that in this Honourable House, any Member of this House is entitled to deal with comments and representations or criticisms made by members of the public on matters which are relevant to a matter before this House. It would be, indeed, a bad taking away of the rights of Members of this House if people were permitted in the press, on the radio, or otherwise to comment on matters, for example the Narcotics Bill or this Caymanian Protection Bill, and Members in this House would have no right to deal with those comments.

Therefore, Mr. President, before going into the Joint Committee Report I wanted to clear the air in this respect, to let the public know that I am fully entitled and fully within my rights and privileges to deal with the criticisms and recommendations that this Committee has made on this Bill, and indeed, Mr. President, I believe that Members of this House and of the public would like to have in-depth comments from Members here on matters of such vital importance as this Bill, or the Narcotics Bill dealt with in the last session, and especially to comment on this Joint Committees' representations to us. Whenever there is any breach of the Standing Orders in this House, then either you, Mr. President, or a Member has the right to take a point of order and to stop a Member from continuing his debate in that direction, as indeed you have done on occasions. I should like to stress lastly, that on the Narcotics Bill and on this Bill, indeed I have remained within the rights and privileges of the Assembly while commenting on matters made publicly which relate to those Bills, and on no occasion, nor indeed I hope, never, during the period that I remain in this House would it be said by you, Mr. President, or any Member that there ever has been any attempt by anyone to abuse the rights and privileges of the Legislative Assembly.

HON. TRUMAN M. BODDEN (CONTINUING): I would just like to mention, lastly, Mr. President, that a statesman criticises but can take criticism, a politician many times criticises but he cannot take criticism back, and for approximately five months when I remained silent, both within the House and publicly, and refused to make public comments during the Narcotics Bill, I accepted, or I took a lot of criticism during that time. Therefore, Mr. President, I would not like the public to be misled into believing that I am not entitled to comment on the Joint Committees' Report of the Chamber of Commerce and the other Associations, nor that I am entitled to comment on any other relevant recommendations or criticisms made outside this Legislative Assembly on this Bill. I am entitled to deal with these recommendations and criticisms.

You know, Mr. President, I was a bit reluctant to get up this early this time because when I spoke a few days ago, we got launched into a debate of several days, and having a look at the Third Elected Member for West Bay with his many law books, I hope that he is not getting ready to do something similar over the next few days. Anyhow, on to the....

MR. PRESIDENT: I can assure the House I shall interpret the rules of relevance very strictly during this debate.

HON. TRUMAN M. BODDEN: Thank you, Sir. (Laughter). Mr. President, I will need the House to be a bit patient with me because I am attempting to refer to the recommendations and to my notes, and to two separate Bills, the Discussion Draft, and the final Bill.

Mr. President, one of the most controversial provisions in this Bill is in Section 2, which is the definition of "eligible person", which provides as follows:

> "'eligible person" means -
>
> (a) any British citizen or a citizen of the Republic of Ireland;
>
> (b) any British Dependent Territories citizen;
>
> (c) any citizen of Australia, Bahamas, Barbados, Belize, Canada, Jamaica, New Zealand or Trinidad and Tobago; and
>
> (d) any United States citizen;"

and that definition, Mr. President, replaces the old definition, not in section 2 of the Law, but in relation to the grant of status which referred to a British subject, and as we know, the British Nationality Act has redefined the categories of citizens in the Commonwealth, and in accordance with the amendments that we have put through in the Constitution, it has been necessary to redefine these definitions.

There will be persons who, when speaking after me, will refer to leaving in a definition which includes all Commonwealth citizens, and perhaps as the First Elected Member, or the first two Members for George Town mentioned, to remove United States citizens. It must be remembered by this House and the public that the definition of "eligible person", the distinction created by this section is that a person who is not an "eligible person" would first have to become a British Dependent Territories citizen under the British Nationality Act of England, before that person could acquire Caymanian status. So really, this confers an easier process towards acquiring Caymanian status, but it does not close the door to other people acquiring Caymanian status. It merely

HON. TRUMAN M. BODDEN (CONTINUING): means that under the British Nationality Act and that discretion has been delegated to you, Mr. President, in your capacity ofGovernor of these Islands by the Secretary of State, or indeed under the Law. It has now been placed there. So that what would have to happen with persons who are not in this category for purposes of Caymanian status, they would have to either be naturalised, or they would have to be registered, and I will deal with thedifferent types of registration at a later stage. And it would mean swearing an Oath of Allegiance to Her Majesty the Queen.

The effect as I see it of limiting the citizenship to Australia, Bahamas, Barbados, Belize, Canada, Jamaica, New Zealand, Trinidad and Tobago, and the United States of America is is that this limits the "eligible person" clause to persons who live in democratic countries, who have preserved, and indeed fought wars to preserve the freedom which we enjoy, and which are countries which have always had some similiarity and connection with the Cayman Islands.

In the first countries excluding the United States, those in section (a), these are countries, Mr. President, which are democratic, which are non Communist, and which owe allegiance to Her Majesty the Queen, but most important, Sir, all of these countries are countries which are similiar to us and have a way of life which is similiar to ours.

I would now like to read the list of Commonwealth countries that still exist, and this is taken, Sir, from schedule 3 of the British Nationality Act, 1981.

"SCHEDULE 3

COUNTRIES WHOSE CITIZENS ARE COMMONWEALTH CITIZENS

Antigua and Barbuda
Australia
The Bahamas
Bangladesh
Barbados
Belize
Botswana
Canada
Republic of Cyprus,
Dominica
Fiji
The Gambia
Ghana
Grenada
Guyana
India
Jamaica
Kenya
Kiribati
Lesotho
Malawi
Malaysia
Malta
Mauritius
Nauru
New Zealand
Nigeria
Papua New Guinea
Saint Lucia
Saint Vincent and the Grenadines
Seychelles
Sierra Leone
Singapore
Solomon Islands
Sri Lanka
Swaziland
Tanzania
Tonga
Trinidad and Tobago
Tuvalu
Uganda
Vanuatu
Western Samoa
Zambia
Zimbabwe"

Mr. President, what becomes painfully obvious from this list and goes very squarely against my arguments that would request to put that list back into this Bill is the fact that anyone preferring that list over the United States of America, preferring to favour Uganda, for example, rather than the United States; put very simply, it could be dealt with like this: A

TRUMAN M. BODDEN (CONTINUING): person requesting that list rather that the United States of America, would prefer to put a favoured status on, for example, Idi Amin of Uganda, rather than one of the past Presidents of the United States of America. Further, countries such as Uganda and many of those listed in the Commonwealth list I have just read, were, or are Communist, and, Mr. President, anyone who favours communists over democratic countries definitely needs some examination of his priorities because his priorities would be badly mixed up.

Further, I believe, and I have heard every Member in this House acknowledge that it would be good for us to bring back from abroad persons with close Caymanian heritage, and Mr. President, the bulk of these are in the countries that we have listed as eligible countries. So, on the one hand, Mr. President you have a way of thinking that because we have had the Commonwealth over the years, and it has been good; I have nothing against that constitutional system of countries, that we must at this stage continue it.

On the other hand, Mr. President, I think that to work this Bill we must have people who understand the way of life in the Cayman Islands, who have fought to preserve the liberties and the democratic rights that exist in the Cayman Islands, and people who come from countries where within that democracy a lot of our Caymanians have gone and have lived, and these countries, including the United States which probably has more Caymanians than any other country, I think rightly deserve to be in the list of "eligible persons".

MR. PRESIDENT: If the Member has finished dealing with a particular point and it is convenient to him, we could break. It is convenient? Yes. In that case I suggest that we suspend proceedings for lunch and resume at 2.15.

HOUSE SUSPENDED AT 12.50 P.M.

HOUSE RESUMED AT 2.19 P.M.

MR. PRESIDENT: *Please be seated.*

Proceedings are resumed. The Honourable Second Elected Member of Executive Council.

HON. TRUMAN M. BODDEN (CONTINUING): *Mr. President, before the break for lunch I was dealing with the important point of who is an "eligible person", and I pointed out that we have endeavoured in this definition to include countries which are democratic, which understand our way of life; and to exclude countries which are communist and away from the sort of life that we are used to living here.*

I know the other two Members speaking did mention certain reservations on United States citizens, but I have mentioned my point in relation to that in that they are within the geographic region. A very large amount of Caymanians are in the United States, and our hope of ultimately attracting back to the Cayman Islands these persons, I believe is very worth while putting them into this definition.

In Section 5 we have included that one Member of the Board shall be a resident in Cayman Brac or Little Cayman and this will entrench our Lesser Islands representation.

Under Section 6 the Board can be given power to appoint Committees which can deal with specialised parts of the Board's work such as Trade and Business Licences, and routine work, and, Mr. President, this is now the position. The joint committee that I mentioned, I would refer to, mentioned that under Section 5 was felt that there should be a rotation system for Members on the Board. My view of this, and the view I believe generally held, is that if you have good Members on the Board, why change them? If problems do arise, then Members of this House have to answer to the public every four years, and in any event, Mr. President, there must be a substantial amount of continuity with the immigration policy in any country.

The request of the joint committee under Section 6 has now been complied with and the Board can appoint Committees, as I mentioned earlier, to deal with routine work of the Board such as Trade and Business Licences which are non-controversial.

Mr. President, perhaps even more amusing, I understand that it is rumoured that some of the aspiring new politicians have a different formula for appointing the Board, and it goes something like this. A Chairmanship of the Caymanian Protection Board will presumably at such stage as these persons may be able to make the appointment, go to the person who contributes the largest to the campaign fund, and those with a lesser contribution would just be Members of the Board. I understand that it is a similar rumoured thing for the Central Planning Authority. So, Mr. President, amusingly, the ideas for appointment of the Protection Board are varied. I know that one of the Members of the joint committee, I believe it was the Chamber of Commerce, requested that they should have a right to appoint, I believe, three Members to the Board. I would just say this, Mr. President, the Board is geographically spread now, and it also has persons in diverse occupations, and in fact the Chamber of Commerce has the largest slice, I believe, on the Board of any other organisation, so in practice I would say that the Governor-in-Council in appointing Members to the Board has had cognizance of the fact that occupation as well as district-wise the Members should be spread.

HON. TRUMAN M. BODDEN (CONTINUING): As I mentioned earlier, if one have a good manager of a successful business, one does not rotate him every four years. In fact the First Elected Member for George Town put the case very clearly against rotation under the rule which he referred to as the rollover rule under immigration. Mr. President, it is like saying that if something works, then you should attempt to fix it. That, I believe is a mistake, and you normally find that if something works one should leave it. That is why, Mr. President, with the stability that this country has which has been gained by the Members of this House over the last eight years, is working now, and we are the best people to continue it.

Moving on, Mr. President, in letters as well as set out in this joint committee report, there are different views relating to appeals to the courts and appeals to statutory tribunals, and this is what I will deal with now, as it is probably the next most controversial point.

In a letter in the Caymanian Compass on 7th July, 1994, on page 6, Mr. Pierson mentioned that there should be appeals to the court or to an appeals tribunal established to deal with appeals. I find that somewhat strange, and not in line with his earlier way of thinking when there was an impression that we should take power away from the Civil Service and put it in the hands of politicians, (and I am here referring to the matter of removing, say the Financial Secretary, a Civil Servant, and replacing him with an elected politician of this House). So, we have the reverse trend now of taking power away from the politicians and putting it into the courts. At least, Mr. President, with this suggestion, there is no need to advance the Constitution. The Caymanian Protection Law can be dealt fully within the Constitution of the Cayman Islands with the understanding as we all know, Mr. President, that the United Kingdom is always very aware, and always likes to look very carefully and cautiously at matters such as the nationality rights.

We have extended the period of time under Section 11 for appeals to 21 days and beyond, if good cause can be shown, and this is in line with the laws that now exist in relation to extension of time.

Section 18, as I mentioned earlier, has been commented on by nearly every person who made representations on the Bill. These representations have ranged from the specific bodies wanting perhaps to appoint some Members as I mentioned earlier, or having Members appointed from within their body, to having appeals dealt with by the courts or separate tribunals. I would now like to give Honourable Members my views of the law as it now is, and the different propositions.

The joint committee of the Business and Professional Women's Club, the Cayman Contractors Association, the Cayman Islands Chamber of Commerce, the Cayman Islands Hotel Association and the Young Caymanian Businessmen Association, which, Mr. President, I will continue to refer to as the joint committee, mentioned under Section 2, where they dealt with this on the Appellate Tribunal, which they felt it was not proper for appeals to go to the Executive Council and which should go to an appeals tribunal.

Before going into the merits of each case, I would like to point out to this Honourable House the position in the United Kingdom under the British Nationality Act. Mr. President, in Section 44 of the British Nationality Act, subsection 2 we find this. I am now going to read from the British Act:

HON. TRUMAN H. BODDEN (CONTINUING):

> "(2) The Secretary of State, a Governor or a Lieutenant-Governor, as the case may be, shall not be required to assign any reason for the grant or refusal of any application under this Act the decision on which is at his discretion; and the decision of the Secretary of State or a Governor or Lieutenant-Governor on any such application shall not be subject to appeal to, or review in, any court."

Therefore, Mr. President, the British Nationality Act of England provides that there is no appeal from a discretionary decision of the Secretary of State or you in a Colony as Governor, on matters under the British Nationality Act; and that there is no appeal from it. So, put very simply, in England when it comes to nationality under this Act, there is no appeal, there are no reasons given, and that is it.

Further, Mr. President, and here I am reading from Immigration Law and Practice by MacDonald. There is no right of appeal in the United Kingdom against a decision to deport for reasons of national security or other political reasons. I stress that because a lot has been made of the fact of a political body dealing with this matter, and also very surprisingly, there is no appeal against the refusal of the Department of Employment to issue a Work Permit or approve a training scheme; and there is no appeal against the refusal to extend what they call "packing up time".

Having said that, Mr. President, I believe that there is good cause why there are no appeals from an executive body to a judicial body; and I will show as I go on how we have had a serious confusion of the separation of powers doctrine.

I will deal first with appeals to the court. Firstly, I believe that appeals to the court would be physically impossible to manage as the Board would have to write detailed legal reasons for all decisions on appeals. Further, I believe that it would probably take at least two judges and a special immigration court sitting five days a week for the full year to hear all appeals. We must remember, for example, that in the first contested case under the Caymanian Protection Law that was heard in court on the word "domicile", in which I appeared as Acting Attorney-General in 1972, the then Judge of the Grand Court, Mr. Justice Moody, heard legal arguments that took several days on the word "domicile" alone. The first decision under this Law produced a legal interpretation by consent of the then Legal Draughtsman, Mr. Donaldson, before the then Mr. Justice Horsfall, some months prior. This stated that all persons who were in the Cayman Islands and "domiciled at common law rather than under the 1962 British Subjects Immigration Restriction Law, had Caymanian status as a right. It was a legal decision made by the courts; properly made by the courts; but it was one which was highly impractical as it opened the door to many thousands of persons, some of whom had only been in the Cayman Islands for a few minutes.

This is also the problem that one has with the court in that its decisions are decisions in the law, and it has no overriding duty towards the policy and good government of the country.

Further still against having appeals to the court is that an appeal to the Grand Court can go to the Court of Appeal and thereafter to the Privy Council in England, taking perhaps three to five years to reach a conclusion. What do you

HON. TRUMAN M. BODDEN (CONTINUING): do with the appellant during that period? Does he remain in the Cayman Islands and carry on his business, however detrimental it may be to the public during that period? Undoubtedly, Mr. President, with immigration, decisions must be given within a reasonable period.

An independent tribunal - several of the arguments relating to the court also relate to the tribunal. The most important one is that its decisions, that is the decisions of the tribunal, will be on the Law and will not be government policy. Therefore its decisions could well be logical and impractial although legal. For example, I mentioned earlier that the courts ruled that any person who was domiciled at common law immediately prior to the 27th March, 1972, became a person having Caymanian status as a right. Mr. President, that is a horrifying thought, but I point out the decision was legal, and while it was not in the interest of this country the duty of a court is to carry out the law. Undoubtedly that decision would never have been given by the Executive Council, because it was a decision that could have meant total ruination to the Cayman Islands at that time.

I would now like to deal with the doctrine of separation of powers. Mr. President, much has been said in the past four years about the doctrine of separation of powers; and historically it came into the political arena when there was a joint manifesto by Mr. George Smith, Mr. Linford Pierson and myself, and to be frank about it, I put in the doctrine of separation of powers, because it is a good one, but up until that stage there had been no talk about it. But it has now been confused and I would like to just state what the orthodox authorship on this regards as the three different meanings and show you how it would support appeals remaining where they now are. This is coming from Wade and Phillips Constitutional and Administrative Law, and the author has this to say about it:-

> As the strong contrast between the United States and France shows, the doctrine of separation of powers has a variety of meanings; thus the concept of separation may mean at least three different things:
>
> "(a) that the same person should not form part of more than one of the three organs of Government, e.g. that Ministers should not sit in Parliament;
>
> (b) that one organ of Government should not control or interfere with the exercise of its function by another organ, e.g. that the Judiciary should be independent of the Executive or that Ministers should not be responsible to Parliament;
>
> (c) that one organ of Government should not exercise the functions of another, e.g. that Ministers should not have Legislative powers."

And this book naturally refers to a large extent to the United Kingdom system.

Another section of that book sets out that:-

HON. TRUMAN M. BODDEN (CONTINUING): The classification of the powers of Government into legislative, executive and judicial powers involves many conceptual difficulties, for example, no sharp boundary can be drawn between judicial and administrative functions or between legislation administration, but in a system of Government based on law it remains important to distinguish in constitutional structure and process between the primary functions of law making, law executing and law adjudicating. If these distinctions are abandoned, the concept of law itself can scarcely survive.

So, basically, what the doctrine of separation of powers means is that one arm of Government should not interfere in the work of another.

So, therefore, Mr. President, to have the courts attempting to deal with appeals, and to exercise executive functions, would, in my opinion, clearly be a breach of this doctrine of separation of powers.

There is also a situation, Mr. President, in which the Legislature can invest both the Executive, the Judiciary and the Legislature itself with remedies for exactly the same situation; and that while it does not exist under the Caymanian Protection Law, an example of this is found in our Confidential Relationships Law where the Executive is vested with power to disclose; the court is vested with power to disclose; each or both can exercise that power simultaneously or alternatively, and it stays within the doctrine of separation of powers. So, in this case I believe that to take and put appeals from an executive body, cross it into the courts, if one is looking at the pure doctrine of separation of powers, it would be a breach of it. But does the court not have any power in relation to immigration matters? Of course the court does. There is always what is known as the prerogative writ. In this instance it would be the certiorari and the mandamus which have been used in two instances where the Law is not followed. While, Mr. President, I do not want to go into depth on the principles of natural justice, the courts always have an overriding power to see that the Executive and the Legislative if it is exercising powers such as a subsidiary type of power, is dealt with in accordance with the Law.

So if the Appeals Tribunal, the Executive Council or the Board deals with a matter in which the courts may exercise the prerogatory writ of certiorari or mandamus, then in that instance the court does have certain rights. But I must point out the difference between the prerogative writ and actually having the court as an Appeals Tribunal, is that if the court is dealing with appeals, then it may well have to exercise an executive function. However, if it is merely seeing that the body is complying with the Law, in this case the Protection Board, that is a different thing. There is a difference between exercising the functions and seeing that the Law is complied with.

Mr. President, in the final analysis, immigration in every country is dealt with by the Executive, or in independent countries by the Cabinet Minister responsible for nationality, as in the United Kingdom. The reason is very simply this. The Executive Council is made up of elected representatives of the people, and every four years they must answer to the people. An independent tribunal, or the court, or a judge does not have to face the electorate when it makes mistakes, or when it produces a decision which is totally against the interests of the majority of

HON. TRUMAN M. BODDEN (CONTINUING): Caymanians. We do, Mr. President. Therefore, this is the reason why in the United Kingdom there is in fact no appeal from the decision of the Home Secretary in discretionary matters, neither to the court nor to the Cabinet which is the equivalent of our Executive Council.

The important policy in a country must be its immigration policy, and the decision must rest with the Elected Members who must answer to the public for the good government of the country. To try to put immigration policy with appeals in a tribunal or a court is, I believe, to badly mix the Executive and the Judicial functions and thus breach the doctrine of separation of powers. In fact, Mr. President, in the United Kingdom, even though there are limited appeals on limited matters, there are instances in which quite a few of them, I think about four or five, in which they will not even let the appellant come within the country itself.

There have been some representations that every person who wished to be heard in person must be heard by the Board or Executive Council. This once again is impractical, and I believe that provided that a person has a right to make written representation, then the discretion should be left in the Board and the Executive Council as to hearing a person orally.

For example, Mr. President, if there were 400 appeals in each year and all required to be heard orally or by an attorney, which means it would be much longer; then either the Board or the Executive Council would have to sit every day of the year just to deal with the hearing of those appeals. But, if both bodies are given a right to allow oral evidence, oral witnesses before them then, Mr. President, if it is needed, this can be done; and, Mr. President, we know that if this went on, that the Board would just get much further behind than it now is and further delay applications before it.

Mr. Arthur Hunter attacked this Bill in a meeting that he had, but I am just wondering, Mr. President, why during the seven years or so that he sat as Chairman of the Board that he perhaps did not recommend that appeals go to a tribunal, or that he did not personally hear persons coming before him and give the reasons for the refusal that the Board made. It, I believe, can be shared with the First Elected Member for George Town who was also on that Board and at times Chairman, that the Board while it has been highly criticised, Mr. President, it will always be criticised if this House made a Law with 1,000 different provisions then it would still be criticised, but for the purpose that it serves I believe it has worked well under the present Chairmanship and the past Chairmanship, including the early days when I know it was much more difficult when the First Elected Member for George Town was on it.

So, Mr. President, referring to the public meeting, if a person is no longer on the Board, I feel he should have a duty not to unnecessarily criticise it, if some eight or ten years back when that person was in the driving seat on that Board, we did not get these recommendations coming out at that time. It is a bit of sour grapes at this stage.

Specifically, in relation to giving specific reasons for every refusal that the Board must make, we must bear in mind that there are times, for example, when the reason is that a person is involved in organised crime and we have, for example, a report from Interpol, or the FBI, or Scotland Yard, and it is just not possible to publish that report. I see nothing wrong, however, with giving general reasons, for example, that it is against the interests of the public in that there are too many businesses or, that it is in the retail trade which is already well serviced; and therefore that the licence should be

HON. TRUMAN M. BODDEN (CONTINUING): refused, or that there are too many persons already working in the category for a Caymanian and where a Caymanian could be displaced.

Mr. President, the joint Committee referred to Section 14, subsection 1(f) where they wanted to delete the power of the Executive Council to grant Caymanian status. Well, I would like to put abundantly clear that there have only been four instances in which the Executive Council, I understand, has exercised its power. It has been exercised for two ex-Governors, one ex-Chief Justice and an ex-Attorney-General;and the reasoning why this power is put there is very simply this. These are people who in the past have had to deal with decisions at the most senior level;and it is not really proper, I think, that we should have a Governor or a Judge or Attorney-General having to go before,say the Protection Board, but members of the public have tried to make this into another political football by trying to mislead the public into believing that this is a power that Executive Council uses every day. Since 1972,it has been used four times: the four times it has been used I think it was correctly used, and it is a residual power which I believe should remain where it is. There are certain stages of humiliation beyond which, I believe, to keep the judiciary, the legal side or the governorship whatever independant, then this power should be used in those limited instances.

I am reminded,Sir,it has been used for two judges, not one, and I apologise for that. In any event, Mr. President, it is rarely used,but I believe it should remain.

Winding up on Section 14 relating to acknowledgement of status, I once again wish to remind this Honourable House of Section 44 of the British Nationality Act of 1981,which provides that there is no appeal from a discretionary decision of the Secretary of State and that no reasons need be given for the decision. It is absolute there; it is made by one person only and at least in the Cayman Islands there is a right of appeal to the Executive Council.

Section 14, subsection (2) of the Bill provides that a child of a person who has acquired Caymanian status under the age of eighteen years can retain that status after the age of eighteen years provided that he does not lose it under Section 21 (1) (e) (iii), by not having been ordinarily resident in the Islands for seven years prior to his attaining the age of eighteen years. Members of this House know that this section was dealt with before the Appeal Court in the case, I think of the Collins petition, Sir, when the court at that stage ruled that this was a minority clause under the 1972,Law and had been under the 1962, Immigration British Subjects Law;and under previous Laws which had a similiar section, and it gave a status of a parent; in this instance it would have been of the parent who himself or herself had Caymanian status to the child until the child was eighteen. Well, by legislation now, Sir, what we are doing is to state that when the child reaches seventeen,he will know with certainty one of two things, either if he has not been ordinarily resident for a period of seven years, before the age of eighteen, then he should at that stage apply one year before he reaches eighteen to get his grant of Caymanian status. But,if he would have then been here for six years ordinarily resident and would continue to be for another year, then he will automatically have Caymanian status beyond his minority. So in effect it reverses that decision on this Bill,but, Mr. President, there are doubts and I do not really believe it effects any of the previous Laws such as the 1962 Law. However, I feel that it is a fair section; if children have been in Cayman for long periods of time and their parents continue to have status and remain here, then the children should

HON. TRUMAN M. BODDEN (CONTINUING): not have to apply for a grant as was the position under the minority clause.

What I would like to do, Mr. President, is to mention the position under the previous 1962 law. That Law was Chapter 67, the Immigration Restriction British Subjects Law, and came into force on the 1st March, 1962 and it had what was then called Belonger status which is now Caymanian status under the 1972 Law; and Section 2, subsection (2) said:

> "For the purposes of this Law a British subject shall be deemed to belong to the Islands if he -
>
> (a) was born in the Islands or of parents who at the time of his birth were domiciled or ordinarily resident in the Islands; or
>
> (b) is domiciled in the Islands; or

then it goes on to ordinary residents, and under Section 35 there was a section similiar to the one that was removed in here that residents for purposes of the Law had to be without restriction in certain instances.

So, the belief that in the past anyone who was born outside of the Cayman Islands of a Caymanian parent that the parent need not be domiciled or ordinarily resident here, is not correct. There had to be at the time of birth which is the relavant, time, a parent who was domiciled or ordinarily resident in the Islands, and that was the same I understand, Mr. President, under the 1934 Law. The reason I am mentioning this is that there is a belief that this Bill has taken away rights of those persons and indeed it cannot, because there is the saving clause in this and it has been in every other one, and the rights under the 1962, or under the 1934 Law, depending on the age of the child have been preserved.

Mr. President, Section 15 was one section that I think nearly all of the persons who commented on it, and indeed the Joint Committee said should be removed. Well, this has been removed. Very briefly, what it did was to give the right to United States citizens who may not have been British subjects at the time of birth of a child, Caymanian status, if at the time of birth the conditions in it were fulfilled. So, what it really did was to remove the restriction of having to be a British subject.

Section 16 relates to domicile and the court's determination of it. The Joint Committee in their report stated that it has been proved that the meaning of this word is extremely difficult to define, and a state of mind of where a person thinks he calls home; therefore this word should not be used under this Bill. Their recommendation was "domicile" should be deleted entirely and replaced with "resident", which would mean the applicant must have been living within these Islands for the period or periods as specified in the Bill.

Mr. President, I would like to just read briefly a misconception that has arisen in relation to this word. As I mentioned some time earlier, when I was Acting Attorney-General in 1972, I did the first contested case on this word, and I would like to read from Stroud's Judicial Dictionary, Volume II and it says this:

> "As to change of domicile, a 1936 case, declarations of intention are rightly regarded as determining the question of a change of domicile, but they must be examined by considering the person to whom, the

HON. TRUMAN M. BODDEN (CONTINUING):

> "purposes for which and the circumstances in which they are made, and they must further be fortified and carried into effect by conduct and action consistent with the declared expression."

So you do not just stand up one good day, enter a country and say I am domiciled, and that is it. One actually has to show through conduct that one has made that place his domicile, his permanent home, and in fact, Mr. President, if the Bill had been as simple as it is commonly thought where one merely makes a declaration, then these Islands would really have been in serious trouble; and that is why in 1972, I contested that first case which happily, after many, many years, was finally settled and was saved through a saving clause, was one of the main reasons which put, I think, sense into what could have been a very detrimental legal decision. So what I would mention is that I take the point that the Joint Committee has made, but I do not believe that you can find any nationality law that does not carry the word "domicile". It may carry 'domicile' along with other definitions such as "ordinarily resident" or "resident", but I do point out to them that the word "resident" here, if you take pure residency and you miss a day out of it, then you have broken it and it is wholly different from ordinary residence.

The Joint Committee referred to Section 18, several subsections of that. What I think the public and Members here know as was stated somewhat earlier in a question to the Honourable First Official Member, there have only been the grant of 252 Caymanian statuses since 1972, so it is not a matter of the Caymanian Protection Board, or indeed the Executive Council fixing very large quotas. It has been selective, and I do not believe that that is either too much or too little for over that period.

I would like to now refer to Section 18, subsection (4) once again, and to point out that, I am sorry, this now becomes under the new Bill Section 18(3), and it says:

> "Any person who is an eligible person of not less than eighteen years of age, one of whose parents or grandparents was born in the Islands and who has been ordinarily resident in the Islands for the period of three years immediately preceding his application may apply to the Board for the grant of Caymanian status."

That section, Mr. President, is one that I believe will assist persons who have Caymanian status both of parents and grandparents to acquire status after the three year period, and thus avoid the seven year period. I think it is good. I think it will attract back to Cayman persons who have roots here, who have their parentage here. I would however like to point out that it is discretionary. All that happens is that it reduces the period of ordinary residence from seven years to three years for the application of status.

Section 18, subsection (5) has been one that much has been said on. It was mentioned in, I know, the Chamber of Commerce comments, and in fact it has now got about equality of the spouses, and it says this:

HON. TRUMAN M. BODDEN (CONTINUING):

(5) Any eligible person -

(a) who is the spouse of a person who possesses Caymanian status;

(b) who is not living apart from their spouse under a decree of a competent court or under a deed of separation;

(c) who has not lived apart from his spouse for an aggregate period of twelve months out of the five years immediately preceding the application;

(d) who has been ordinarily resident in the Islands for a period of three years immediately preceding his application; and

(e) who has not in any country been convicted of an offence for which a sentence of imprisonment of or exceeding twelve months has been passed other than for non-payment of a fine unless -

(i) such conviction has been quashed on appeal or has been the subject of a free pardon;

(ii) the act or omission giving rise to such conviction would not be an offence if done or omitted in the Islands in similar circumstances; or

(iii) the conviction is one which, in the interests of justice, the Board directs to be ignored for the purposes of this section,

may apply to the Board for the grant of Caymanian status."

Mr. President, what that does and it has been in the draft Bill since 9th July, is therefore to make both husband and wife equal. However, what I would like to mention; because this has been used up to a few days ago, I heard it in a public meeting, that one of the things that would be done was this equality of rights and I would like to point out very clearly that since the discussion draft was published on the 9th July this year, that section has always been in there, and it really is not very truthful or fair for anyone to get up and promise they are going to do what has already been done.

So for the first time we have, as has the British Nationality Act, removed the distinction between husband and wife. I should point out, however, that historically this lack of equality arose, because under most nationality laws there has to be one person, and one person only that domicile and nationality will follow, and in international law that has always been the husband. Because you would get situations, and we may well get them arising under this, in which the husband, for example, is from say Jamaica, the wife is from the United States and the child is born, say in Honduras; and then you have perhaps three jurisdictions plus one of them or both of them would have to get status here and one get a conflict of laws. Well I assume in due course that that would sort itself out, but traditionally status and nationality has followed one person only and that normally has been the legal head of the household.

HON. TRUMAN M. BODDEN (CONTINUING): Mr. President, in subsection (7) of Section 18 it preserves the right to claim status if the ingredients of the previous subsection that I mentioned exist immediately prior to the death of the spouse, and I think once again that this is fair, and it does give continuity.

Mr. President, another controversial clause was Section 18(8), paragraph (c) which stated that in calculating the period of time the two years immediately preceding the application for status, during which a person has been resident, that that person should not have any restrictions during that period. Well, quite rightly that has been removed, and I notice the Joint Committee did not raise that in its new recommendation. But I do point out it was the equivalent of what I think was Section 37 of the 1962 Immigration Restriction Law and it has been preserved, even though I think for twelve months in the British Nationality Act in relation to, I think, naturalisation. But, quite rightly it could have been a problem under our Law and it has been removed.

So put simply the removal of this means that a person who is on a work permit can now acquire Caymanian status by grant and would not be precluded, as he would have had restrictions on his permit prior to this section, which was never law, it was only in the draft, being removed.

The considerations that the Board should take into account are found in Section 18, subsection (8) and I would like to just read these quickly. It says:

> (8) "The Board shall, in deciding whether or not to grant Caymanian status have regard to the following:-
>
> (a) the economic situation of these Islands and the due protection of persons engaged or likely to be engaged in gainful occupation;
>
> (b) the health, character and previous conduct of the applicant, and where applicable, of any member of his family;
>
> (c) any advantage which the continued residence of the applicant or his family may afford to these Islands;
>
> (d) that the applicant is or would upon the grant to him of Caymanian status become domiciled in the Cayman Islands.
>
> (e) the hardship that may be caused to a spouse and his dependents; and
>
> (f) that the grant of the application is not contrary and is conducive to the public interest,
>
> and may if satisfied with respect to the foregoing considerations make a grant of Caymanian status in favour of the applicant:
>
> PROVIDED that, in the case of a married applicant living apart from her husband whose domicile is, by reason of her marital status, beyond her own control, paragraph (d) shall not apply as a bar to the grant to her of Caymanian status."

HON. TRUMAN M. BODDEN (CONTINUING): But, Mr. President, that is an instance where domicile has had to be reversed from the traditional concept that the domicile of a wife follows a husband. We have reversed it by law, because this is the sort of problem that can sometimes arise where different people have different domiciles, one is left with a minority child in between, who cannot legally determine his own status.

The important addition to this from the old Law, Mr. President, has been that under (a) we have not just said the economic situation and the due protection of persons already engaged; we said engaged or likely to be engaged; and this I think is important, even though I know the Board considered the future labour market when granting status. In (b) one of the considerations now we have included is the health of the applicant.

Perhaps the most important section and one that was pushed by the two Elected Members from the Lesser Islands is the hardship that may be caused to a spouse and his dependents, and in this, Mr. President, what it will now do is to focus the consideration of the Board specifically on the effect of not granting a work permit to a spouse who is married to a person with Caymanian status. What we really have is now putting into law what has been policy, I believe since 1972, in that where a husband or a wife is not Caymanian, and the spouse is Caymanian; then the Board will have regard to a favoured situation towards that spouse when dealing with the grant of Caymanian status. I think we have also included it under what used to be the old Section 17 in relation to work permits; and I must say I agree with the two Elected Members from the Lesser Islands who were the ones who pushed that. It was also raised, while I do not believe by the joint Committee, I know individually this was raised by persons who made written comments on the Law.

What I would like to have seen here, Mr. President, was something more to give the Board teeth in relation to conveniences of marriage. Incidentally, when the White Paper, I think, came out in the United Kingdom on the Immigration Act, the section relating to marriages of convenience had in a clause which stated, or a recommendation I should say, which stated that a marriage by which the persons were not together, because there had apparently been a legal marriage by telephone, would not suffice under the law. Well, when it reached the British Nationality Act a lot of that went by the way, but I believe that this has been an avenue of abuse in the past, and as every other Member here has said, I believe that the Board has to be really cautious and really careful when now using the section that permits them to grant status to the non-Caymanian spouse of a Caymanian spouse.

MR. PRESIDENT: I wonder if this would be a convenient moment for the Member to...

HON. TRUMAN M. BODDEN: Yes, Sir.

MR. PRESIDENT: Let us in that case suspend proceedings for approximately fifteen minutes.

HOUSE SUSPENDED AT 3.26 P.M.

HOUSE RESUMED AT 3.50 P.M.

MR. PRESIDENT: *Please be seated.*

HON. TRUMAN M. BODDEN (CONTINUING): *Mr. President, most important to the operation of this Law is the keeping of proper statistics. I have always believed that to make a decision without having all of the relevant facts and statistics for consideration is negligence. Therefore, I believe that it is crucial to the operation of this law that proper statistics be maintained, and be maintained accurately and kept up to date, and given to the relevant persons. Mr. President, I believe that now that the Immigration Department has a computer and all the staff that have been asked for within reason; that this should cease to be a problem, but I must admit it has been a problem in the past.*

Turning to the Joint Committee and their recommendations, they refer to Section 31 (1) (f) and as they mention, that has been deleted. I should mention, Sir, that when the Joint Committee published its recommendations these related to the discussion draft and not really this new Bill, therefore it is a bit confusing and a bit difficult really to be able to marry up the two Bills as well as their comments.

In Section 23 they said "that the time has come for Government to be treated in exactly the same way as the private sector with regard to the issue of gainful occupation licences, with the exception that such gainful occupation licences would be free of cost. Laws of these Islands need to apply equally to the public and private sectors. There have been many cases where an application of a gainful occupation licence was not granted or renewed, and the same person has subsequently employed by Government."

Mr. President, I agree with the fact as the First Elected Member for George Town stated that there are many instances when people who are rejected by the Board are employed in Government, and that I feel, Sir, must stop. However, I would just like to point out that it is not constitutionally possible to put the Civil Service employment under the Caymanian Protection Board, and Section 7 subsection (1), paragraph (c)(v) of our Constitution provides that:

> *"The appointment on contract and appointment to act in any office of any person to any public office, suspension, termination of employment, dismissal or retirement of any public officer, or taking of disciplinary action in respect of such an officer,"*

and it goes on, can be dealt with only by your Excellency. Therefore, while I have sympathy to a certain extent with what has been referred to here and I believe that we should get a much closer liaison between the Public Service Commission and the Board as to persons who are not suitable for one or the other; because I believe it goes both ways. I think people also leave Government and they get gainful occupation licences, but our duty here is to uphold the Constitution and as I mentioned earlier, we should never even think of advancing this, whether it is to put more political power in the hands of politicians, as for example trying to remove our Financial Secretary, or for any other reason. Unfortunately I think the Joint Committee will agree with me, there is not a lot that can be done in that respect.

HON. TRUMAN M. BODDEN (CONTINUING): I believe, as I mentioned earlier, that there has been some erosion of this law by persons being employed in Government when they have been refused a licence by the Board, and, Mr. President, it really does not make good sense for us to have tight quotas for numbers of persons being employed in the private sector if Government too does not itself have tight quotas, and to liaise with the Protection Board.

There has been a recommendation by the joint Committee to alter subsection (a) of Section 33 and this basically states:

> "This Part shall have no application to -
>
> (a) members of the crew of any vessel engaged in their duties as such;

and here the definition of "vessel" includes aircraft, hovercraft and the like. Well, it is not quite as simple as that, Mr. President, and I would like to just read briefly from MacDonald on Immigration Law and Practice where he states:

> "Members of the crews of ships and aircraft are in fact subject to more vigorous control than other groups of immigration. Their admission unless they are resident in the United Kingdom is always temporary, usually dependent on the turn around time of their ship or aircraft."

and in the footnote there is a reference saying that the exemptions arise; sorry, further down there is an exemption for crews on planes and ships internationally on flights or voyages.

> "Exemptions arise from the application under the United Kingdom Immigration Law where the national standards and practices which have been adopted in order to expedite international travel and to prevent unnecessary delays owing to immigration procedures. Under the 1958, Seafarers National Identity Document Convention, parties to the Convention are obliged to admit the holder of a seaman's card for temporary shore leave to enable him to join a ship or to transfer to another."

Indeed in International Conventions of Merchant Shipping by Sing I found the Convention and in Article 6 it said:

> "Each member shall permit the entry into a territory for which this Convention is enforced of a seafarer holding a valid seafarer's identity document when entry is requested for temporary shore leave while the ship is in port."

Well, I am not certain whether the United Kingdom is a party to the Convention, but it obviously follows the Convention procedures there.

The joint Committee have requested that in Section 27(c) which relates to the considerations that the Board must look at when granting licences, it says:

> "(c) the availability of the services of persons already resident in the Island."

and they have asked to alter that to "the availability of the services of Caymanians or persons of Caymanian status". Well, I take their point there, but I believe that it should be twofold. It should be

HON. TRUMAN M. BODDEN (CONTINUING): the availability of services of Caymanians and persons of Caymanian status first; secondly, the availability of persons already resident; then lastly the availability in relation to persons from abroad.

They had mentioned that Section 30, subsection (2) which relates to the offence for not having a gainful occupation licence and being employed. They said the subsection would tend to encourage unscrupulous employers to turn a blind eye to shortfalls in a prospective employee meeting the legal requirements.

Well, I would like to mention here that the proviso to that clause says this:

> "PROVIDED that it shall be a good defence for a person charged with an offence under this subsection to prove that he had made reasonable enquiries to determine whether such employment was in contravention of any of the foregoing provisions of this Part, and had no reasonable grounds for believing, and did not in fact believe, that such employment was in contravention of such provisions."

This was in the older Law and what it does do is to provide that there must be the onus of proof on a person to have reasonable grounds to believe that a person is in possession of a gainful occupation license. For example, suppose a person asked persons in the Immigration Department, "does Mr. X have a licence": they said no; they employed him, then I think that this defence could be raised; but I point out it can only be raised in very limited instances and it must be read with subsection (3) which says, and I am reading here now:

> "For the purpose of this section a person carrying on or employed in any profession, trade, business or other avocation in or with relation to the Cayman Islands shall be deemed to do so for gain or reward until the contrary is proved."

So the person has to show that he had reasonable grounds for believing and did in fact believe that the person had a work permit. So I think that their fears are probably satisfied by the reversal of onus of proof there.

Mr. President, they did mention in Section 36 (d) that there should be proof of constitution, not just a belief, even though reasonable, and I think this relates to prohibited immigrants. I would just merely say that in courts there are circumstances around a person's way of life that can be looked at and I think that to actually go to the stage of having to show actual proof of something like this could be difficult. For example, in say divorce cases, there you can look at circumstances and you do not have to have strict proof as required in criminal law. In any event, I do not think it has ever been used and I will just move on.

In Section 39 the joint Committee has mentioned that principles should be specified for the temporary entry of persons. Well they did not mention which principles there so I will not really comment any further on that.

Mr. President, the discussion draft Law provided for status of up to 20 persons in one calendar year. It was the feeling, I believe, of just about the whole Committee that the quota should be set by the Executive Council and gazetted.

HON. TRUMAN M. BODDEN (CONTINUING): granted a gainful occupation licence within a limited field or limited profession. Or it can be for a limited period. So, under this section a person could be limited to, for example, being an attorney only, and they could be limited to that for perhaps six months or a year, or whatever period the Board saw fit. However, it does provide a half-way house between Caymanian status and permanent residence itself which in the past has been mainly a retiree's type of permanent residence.

It should be noted that this section will give a form of security to a person who may not qualify for Caymanian status in that for such period that the Board deems fit he will be entitled to engage in some occupation as the Board decides. In the past, objections by the Caymanians to the granting of Caymanian status has been that once a person is granted status and, for example, is an attorney, he then branches out into many other businesses which are already highly serviced by Caymanians, for example, the retail trade and thus causes hardship. Under this section a person will be limited to the type of work that he is currently then engaged in, for example, as I mentioned earlier an attorney under this section would be given permanent residence with the right to practice as an attorney, but not, for example to go into the retail trade.

Further, this will not give a person a right to sit in the Legislative Assembly under the amended constitutional provisions for qualifying to the legislature, for whatever importance that may be.

Mr. President, I see this as an advantage to Caymanians in that it is not full Caymanian status with an unlimited right to work and carry on business in any area at the discretion of the person who has just acquired status, and it is an advantage to non-Caymanians in that they can have the tenure of security within the field or profession that they wish to practice in.

So I see it, Mr. President, as being a long sought after solution. Foreigners, non-Caymanians complained we hear, for many years that they could not get Caymanian status. The objection many times from Caymanians has been that once granted status, then a person goes and competes in the highly competitive local industries, local areas of work. What this does is on the one hand give protection to Caymanians, because you know for certainty that if you have a person who is badly needed, I would say a specialist in a medical area, then you could safely grant permanent residence with a right to work as a specialist, which is probably all that doctor would want, giving him permanence of tenure, of security; on the other hand, Caymanians would be assured that tomorrow he would not open up, for example, a pharmacy, or get into the area of some general practice. So, it seems to me despite what the Joint Committee feels that if this is administered right, it could make Caymanians a lot happier; it could make non-Caymanians a lot happier. And I honestly believe that if non-Caymanians are given more security of tenure; that we will have a more harmonious society, and it will be more industrious; and provided that we have the built in protection to ensure that the areas where Caymanians are employed are not saturated by non-Caymanians, then I believe Caymanians will also be a lot happier.

The First Elected Member for George Town mentioned about rollover. This would take these people out of a rollover period on a limited basis, or it could be on a permanent basis, as the Board decides, but it would ease the pressure that now exists for granting more Caymanian status than we have granted in the past. I should mention there as I

HON. TRUMAN M. BODDEN (CONTINUING): mentioned earlier, there has only been 252 granted status in the past twelve or thirteen years or something like that.

Mr. President, I notice that it is getting near to that time. I am wondering whether it may be possible that the House may wish to extend the sitting this afternoon. I am getting near to the end, Sir, but I could not finish in the two minutes that are left.

MR. PRESIDENT: Several Members have spoken to me suggesting that we might extend for a short period this evening.

I know of two complications which will affect the timing of Meetings tomorrow and, if we are still meeting then as I think we may be, on Wednesday, both of which may give us less time either tomorrow and/or Wednesday than we would have otherwise expected. So, I think that there perhaps is merit in continuing for a little longer this evening, perhaps until 5 o'clock. We could then at the conclusion of the proceedings, have a private word about the times at which we might sit tomorrow and/or Wednesday.

So, with the leave of the House, I would plan to continue proceedings today until 5 o'clock.

MR. CRADDOCK EVANS: Mr. President, I think that the House in a brief Committee on Friday evening had requested, and I think it has been approved, that the Commissioner of Police would meet with Members at 4.30 p.m. after the adjournment for a short discussion.

MR. PRESIDENT: I think that is quite true and he has been invited to come. That is why I was not suggesting we went on beyond 5 o'clock. I would hope that at 5 o'clock the Members could meet with him. I think probably if we can get a message to him, he will not mind waiting 30 minutes, which would give the Member speaking a chance to finish, and if any other Member had a brief speech it would give them a chance to speak. So, let us do that if we may.

Would the Honourable Second Elected Member of Executive Council like to continue?

HON. MICHAEL J. BRADLEY: Sorry, Sir, are we suspending Standing Orders then for this purpose?

MR. PRESIDENT: No, but we are not yet at 4.30.

HON. TRUMAN M. BODDEN: Mr. President, it would be convenient rather than my starting and your stopping me in a minute, if we could just take that motion now.

MR. PRESIDENT: Well if you would like to move that Standing Orders in accordance with the provisions of Standing Order 82, that is Standing Order 10(2) be suspended in such a way that the adjournment, or the moment of interruption be at 5 o'clock rather than 4.30.

SUSPENSION OF STANDING ORDER 10(2)

HON. TRUMAN M. BODDEN: Mr. President, I move under the provisions of Standing Order 82 that Standing Order 10(2) be suspended to permit the House to carry on business until 5 o'clock, and then to be interrupted, Sir.

MR. PRESIDENT: Does any Member wish to speak? In that case I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 19(2) SUSPENDED.

HON. TRUMAN M. BODDEN (CONTINUING): Mr. President, the joint Committee has referred to some other sections. They pointed out what is a clerical error in Section 64(4), and in Section 79 the recommendation they made in relation to giving identification cards more quickly has now been replaced by the issue of the card immediately upon the granting of the permit.

Their assumption in Section 71, sub-section (3) was that any regulation made by the Governor under the Law would be gazetted, however the Law is not specific. Well under the Interpretation Law, I am sure I guess, under your royal instructions all regulations have to be gazetted. And they pointed out in Section 79 that the reference should not have been to Section 15, if that was deleted. They are quite right. That was another error and it should have been originally Section 14.

Mr. President, I have endeavoured, somewhat tediously, to deal as far as I can with the joint Committee Report. I have had naturally some difficulty because not always were references, there' and the two Laws which I have been using easy to marry up, but I would hope that this can show to them and to the public that this Committee has taken its time: has looked very carefully at all comments, and indeed has included in this Bill many, many of the comments which have been made to us.

In conclusion, Mr. President, the Caymanian Protection Bill being the most important piece of local legislation, has been exposed and studied over the last nineteen months by the Committee has met on many occasions and has invited comments from the public. We have received, as I mentioned, over forty written comments and the Select Committee has heard oral representations and arguments from several groups.

I feel confident, Sir, that this Bill represents the wishes of the majority of the people of the Cayman Islands. However it is a complex Law. There is nothing simple about Nationality Laws, and sometimes this complexity can create problems as I mentioned with the definition of "domicile" earlier.

The Bill is drafted to protect Caymanians in employment and trade in the Cayman Islands. On the other hand it has to be fair towards non-Caymanians who come to our shores, and who are necessary within our society.

I believe, or I am certain that this Bill is very much in line with English and other democratic Commonwealth Colonies and it preserves the necessary built-in checks to ensure that immigration is dealt with in an efficient and fair way.

However, in the final analysi Mr. President, neither Members of this House or the Board are going to ever please everybody. That is impossible but this House can rest assured that it has gone to extremes to see that the public have had their input in this Bill; that we have considered every detail: we have heard everyone who has wanted to be heard, and this Bill is now in accordance with the majority of the wishes of the people of the Cayman Islands, and the majority of this Legislative Assembly.

I am certain that given a much longer period of time, that nothing much more constructive would have been achieved, and that after the seventeen or nineteen months in the study of this Bill, it is the duty of this House to clear up the anomalies and discrepancies that exist in the Caymanian Protection Law and pass this Bill into Law.

HON. TRUMAN M. BODDEN (CONTINUING): I should mention, Mr. President, I have attempted, while in a complex manner perhaps at times, because it is a complex Bill, to debate this Bill in such a way that hopefully there will be a more clear understanding of many of the problems that unfortunately politics has shrouded, and either blown out of proportion, or turned into a meaning which the Law was never meant it to be.

Therefore, lastly, Mr. President, having taken this Bill to the public; having considered it over a long period; having listened to the representations of the people here in these Islands, I believe that this House has done its duty to the public and to Members here in the production of this Law. And I hope that the working of this in the future will be such that we will have a much happier Caymanian public; a much happier non-Caymanian public; and that we will have a much more harmonious and certain fusion of the different nationalities and persons within these Islands.

Thank you.

MR. PRESIDENT: Does any other Honourable Member wish to speak? If not I shall call upon the Mover to exercise his right of reply, and I shall not for a second time allow anybody who gets up after he does, to speak. So if another Member does wish to speak, I do implore him to catch my eye now.

The Third Elected Member for West Bay.

MR. BENSON O. EBANKS: Mr. President, I had hoped not to have to speak this evening, Sir, because I believe I will only be able to touch the periphery of what I intend to say; but rather than to lose the opportunity to speak I will start now.

Mr. President, as previous Members have said, this House must record its gratitude to members of the public who have made representation to the Committee from time to time. I can assure those members that their representations were considered; Not in all instances were they accepted but I trust that members of the public and this House will accept that in the drafting of such a Bill Members have to draw on their experience of the operation of the Bills, or the Law in the past; and probably even before the inception of the present Caymanian Protection Law.

As an example of what I am stating, Mr. President, I had the honour to introduce this Bill to the Legislature in 1971, when the first Caymanian Protection Law was introduced. As Members are aware, the Local Companies Control Law was an integral part of the package of legislation that was passed at that time. In other words, the Caymanian Protection Law dealt with the individual; the Local Companies Control Law dealt with companies, because without having such a Law it would have been possible to circumvent the intention of the Caymanian Protection Law by the formation of a company. To show how fluid, Mr. President, and changing times are, and have been, I would like to quote a few lines of what I said in the winding up of the debate on the Local Companies Control Law on the 27th September, 1971, and it was this:

> "Banks and Trust Companies have been specifically excluded and the reason for this should be quite obvious. No one in our wildest dream sees 85 per cent Caymanian control of a bank in our lifetime. This is obvious why this has been left out, but the Bill seeks as I said to guarantee Caymanians, particularly our next generation, that something will be left for them to take up where the present generation leaves off."

MR. BENSON O. EBANKS (CONTINUING): As is well known, Mr. President, I was proved very wrong on those words because in less than three years Cayman National Bank and Trust Company was chartered. If I might with modesty say so, I became the Chairman of that bank at the inception. I assure you that the words which I said in 1971, were firmly held and believed. So, when we are dealing with the Caymanian Protection Law, we are dealing with a very fluid situation, one in which we are going to have to make continuous amendments based on the conditions at the time, because as we have said, the object of the Law is to preserve the rights of Caymanians while at the same time giving a sense of security, a feeling of well-being, and a feeling of being wanted and being welcomed amongst us to those who are permitted to come and work amongst us.

Mr. President, as has been said this Bill is a very complex piece of legislation and I personally feel that in some instances the urgency which this Bill demanded was not given to it in the early stages. What I mean is the Committee was formed in early 1981, I believe it was or 1982, and we really did not get down to business early on this Bill. I believe that a lot of our own nagging doubts could have possibly been settled had we started that committee work earlier. I realize we had other pressing things, Mr. President, but to me there is nothing more pressing than this piece of legislation.

Now, Mr. President, I have heard the Honourable Second Elected Member of Executive Council on several occasions talking about the interpretation which was given to "domicile"in the old Caymanian Protection Law. While I do not have the old Caymanian Protection Law before me, nor do I have the Minutes of the Committee which studied that Law before me, I do have the copy of the Minutes of the 27th September, 1971 when this Bill was given its second reading; and the question of"domicile" was a question which raised a lot of concern at that time. How where the definition of"domicile"got changed I am unable to say, because I know that the Bill has been amended from time to time on many occasions, but I would like to read from these Minutes what I said on that occasion and which was read from the Bill before the House on the question of"domicile".

One Member questioned or suggested that"domicile"should be defined. It is defined. "Domicile"is defined at page 8, and this is the definition in italics, Mr. President:

> "'Domicile"and its derivatives have the meaning ordinarily applied to that expression at common law:"

and that is almost word for word what"domicile" is defined as in this Bill. This Bill says:

> "'domicile" and its derivatives have the meanings ordinarily applied to those expressions at common law:"

So I am not going to argue as to whether that definition was changed in the 1972 Law, but what I can argue, Mr. President, is that no blame can be attached to the draughtsman or the Attorney-General of the day, if our definition today is the right and accepted definition.

I am not saying that pressure was not brought to bear in the Committee and it might have been changed there, or whether it was changed subsequently, because I do not have those Minutes before me, nor do I have the Law to determine

MR. BENSON O. EBANKS (CONTINUING): at what stage it was changed. But I can say without fear of successful contradiction, that that was the definition in the original Bill on the 27th day of September, 1971.

Now, Mr. President, I am going to get into an area that I believe is going to take me a considerable time, but since it is broken up into subsections I am going to try to deal with the subsections so, that when time for interruption comes, maybe I could be interrupted at an appropriate point.

This, Mr. President, is the definition of "eligible person" in Section 2 of the Bill:

> "(a) any British citizen or a citizen of the Republic of Ireland;"

I have no problems with that, Mr. President, nor do I have any problem with:

> "(b) any British Dependent Territories Citizen;"

Now, Mr. President, I do have a problem with subsection (c) which says:

> "(c) any citizen of Australia, Bahamas, Barbados, Belize, Canada, Jamaica, New Zealand or Trinidad and Tobago;"

The Honourable Second Elected Member of Executive Council referred this morning to seeing me with some law books. Mr. President, they are not law books. One is a Whittaker's Almanac 1984, and the other is a Year Book of the Commonwealth 1984. Mr. President, in referring to these books as I progress and other publications or leaflets within the book, and also by reference to the British Nationality Act, 1981, and to the proposed Bill before us, I intend to prove that the selection of certain countries from the Commonwealth is an exercise in futility.

The Member I know stated that persons would follow him who would say differently than he did on that section, and that those persons would be supporting Idi Amin instead of a former President of the United States, and all of this, and that the Commonwealth included Communist countries and so on. But, Mr. President, I am not one who believes that communism is a virus or a bug that comes in on your coat sleeve or your shirt sleeve, and as far as that goes, Mr. President, there is a registered communist party in the United Kingdom. Any evening especially Sunday evening, or afternoon, you may go to Hyde Park corner and hear the communist party expounding their beliefs and theories, and as a British citizen any member of that communist party would have the right of eligibility under this section. The same is true of the United States.

Mr. President, one should also remember that in 1976, I believe it was, the then famous Mr. Jimmy Hoffer came to this country in contravention of our Immigration Laws and was housed at a prominent development in this area, and it was not until some people got bold enough to publicise his presence that the Government knew he was here and saw that he was shipped off.

Furthermore, Mr. President, the Commonwealth has no monopoly on nuts. We have had a few attempts at revolution and one was successful I think in the Commonwealth Caribbean, for example, and that is the extent of it. But, Mr. President, how many Presidents of the United

MR. BENSON O. EDANKS (CONTINUING): States and Senators have lost their lives by assassination. So there is nothing magical about being an American citizen. Nor is there anything detrimental or essentially derogatory in being a Commonwealth citizen. Mr. President, the origin of one's birth should never be the determining factor of what that person rises to in life or becomes. The value of the individual must be based on that individual's worth and not the place of his birth.

As I said, Mr. President, I would go through the 1981 Act and show, for example, that most of the Commonwealth countries, or citizens of most of the Commonwealth countries which the Honourable Second Elected Member of Executive Council referred to, have certain residual rights in certain circumstances lasting up to five years after the commencement of the Law, for them to become British citizens. In some instances the Secretary of State has the right to extend that five year period up to eight years. So that there is no question, but that those citizens of those countries can qualify as British citizens or British Dependent Territories citizen in some instances, and thereby qualify as eligible persons.

Take the case of the American citizen, Mr. President. The Commonwealth citizens who would be barred as eligible persons under this Clause, once they became an American citizen would be eligible under subsection (b) which makes an American citizen eligible, and that American citizenship, Mr. President, would make eligible all of those persons from Cuba who travelled on what is now known as the Mariel boat lift, if the present amendment before Congress goes into Law. It would give over 2 million Mexicans American citizenship. It would give hundreds of thousands of Haitian boat people, and people from Asia, who have been taken into the United States and given citizenship as refugees; all of those people would qualify as American citizens under subsection (d) once they became American citizens.

So as I go on, Mr. President, I will show that subsection (a) in particular only becomes an irritant. We are members of the Commonwealth. We belong to certain Commonwealth organizations, and we enjoy certain Commonwealth privileges by our connection to the United Kingdom.

At this point, Mr. President, it might be well if I read a very short pamphlet "Know Your Commonwealth History":

> "In the last century, British rule extended over a quarter of the world's population including every Continent. Independence came first to countries settled mainly by people from Europe, Canada, Australia, New Zealand and South Africa. In 1931 the Statute of Westminster formerly defined the relationship of these countries to each other and to Britain as self governing, equal, united by allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.
>
> From 1947 onwards as other countries have gained their independence almost all have chosen to join the Free Association of Countries that is now known simply as the Commonwealth. At present there are 43 members and they still constitute about a quarter of the world's population.
>
> Membership. On becoming independent, a country may apply to become a member of the Commonwealth

MR. BENSON O. EVANS (CONTINUING):

> and this is accorded if all the existing member countries agree. A country that chooses to leave the Commonwealth as only South Africa and Pakistan have done, notifies the others through the Commonwealth Secretary General,
>
> Queen Elizabeth. Queen Elizabeth is Head of the Commonwealth and Head of State of seventeen of its members, In these countries other than Britain, the Queen is represented by a Governor General Five Commonwealth countries are monarchies with their own sovereigns and twenty six are republics. All member nations freely recognise the Queen's personal role as the symbol of Commonwealth unity.
>
> The Commonwealth Secretariat..."

MR. PRESIDENT: We have actually passed the moment when I would normally interrupt you. If there is only a short amount further to read I will let you complete reading it. If there is quite a lot I think perhaps we had better interrupt.

MR. BENSON O. EVANS: Yes, Mr. President, I will be going on reading. You have caught me at the end of a paragraph so it would be a convenient place to interrupt.

ADJOURNMENT

HON.DENNIS E. FOSTER: Mr. President, I move the adjournment of this House until 10 o'clock tomorrow morning, Sir.

MR. PRESIDENT: The motion is that this House do now adjourn until 10 o'clock tomorrow morning. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED. AT 5.02 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., TUESDAY, 11TH SEPTEMBER, 1984.

FOURTH MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
TUESDAY, 11TH SEPTEMBER, 1984

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON LEMUEL HURLSTON	ACTING THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN B McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN M BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON C HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BENSON O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MARK E KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CHADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FOURTH MEETING OF THE (1984) SESSION

OF THE

LEGISLATIVE ASSEMBLY

TUESDAY

11TH SEPTEMBER, 1984

GOVERNMENT BUSINESS

BILLS:-

(i) SECOND READING (CONTINUING)
THE CAYMANIAN PROTECTION BILL, 1984

(ii) COMMITTEE THEREON
THE CAYMANIAN PROTECTION BILL, 1984

HOUSE RESUMES

(iii) REPORT THEREON
THE CAYMANIAN PROTECTION BILL, 1984

(iv) THIRD READING
THE CAYMANIAN PROTECTION BILL, 1984

TABLE OF CONTENTS

	PAGE
The Caymanian Protection Bill, 1944 - Continuation of Second Reading Debate	1
Mr. Benson O. Thanks	1
Adjournment	17

TUESDAY

13TH SEPTEMBER 1984

10:05 A.M.

MR PRESIDENT: Please be seated.

Proceedings are resumed. The second reading debate on the Caymanian Protection Bill, 1984.

THE CAYMANIAN PROTECTION BILL, 1984

SECOND READING DEBATE

MR. BENSON O. EBANKS: Mr President, when we broke yesterday evening I was reading from a pamphlet "know Your Commonwealth" and I beg to continue that this morning. The next heading on the pamphlet is "The Commonwealth Secretariat. The Commonwealth Secretariat was established in 1965 as a central body for consultation and cooperation between Commonwealth countries and is financed by all member countries. The Secretary-General is Shridath Ramphall, formerly Foreign Minister of Guyana. From its Headquarters at Marlborough House, London, the Secretariat promotes cooperation in financial and trade matters in economic development, in education, and the flow of information in legal, medical and scientific affairs and in youth activities.

Now, Mr. President, the fact that the Secretary-General is from Guyana is of significance. The gentleman is a distinguished lawyer. I happen to have met him personally, and he is a gentleman in all respects; and we have, of course, excluded Guyana in our definition of eligible peoples.

To continue with the pamphlet. Mr. President: "Commonwealth Conferences". Commonwealth Conferences of Ministers and Officials are held frequently in different parts of the world. Every two years or so the Heads of Government meet to discuss world problems and the work of the Commonwealth. Recent meetings have been in Ottawa 1973, at Kingston, Jamaica 1975, in London 1977, and Lusaka 1979, in Melbourne, Australia 1981 and in New Delhi 1983. Periodic meetings of Ministers of Finance, of Education, of Health and of Law maintain a tradition of working together. Commonwealth Ministers reach their decisions not by vote but by consensus.

Mr. President, I was pleased to hear on the radio yesterday evening that later this month or early next month, whatever it is, our Financial Secretary will be attending the Commonwealth Finance Ministers' Conference in Canada as a part of the U.K. Delegation. Such exposure can only broaden the vision and knowledge of our officials of Government.

Mr. President, I also had the privilege of attending, as a part of the U.K. Delegation, one of the Commonwealth Education Ministers' Conferences and also a Health Ministers' Conference. I believe, Mr. President, that is more than the Second Elected Member of Executive Council can claim, and maybe had he taken advantage of these opportunities we would not be now receiving invitations to progress reports on development of the Sporting Complex.

The next heading on the pamphlet is "Cooperation." Almost three hundred organisations promote the collective interests of the Commonwealth. Some two hundred of these are non-governmental, bringing together Parliamentarians, educationalists, lawyers and many other professional groups, scientists, journalists, specialists

MR. BENSON O. FRANKS (CONTINUING): in economic cooperation and development, and simply citizens. Cooperation in education is particularly close. Many thousands of scholars have held awards in each other's countries, under Commonwealth Schemes.

Within the regions of the Commonwealth, highly trained specialists work together to ensure that extensive and scarce facilities are fully used.

The Commonwealth Foundation fosters links between professional people in member countries. It encourages the formation of associations, supports conferences and helps people to develop their professional skills through visits to other countries. The annual income of approximately One Million four hundred thousand pounds is contributed by the forty-two Commonwealth Governments who are members of the Foundation.

The next heading is "Economic Development." Economic Development is a major objective of the Commonwealth, most of whose citizens live in dire poverty. About 70% of the bi-lateral aid given by Britain, Canada, Australia and New Zealand goes to other Commonwealth countries. The Commonwealth Secretariat administers the Commonwealth Fund for technical cooperation, to which all member countries subscribe on a voluntary basis. The anticipated expenditure for 1983-1984 is £10.8 Million. The Fund provides advice , expertise and training facilities to help member countries with their development plans. It is a way of sharing the financial and human resources of all Commonwealth countries. About half of its experts in developing countries are themselves from other developing countries.

Mr. President, the Cayman Islands have benefited from this Scheme. I remember one teacher being sent to New Zealand on one of these scholarships, and the expertise gained was invaluable to the School System, or the Education System, upon her return. In fact upon her return she was taken out of the schoolroom and put into the Education Office.

The next heading, Mr. President, is "The Commonwealth and The World." Most member countries belong to, and actively support, the United Nations, of which they form over a quarter of the membership. Almost all Commonwealth countries also belong to economic and political groupings within their own regions of the world, and all Heads of Government welcome Britain's membership of the European Economic Community with which most Commonwealth countries have special economic links. The Commonwealth Institute in London represents the whole Commonwealth by exhibitions, the arts and through its library. There are special facilities for school parties and programmes for older students.

I recall, Mr. President, that on my visit to London I visited the Commonwealth Institute and there was a display from the Cayman Islands there. At one time it was small, and I remember monies being voted to upgrade it, but it is a good showplace. Now whether that has been removed from the Commonwealth Institute and placed in the office of the representative in London, I am unable to say, because my visit was prior to the establishment of that office. I have said this, Mr. President, merely to show that we are a part of the Commonwealth, whether we like it or not. I think it is a good thing, Mr. President. Section 37 of the British Nationality Act 1981 makes it clear who are Commonwealth citizens, and it is a short passage and I would like to quote from the 1981 British Nationality Act, Section 37: "Every person who (a) under this Act is a British citizen, a British Dependent Territory citizen, a British Overseas citizen or a British subject, or under any enactment for the time being in force in any country mentioned in Schedule 3 is a citizen of that country and shall have the status of the Commonwealth citizen."

HR. BENSON O. FRANKS (CONTINUING): Mr. President, I am warm-blooded about our connections with the United Kingdom and the Commonwealth. It gave me a special feeling of pride when Daley Thompson won the Decathlon at the recent Olympics for Great Britain. Thompson, Mr. President, is the son of a Scottish mother and I believe a Nigerian father. He is the product of what we would know in Cayman as a "reform school". Mr. President, he did Great Britain proud, and I would think, well there is no doubt, I was going to say that he could claim Commonwealth citizenship through his father, but the fact that he represented Great Britain at the Olympics also shows that he is a British citizen which makes him a Commonwealth citizen.

Now, Mr. President, we could come nearer home and see that Thompson represents almost identically the late Colt Smith of Jamaica of cricketing fame. He was a similar person, but he went on, not only to do Jamaica proud, but the whole West Indies. Now, Mr. President, my blood was no less warm when Sebastian Coe and Ovett, who as true-born Englishmen, won their races or competitions at the Olympics. I am doing this, Mr. President, merely to show that there is a common bond within the Commonwealth.

To come nearer home, Mr. President, as was read in this pamphlet, there are regional organizations within Commonwealth groupings, such as the Caribbean area, which work together for the common good of those countries. Mr. President, the fact that the Commonwealth is a conglomeration of all races, creeds, religions and even political beliefs, the activities of the Commonwealth show that there is tolerance and no one forces his view on the other.

Mr. President, we are members of the University of the West Indies. When the Law Faculty was being established there, together with the two Law Schools, one in Jamaica and one in Barbados, there was a protocol established or attached to the establishment of that Faculty which required that member countries would undertake that after a span of, I think it was five years, Mr. President, no new practising lawyers would be admitted to the countries, except they were graduates of the Law School.

Our economy is a peculiar one, Mr. President, highly dependent on legal, technical knowledge it was a physical impossibility for the Cayman Islands to consider producing sufficient lawyers of our own to meet our demands in the foreseeable future or even to hope that the Caribbean area would produce the lawyers in the specialist fields that we required. Therefore we were unable to sign that Protocol, and we were permitted, Mr. President, to become a part, to subscribe to, the Law Faculty at the University, but because we could not sign the Protocol regarding the non-admission of lawyers not trained at the Schools, we could not accept that part of the Protocol. The rest of the Caribbean countries, members of the University, understood our position clearly, and accepted our representations. Therefore we became a party to the Law Faculty but not necessarily the Law Schools. Mr. President, even though we did not become a party to the Law Schools, they have accepted some of our students who have gone through the Law Faculty into those Schools. The rest of them have gone to the United Kingdom to complete their training after getting their Degree.

There is the regional Trade Association called CARICOM, of which, Mr. President, we could not become a member. We are an importing country, not an exporting country, and the members of the Caribbean accepted this with the greatest of understanding. But that does not preclude, Mr. President, them sending us information or even inviting us as observers to some of their meetings so that

MR. BENSON O. PANKS (CONTINUING): ... we may understand some of their problems which they are going through and so direct our efforts not to fall into the same trap.

We come next, Mr. President, to the regional development agency known as the Caribbean Development Bank. We are a member of the Caribbean Development Bank. It finances many development projects in this island, and Mr. President, I am saying all of this to say, which I will come on to later, about this eligibility clause and excluding, blacking out particularly in our own case, certain named countries to be eligible because it can only serve as an irritant and not any practical purposes.

The Caribbean Development Bank, Mr. President, has become the agency through which the United Kingdom, Canada, the United States are more and more channelling all of their development aid to the region. There was a time when we went direct to the United Kingdom and negotiated loans. The United Kingdom made it clear at one point that the regional bank was going to become more and more the recipient of total aid packages for the Caribbean to be distributed through them. But not only, Mr. President, has that bank opened our doors to development funds from the United Kingdom and Canada and the United States, which we could not have otherwise received, but it has opened our doors to funds from Japan, Germany and many of the European Economic Community countries who contribute soft development funds to that bank. I doubt, Mr. President, that without the funds which were received from countries like Japan and Germany, that the Caribbean Development Bank would have been able to be so generous in their loans to the Cayman Islands. After all, they operate on a commercial basis, like any other bank, and cannot lend what they do not have. Mr. President, if we seek to isolate ourselves from the rest of the Caribbean as I said it will only become an irritant.

Mr. President, I am not unaware, Sir, that I may be the only member in this House to take this position, but this is not the first time I have stood alone. I have my convictions, and once I live with my convictions I sleep well at night. And with your permission, Mr. President, as it is relevant to what I am dealing with, I would like to go back to the year 1962. At that time we had a philosophy in this island that we were something different, that we could develop our tourism industry as the Cayman Islands apart from the rest of the Caribbean. We were not making a very successful job of it, Mr. President, although on the old story brochure you placed the Cayman Islands firmly in the Caribbean. That was the first sentence on the brochure, but yet they would go on to try to say "We are in the Caribbean, but we are not really a part of it". Then came the problems in Trinidad, one thousand miles away, and the cancellations began to flow in. I think that opened some people's eyes but not wide enough. You will recall, Mr. President, that earlier this year when the invasion or intervention in Grenada took place, thousands or at least a thousand miles away from us, that we had cancellations. So it is folly for any human being to try to portray that our destiny is not tied with the rest of the Caribbean. What we should try to do, Mr. President, is to, as near as possible without compromising our principles and ambitions and aspirations, to keep at least a watching brief on these regional institutions, and hopefully maybe we can influence the Caribbean towards our way of thinking, and then we will all have a happy area in which to live, because, make no mistake about it, if Trinidad fourteen hundred miles away sneezes, Cayman has to cough.

MR. BENSON O. EBANKS (CONTINUING): To get back to 1967, Mr. President, we hosted a conference, the first conference hosted in this country, of the Commonwealth Parliamentary Association, the Regional Conference. On the Agenda was a subject 'Regional Cooperation in the Development of Tourism', and it had to do, Mr. President, with what I read in this pamphlet about maximizing scarce resources.

As I said at that time there was a philosophy prevalent in this country that we were different - we could develop on our own, and Mr. President, I was delegated by the Cayman Islands Branch to speak on that topic. I was not the leader. The Leader had fifteen minutes - I had ten, and in my research for that conference I discovered what I have just described, this prevalence of this theory that we could develop outside of the Caribbean sphere of things.

I visited a specific office in this town, Mr. President, and I said 'Why is not the Cayman Islands a member of Caribbean Travel Association?' The answer that I received was: "I advised the Government against it, after all we have very little in common with the rest of the Caribbean.' I pulled three brochures from the holder on the person's desk and I said: "Read the first sentence for me." The first thing was "The Cayman Islands situated in the western Caribbean", and I said: 'What are you selling?' "What area are you selling?' He had to admit he was selling the Caribbean area. I said then, Mr. President, that like it or not, I was going to come out for the Cayman Islands joining the Caribbean Travel Association. I did not know that the then President of that Association was a member of the Conference, and when the warning buzzer was sounded to indicate that I had a minute to go, that gentleman rose in his seat and he said to the Presiding Officer: "Mr. Chairman, if I do not even get a chance to speak, please permit this gentleman to finish his contribution, as it is the first sense that I have heard the whole of this Conference.'

Now, Mr. President, I am not saying this to boast, or to say that I am the holder of all of the knowledge in this country or in this area, but, Mr. President, the thing that made me ashamed of my whole effort was when a few months later I attended a CTA meeting with our Director of Tourism in Ponce, Puerto Rico, and in a large gathering the President of the Association said to me: "Benson, I never told you how the Cayman Islands became a member of CTA." I said: "No, I do not know up to today that we are. I thought we were here as observers." He said: "No, you remember the speech you made in the Commonwealth Parliamentary Conference - in Government House kitchen that night the decision was made that the Cayman Islands would become a member of the Caribbean Travel Association." Mr. President, I felt like I was going to go through the floor.

But the storm of Caribbean Travel Association from there on is well known Mr. President, because our Director of Tourism went on to lead that Organisation for a longer period than any other individual in the Caribbean, so it brings me back, Mr. President, to what I was saying, that instead of trying to adopt this attitude that we are different, we should try to get our foot in the door and influence these bodies where we can, without surrendering our own ambitions and identity. This we have successfully done in the case of CTA, and of course you know, Mr. President, we even have the Caribbean Research Council in Barbados which helps, I believe, the Cayman Islands, and regularly receives some useful hints from us as well.

MR. BENSON O. EBANKS (CONTINUING): But had we continued our direction in 1967, we would not have possibly been the prosperous country we are today.

HON. TRUMAN M. BODDEN: Mr. President, I did not want to interrupt him, but now he has stopped, I wonder if he could get back to the relevant debate on the Caymanian Protection Law.

MR. PRESIDENT: I think he is working around to it.

MR. BENSON O. EBANKS: Mr. President, I know the Member does not like to hear me speak, but he will have to endure it or leave the Chamber. Now, Mr. President, before I get on to the crux of the matter of this Eligibility Clause, I want to mention two other things that I forgot yesterday, when I was dealing with the maximum assets of some of the countries that we had made eligible under this Eligibility Clause, and one of which we can do nothing about, frankly, because of our ties to the Mother Country. The two organizations that I want to mention are the Klu Klux Klan in the United States, under American Citizen, they are eligible. Members of that Klan would be eligible to come in here and get status, Mr. President, so would members of the IRA from Northern Ireland - the Irish Republican Army. This organization that claimed responsibility for the assassination of Lord Mountbatten. So, Mr. President, Members need not come crying to me and seeking my sympathy, to make an ass of myself by excluding other Commonwealth countries on the grounds that Idi Amin killed a couple of thousand people or whatever, because all of that argument against the Commonwealth, the other eligible nationalities, are in the final analysis really to a large extent, irrelevant, as I will show.

But before I leave the eligible countries, I must give an example of what could happen with giving status to an American citizen. The First Elected Member from George Town touched on this, and I want to elaborate on this, because it might have been lost since he just pointedly referred to it. That is the economic consequences to this country of giving an American citizen status. At the moment, Mr. President, if an American seeks to come and invest or work in the Cayman Islands, he, if he wants to invest, would have, through a company, to normally register under the Local Companies Control Law. He would have no other right to get a licence for that company to do business in this country. That would be his surest way. There are other provisions which I will show that he will use, if he gets status. If given status, Mr. President, I am only going to take one example. Let us assume that the American citizen in question owns a contractors' business in the States. It would no longer be necessary for him once he had status, Mr. President, to come and incorporate locally. What he could do is to come from with the necessary documents of incorporation, and register his company as a foreign company doing business in the Cayman Islands. There would be no impediment on his working in the country, now that he has status. He could under-bid every local contractor, lose money on the jobs, write off his losses against his income tax that he would have paid in the United States, reduce his bracket and still be ahead. This, Mr. President, is a fact that could happen with any type of business in Cayman. As I said, Mr. President, the United States has been good to the Cayman Islands; so have other countries in their small way.

MR. BENSON O. EVANS (CONTINUING): Mr. President, when a Caymanian goes to the United States, we pay our dues. There is nothing like a free breakfast anywhere. Mr. President, the difference between the Commonwealth and all of the other countries that I named are Commonwealth countries. The difference between the Commonwealth and the United States is that all Commonwealth countries, with the exception of the two which I have mentioned which have withdrawn, at least recognise Her Majesty the Queen as the Head of the Commonwealth, and most of them have Her Majesty as their Sovereign. So there is a common bond, and in case Members do not know it, Mr. President, when Ministers are sworn into office in independent countries that are not Republics, the oath of office which they take is identical to the oath of office which we take in this legislature or which any of our Governmental officials take, that is the Oath of Allegiance to Her Majesty the Queen Elizabeth II.

To continue on the American aspect, Mr. President, I do not have anything against Americans. Without their capital this country would not have developed. But if they are not prepared to come the long permit route, then they should be prepared to go the naturalization route. They cannot expect to have the best of both worlds. We have had to stay here in control, fill management to help bring this country to where it is, and we have nowhere else to go. If they are desirous of having Caymanian status, Mr. President, let them first become a citizen of this country. Then they would not be able to operate entirely with Caymanians. They would not have the knowledge that they can pay their Social Security while they are here with status, carrying the Caymanian businessman down, and therefore know that he has a retirement income. He would not be able to know that he has his Medicare or Medi-aid, or whatever they call it, to fall back on, when this little country will have to subsidize our poor for their medical facilities.

Therefore, Mr. President, I am going to fight this Clause in the committee stage, with every bit of strength that I have.

To revert to the question of the Commonwealth. If we look at the Schedule of countries, the dependent territories section, we would find, Mr. President, that the new state or country (whatever), St. Christopher and Nevis is mentioned, or that the citizens of that country would have been eligible as a dependent territory citizen, but now that that country has come independent since the passing of this Law, and would now slide over into the Commonwealth Countries' section, we have found it convenient not to name them as eligible persons.

In other words, if we had amended this Law to coincide with the coming into effect of the British Nationality Act, 1981, citizens of St. Christopher and Nevis and if that term boggles anybody's mind, Mr. President, that is the country commonly known as St. Kitts and Nevis, which went independent last year.

But, Mr. President, I have said all I have said to show that this question of selectivity, excluding the United States, I am not going to give ground on that, Mr. President, they have to come out. But Sub-paragraphs (a), (b) and (c) could easily have been covered by Commonwealth countries or certainly (c)(ii) we should certainly have said Commonwealth citizens. But, Mr. President, this question of eligibility is really as I said, an irritant, because to become eligible does not mean that a person will get status. All this says is that all things being equal, that is, if they have been successful in obtaining a Work Permit or whatever to live here for seven years out of ten, and

MR. REYSON O. FRANKS (CONTINUING): their character and all the rest of it meets the criteria, they may apply for status. It does not say they have to get status. It says they are eligible to apply, and my argument is, Mr. President, if we have effectively controlled those persons who will come here to work by our Work Permit stipulations in the Law, we have effectively controlled those persons who can obtain status by making it only a right to apply, and then it has to be given by grant.

Why should we seek to imitate our fellow Commonwealth countries by singling out a few, and making them eligible to the exclusion of the rest. If this Law is working as it should no undesirable person should be able to come here and get gainful occupation in the first place, because his character must be investigated. Now if that person has been allowed to come and work in this country for seven out of ten years, Mr. President, to qualify to apply for status and we have not found out that that person is an undesirable, then it is something wrong with our intelligence system, or maybe it is a possibility, because I have my suspicions about one person who is in this country now, it may be that the person was brought in to do a specific job, and he is not in the private sector either Mr. President, or at least the funds that pay come from Government. I am saying without fear of successful contradiction, that this singling out of certain Commonwealth countries is no more than an irritant which we should not have to face when we go to Commonwealth Conferences

Now, Mr. President, I hope I have made my position clear on that "Eligible Person" section, and I am saying that I hold brief for no particular nationality in the Commonwealth, but I think I have demonstrated quite clearly, Mr. President, that we have not weeded out all of the undesirable and radical and communistic elements by just naming these few countries. That is my argument, Mr. President. If something serves no purpose, why put it in as an irritant?

You know, Mr. President, I made this statement yesterday, that I feel that this committee should have gotten down to work much earlier than we did, and the more I read The British Nationality Law, the more I realise that this statement was true, because Mr. President, do you know, and I am sure you do, it is just that nobody else has thought it fit to bring it out, but do you know, Mr. President, that there is provision in this Law, even after a person has renounced his British citizenship or British Dependant Territory citizenship, to come back and claim that. It says nothing about "no eligible person" - all he has to prove is ancestry, and connection with the Territory can go all the way back to his grandfather. That is, after renouncing it. The Secretary of State can then re-instate him.

Mr. President, almost every requirement and section of this law, the Secretary of State has the right to waive most of the requirements, if not all. He can extend the time from one year up to eight, under which people would have the right to claim their rights, and we can put anything we like in this Cayman Protection Law, and we will not be able to override those provisions which are in the British Nationality Act which refer to us as a "British Dependent Territory Citizen". I do not see anything in the British Nationality Act about Americans getting British nationality, unless they go through the Naturalization Route.

MR. BENSON O. FRANKS (CONTINUING): Now, Mr. President, to get on to the Bill. Before I get in to the Bill, though, I should make another general statement, because since I am going to only pick out a few sections of the Bill, people might believe that I support all the rest. I want to say, quite candidly, Mr. President, that I agreed to the bringing of this Bill to this House. I will support its passage with certain amendments which I have will be made in the committee stage, but, Mr. President, I am convinced that we are going to have to amend this Law very soon after it becomes Law, and in fact I am not sure that we might not have to amend it before it becomes Law.

So I want to make it clear that in supporting this Bill I am doing it only because I realise that the present Caymanian Protection Law had to have certain changes consequent upon the coming into force of the British Nationality Act, 1981, and because, Mr. President, rightly or wrongly, the present functioning of the Caymanian Board is conceived as being not in the best interests of Caymanians.

There are charges of political victimisation, economic victimisation and all sorts of victimisation going on in the Board. There is even, Mr. President, accusations that because of premature influence of members of Executive Council, that when an appeal is made, it is made from Caesar unto Caesar.

Now, Mr. President, whether those charges are true or false I am not saying. I am saying that is the way the workings of the Law are conceived in the minds of the public, and I am cognisant that we have to do something about it. What I do know, Mr. President, that contrary to this Law, and I believe that the Board has stopped it now, too, but I remember shortly after 1974, when applicants for Caymanian status had to put their picture in the paper, and they had to swear an Oath of Allegiance to Her Majesty the Queen before they were given Caymanian status. Mr. President, that Oath of Allegiance is redundant, it is unnecessary and again is an irritant in the case of persons who were British Subjects, who were the only people who qualified under our old Law. That is the whole reason why we have to change the Law, because the meaning of British Subject has been changed in the British Nationality Act.

I know, Mr. President, some people who considered it an insult after serving in Her Majesty's Forces for years, after being a true-born British Subject, they were asked to swear an Oath of Allegiance to Her Majesty the Queen and they forwent their status for that reason. I also know, Mr. President, that ridiculous questions, like, "What do you think of the present Government?" were put to candidates for status. A person's political belief as far as one government to another in this territory should have nothing to do with whether he gets status or not. What does it matter who a person votes for in a General Election? So, rightly or wrongly, Mr. President, the workings of the present Cayman Protection Board have been discredited and we have to do something to bring credibility back to this most important piece of legislation on our books.

Now, Mr. President, I will deal with a few sections in the Bill in which changes have been made, or maybe where representation has been made, and we have not been able to cater to those areas of representation. There are still other areas of representation, Mr. President, which I will be fighting to have acknowledged in committee stage, but I can move on quite quickly and possibly the first thing I should deal with is the question of the conduct of appeals of the Board.

MR. ARNSON O. ERANKS (CONTINUING): Mr. President, I agree that these appeals should be administrative, and I think other members have given ample reason why this should be so. The decision, Mr. President, is one that should be able to be finalised quickly, and the provision in the British Nationality Act 1981 is an executive decision. The situation may arise where, if we had appeals straight to the Court, that the person could be really undesirable in the strictest sense of the word, and if appeals were pending it would mean that that person would either be in the country or at least have to maintain connections with the country so that he could come in to have his appeals heard.

I do not think that is in the best interests of this country. What must be made plain, Mr. President, is the fact that not because this is an administrative decision, that that gives anyone license to do anything contrary to law, contrary to natural justice nor can anyone use it as a cloak to hide behind to do skulduggery.

Mr. President, the Second Elected Member of Executive Council, the learned lawyer, read a section of the British Nationality Act 1981 dealing with that yesterday, but I hope you will forgive me, Sir, if I read the whole of the Section. I think he only read the Section which proved the point he was arguing, which he is entitled to do, and of course which is his custom, but I believe that when I am arguing a point I should put the whole truth and nothing but the truth, before this House and those persons who are in the gallery. I hope will carry the message outside.

It is Section 44, which deals with decisions involving exercise of discretion. This is how the whole paragraph reads. It has three sub-paragraphs. The first one says: "Any discretion vested by or under this Act in the Secretary of State, a Governor or a Lieutenant-Governor, shall be exercised without regard to the race, colour or religion of any person who may be affected by the exercise."

"Two, the Secretary of State, a Governor or a Lieutenant-Governor as the case may be, shall not be required to assign any reason for the grant or refusal of any application under this Act. The decision on which is, at his discretion, and the decision of the Secretary of State or a Governor or a Lieutenant-Governor on any such application shall not be subject to appeal or review in any Court." But, Sub-section three goes on to say: "Nothing in this section affects the jurisdiction of any Court to entertain proceedings of any description concerning the rights of any person under any provisions of this Act." And that is all important, Mr. President, because that is the umbrella of protection which the citizen has against what I called misguided or skulduggery decisions. The citizen or the applicant can question his rights in a Court of Law if they have been abused.

So that is what that whole section says, Mr. President, and I want people to know that although this is an executive decision, if it is abused, the person's rights can be reviewed by a Court.

HON. TRUMAN M. BODDEN: Mr. President, I would like to interrupt here under Section 44, because earlier .....

MR. ARNSON O. ERANKS: Mr. President, the Member has to first wait to see if I am going to give way.

MR. PRESIDENT: Let me just have a look because I think Standing Order 34 covers all interruptions and I would like to know if it is a Point of Order or whether it is something separate. Is it Standing Order 34 (a), (b) or (c)?

HON. TRUMAN M. BODDEN: I am going to take two points. One is a Point of Order, Mr. President, and the second one is a Point of Explanation.

MR. PRESIDENT: Let us have the Point of Order.

HON. TRUMAN M. BODDEN: He has referred, under Standing Order 35 (4), to my telling an untruth, and that is imputing an improper motive.

MR. PRESIDENT: I did not quite understand him to say that. He said he always spoke the truth and the whole truth, and I wondered whether to stop him and ask him to make clear that he was not implying that other Members told untruths.

HON. TRUMAN M. BODDEN: Mr. President, earlier before that he did refer to not telling the truth, and that I am taking on a Point of Order.

MR. PRESIDENT: If he did impute to any other Member then I must ask him to withdraw.

MR. BENSON O. EBANKS: I can clear up the matter, Sir. I did not say the Member was telling an untruth. I said the Member had read one Section of the Law, which bore out the point which he was trying to make, and that is his right. But it is my right in making my point to put the whole Section of the Law before the House, so that the whole truth can be known.

MR. PRESIDENT: As long as the Honourable Member will make clear that he was not saying or implying that any other Member had told an untruth, that I think will be satisfactory. If the Member will give me that assurance, I shall be satisfied.

MR. BENSON O. EBANKS: Mr. President, I did not say the Member had told an untruth - I said he hadn't told all the truth.

MR. PRESIDENT: I am asking you for an assurance that you did not say or imply that any Member told an untruth.

MR. BENSON O. EBANKS: Mr. President, the tapes will bear that out. You have my assurance.

MR. PRESIDENT: Thank you. That answers the Point of Order.

HON. TRUMAN M. BODDEN: Mr. President, what he is attempting to say now is that I have not told the whole truth, which is an imputation that I am not telling the whole truth.

MR. PRESIDENT: No, I do not think I will call that out of order for it is very difficult for anybody to tell the whole truth about anything. We are going to be here long enough, anyway, and if we all try to tell the whole truth about everything we say, we shall be here for ever.

HON. TRUMAN M. BODDEN: I will accept now that he has withdrawn that, Sir.

MR. PRESIDENT: I think that is fair. I think you wanted to raise two points and the second was not a Point of Order. If you wish to reserve a right under Standing Order 34(2) you are entitled to do so.

MR. BENSON O. EBANKS: Mr. Chairman, with respect, you have to see if I am prepared to give way first, Sir, because he said he was interrupting on a Point of Order and I am down, and now if he is interrupting to make an explanation I will give him the floor.

MR. PRESIDENT: That is fair enough, then, but before he takes the floor it might be convenient if we all take a short break. It is a customary time to do so, and I will suspend proceedings for approximately fifteen minutes.

HOUSE SUSPENDED

HOUSE RESUMED

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

THE CAYMANIAN PROTECTION BILL, 1984

SECOND READING DEBATE

MR. PRESIDENT: I think the Third Elected Member for West Bay had agreed to give way to the Second Elected Member of Executive Council, under Standing Order 34 (1) (b) I think.

HON. TRUMAN M. BODDEN: Mr. President, the Third Elected Member from West Bay stated that I had not dealt with the whole truth as I had not read this Section and therefore had not stated that the Courts do have certain rights to intervene and I would like to correct that and point out that I did say that the Courts have a right to the prerogative writs of CERTIORARI & MANDAMUS and this relates to rights which would have been preserved under Standing Order 24(1). However, it is not correct by saying that reference .....

MR. BENSON O. EBANKS: Mr. President. I am intervening on a Point of Order now. This Section of the Standing Order 34 that is also relevant to Sub-paragraph (b) in the last part of Sub-section (2) which says: "Provided that the speaker does not introduce new matters or seek to strengthen his former position by new argument.

MR. PRESIDENT: I do not think he has so far done so. I shall listen carefully and if he starts doing that I will ask him to stop.

HON. TRUMAN M. BODDEN: Mr. President, he has really stated that I said that using this Section 44 (2) of the English Act that the Courts were excluded from dealing with matters. I am pointing out, I did say in relation to Section 44 (2) - "appeals cannot be carried on". I did mention the prerogative writs which presumably he does not understand but they are what Section 44 (4) mentions, and I would just like to make it clear that I did refer to Court proceedings in relation to rights as against discretions.

MR. PRESIDENT: The Third Elected Member for West Bay .....I'm sure.....perhaps it is a gentle hint that you have been speaking for too long.

MR. BENSON O. EBANKS: Mr. President, I will endeavour to use the standard microphone which is a bit of inconvenience but I am sure I will be able to make my points with it. Sir. As regards the explanation given by the last Member, Sir, I am apprised that he went into that long explanation about the prerogative rights under .....

MR. PRESIDENT: The Second Official Member first caught my eye. If the Second Official Member was rising on a Point of Order he has the floor.

HON. MICHAEL J. BRADLEY: It is my understanding that inasmuch as our Standing Orders are silent upon a matter and require further amplification that the procedure of the House of Commons of the United Kingdom is relevant and looking at Erskine May's Parliamentary Practice 20th Edition at page 352, it says 'debate may not rise upon the explanation'. I think the Honourable the Third Elected Member for West Bay is purporting to do so.

HON. TRUMAN M. BODDEN: Mr. President, while he is trying to get his microphone to work, on a Point of Order .....

MR. BENSON O. EBANKS: He has no right to speak .....

HON. TRUMAN M. BODDEN: No, on a Point of Order .....

MR. BENSON O. EBANKS: If he is interrupting on a Point of Order he must announce that when he stands up, otherwise I am not going to give way.

MR. PRESIDENT: He has announced it, so you must give way.

HON. TRUMAN M. BODDEN: I would just like to mention that I referred to prerogative writs, not prerogative rights. I am just trying to help him in that respect. They are two different things. One is the rights of the Queen, the other is the rights of the Citizen.

MR. BENSON O. EBANKS: Mr. President, when I need the help of the Member, I will ask for it. He is trying to help himself. I think, Mr. President, I had reached the stage where I was going through the Bill and mentioning some of the Clauses which had either been amended or not amended, and giving my reasons why I support or disagree with those Clauses.

MR. BENSON O. FRANKS (CONTINUING): I had reached Sections 11, 12 and 13, dealing with Appeals. Mr. President, next I would like to deal with Section 14, sub-section 2 (c) which must be read in conjunction with Section 21, sub-section 1, further sub-section (c) Mr. President, and then (iii) under that. Section 21 deals with the loss of Caymanian status and the specific point in question is the loss of Caymanian status under the age of 18, losing it on the age of 18 unless the person had been ordinarily resident in the islands for a period of seven years immediately before the age of 18 years.

Now, Mr. President, this is a substantial change to the present law. It was automatic that a person lost Caymanian status at the age of 18, and Mr. President, I might mention that that was an amendment made to the Law after it came into effect in 1972. The Section did not work well, Mr. President, nor was it desirable, and in this Law we have sought to ensure that children given Caymanian status or who acquired it by birth, will not lose it at age 18 unless the time at which they achieved the status was a period of seven years immediately before he reaches the age of 18 years. I would point out, Mr. President, that in other provisions of the Law, absence from the Islands for the purpose of education, medical treatment or "force majeure" does not constitute non-residence.

It might be well, Mr. President, if I explain why this Section is put in. If this Law, Mr. President, is going to serve the purpose for which it is intended, and that is to bring about a harmonious relationship between persons of Caymanian birth and persons who acquire status by grant, or right, now under this Law by birth again, then we ensure, Mr. President, that nothing is done to deter that harmony from being promoted from the bottom up. What I am saying is, Mr. President, it is to the youth of this country that I think we have to look to really establish the genuine integration of persons in our community. In many instances these children have no other home. They have no other friends but Caymanian friends. They attend the same schools, and they know no difference or are not cognizant of the different status or situations which might exist between parents. This is where the melting pot and the mixing bowl for our society come into play, Mr. President. Having educated these children, given them, in many instances, free medical aid, if we caused those children to lose status automatically at the age of 18, we would be doing a disservice to the country.

On the other hand, Mr. President, with the grant of status to parents, status normally also follows for children under the age of 18 years. We have to be very careful that in doing this we do not create a broad band and a large number of persons who would come under this clause who in fact do not fall into this category of the mixing bowl that I talked about.

In other words, if they were to attain status at age 19 or 17 and had not been resident in this country and in fact it could be stressed further, that they could come in after they were 20, 22, 23, 24, and still enjoy status, but for this provision that we have put in to say that they must have been resident for a period of seven years. So what this Section does, Mr. President is to preserve the right of children when they are genuinely part of Caymanian society and they do not have to worry about losing status at age 18. I think that this will go a long way to giving security and sense of purpose to those children who would normally, under the present law, lose their status at age 18.

MR. BENSON O. EBANKS (CONTINUING): The next Section that needs some explanation, Mr. President, is Section 18 where we have sought to limit the date after which persons shall not be able to apply to the Grand Court for a Declaration that they have status by virtue of their being domiciled in the country. When the law was introduced in 1971 or became Law in March 1972, this provision was necessary, Mr. President, because we felt we had to preserve the right of those persons who had come to the Island under the then existing Law which gave them the right of "Belonger Status" after having been domiciled for a while. The provision within the old Law was that those persons would apply to the Court for a decision as to whether they were domiciled or not. Mr. President, this brings us back to the whole question of domicile, and to show that the then Legislators and draughtsmen realised the technicalities involved in determining domicile, this was one of the few areas that was not left to the discretion or determination of the Board. It was felt that this was so technical a matter, that the application should be made to the Court, for a Declaration as to whether they were domiciled or not.

In this Bill before us, it is proposed that a cut-off for such Declaration be put on the 31st December 1985. The reason for that is, Mr. President that if there is not a cut-off date, we could have large numbers of people out there applying to the Court at any given time, saying that my status was preserved by the Grandfather Clause, and that I have a right to go to the Court for a Declaration'. In other words we are saying that we have been generous, but if you have not exercised that prerogative and right by the 31st December 1985, then that right falls away.

Now, Mr. President, after having read more carefully the British Nationality Act of 1981, I am not sure that that cut-off date is in fact in keeping with the spirit of that Law. I am not referring to a cut-off date. What I am referring to is the date which we have chosen, and it might be that when further consideration is given to this, that date might have to be changed to be brought in concert with the British Nationality Act. But, nevertheless, the intention is the same, that there will be a finite date after which this right will cease. Now, Mr. President, we go on to Section 18, sub-section 3, and this is where I think it was the First Elected Member from George Town in his contribution pointed out that he felt an inequity existed and I must support that submission Mr. President, because it is prefaced by "any person who is an eligible person , and then it goes on to say "one of whose parents or grandparents was born in these Islands, etc. etc."

I believe Mr. President, that somehow we must accommodate in this Law those offspring of Caymanians who had to go to countries of necessity to make a livelihood, and which countries are not named in this eligible clause of the Bill, or "eligible person" is not included, because Mr. President, Cayman was not always as it is today. I can remember when it was a pretty dismal place. I have had the fortune or misfortune as one would care to take it, of visiting some countries where Caymanians went to in the early days, that is, I have visited those countries recently. I am unable in my wildest imagination to think what would have caused them to leave this country to go to those countries, to settle and raise a family. But, Mr. President, it must have been dire economic necessity. I have a feeling, Mr. President, it probably was not even cash incentive that carried them. It must have been that they could provide more by cultivating the land to ensure that their children did not starve, because even in the recesses of my mind, I cannot remember Grand Cayman being as backward as those countries are today.

MR. BENSON O. EBANKS (CONTINUING): But, be that as it may, Mr. President, the persons who went there were persons belonging to the soil of this country. Their offspring should have equal rights as any other person who is claiming benefits under this Law by reason of parentage, lineage and ancestry. There were also other barriers, Mr. President, which prevented people from going to certain countries but I do not think it is in the best interest of this country, at this time, to raise those issues. I will only say that I think that in all fairness we have to find a way of accommodating and treating equally those persons who are claiming the right to status or to live here by reason of ancestry. We cannot say that only those who were fortunate to get to the United States or to get to Jamaica. I do not know if we have any in Australia and New Zealand, but I know that we have persons elsewhere that must be given consideration.

As I pointed out early yesterday in my debate, Mr. President, that a ridiculous situation exists if this Bill stays as it is, we will deny those people the right to come back to the land of their forefathers. But all they need to do is to migrate from the country where they are, become a United States citizen, and then they could come, and then they would qualify. There has to be something wrong with this, Mr. President. Unless it is the intention that that route would be used to bring in the Mafia. That is the only derogatory organisation I could think about that I did not mention earlier. There are others too that I am sure I forgot.

In the Work Permit Section, Mr. President, I personally feel that if the Board sticks to the provisions of this Bill, then Caymanian interests will be protected. Mr. President, another area that gave some concern and to which an explanation was sought to be given yesterday, was in Section 33, sub-section (c) that is that the requirement of a Gainful Occupation Licence of persons of non-Caymanian status would have no application to members of the crew of any vessel engaged in their duties as such.

The explanation given on that yesterday, Mr. President, again in relation to the submission that was made to the committee, was only partly correct. I believe that the concern of the committee or the organisation making that submission, was not the exemption under this Clause of, let us say, the crew of Republic Airlines, or any other non-Caymanian airline, performing their duties while on our soil, or over our air space. Nor was it of vessels in our port. The concern which members expressed was that they felt that this provision should not extend to such an extent that it relieved persons operating companies owned in the Cayman Islands, or even companies operating within the Cayman Islands, from a Work Permit. This, Mr. President, as I understand it, was been the ruling which has been given on this Section.

When I get into committee stage, I intend to make further submissions on this Section, because I am in sympathy with the view which has been expressed by the organisation that made that submission. Their concern is that a ship-owning company or an aircraft-owning company which are both considered vessels under the interpretation of this Law, should not be permitted to employ persons of non-Caymanian status without having to go the Work Permit route. I support that view.

I am aware, Mr. President, that there are some International Regulations governing this Section and that particularly in the case of shipping, our own Law might be silent on it, and it might not be until we revise our Ship's Registration Law that we can finally get this thing under control.

MR. BENSON O. BRANKS (CONTINUING): The reason for the exclamation which was given yesterday, is because normally the crew of a ship has to have at least a large percentage of the country of its registration. In order to facilitate international trade and good relationships, then the signatory countries would have to permit, as the Member pointed out yesterday, shore leave, etc. for the crews of those ships.

In other words, if a Japanese ship went to the United Kingdom or vice versa, the crew would not have to remain on board the ship merely because the ship was of Japanese or British registry or the crew was of Japanese or British registry. This was to alleviate the situation which would broadly speaking, put the crew in the situation of being prisoners on board their ship in a port. This is governed by International Law but we all know, for example, in the case of a ship of British Registry, that the officers of that ship must be British Officers. This is what the committee is getting at. They want to ensure, that is, the committee that submitted the point to the Committee of the House for our consideration this is what they are getting at. They want to ensure that this exercise here is not being abused to the extent where Companies are losing employment opportunities to persons of other nationalities on aircraft ships or businesses that are Commonwealth owned and registered. We will have to deal with that in Committee Stage, Mr. President.

MR. PRESIDENT: I think if the Member has come to an end of that point, I will ask the First Official Member to move the adjournment. I think we did agree that it might be moved at about 12.25.

HON. BENSON O. BRANKS: Thank you, Mr. President.

HON. D. H. FOSTER: Mr. President, I move the adjournment of this House until 2.00 p.m. tomorrow afternoon.

MR. PRESIDENT: The motion is that this House do adjourn until 2.00 p.m. tomorrow Wednesday, 12th September. Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT AGREED. AT 12:15 P.M. THE HOUSE ADJOURNED UNTIL 2:00 P.M., WEDNESDAY, 12TH SEPTEMBER, 1984.

FOURTH MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
WEDNESDAY, 12TH SEPTEMBER, 1984

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR J PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS M FOSTER, CVO,CBE,JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON LEMUEL HURLSTON	ACTING THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN B McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN M BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON G HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J GARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BENSON O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MABRY S KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FOURTH MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY

12TH SEPTEMBER, 1984

1. QUESTIONS

SUSPENSION OF STANDING ORDER 23(7)

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ACTING THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 71: WILL THE MEMBER STATE:-

(a) TO WHOM THE CONTRACT FOR THE SUPPLY OF FURNITURE AND FITTINGS FOR THE NEW AIRPORT TERMINAL HAS BEEN AWARDED AND THE AMOUNT OF SAID CONTRACT;

(b) WHETHER THE CONTRACT WAS AWARDED TO THE LOWEST BIDDER AND IF NOT, WHY NOT;

(c) THE NAMES OF THE BENEFICIAL OWNERS OF THE COMPANY TO WHOM THE CONTRACT HAS BEEN AWARDED AND WHETHER THE SUCCESSFUL TENDERER MEETS THE CRITERIA SET OUT IN THE INVITATION TO BID?

2. GOVERNMENT BUSINESS

BILLS:-

(i) SECOND READING DEBATE (CONTINUING)

THE CAYMANIAN PROTECTION BILL, 1984

(ii) COMMITTEE THEREON

THE CAYMANIAN PROTECTION BILL, 1984

HOUSE RESUMES

(iii) REPORT THEREON

THE CAYMANIAN PROTECTION BILL, 1984

(iv) THIRD READING

THE CAYMANIAN PROTECTION BILL, 1984

TABLE OF CONTENTS

	PAGE
The Caymanian Protection Bill, 1984 - Continuation of Second Reading Debate	1
Mr. Benson O. Evanks	1
Hon. G. Haig Bodden	8
Adjournment	29

WEDNESDAY

12TH SEPTEMBER, 1984

2:00 P.M.

MR. PRESIDENT: Please be seated.

Just before we start I should confess to the House that I had probably myself misunderstood something that was said to me because I believed that the question that I see is down in today's Order Paper was being held over until tomorrow on the grounds we were past question time. I now see the Order Paper talks about suspending Standing Orders but subject to the convenience of the House I see no reason to suspend them until tomorrow's Order Paper if that is all right. I think Members would agree to that. So in that case we can move on to the second item on today's Order Paper which is the continuation of the second reading debate on the Caymanian Protection Bill. But before I invite the Third Elected Member for West Bay to continue with his speech, perhaps it would be appropriate for me to draw to the attention of the House the fact that the dissolution is due at the beginning of next week in preparation for the elections which as all of you know, have been set for the 14th November, and that we have therefore to complete our business this week unless any Member wishes to sit on Sunday. It might therefore be helpful if we discussed informally during the tea break this afternoon the question of whether most Members would wish to sit slightly late, either this evening, tomorrow evening or Friday evening, depending on how business progresses.

I just leave Members to reflect on that for the moment and we will be seeking their advice in the tea break and their cooperation meanwhile in ensuring that the proceedings do not become so prolonged that we run into the difficulties that we are unable to pass the Bill before the dissolution overtakes us.

The Third Elected Member for West Bay.

MR. BENSON O. EBANKS (CONTINUING): Mr. President, when the House rose yesterday I had completed my submission on Section 23, subsection (c) of the Bill and continuing, I would like to deal with Section 27 in general terms and say that I feel that if the requirements there are carried out, then the interests of Caymanians should be protected. That is the section dealing with the consideration of applications by the Board.

I would like to make special reference to subsection (2) of that section, Mr. President, where it reads:

> "Any general directions given under subsection (1) may be published in the Gazette."

I believe that some concern has been expressed at the use of the word "may" instead of "shall" and I would submit that in most instances I would expect to see the directions published, but that I do support the use of the word "may" inasmuch as from time to time there may be some very delicate and even confidential directions to be given. I would like to point out that these are general directions and not specific directions. In other words, the Executive Council or the Governor-in-Council cannot give directives to the Board in relation to a specific case or matter being dealt with by the Board. These are general directives for the guidance of the Board in its deliberations generally, and not dealing with any matter specifically.

MR. BENSON O. EBANKS (CONTINUING): Mr. President, I am going to try to move on as quickly as I can. Other Members have dealt with other sections of the Bill and I am, as I said in my opening remarks, I would be touching on only those areas that I felt strongly about or that I thought I should in fact comment on.

Section 44 deals with the loss of permanent residence. I believe that there was a submission, or put another way, Mr. President, that when the discussion draft Bill was published, subsection (a) of this section said that a person would lose their permanent residence if they were absent from the Island for a period of six months. This has now been changed to one year and I believe that this would meet the circumstances and wishes of this section.

I believe too, Mr. President, that there was some concern expressed regarding who would pay for persons departed or landed illegally or refused permission to land in the country. I think that Section 63 makes it clear that in the case of persons landing unlawfully or in respect of whom permission to land is refused, it would rest with the carrier who brought the person to the Island, and that Section 64 states who would pay for the repatriation of a departed person. Subsection (3) of Section 64 says that:

> "The Governor may apply any money or property of a person against whom a deportation order has been made, in payment of the whole or any part of the expenses of or incidental to the journey from the Islands and of the maintenance until departure, of such person and his dependents (if any)."

And of course subsection (4) goes on to say:

> "Except so far as they are defrayed under subsection (3) any such expenses shall be payable out of public funds."

In practice, Mr. President, as I understand it, persons coming on a work permit or whatever have to either put up a cash bond or some other form of tangible security to meet the cost of repatriation to their country of origin or citizenship. I do not think that the public purse would be called on to pay too much of this. But if the person is considered sufficiently undesirable to warrant deportation, then maybe if there are not funds available from the individual it is a good expenditure for Government to rid the Island of such a non-desirable person at public expense.

Mr. President, I crave your indulgence, Sir, to revert if I may to the question of 'eligible persons' which I dealt with at length yesterday and particularly the Commonwealth, and specifically with regional institutions or organisations one of which I purposely omitted at the time, and maybe if I am permitted to say a few words on this at this time it might stall some much more lengthy discussions at a later date. I am referring specifically, Mr. President, why I did not refer to it yesterday was because I had the envelope in my brief-case and I did not want to stop to dig it out. But I want to refer specifically, Mr. President, to that regional institution of the Caribbean Examinations Council for which I have come in for so much stick, and the organisation itself has come in for quite a bit of stick.

Mr. President, I do not intend to go into the merits or demerits of what was done at any particular time on this. I merely want to put to rest the question of the

MR. BENSON O. EVANKS (CONTINUING): shall I say acceptance and writing of this examination, because it has been stated, Mr. President, and we were a member of this organisation and withdrew from it, that this examination is not recognised outside of the Caribbean. I want to put that question to rest once and for all.

MR. PRESIDENT: I am not sure that this is really an appropriate moment to do so because I cannot see the relevance of that examination to a Law dealing with Caymanian status. I was liberal earlier when you were arguing the case for allowing all members of the Commonwealth to be eligible persons and most of the argument earlier did seem to be addressed to that point. But unless you can persuade me that an explanation of the virtues or mechanics of a particular exam are relevant in the same way I shall have to stop you and ask you to make public whatever material it is you wish to make public in some other forum.

MR. BENSON O. EVANES: As I said, Mr. President, I am not going to get into any argument over the subject. I am going to deal with it in the same way as I dealt with Caribbean Development Bank and the rest of it to show that it is an institution that receives international aid and the rest of it, and that it has international recognition. I think this is relevant in light of the fact that I am sure that this is one of the instances in which we can show that the Commonwealth Caribbean is relevant in totality.

MR. PRESIDENT: Well as long as the Member bears in mind what I have said and I shall stop him if I think he is straying too far.

MR. BENSON O. EVANS: In particular, Mr. President, I wish to read from a letter dated the 19th January, 1984, addressed to me from the Vice Chancellor of the University of the West Indies who happens to be the Chairman of Caribbean Examinations Council. I had enquired of the progress of this Council and I will not read all of it, Mr. President, because much of what I will read, if I would tell Members, I will read his letter but much of the other information which is available can be found in the July, 1982 issue of the Caribbean Chronicle which is a publication of the West India Committee. I would like to read just one paragraph.

> "Probably the most important indication of the achievement of the Council was the clear indication given by the United States of America of the high regard in which it holds the Council and its work by the grant of US$2.8 million which Caribbean Examination Council received from United States id for a four year project extending over the period 1979 to 1983. You should note that this grant was received by Caribbean Examination Council at a time when the United States was in the process of phasing out grants for educational purposes in the region. The funds were used to support programmes for the development of teachers' expertise and curriculum implementation, measurement and evaluation and materials production. Ten subject areas benefited under this scheme. These were English, Mathematics, Geography, Caribbean History, Social Studies, Spanish, Principles of Business, Office Procedure, Agricultural Science, Integrated Science. At the end of the project

MR. BENSON O. EBANKS (CONTINUING):

> United States Aid conducted an evaluation exercise under the direction of United States educators. We were heartened to receive a most favourable report from the evaluation team on the work done by Caribbean Examination Council during the life of the project. Regarding your query on the Caribbean History syllabus the content and coverage required of candidates is the same as that for G.C.E. O'Level. Both syllabuses cover the period from the coming of Columbus up to 1962."

International recognition, Mr. President.

> "United Kingdom, the joint Matriculation Board which serves the University of Manchester, Liverpool, Leeds, Sheffield and Birmingham accept general proficiency grades I and II as equivalent to G.C.E. O'Level. Individual consideration will also be given to basic proficiency grade I. Scottish Universities Council on entrance. London University Entrance Requirements Committee..."

MR. PRESIDENT: I think the point has been made but I really do not think this is too relevant to the grants of status you know. And unless you can start to tie it in to that I must stop you. I can quite understand that you want to put on record your views about this exam but I really do not think that a debate on the Protection Law is the right place to do so.

MR. BENSON O. EBANKS: Mr. President, with respect I am sure that this was one of the ideas in the back of Members' minds when they were talking about restricting certain Caribbean territories because they were setting these exams, and generally within the Commonwealth. I think this is relevant to establishing that within the Commonwealth there is a diversity of opinion but yet no-one forces their will on the other, but that the Caribbean is not ...

HON. TRUMAN M. BODDEN: Mr. President, I am going to take a Point of Order now, Sir. Firstly relevancy under Standing Order 36, and secondly he is trying to anticipate what may have been in a person's mind and there is only one, I am afraid, who can really do that, Sir, and he is not the one.

MR. PRESIDENT: The Point of Order regarding relevancy was one I was already taking, really I think. I can see the Member's argument that one of the considerations which may have been in people's minds when they decided to exclude certain Commonwealth countries from the "eligible person" category may have been the type of examinations, but as the Honourable Second Elected Member for Executive Council said I think you are getting at what was in people's minds. In any case let us leave it like this that provided you finish this particular bit of your speech very quickly I will not stop you again. But it must not continue for long because I am increasingly doubtful about its relevance and I shall soon be persuaded it is irrelevant.

HON. TRUMAN M. BODDEN: Mr. President, if I may just ask that you give him a time because his theory of what is short and yours may be completely different.

MR. BENSON O. EBANKS: Mr. President, except for one matter which is of paramount importance I will just name the Universities and the countries then that accept it. But the Member himself objecting introduced the question of education into the debate.

MR. PRESIDENT: Well, continue.

MR. BENSON O. EBANKS: Mr. President, I think I have started on 7

> "Scottish Universities Council on Entrance, London University Entrance Requirements Committee to date accept general proficiency grade I only, currently reviewing general proficiency grade II. Cambridge University is reviewing its matriculation requirements but will be guided meantime by practice of other English Boards.
>
> Canada, Arcadia University which is in Nova Scotia, McGill University, Wilfred Laurier University, University of British Columbia, University of Victoria, University of Toronto, University of Regina, University of Lethbridge and the Association of Community Colleges all accept the equivalency to O'Level of this examination at grade I and II in some instances."

But what is very important, Mr. President, is the remarks on the United States situation:

> "The National Council for the evaluation of foreign student credentials in the United States of America has issued the following statement to admission officers:
>
> > "When admission to higher education for Caribbean students both in Caribbean and American institutions is based on an accumulation of single subject passes in public examinations at the secondary school level, the following are subjects that should be counted together towards admission eligibility. Each subject on a Caribbean Examinatime Education Certificate at general proficiency with grade I or II and in the case of integrated science and agricultural science..."

HON. TRUMAN M. BODDEN: Mr. President, I would like to take a Point of Order again, Sir. I know you have certain discretion but really how long do we have....

MR. PRESIDENT: If you are on the point of relevancy I will stop the Member when I think fit. I have taken your point and I have made it myself and he will not go on much longer.

HON. TRUMAN M. BODDEN: I would not like him to use my referring to exams as the point for using this because I said we had plenty of children with their exams who can go out in the labour force. I do not see how this is relevant at all.

MR. BENSON O. EBANKS: Mr. President, I was dealing with the question of the equivalency in the United States of America

MR. BENSON O. EBANKS (CONTINUING): and they are rated one to one except in the case, that is in the general proficiency grade whether it is I or II, integrated science and agricultural science, each to count as two subjects.

Enough said, Mr. President. I will handle the rest of it appropriately at the appropriate time and I would hope, Mr. President, if this question is attempted to be raised by any other Member the same restrictions of relevancy will be placed upon it.

MR. PRESIDENT: Which will give another Member a chance to talk at some length.

MR. BENSON O. EBANKS: I think this might have defused a very lengthy discussion.

Mr. President, I can understand Members not wanting certain things to go in the records but I have achieved my objective, Sir.

The Caymanian Protection Law as I said earlier is, in my opinion, the most single important piece of legislation on our Statute Books and unless we can in this Law defuse some of the resentment which exists in the public as regards the protection of the rights of Caymanians then we have not done our jobs and we are allowing a monster to lurk out there which is going to devour all of us. So I would hope that in Committee stage, Mr. President, good sense will prevail and that where reasonable amendments are put forward they will be carefully studied and hopefully implemented.

There was just one section of the Bill, Mr. President, which I glossed over in turning my leaves and I know I have a note on it. So I will find it, that is Section 43, Mr. President, the section which is new, the section which deals with the granting by the Board of a work permit to a person on permanent residence. The point has been made I think that this will be used sparingly. There are occasions on which there are permanent residents in the Island who could perform certain specialist tasks. It is just common sense if those people are willing to do the tasks to give them the permit rather than having to bring in another family, couple or individual to perform the tasks.

There is just one thing, Mr. President, that I think may have been overlooked and I would draw attention to it now so that when we get to Committee stage it will have had some consideration.

We have put this granting of the work permit under Section 27, 28 and 29 which deals with showing relevancy of the need and the payment of fees, and the rest of it, and we have said in relation to Section 28, that the Board shall give consideration to the provisions of Section 35 (1). I believe it should be 38(1) and they should also add 38(5) otherwise, Mr. President, the Board will not have power to revoke that licence once granted. For the benefit of the Honourable Second Official Member, Mr. President, I am reading subsection (2) of Section 43.

> "In granting such permission, the Board shall give consideration to the provisions of section 27 (1),"

This section which deals with having to show that nobody is able, willing and so on. Not in a Caymanian is not able, willing, qualified and available to do the job:

MR. BENSON O. EBANKS (CONTINUING): Section 28 says what the Board can do. In Section 28 (1) it merely deals with the refusal and so on but it does not deal with revocation. Section 28 (5) deals with the ability of the Board:

> "from time to time to extend, revoke, vary or modify the terms of any licence,"

and I think if we are to cover this provision properly in Section 41, subsection (2) we will have to say Section 28 (1) and (5), because, Mr. President, we would not want a person to have a licence that could not be revoked if it was being breached and that would be the effect of what would happen unless we put in subsection (5) of Section 28.

To sum up, Mr. President, as I said yesterday I support this Bill going forward because there are changes that have been brought upon us by the coming into effect of the British Nationality Act of 1981 and we have to make provisions for those in our Law. I am not entirely happy with all that is in this law but on the other hand as I said, rightly or wrongly, the old Law, or at least the administration of the old law has been discredited to the extent that I feel that it is incumbent on this House to do something to allay and quell the fears of people in the community.

Closely allied to this Bill, Mr. President, is the question of a labourer and a labour officer and if I may be forgiven for referring to statements which I made in the Throne Speech earlier this year regarding promises.

MR. PRESIDENT: I really do not think this is relevant. You should make these points in a separate place at a separate time.

MR. BENSON O. EBANKS: Mr. President, I am leading right into this; what I am saying is that the House has not had the Labour Bill come forward and I am saying that this...

MR. PRESIDENT: That has already been reported to the House by a Select Committee and it really is not relevant to the second reading debate on the principles of this Bill.

MR. BENSON O. EBANKS: Could I say, Mr. President, that I feel that it will be the responsibility of a new House to introduce early legislation to involve the labour officer more closely with the workings of this Law.

MR. PRESIDENT: Yes, that is fair.

MR. BENSON O. EBANKS: You see if you try long enough, Mr. President, you will get your point across, as this is something that I have felt for a very long time.

I am not going to use the time of the House for very much longer, Mr. President. I just want to implore Members and to say to Members if they have not sensed the dissatisfaction on the outside about the labour market, that they should listen more carefully and let us see that this Law does what it is intended to do and that is protect the rights and welfare of Caymanians of all walks of life.

Thank you, Mr. President.

MR. PRESIDENT: The Honourable Fourth Elected Member of Executive Council.

HON. G. HAIG BODDEN: Mr. President, the Bill before the House had a long gestation period, a period in which many people and many organisations had their input. Most of the comments received by the Select Committe were comments of substance. The Committee endeavoured to put into the Bill many of the suggestions made, in fact some people actually appeared before the Committee and further explained the points they had made in their written communications.

Unlike the Narcotics Agreement most of the comments on this Bill by the public were fair; most of the comments were reasonable. It is regrettable that a few of the lightweight politicians on the outside used this Bill, or attempted to use it for their own political aims. For example, we had one comment made on it that a certain person wants to be elected so that he can bring about equality of women under the Caymanian Protection Law, when that person has read the draft and knows full well that the equality of women under the Caymanian Protection Law will be a fait accompli long before nomination day, and that it is not correct to say that when he is elected he will do this. But it shows the extent to which other people, or some people will go for the hope of becoming Members of the House.

I am going to deal with that question of equality of women when I come to the section dealing with it.

The Bill has brought out to us the question of who is really a Caymanian. We have in this country some expatriates that are more Caymanian than some Caymanians, or as Sparrow said in his song, "more English than the English", because I believe a foreign person that has come to these shores and found a good home here can be just as loyal as a person who has been born here with a non-patriotic spirit. Because some of the people who come to these shores and have made it big here were nothing in their own land. If you have a doctor or a lawyer or an accountant in New York or London, he is just another statistic, but take him up from there like a little plant from a bed of nursling plants and transplant him with good vegetating mould into a new land and the metamorphosis that he undergoes produces a new plant which blooms and prospers beyond all imagination. And we see this happen every day. People who in their own country were not listed in any civil list unless it was the list of the poor have come here and by the benevolent laws of our country, and by the good climate created by our Government, have spread out like oak trees across the land. And these people who left a country which offered them nothing but penury, and harsh laws; those from Europe coming from a land torn by war, they have left nothing behind and so Cayman to them is their real home because they never had it so good before. We see this magic being played out before our eyes every day and this is why I have a certain compassion for those people who have come now to a land flowing with milk and honey; a land of surpluses; a land of reserves and a land which has regard for the constitutional right of its citizens

As we watch the panorama of immigration into this Island we see before us a sight which must make the indigenous people very proud because we are able to offer a haven of rest and security; a tax haven where the earnings can belong to the worker, and we must certainly feel proud.

However, Cayman is a small country and we cannot accept all those who would come. We must therefore have a strict Immigration Law to say not only who can work here but who can continue to remain here. If we had many millions of acres of land in which to house these people we could become a paradise for all of the lonely people and all of the destitute people in the world. But we are a small group of islands,

HON. G. HAIG BODDEN (CONTINUING): with only a little over a hundred square miles of land and we have to guard this property jealously. We have to be harsh at times and say the time has come for you to go. We have had people who have come here and who have enjoyed the fat of the land, whose wives and children have become frolicsome and have become prosperous, but on the other hand we have had those people who have come here and from the minute they start to put down their roots have tried to destroy this country; have tried to stir up hate amongst the inhabitants of these Islands and have tried through their vicious gossip through the columns in the newspaper which they control to set one person against the other. Often when these people are put on the plane and told not to come back we have some of the less patriotic people standing up and bemoaning the fact that these people have gone.

So Immigration is not an easy task for the legislators; it is not an easy task for the Department of Immigration; it is not an easy task for those who sit on the Caymanian Protection Board, but it is a task which has to be shouldered with great responsibility if we are to continue to not only stay afloat but to continue to prosper. This is the reason why this responsible Legislative Assembly has taken the time and effort to produce the Bill which is before the House, whence come any of our Laws including the Immigration Law. Our Laws stem from the Members of the Legislative Assembly and these Members are representative of the thoughts and aspirations of the public who elected them, and it is our responsibility to legislate laws.

One of the unfair criticisms of this Bill has been that we attempted to rush it through the House when all Members know the Bill has been in some stage of development for more than a year. Even now there are some who say we should not pass this Bill on the eve of a General Election; we should wait until after the elections when we can sit down minus some of the controversy and deal with it. I do not subscribe to that view. I can only speak for myself but I have been elected over three terms with a resounding majority by the people of my constituency and they expect that I will deal with this Law and with any other law and with any other matter without fear of criticism or the sharp words of the press or any who may want to condemn my actions. It is our responsibility to deal with this Law. Let us not be like the weak kneed government of 1976 who failed to put forward the controversial Development Plan because they were afraid of the reaction of the public at the polls. I say we should put forward this Bill and let the public tell us in November whether they agree with what we have put in or not. If they tell me they do not agree, we can amend it but we should do what we have been elected to do. We may make mistakes in the process but let us not make the biggest mistake of doing nothing. Let us not make the big mistake of doing nothing. Let us do what seemeth unto us right and I think that future generations will call us blessed.

The immigration and emigration of people into and out of the Cayman Islands has become of significant importance over recent years. We have seen in the last ten years that the population of these Islands has grown, the growth rate has been in excess of 5 per cent compared with the annual growth rate of 2 per cent in some of the other developed and developing countries. And this growth has not been caused by any substantial change in the birth rates and the mortality rates of the people of these Islands. Most of that growth has come by immigration.

It is very difficult, as I mentioned earlier to deal with an Immigration Law because in matters of immigration nearly every person in the Cayman Islands were too

HON. C. HAIG BODDEN (CONTINUING): hate. People will say we have too many Jamaicans; we have too many Hondurenians; we have too many English people; we have too many Americans, and those same people who say that are the ones who are crying the loudest to be given their domestic servants, their masons, their carpenters, their bankers, their lawyers and their accountants. The very people who condemn the influx of foreign people into Cayman are the people that are down on their knees praying every night that the Caymanian Protection Board will grant their permit. It reminds me, Sir, of some time ago when a belligerent taxi driver came to me and said "we have too many taxi drivers, Government should limit them." I said, "yes, we will start by taking your license." He said, "no I did not mean me, I meant the other people." This is the dilemma of immigration. People are saying there are too many Jamaicans yet every construction firm wants his carpenter every construction firm wants his mason and you could go right down the line.

So we have a dilemma and the responsibility of Government is to try to balance these two avaricious groups: one like the old lady who said "I want what I want when I want it", and her husband said "You will get what I got when I got it." So Government is in the middle trying to keep out the foreign people looking for work and trying to satisfy the appetites of our economy which is demanding more labour every day. When I hear people sitting in judgement against the Caymanian Protection Board I have to say what hypocrites they are in the Cayman Islands. When I hear a person trying to get elected now condemning the actions of the Caymanian Protection Board when he served for many years as the Chairman of that Board and found nothing wrong with the Law. When I hear the Third Elected Member for West Bay get up and say appeals should not go to Executive Council, we should have a tribunal because we are appealing from Caesar unto Caesar. Have we forgotten those words...

MR. PRESIDENT: Are you rising on a Point of Order?

MR. BENSON O. EBANKS: No Sir.

MR. PRESIDENT: Rising under what Standing Order then?

MR. BENSON O. EBANKS: 33 or 34. 34(b), Sir.

MR. PRESIDENT: You mean 34(1)(b).

MR. BENSON O. EBANKS: Yes Sir.

MR. PRESIDENT: Does the Member speaking agree to give way or not?

MR. BENSON O. EBANKS: Mr. President, the Member is misquoting me, Sir. I supported the appeals going to Executive Council. What I said was that rightly or wrongly conceived the public had the impression that Executive Council often had an input into the decisions of the Board and under those circumstances it was appealing from Caesar unto Caesar.

MR. PRESIDENT: That is my recollection of what you said, yes.

MR. BENSON O. EBANKS: But I support the appeal going to Executive Council.

MR. PRESIDENT: Thank you.

HON. G. HAIG BODDEN: He certainly gave me the impression, Mr. President, that because we could influence the Board the Board would be appealing to the people who had influenced the Board and he made some remark about Caesar appealing to Caesar.

You know his problem is that he is no longer Caesar and when I say that his problem is that he is no longer Caesar I mean that when the Caymanian Protection Law was put into effect in 1971 he was the architect of that Bill: He was the Member who piloted that Bill through the House and it was that Bill that set in motion the process whereby Executive Council appoints the Members to the Protection Board, and appeals from the Protection Board go back to Executive Council. So if there is a situation where Caesar can appeal unto Caesar it was created by the Third Elected Member for West Bay and other Members who were Members of the House when this Bill was put into operation. Because this, Government in its eight years of existence has never changed the process by which Members are appointed to the Protection Board or by which appeals from the Protection Board go into operation.

Let me prove my point since it is difficult for him to recollect, and I will do so by reading...

MR. BENSON O. EBANKS: Mr. President, I am again rising, Sir. I thought I had made my explanation perfectly clear and that you had accepted that the explanation I had given was what I had said. I think the Member is now trying to debate what I said and is therefore out of order.

MR. PRESIDENT: I cannot see that he is out of order in debating what you had said. He would be out of order if he were putting into your mouth words which you had not said. But I do not think at the moment he is doing that. If he does do that in my view, I will stop him.

MR. BENSON O. EBANKS: Mr. President, could I refer you to the intervention of the Honourable Second Official Member yesterday, Sir.

MR. PRESIDENT: Oh come come, what may not be debated is a Point of Explanation. But you cannot stop the Member from continuing to debate what you have said in your main speech by rising on a Point of Explanation. That really would not be proper.

HON. G. HAIG BODDEN: Mr. President, you are too polite, Sir, to tell him that you can stop him from interfering with the regular process of this House by having the Sergeant, where is he, take this Member outside until we are finished if he continues to interrupt.

MR. BENSON O. EBANKS: Mr. President, I have a right to interrupt whenever I am doing so under the Standing Orders of this House and I will continue to do so.

MR. PRESIDENT: You have a right, yes that is quite right.

HON. G. HAIG BODDEN: Mr. President, he has the right to interrupt. Standing Orders do not give him the right to become a nuisance to the House.

HON. G. HAIG BODDEN (CONTINUING): Mr. President, before I was so viciously interrupted I had been dealing with the fact that the 1971 Protection Law established the Caymanian Protection Board and that throughout the years we have not changed that process and we do not seek to change it.

Section 5 of the 1971 Law reads:

> "There is hereby established a Board called the Caymanian Protection Board consisting of a Chairman, Deputy Chairman and seven other members who shall be appointed by and hold office at the pleasure of the Governor."

which means the Governor-in-Council, and Section 5 of the Bill before the House reads in almost identical words the same way as Section 5 of the 1971 Law with a couple of exceptions which I will mention. Section 5 of the Bill before the House reads:

> "There is hereby established a Board called the Caymanian Protection Board consisting of a Chairman, Deputy Chairman and not more than nine other members, at least one of whom shall be resident in Cayman Brac or Little Cayman, who shall be appointed by and hold office at the pleasure of the Governor."

The only difference in the 1971 Law and the Bill before the House is that the 1971 Law provided for seven members on the Board and the Bill before the House provides for not more than nine other members. The new Law also stipulates that one of the members shall always be a resident in Cayman Brac or Little Cayman.

So if there is some abuse in the process which has existed between 1971 and 1984, that abuse was written in the Law by the Third Elected Member for West Bay and his other colleagues at the time of the passage of the Law. I do not believe this is abuse. I do not believe that the members of the Caymanian Protection Board should be appointed by anyone else except the Executive Council.

I am not going to take up the time of the House to read this, but the appeal sections of both Laws carry the same words, also the same identical words that appeals from the Caymanian Protection Board shall be heard by the Executive Council. Here again there is no better body to hear the appeals. Now it is true that in the comments dealt with by the Honourable Second Elected Member of Executive Council yesterday he mentioned that some people had preferred an independent tribunal which would have no Civil Servants on it, to deal with these appeals. This would be a slap in the face of the Caymanian public if we were to let these important appeals be heard by an independent tribunal which is not answerable to anybody at any time.

The Members of Executive Council have undergone the most rigorous test available to any group of people. To become a Member of Executive Council, an Elected Member, one must first win at the General Election, something that some of the sour grapes on the outside have never been able to do. We must first get the confidence of the majority of the people in our constituency and then having become Members of the House, Elected Members of Executive Council must undergo another vigourous examination in which they must get the majority of Members' consent. Members like the Third Member for West Bay must agree by a majority vote that the four

HON. G. HAIG BODDEN (CONTINUING): Elected Members can be Members of the Executive Council. So there is no better body to hear appeals from the Caymanian Protection Board than an Executive Council which has been duly elected by the majority of the people of the Cayman Islands and by a majority of the Members of the Legislative Assembly.

A tribunal would not have Members on it who had become Members because of such a severe test. The tribunal would have to be appointed under the Law either by the Executive Council, by the Legislative Assembly or perhaps by the Governor acting in his discretion. But the members of the tribunal would not be answerable to the electorate which would seek to remove them if they did not perform their functions well.

Do you want to take an interruption?

MR. PRESIDENT: I was hoping you would finish dealing with this particular point soon but if it is convenient to you to break now let us suspend proceedings for approximately fifteen minutes.

AT 3.17 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.43 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The Honourable Fourth Elected Member of Executive Council.

HON. G. HAIG BODDEN: One final point, Mr. President, on this. It had been appealed before the court because apparently there is distrust of appeals being handled fairly by the Board, but this would have proved a disaster if the Committee had adopted this reasoning. For a long time it would be subject to further appeals to the Appeal Court and maybe even the Privy Council. It would have been costly to hire lawyers and pay court fees and in my opinion what would even be much worse is that we would be mixing the executive branch of Government with the judicial branch and so would have brought about an integration of the different arms of Government rather than the separation of powers which is so desirable.

The most controversial section in the Law is in the definition of "eligible person". Who should be allowed to easily receive Caymanian status. Many authorities were called upon to substantiate the claim that all Commonwealth citizens should be entitled to receive quite easily, Caymanian status and I would like to spend some time on this section because it is very important.

The Third Elected Member for West Bay tried to invoke Section 26 of the British Nationality Act, 1981 as one of the reasons for the entitlement of eligibility for Commonwealth citizens but he could not have been further from the mark. Because that section as it reads says:

> "Any person who was a citizen of the United Kingdom and Colonies immediately before commencement and who does not at commencement become either a British citizen or a British Dependent Territories citizen shall at commencement become a British Overseas citizen."

HON. G. HAIG BODDEN (CONTINUING): To my mind this does not in a small place like Cayman give Commonwealth citizens the right to Caymanian status, in that the Section is restrictive indeed and only operates at commencement of their Law. Had he chosen to read the next section, Section 27 dealing with the registration of minors he would have seen that that Section is still even more restrictive and that Section has to be read with Section 2 which sets out the ways in which a minor can be registered, the restrictive ways. If you look at Section 2 you will see...

MR. BENSON O. EBANKS: Mr. President, I wonder if the Member would give way, Sir?

HON. G. HAIG BODDEN: This is disgusting, Mr. President.

MR. PRESIDENT: Under what Standing Order?

MR. BENSON O. EBANKS: 34(1)(b).

MR. PRESIDENT: Then it is up to the Member to decide if he wishes to give way.

HON. G. HAIG BODDEN: No, Mr. President, I have become disgusted with this Member. I mean, he is behaving like a child. All I have said is that he would...

MR. PRESIDENT: That is all right...

MR. BENSON O. EBANKS: Then I reserve my right, Mr. President, under 34(2).

HON. G. HAIG BODDEN: All I have said is that he invoked Section 26. I am now dealing with Section 27 which he never mentioned. You read Section 26 word for word. The Third Elected Member for West Bay read that Section word for word. I am not dealing with Section 26 I am dealing with Section 27 which is used for the registration of minors, and it says in 2:

> "A person born in a foreign country within five years after commencement shall be entitled, on an application for his registration as a British citizen made within the period of twelve months from the date of the birth, to be registered as such a citizen if -"

(a) the requirements specified in Section 2 are fulfilled in the case of that person's father, and (b) had that person been born before commencement and become a citizen of the United Kingdom and Colonies by virtue of Section 5 of the 1948 Act. This gives citizenship by descent as a result of the registration of his birth at a United Kingdom Consulate under paragraph (b) of the proviso to Section 5(1) of that Act. He would immediately before commencement have had the right of abode in the United Kingdom by virtue of Section 2(1)(b) of the Immigration Act, 1971 as then in force, which deals with connection with the United Kingdom through parents or grandparents.

So it is not possible under either 26 or 27 for many people at large to get British citizenship and neither should it be possible under our Law for the millions of people that make up the Commonwealth to have an easy access to Caymanian status.

HON. C. HAIG BODDEN (CONTINUING): The other arguments brought in which to my mind were not relevant at all, were so far removed from the essence of eligibility that you, Sir, had to stop the Member from his wandering into these desert lands.

He brought in the Caribbean Development Bank as an organisation of which we were a part and of our connection with the Commonwealth, of our connection with the C.P.A. and he read a long article there on the Commonwealth Secretariat, and I could go on and on. He even stumbled one time upon the Caribbean Examination Council which he envisioned had been in the minds of the Members when they made their deliberations on this Section, and I am not surprised, Sir, that he mentioned this because he was very much involved in the Caribbean examinations and it would have been a disaster if these examinations had been adopted in the Cayman Islands. It is my belief that we would not now, Sir, be discussing the...

MR. PRESIDENT: I stopped him on the Examination Board so you must not go on discussing the merits of the exams any more than I allowed him to.

HON. C. HAIG BODDEN: No, I am just saying, Sir, that we would not now be discussing this Immigration Bill if we had not removed ourselves from the ambit of this Caribbean examination which the Member has used to support his argument on the eligibility of peoples of the Commonwealth to receive favoured treatment under this particular definition. And since I have been limited to a short time I will try very quickly to go through my reasons for saying that there is nothing in the Caribbean examinations to enforce his argument that Commonwealth people should be eligible because we were once a party to the Caribbean Examination Council.

If I can refer to just one item which appeared in the Daily Gleaner in 1977 under the heading "Public Affairs", the headline is:

> "All is not well with Caribbean examinations."

and the reason is given:

> "Criticism so far about the syllabuses is that they have been approached with the view that Caribbean students are some strange, peculiar breed of people and that everything that has been taught up to now because of an influence of the metropolitan countries, has been imperialistic and Colonialist inspired. Hence the syllabuses for producing the new Caribbean man, the parents being the old dam-trodden Caribbean man and woman, should be a new beginning and departure."

And it goes on to say that no-one should fail the exam because no doubt failure has had such a frustrating and lasting effect. And these are some of the reasons why we should never call upon the Caribbean examinations to influence our thinking on this Bill. Because the Caribbean examinations were intended to treat the United States and other free enterprise countries as villains and the Communists were to be glorified. The syllabus included the teaching of black power and colonialism, the plantocracies and revolution. These were the subjects that our children were to be indoctrinated with had we continued in this exam and I do not think that examination can be used

HON. G. HAIG BODDEN (CONTINUING): to support an argument that we must belong to that type of organisation, or must let in people with the ideologies which have been disavowed by the people who had brought this into play.

To continue to deal with the question of eligibility. This question was contained in the old Law. Under the old Law all British subjects were eligible for Caymanian status providing they met certain other requirements, but all British subjects were eligible. However, the United Kingdom itself which had once in the 1948 Immigration Act of Britain brought in the term British subject found that it could not live with it and the United Kingdom is a large country compared to Cayman. So in writing their new Act in 1981 they had to take the term British subject and break it down into British Dependent Territories citizen, British citizen, and British overseas citizen. And we, Sir, found that we too had to put these restrictions and this is the reason for the amendment to our Constitution.

We amended Section 19 of the Constitution by replacing it with what I will now read:

> 'One of the conditions for being an Elected Member of the House is that he possesses Caymanian status and is either a British citizen or a British Dependent Territories citizen of the age of 21 years or over."

This change was made in February, 1984, laid before Parliament 16th February, 1984, coming into operation on 12th March, 1984, and there were no objections from the public on the limitations being put on Membership of the Legislative Assembly. In fact there was a lot of praise and commendation that the Legislators together with the United Kingdom Government had seen fit to rule out, to exclude from Membership in the Legislative Assembly all people having Commonwealth citizenship with the exclusion of the Dependent Territories citizens and the British citizens. So we limited membership to a small class of people in the Constitution rather than leaving, as Members have said here, the flood-gates open to all the world and all the people from Uganda and the people from other countries, which people have been so glowingly represented here as entitled to Caymanian status despite their communist beliefs and the beliefs and foreign ideologies of their leaders; where Idi Amin has been made to look like the archangel and President Reagan and President Carter like villains.

The definition of "eligible person" in the old Law only knew one word and that was British subject. Well, that is a term that has disappeared from the 1981 Immigration Law in the United Kingdom and so in writing this new Immigration Law which is before the House in Cayman we can no longer say all British subjects are eligible. We have to do what the United Kingdom has done, allow into Caymanian status people of a limited class so that we may not get into the problems that the United Kingdom found itself and which was forced to make this fundamental change in the British Nationality Act. And for the purpose of the Bill before us we have said that "eligible persons", that is those people who can easily get Caymanian status once they meet other requirements, will be only (a) British citizens or citizens of the Republic of Ireland, (b) any British Dependent Territories citizen, (c) citizens of certain countries which we have named, Australia, the Bahamas, Barbados, Belize, Canada, Jamaica, New Zealand, Trinidad and Tobago and (d) any United States citizen.

HON. G. HAIG BODDEN (CONTINUING): So what has happened in this Law which replaces our 1971 Law which was revised in 1977, where the old Law allowed any British subject we now allow British citizens and citizens of the Republic of Ireland, British Dependent Territories citizens and citizens of the countries which we have named, plus United States citizens.

Now this section does not prevent other people from getting Caymanian status. If anyone wants the people of Uganda, if they have a personal friend in Uganda and they want that person to get Caymanian status there is a way for that person to get Caymanian status. All that person has to do is to become a citizen of a Dependent Territory: become a citizen of the United Kingdom, or of the Republic of Ireland: become a United States citizen; become a citizen of Australia, Bahamas, Barbados, Belize, Canada, Jamaica, New Zealand, Trinidad and Tobago. So they are not excluded from getting Caymanian status. They can become eligible persons just the same as other people not being British subjects have in the past got Caymanian status under the old Law.

The first requirement which they must meet is that before they can become a person of Caymanian status they would have to get citizenship of one of these countries and would also have to owe allegiance either to the Queen or to the Heads of one of these countries. In other words, whatever allegiance these people may have to a Communist ruler would have to be renounced and they would have to,at least in practice, swear that they now have allegiance to a country within the free enterprise system. Even setting aside all of this Commonwealth citizens of other countries not mentioned here who are living in Cayman, and who now are eligible under the old Law still have the right to get Caymanian status. This is preserved by the grandfather clause. At the end of the Bill the penultimate Section 78, subsection (2) says:

> "Nothing in this Law affects the rights of any person with respect to Caymanian status existing prior to the date on which this Law comes into operation."

So if you have within the Cayman Islands anyone from Guyana or anyone from any Commonwealth country not mentioned in this definition, who on today's date or even later still on the date that this Bill comes into operation, that person has a right reserved under this Law to be an "eligible person" because the Section reads:

> "Nothing in this Law affects the rights of any person with respect to Caymanian status existing prior to the date on which this Law comes into operation".

One Member, the Third Elected Member for West Bay, referred to subsection (d) of the definition of "eligible person" as being an irritant. Subsection (d) "any United States citizen", and by his manouring I understand he considers subsection (c) as also an irritant.

Those two last Sections preclude some Commonwealth countries from eligibility with the exception of the saving clause in Section 78(2) and also give to United States citizens a right which they did not enjoy before under the old Law.

HON. G. HAIG BODDEN (CONTINUING): According to my notes the Third Elected Member for West Bay did say in speaking against the United States that it was an irritant to have that appear in the Bill. What can one find irritating about the United States as far as Cayman is concerned when it is the United States which has kept us from starvation over the years. It is the United States which provided jobs and citizenship to many Caymanians from the days of the sailing schooners. It is the United States which in the early 1950s opened up its arms to us and allowed Caymanian men to have free access into the United States so that they could be employed by National Bulk Carriers. It is the United States which has given to us an immigration concession not given to any other country in the world. As far as I know this is the only country in the world where there is not a United States Consul, where a person can simply go up to the Government offices and get a Waiver which allows him to travel into the United States for one trip. So this is an immigration concession which was given to this Island in a time of real hardship. What had happened was the door had been opened up for Caymanian seamen to work on foreign ships. However, when a ship came into port the crew member was needed immediately, and our Caymanian seamen had to go to Jamaica to get a visa so that they could come back here and travel to the United States. By this time the ship would have gone the United States Government considered the situation and allowed the Governor to grant a Waiver for travel purposes so that any Caymanian could enter the United States for one trip.

That concession still exists and is being used daily and if we have to offer Caymanian status to any country outside of the Commonwealth, or even within the Commonwealth, I would think our concessions could go to no better country than the United States. Because while we are mindful of the protection and the help of the British Government it is a fact that because of the proximity of the United States it is to the United States that we have to look for our food and our building materials, and certain other aids which we may need such as medical aid. The United Kingdom, although willing to supply these benefits to us, is separated by many thousands of miles and is not able to serve this country on a daily basis.

So when a Member gets up and argues in favour of a country like Uganda and people like deposed Idi Amin getting eligibility under our Law and at the same time decries the eligibility of United States citizens, I would think it is time for him to examine his thinking because he is certainly on the wrong track. (Pause).

MR. PRESIDENT: Has the Honourable Member finished speaking?

HON. G. HAIG BODDEN: Not yet, Sir. Just one minute. Mr. President, there is so much to speak about in this Bill that although I promised you to finish this evening I may find it a bit difficult. I promised in my introduction to go back to a new clause which has been added to the Bill, which gives sex equality under the Caymanian Protection Law, whereby the husband and the children of a Caymanian woman will have the same rights extended to the wife and children of Caymanian men. This is a dream come true for me because I think it was in the year 1975 that my colleague from Bodden Town and I brought a motion to the House seeking to do this very thing. At the time the motion was denied by the Executive Council and its extension cord. We had the support of a few Members. The

HON. G. HAIG BODDEN (CONTINUING): argument given at that time was that in the United Kingdom the women followed the nationality of her husband and the children followed the nationality of the father, and so we could not allow foreign men to come here and marry Caymanian women and be eligible because of marriage to status. However, word must have gone to the United Kingdom of the foresight of our Legislators, that is the minority Members at the time for very shortly afterwards the United Kingdom changed its Immigration Law extending to United Kingdom women the same privilege which the Third Elected Member for West Bay and his colleagues had denied our Caymanian women. We were ably supported in that motion by the Lady Member and, I think, the Member for North Side and one or two other Members of the House at the time but we lost the motion and our Law remained the same.

Anyway this is history and today I am glad to see that this Bill confers equality in immigration matters to the women of the Cayman Islands so that their husbands and children can enjoy in law the same privileges as those of the Caymanian male. This Bill has gone even much further in that one of the new provisions of this Bill makes it possible for the husband of a Caymanian woman to work without paying for a work permit fee. So this is a revolutionary idea. It is, I dare say, an idea that would never have been countenanced by the 1976 Government of which the Third Elected Member for West Bay formed such a formidable part.

One of the new provisions of this Bill is the requirement that a person on a work permit shall have to carry an identification card. This is a useful provision and will help in the administration of the Law so that the officers administering the Law and the people involved with the employment will be able to see at a glance whether a person has the right to work in the Cayman Islands. As said by the Second Elected Member for Cayman Brac this system is used in many other forward looking developed countries and has worked well, but it also gives to the worker a sense of security because it stamps upon him the symbol of adoption whereby he can show to the world if he chooses to take the card from the wallet in his back pocket that he has a right to work in the Cayman Islands. I often see people showing off their Green Cards when they acquire them in the United States. It says that I am somebody, that I belong somewhere, that I have a right to be employed in the United States I trust that the immigrant workers in this country will have the same sense of pride when they put that little card in their pocket and they will know that the country appreciates their presence.

I believe that jobs must be given to local people when they are qualified but like the United States and like any other developed or developing country most of these countries have been built by immigrant labour. We would not have enjoyed the construction boom which brought prosperity to these Islands if it had not been for the Jamaican carpenter and mason. We would not have enjoyed the banking boom if it had not been for accountants and lawyers and bankers from other countries, and we would not have today the high standard of living which we enjoy if it had not been for the second pay check in the family; where the wife is able to go out and work and to leave the Jamaican maid at home with her child. So we need to be grateful to these workers but we also at the same time need to examine the attitude of some of the institutions here that have for many years refused to train Caymanians and to promote them to executive positions, and this is the job of the Protection Board under this Bill to make certain that

HON. G. HAIG BODDEN (CONTINUING): While we grant permits where necessary, that we will also encourage the banks to train and to promote local people to executive positions. I have sitting here the Honourable Second Elected Member of Executive Council who was well qualified to take over Barclays Bank had they seen fit to entrust it to his leadership and I could name countless other examples of Caymanians who had the ability and were never given the opportunity. They were held down in low clerical positions. On the other hand we have Caymanians who have not done their part. People who have not spent the time to do their banking exams. People who have not spent the time to do their training. People who really in a sense cannot get the promotions because they have failed to qualify themselves. And as I said earlier this is a two way street where Government has to balance the immigrant labour against the desires for it and where here Caymanians have to get the training if they expect to be promoted.

MR. PRESIDENT: I think the Honourable Member has anticipated me. I was about to interrupt him and to invite the Honourable First Official Member to move the suspension of Standing Order 10(2) because my understanding is that Members of the House would like to continue a little later this evening.

SUSPENSION OF STANDING ORDER 10(2)

HON. DENNIS M. FOSTER: Mr. President, I move the suspension of Standing Order 10(2) to enable the House to continue to sit until 5.45 this evening, Sir.

MR. PRESIDENT: The motion before the House is that Standing Order 10(2) shall be suspended in accordance with the provisions of Standing Order 82 in order to enable the proceedings to continue until approximately 5.45 this evening. Does any Member wish to speak? If not I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 10(2) SUSPENDED.

MR. PRESIDENT: The Honourable Fourth Elected Member of Executive Council may continue.

HON. G. HAIG BODDEN: One new provision in this Bill which will be acceptable to the public is the provision that allows a child under certain circumstances to retain at age eighteen the Caymanian status which he had acquired in his minor years.

Under the old law a child on reaching the age of eighteen lost his Caymanian status and had to apply for it afresh. In the Bill before the House the child if he has had seven years residence will not lose the status. The reason for the seven years residence is so that child would have had some time here. We do not want a person coming in say at age seventeen and six months and getting Caymanian status under the parents and continuing. So this is a novel provision and a good one.

The Bill retains a provision whereby a person can make application to the Grand Court if he claims that he has Caymanian status and if he has Caymanian status by virtue of claiming to be domiciled or ordinarily resident in the Cayman Islands a person can apply to the Grand Court for a declaration to that effect.

The Board itself has the power to grant Caymanian status and it is my expectation that people in this situation would apply to the Board and perhaps only if the

HON. G. HAIG BODDEN (CONTINUING): Board should refuse then the person can apply to the court for a declaration as to whether the person has Caymanian status or not. This provision will expire on the 31st December, next year and it reads:

> "PROVIDED that no person may after the 31st day of December, 1985, apply to the Grand Court for a declaration in respect of domicile."

There has been some question of Section 23(c). This question was raised first to my knowledge by the comments which came to the Committee from a number of organisations, and the fact that the members of a crew of any vessel would not be subject to a gainful occupation licence if these people were of non-Caymanian status. I believe that Section should remain as it is because it would be very difficult to hire a crew member to serve on a ship if you had to wait several weeks to get a work permit. It would also be difficult to employ crew members for an aircraft if you had to wait until the application for the work permit had been processed. So on these grounds it would appear that it is not practical for this Section to be changed. Everyone knows that when a ship comes into port the ship only wants to stay as long as it needs to put out its cargo and be on its way, and if the vessel should need to hire some crew I would think they would have to do so within that time. If the Section is applied to an aircraft they would want the crew to come aboard as soon as the passengers had disembarked from the aircraft. So that while this Section is open to some abuse as it stands now I do not see any way of arranging the Section so that the permit could be granted within the short time that an aircraft would be on the ground or a vessel in port.

Now I could understand if a company was buying a new ship and had two months to select the crew that the applications could be processed. It is the same situation Government finds itself in with workers on the dock. Some days we need more men some days we need less, and when a ship arrives and we are not able to find local people to work we have to pick up in a hurry immigrants, and we have to get in touch with the Immigration Officer and get very quickly a temporary permit to allow these people to work. Perhaps they will work for two days and you will never see them again. So there are some situations where the ideal is not possible and we can only hope that the Department of Immigration will be able to monitor these situations so that they will not be abused.

In the old Law a person having received permanent residence could lose it by six months absence from the Island. The new Bill will increase that time to twelve months and I think this is very necessary, because we do have permanent residents on the Island who like to spend most of their time abroad and only live in Cayman for the three or four months of the winter, and I think one year is a reasonable time to allow them to be absent without losing their permanent residence.

The question of "domicile" has been raised and it was ably dealt with by the Honourable Second Elected Member of Executive Council who hopefully cleared up some of the misconceptions about it, and he destroyed the myth that "domicile" is simply the state of mind of the person and made it clear that not only must a person say that he wants to be domiciled in Cayman, he must take some actions which will help to fortify his state of mind. In other words, although he did not elaborate on it I believe, such actions

HON. G. HAIG BODDEN (CONTINUING): would be the giving up of the home abroad or maybe starting a life here in full, a permanent residence, with all close family relations here with him, so that one will know that the person not only says he is living here but is in fact living here and making this his permanent home.

The definition of "domicile" seems to have been questioned by one Member but if one looks at the old Law, the 1971 Law, one will see that the definition in that Law is very similar originally to that in the present Law. Also in the revised Law the term "domicile" was enlarged upon by putting in a clause or making an addition to it which keeps it out of Section 16. So I cannot see where the confusion is. In the old law the definition read:

> "'domicile' and its derivatives has the meaning ordinarily applied to that expression at common law".

As I mentioned that was changed in the revised Law, not in the definition but in the Savings Section at the end of the Law, and here again in the new Bill the term "domicile" now is defined to read:

> "'domicile' and its derivatives have the meanings ordinarily applied to those expressions at common law."

Also in Section 78(1) at the end of the Bill we read:

> "Nothing in Section 14 or in the definition of "domicile" contained in section 2 confers any right or privilege upon any person which such person would not have possessed at the coming into operation of this Law."

and subsection (2) reads:

> "Nothing in this Law affects the rights of any person with respect to Caymanian status existing prior to the date on which this Law comes into operation."

So that if he had his Caymanian status because of claiming that he was domiciled that is not affected by the new Bill.

I promised to deal with the composition of the Board because I think there is no Board in the Cayman Islands which has worked harder than the Caymanian Protection Board. There is no Board that has received so much criticism and I think we should render unto Caesar the things which are Caesar's even if we are not Caesar.

The Board under the new Bill will have a Chairman, a Deputy Chairman and nine other members, at least one of whom shall be resident in Cayman Brac or Little Cayman. It has been suggested that we exclude Civil Servants from this Board. I do not agree that Civil Servants should not be on the Board. I thought Civil Servants were a good class of people. However, in actual practice in the existing Board there are not any Civil Servants on the Board with the exception of the Chief Immigration Officer who really has no vote or no say on the Board except his close relationship with immigration

HON. G. HAIG BODDEN (CONTINUING): matters. But to put in the Law that we exclude Civil Servants would be an insult to the public service of this country and I could never agree with it.

I like the provision that a resident of Cayman Brac or Little Cayman can be a member and it has been the practice of the Government to appoint members to the Board who come from different geographical areas of the Island; to appoint people with wide experience from different occupational groups so that we can have wide knowledge to draw from.

The appointment is at the pleasure of the Governor which means that a person can remain for a short time or a long time as the circumstances require. Many times we hear a criticism about the Chairman of the Board, and the Chairman of the Board has only one vote on the Board. In the new Law he will have an original vote, but not a second or casting vote.

It was suggested in one of the comments which came into the Committee that a person interested in any matter which came before the Board should leave the room and not enter into the discussion. The Bill in Section 8(5) says that any person who has a personal or pecuniary interest must disclose this fact to the Board and shall not take part in the consideration or discussion of, or vote on any question with respect thereto. So if a work permit should come up for a company of which a member of the Board is also a member that member of the Board must disclose that fact immediately. He cannot enter into the discussion, and he cannot vote. I do not see the reason for sending him back home on that day.

One criticism of the Bill was that we should remove the Section which gives the Governor the power to grant Caymanian status to any person being an "eligible person". It has been pointed out that this Section has been used sparingly and that since 1971 only three or four such grants have been made. This is a provision that should remain. If I remember rightly a former Governor of the Cayman Islands, Mr. Thomas Russell was granted Caymanian status on the eve of his departure from the Cayman Islands. He probably will never use it to come and live here. He probably will never come back to work here, but I believe a person like this who spent many years here and who was in a high official capacity should be given such a grant. We have had many instances: we know that the United States Government gave Sir Winston Churchill honorary citizenship in the United States and when he went over to accept it, he said in his acceptance speech that it was one of the proudest moments of his life. So if there is an outstanding person who merits the recognition of a country I think it is fair to give that person a special gift of Caymanian status, and bestow upon him the honour which he truly deserves.

Not much has been made of Section 18 which deals with acquisition of Caymanian status by grant, and particularly subsection (3) which reads:

> "Any person who is an eligible person of not less than eighteen years of age, one of whose parents or grandparents was born in the Islands and who has been ordinarily resident in the Islands for the period of three years immediately preceding his application may apply to the Board for the grant of Caymanian status."

There are some people who would widen this Section taking out of it the requirement to be ordinarily resident in the Islands for

HON. G. HAIG BODDEN (CONTINUING): three years or taking out the requirement where the parent or grandparent had been ordinarily resident for three years preceding the application; if we did this we would widen this Section to where many multitudes could take advantage of it.

We have in the Bill the provision where a spouse of a person who possesses Caymanian status can apply for the status if the person has resided here for three years immediately preceding his application. This is a good provision in that the husband or the wife of a Caymanian will know that there is some hope in the future for receiving Caymanian status if the person is an "eligible person". While I am on this matter I may as well deal with the provision whereby the spouse can lose status acquired in this matter if there is a dissolution of the marriage within a certain period. This is very necessary to avoid the type of marriage mentioned by the Member for George Town when he said that "when they were pronounced man and wife they marched off to different homes." So while a person who is married to a Caymanian can get Caymanian status, the person can also lose it if the marriage does not continue for a number of years.

In Section 18(8) we set out in the Bill many of the guidelines which the Board would have to examine in granting Caymanian status. These guidelines may well have been contained in directives under the Law but I believe it is better to have them entrenched in the Law so that they will not be subject to change to suit individual cases.

In (a) of these conditions we read that the Board shall have regard to:

> "the economic situation of these Islands and the due protection of persons engaged or likely to be engaged in gainful occupation."

So that the Board before granting status must consider whether we have an ample supply of the type of expertise which this individual can bring to these Islands. subsection (b):

> "the health, character and previous conduct of the applicant, and where applicable, of any member of his family."

This is very important. We have seen in the past certain people who have been granted Caymanian status and these people now are people who we would be glad to get rid of, but we are saddled with them and perhaps it is because there has not been a close enough examination of these people at the time of the conferance of Caymanian status.

The Board must consider any advantage which the continued residence of the applicant or his family may afford to these Islands. We know that the United States became very successful because they encouraged the brain drain from other countries. They welcomed to their shores scientists and people with specialised knowledge because these people could enhance the quality of life in the country.

Also in these requirements the Board must consider whether the applicant would become domiciled in the Cayman Islands at the time of the grant. We do not want to give Caymanian status to somebody who is about to leave or who would leave if the going gets rough here. We want to give Caymanian status to the people who not only intend to be domiciled here but take some actions to show that they have in fact become domiciled.

HON. G. HAIG BODDEN(CONTINUING): The Board must consider the hardship that may be caused to a spouse and his dependents and this is an unusual clause because in it you may have to overlook something that would ordinarily prevent a person from getting status. For example you might have a man, say married to a Caymanian with a number of small children and there may be some reason why the man as a person should not qualify for status. But using this Section, in very exceptional circumstances the Board may consider the hardship that would come upon the wife and children if the husband was denied status and this is a clause or a part of the Bill that could be open to abuse. I think it is necessary that it should be there, and that the grant of the application is not contrary and is conducive to the public interest.

We have some people here whose presence is not conducive to the welfare of this country. We have some people who flit from country to country. We have some who have wound up on our shores who have worked for every newspaper in the Caribbean; have been kicked from pillar to post and washed up on our shores, and it is this type of person that Section 17(8)(f) of these requirements is aimed at. The person whose continued presence in this country would not be conducive to the public interest, and I say not only should these people not be given status they should be sent off, and probably made prohibited immigrants.

A feature of this Bill which I like is the provision which gives some security to the widow or widower of a Caymanian spouse. If, say a Caymanian man should marry a foreign woman and die shortly after the marriage that surviving widow will have a right to remain in the Cayman Islands. This had not been so in the 1971 Law. Perhaps it was simply an oversight but now it will be corrected and if one should become a widow or widower of a Caymanian spouse, or rather of a deceased Caymanian, that person can apply to the Chief Immigration Officer and shall be granted permission to reside permanently in the Islands. However, if that person should later be married to a person not possessing Caymanian status such permission may be terminated by the Board, though the survivor shall be given permanent residence and that permanent residence may be terminated if there is a subsequent marriage to a non-Caymanian.

I have dealt in part with the ways in which people can use Caymanian status and as other Members have commented on this I will not go into any great detail.

One of the...

MR. PRESIDENT: If I could interrupt the Member for a moment. I am told that the tape is about to run out and I am sure the Member would not wish his remarks to go unrecorded. So if he would like to pause for about two minutes, as soon as the Sergeant-at-Arms comes back we can resume.

The Member may safely resume.

HON. G. HAIG BODDEN: Mr. President, there is no part of this Bill or no function of the Caymanian Protection Board which has been more criticised than that function of granting gainful occupation licences to people of non-Caymanian status.

Section 23 makes provision for some people in very limited cases to be exempt from work permits and one class of people exempted from work permits is the class known as the Civil Servant; persons employed by the Government of the Cayman Islands in respect of their employment.

One group of people who commented on this Section said the time has come for Government to be treated in exactly the same way as the private sector with

HON. G. HAIG BODDEN (CONTINUING): regard to the issue of gainful occupation licences, with the exception that such gainful occupation licenses would be free of cost. This is like many other comments I have heard from time to time. I have heard that we must get rid of the Commissioner of Police and we must do this and do that which is contrary to the Constitution. The hiring of Civil Servants is a matter under our Constitution for the Governor. It cannot be delegated to the Elected Members of Executive Council. It cannot be delegated to the Cayman Protection Board. The Governor together with the Public Service Commission must decide on the hiring and firing of all public servants with the exception of a few people at the top of the service when you will also need the concurrence of the Secretary of State. So to answer this criticism it is simply that we cannot delegate to the Cayman Protection Board the job of hiring public servants any more than you can give the opposition on the outside of this House the authority to fire the Commissioner of Police.

We would need a constitutional change if we were going to put the hiring and firing and granting of work permits in the hands of the Cayman Protection Board. This would be contrary to the Constitution.

The criticism goes on to say that once they make the selection we could waive the fee, and I do not see the reasoning behind the criticism because why should a Civil Servant have to go through the Cayman Protection Board, then go through the Public Service Commission, go through the Personnel office of Government before that person is able to work in the service. In fact this would pose a real difficulty. For example we have a deadline for hiring teachers at the commencement of the school term and these teachers are normally interviewed abroad and then they would have to send them here and get a work permit and go through all the channels. This is impossible and it was one of the suggestions which the Select Committee could not adopt.

Section 37 makes provision for a stop list in which would be recorded the names of people known to be undesirable or people prohibited from entering. This stop list already exists and we trust that with the repetition in this Bill more attention will be paid to it.

Section 43 contains a novel provision in that a person who has been living here as a permanent resident can be allowed to get a work permit after he has resided for a continuous period of two years. Members were divided on this Section. Some Members felt that we should never give a work permit to a permanent resident. Some felt that it would be a means of opening up the work permit to a class of people who are fortunate enough to get permanent residence in the first place.

The Member for the Lesser Islands supported this Section and as he had correctly pointed out in the Committee, in a place like Cayman Brac you should have people with specialised knowledge who could be useful to the community if hired on a limited basis. There are two sides to this story. If we look at it from the point of the permanent resident himself, he may have come here with all good intentions of remaining as a permanent resident but his situation in life may have changed. Most of these people come to us on fixed a fixed income and many times they find that the income is eroded by inflation, by a loss of income due to bad investments; it might even be by severe medical problems, and this Section only makes provision for the Board to grant a gainful occupation licence of such type and at such place, for such period and under such other conditions

HON. G. HAIG BODDEN (CONTINUING): as may be specified by the Board.

The critics of this Section correctly pointed out that a permanent resident if he got a work permit, could afterwards go into competition with local people but this applies to anyone who receives Caymanian status or who receives a work permit, or even being a local person you can go into competition with other people. In fact every time you do a job you are in competition with someone else and there is nothing better for the free enterprise system than competition. However the Board is given in Section 43(1) the authority to limit, to condition these special work permits in such a manner that the permanent resident would not be able to abuse the privilege which is given under Section 43(1). Of course, without saying it, if the Board grants a work permit the Board has the right to revoke that work permit if the work permit is abused.

It would have been difficult for the Legislative Assembly to have found a more controversial Bill to deal with at this time. It would have been difficult to set out on a course of correcting anomalies which existed in this Law from its very inception. However, I believe that one of the most important areas in a small island community is the area of immigration. This has been considered in our Constitution and the guide-lines perhaps for delegation of responsibilities have not so far given responsibility for immigration in the hands of Elected Members. And while the Governor retains the Portfolio that deals with immigration we as the elected politicians do not really have the final say. What we do have a say in is what goes into the Law and this is why I said at the beginning that the steps which we have taken in putting forward this Bill shows the type of responsible Government that now prevails.

We have taken on a task here which if it should backfire could well mean the downfall of the present Members of the House. However, as this draft Bill has been fully accepted by the public we know that we will probably find ourselves unopposed in November because the only way the opposition Members on the outside can continue to campaign is for them to go out and start writing new manifestos. Because most of them have campaigned on doing what this Bill has done. So the Bill before the House is an indication of how closely we look at the feelings of the public and how near we are to the pulse of the nation. Some Members may not agree with every section of this Bill but I believe when the final section has passed through the Committee and when the third reading of this Bill becomes an accepted fact, that all Members can feel proud that they were a part of a Government which had the courage and the faith in an election year to put forward a Bill so vital to the interests of the country; a Bill that is bold in many respects; a Bill that contains so many new provisions; a Bill which has cleared up many of the things which people have complained of over the years. Members can feel proud that this Bill is a product of their own making. Perhaps Members did not realise this when they approved in 1983 the setting up of the Select Committee which made possible the study of this Bill and which saw the Bill develop over a period of many months, and which if we do not take too long with the remainder of the debate and if we do not take too long in the Committee stage might become a Law before the dissolution of this House.

Very little has been said on one of the most important aspects of this Bill and although we are running near to the agreed upon time for adjournment I would like to mention the Deportation Sections.

HON. G. HAIG BODDEN (CONTINUING): The Department of Immigration have found it very difficult over the last few years in rounding up people who should be deported. They have found it very difficult to get rid of overstayers and in fact as far as I can remember the courts had a power of deportation which power, with the exception of the Drug Law was very difficult to administer. Applications had to be made to the court. The applications had to be heard. The person had a long time to reply and sometimes it was very difficult to get rid of peopleeven when it was decided they needed to go.

This Bill in Sections 58 to 69, and I do not intend, Sir, at this late hour to deal with each Section in its entirety although I feel constrained to do so. These Sections streamline the process of deportation and gives to the Governor the power to make deportation orders. It puts a duty upon the offender to comply with the deportation order. There is a penalty for harbouring a deportee. There is provision for the arrest of persons contravening a deportation order and there is provision for proceedings to be sanctioned by the Attorney-General.

These provisions mean that the Law with regard to overstayers and with regard to illegal immigrants, and with regard to people who have contravened our Laws can now be taken care of in a speedy manner.

Mr. President, I promised that I would conclude my debate in time for you to close today's sitting at the stipulated time of 5.15 p.m. It is now fast approaching that time and while I do not expect to overrun that time I trust that you will permit me to make a few concluding remarks on this vital subject.

We were faced in this country at the close of 1976.with a severe immigration problem in which construction was at a lower ebb and in which there were many unemployed people, and amongst those unemployed were many people who were here on a work permit; and amongst those unemployed were people who were unemployed because somebody had been given a work permit and was doing the job which would have been vacant for local people. We have a situation now where the immigration authorities have the authority to police the work sites.With the help of the computers they should be able to keep a close tab on overstayers.

What we are gearing for is if a situation should ever arise in the future as it did arise in the past, that we will have the machinery to deal with the problems that could be created if we ever had a situation as bad as the one I just referred to.

The Department of Immigration will be happy with this Law. Amongst those persons who attended the fifteen meetings of the Select Committee was our Chief Immigration Officer. He, together with the Honourable First Official Member who is responsible for immigration had their input into this Bill. The Committee listened to the problems of administration which the Department encounters day by day and the Committee endeavoured to put into this Bill the provisions which the Immigration Authorities believe will help them in the smooth operation of this Law. The administration of the Law will not be easy. The passage of this Bill will not be an end to our problems.

I believe that the rate of development which we foresee in the future will not allow our immigration problems to subside. They will not become any less but we should have the ability to cope with these problems.

I see, Mr. President, that you are looking at your watch and I regretfully, Sir, will conclude this debate which I must say I enjoyed participating in, and which I trust will be a milestone in the history of these Islands.

MR. BENSON O. EBANKS: Mr. President, I had reserved the right under Standing Order 34(3).

MR. PRESIDENT: That is quite right, but I think we have finished proceedings for this evening and I am going to move the adjournment, because I would have to give any other Member a right to speak if any other Member wanted to, and the mover a right of reply. Now, it may be that nobody wants to speak and the Honourable First Official Member does not want to exercise his right of reply, but doing all that could potentially continue us for quite some time. I will only hope that tomorrow we are able to get on with the Committee stage quickly. I note that you have reserved your position and therefore the second reading debate will remain on the Order Paper for conclusion.

MR. BENSON O. EBANKS: Thank you, Sir.

ADJOURNMENT

HON. DENNIS R. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow morning, Sir.

MR. PRESIDENT: The motion before the House is that this House do now adjourn until 10.00 a.m. tomorrow morning. Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED.

AT 5.47 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., THURSDAY, 13TH SEPTEMBER, 1984.

FOURTH MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
THURSDAY, 13TH SEPTEMBER, 1984

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON LEMUEL HURLSTON	ACTING THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN B McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN M BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON C HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J GARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BENSON O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MARY S KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FOURTH MEETING OF THE (1984) SESSION
OF THE
LEGISLATIVE ASSEMBLY

THURSDAY
13TH SEPTEMBER, 1984

1. PRESENTATION OF PAPERS

Special Annual Audit Report 1983 – to be laid on the Table by the Hon. Acting Third Official Member

2. QUESTIONS

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ACTING THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

No.71 WOULD THE MEMBER STATE:-

(a) TO WHOM THE CONTRACT FOR THE SUPPLY OF FURNITURE AND FITTINGS FOR THE NEW AIRPORT TERMINAL HAS BEEN AWARDED AND THE AMOUNT OF SAID CONTRACT;

(b) WHETHER THE CONTRACT WAS AWARDED TO THE LOWEST BIDDER AND IF NOT, WHY NOT;

(c) THE NAMES OF THE BENEFICIAL OWNERS OF THE COMPANY TO WHOM THE CONTRACT HAS BEEN AWARDED AND WHETHER THE SUCCESSFUL TENDERER MEETS THE CRITERIA SET OUT IN THE INVITATION TO BID?

3. GOVERNMENT BUSINESS

BILLS:-

(i) SECOND READING DEBATE (CONTINUING)

THE CAYMANIAN PROTECTION BILL, 1984

(ii) COMMITTEE THEREON

THE CAYMANIAN PROTECTION BILL, 1984

HOUSE RESUMES

(iii) REPORT THEREON

THE CAYMANIAN PROTECTION BILL, 1984

(iv) THIRD READING

THE CAYMANIAN PROTECTION BILL, 1984

TABLE OF CONTENTS

	PAGE
Report by the Auditor General dated 16th September, 1964 - Laid on the Table	1
Questions	1
The Caymanian Protection Bill, 1964 - Continuation of Second Reading Debate	2
Mr. Craddock Ebanks	2
Mr. Dalmain Ebanks	20
Hon. Dennis Foster	21
The Caymanian Protection Bill, 1964 - Committee Thereon	25
Adjournment	52

THURSDAY, 13TH SEPTEMBER, 1984

10.06 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. Item 1, Presentation of Papers. The Acting Third Official Member.

PRESENTATION OF REPORTS

HON. LEMUEL HURLSTON: Mr. President, in accordance with the provisions of Standing Order 19(1) I beg to lay on the table of this Honourable House a Special Report by the Auditor General dated 10th September, 1984, pursuant to the provisions of Section 9(3) of the Audit Law.

MR. PRESIDENT: So ordered.
Item 2, questions. The Third Elected Member for West Bay.

QUESTIONS

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ACTING THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 71: Would the Member state:-

(a) To whom the contract for the supply of furniture and fittings for the new airport terminal has been awarded and the amount of the said contract;

(b) Whether the contract was awarded to the lowest bidder and if not, why not;

(c) The names of the beneficial owners of the company to whom the contract has been awarded and whether the successful tenderer meets the criteria set out in the invitation to bid?

ANSWER: (a) The contract for the supply of furniture and fittings for the new airport terminal has been awarded to Office Supplies and Stationers Ltd. The amount of said contract is CI$240,255.00;

(b) The contract was awarded to the lowest qualified bidder. The lowest bidder did not conform to all the specifications of the tender document and the bid itself was presented late, during the opening of the other bids.

(c) The shareholders of the company are:-

Haida Ltd.
Koch & Godfrey Construction Ltd.
Tradewinds Inc.

Yes, the successful tenderer meets the criteria set out in the invitation to bid.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Supplementary, Mr. President. The invitation to bid said:-

"The Government of the Cayman Islands invites applications from interior design contractors interested in bidding for the supply and installation of furniture, fittings and equipment for the above project, etc., etc."

Would the Member state whether Office Supplies and Stationers Limited are in the business of interior design contractors?

HON. LEMUEL HURLSTON: Mr. President, to the best of my knowledge they are.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. The document I read from before required the tenders to be submitted to Chalmers Gibbs Martin Joseph Partnership and there is in my possession a letter from that company....

MR. PRESIDENT: This is sounding like a statement.

MR. BENSON O. EBANKS: Well I have to do that, Mr. President, to ask the supplementary.

MR. PRESIDENT: Well I think that you could get round it if you were cleverer. As so and so - why?

MR. BENSON O. EBANKS: Really what I want to ask is in what regard did the late tenderer fail to meet the criteria of specifications in the tender document.

MR. PRESIDENT: That is fair enough, yes.

HON. LEMUEL HURLSTON: Mr. President, the record of the opening ceremony of the bids show that whereas the bids closed at twelve noon on 27th July and the opening ceremony commenced at 12.10 p.m. on the same day, the bid from the company which did not qualify did not meet all of the specifications. That particular bid was presented at 12.30 p.m. during the opening ceremony. The same company did not at that time submit a completion date for the supply and installation of the goods. This was later submitted at the request of the consultants in a separate letter.

The same company made no provisions for the five per cent retention fee required by the tender document. Moreover, Mr. President, the warranty submitted by the same company was for six months instead of twelve months as specified in the tender document. Again, this matter had to be resolved afterwards.

MR. BENSON O. EBANKS: A supplementary, Mr. President. Would the Member state if the lowest tender received, that is the Company which he is saying did not meet all of the specifications; if the amount of that tender was for $234,868.40?

HON. LEMUEL HURLSTON: Mr. President, that is correct.

MR. PRESIDENT: The Third Elected Member for George Town.

MISS ANNIE HULDAH BODDEN: Mr. President, Sir, if I may be permitted to ask a supplementary question, I would ask the same Member were any of the shareholders of the Company as stated involved in the creation of the terminal presently?

HON. LEMUEL HURLSTON: Mr. President, I think it is a known fact, Sir, that Arch and Godfrey Construction Limited are the main contractors doing the new airport terminal building.

MR. BENSON O. EBANKS: Mr. President, a further supplementary. Sir. My information is that....

MR. PRESIDENT: No statements - turn it around

MR. BENSON O. EBANKS: Alright, Mr. President, let me put it this way. Can the Member account for the fact that in the letter from Chalmers Gibbs Martin Joseph Partnership to the lowest bidder, it stated that the tenders were open at 12.10 p.m. and that, in fact, the lowest tenderer is included in the report of the results of the tendering and that no mention was made to them that they did not qualify. In fact they were wished success.

MR. PRESIDENT: I do not think that the Member can be held responsible for what a private firm said in some letter to another private firm, and therefore I do not think that he can be expected to answer that question.

MR. BENSON O. EBANKS: Except, Mr. President, that in the answer he did use the exact time which was used here and....

MR. PRESIDENT: He is not responsible if some private firm in some letter which maybe he has not even seen gets the facts wrong. He has given the facts as known to him, and he has given them to the House.

MR. BENSON O. EBANKS: But, Mr. President, Sir, with respect this letter comes from the firm to whom the tenders were to be submitted, so they were Government's agents in this respect. It is not that I am just pulling any private company out of a hat. They were Government's agents in this regard and the question I am asking is, if the tender was not in time for consideration, how can it be included among the tenders which are quoted as being those passed on to the Public Tenders Committee for consideration? I think that is a fair question.

MR. PRESIDENT: Is the letter which you are quoting one which was addressed to the Public Tenders Committee?

MR. BENSON O. EBANKS: No, Sir, but it is from the person, the Government agent, in whose presence the tenders were opened.

MR. PRESIDENT: I have understood that, but I really do not think that the Member, subject to any advice I get from the Second Official Member, that the Member can be held responsible for a letter from a private firm even though the tenders might have been addressed to that private firm, which letter was sent to a private individual. If it had been a letter from that firm to the Tender Board, then it would seem to me to be a different matter.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I think that Standing Order 23(1)(viii) is relevant which says:-

"A question shall not be asked -

(viii) asking whether statements of private individuals are accurate."

MR. PRESIDENT: That is what I would regard it as, yes. The fact that the tenders were routed through a particular firm does not in my view make the Member of Government responsible for everything stated by that firm.

MR. BENSON O. EBANKS: Mr. President, I am not seeking to make the Member responsible. I am seeking to get information from the Member. Mr. President...,

MR. PRESIDENT: The Member has already given the information on the point. You will simply have to draw the inference that in his view the firm was mistaken.

MR. BENSON O. EBANKS: Could I then ask the Member, where did he glean the information about the late tendering of the lowest tenderer.

MR. PRESIDENT: Yes, you may ask that.

HON. LEMUEL HURLSTON: Mr. President, I thought that I had indicated that the records of the opening ceremony did show this. The consultants appointed by Government reported the facts to the Public Tenders Committee, and what I said earlier was information shown in that Report.

MR. PRESIDENT: Do you mean shown in the Report of the Public Tenders Committee?

HON. LEMUEL HURLSTON: This was shown, Mr. President, in the Report of the consultants to the Public Tenders Committee.

MR. BENSON O. EBANKS: A further supplementary, Mr. President. The Member in his answer stated that the lowest tenderer did not qualify because of certain other reasons. For example, I think he gave the retention time and the date for supplying the goods. Could I enquire from him whether it was recommended by the Government's agent which I named, that this bid not be considered because it was received late, or whether the decision to disallow it because it was ten minutes late was taken by the Public Tenders Committee?

HON. LEMUEL HURLSTON: Mr. President, I do not feel obliged to answer that question because the Government is not bound to accept the recommendations of its consultants. It may do so, but it is not bound to do so.

MR. BENSON O. EBANKS: Mr. President, a supplementary. Could the Member state whether in this case the Government followed the recommendation of its consultants, or the Public Tenders Committee felt that they should go against the advice of its consultants.

HON. LEMUEL HURLSTON: Mr. President, the Public Tenders Committee went against the advice of the consultants in this instance.

MR. PRESIDENT: I am going to give another Member a chance. The First Member for West Bay caught my eye several times. I do not know whether he still wants to.

MR. J. GARSTON SMITH: Yes, Mr. President, a supplementary question. I wonder whether the Member could tell this House who was the company which was the lowest bidder?

HON. LEMUEL HURLSTON: Mr. President, the company which bid the lowest figure was Island Interiors.

MR. PRESIDENT: The Third Elected Member for George Town.

MISS ANNIE HULDAH BODDEN: Mr. President, Sir, I would like to ask a supplementary question. I would like to ask, Sir, how many other bidders were there apart from the one which was chosen.

HON. LEMUEL HURLSTON: Mr. President, there were four bids received in total, so there would have been three additional bids.

MR. PRESIDENT: The Third Elected Member for West Bay.

MR. BENSON O. EBANKS: Mr. President, I think I got my answer in the last supplementary when the Member said that....

MR. PRESIDENT: If you have not got another supplementary then that is alright. I am sorry. I thought I had stopped you earlier, and so I was giving you your chance now. If there is no further supplementary then that finishes question time.

MR. BENSON O. EBANKS: Mr. President, would you allow one further supplementary, a little one, Sir.

MR. PRESIDENT: I gave you a chance a moment ago. Alright, take it now then.

MR. BENSON O. EBANKS: Would the Member say whether the items quoted on by the successful tenderer are the specific items listed in the Tender Document?

MR. PRESIDENT: I did not quite catch that. Would the Member state whether the items....

MR. BENSON O. EBANKS: Did the successful bidder, whether the items included in that bid were the identical items mentioned in the Tender Document? If you would allow me, Mr. President, I can explain what I am getting at.

MR. PRESIDENT: Honestly, I do not think that this really arises out of the answer. If you have another particular question.

MR. BENSON O. EBANKS: But, Mr. President, this is all important, because we have to know whether we are comparing apples and apples, or apples and peaches.

HON. G. HAIG BODDEN: Mr. President, on a point of order, he has asked a question. Why does he not allow the Member to answer the question?

MR. PRESIDENT: I am deciding whether the question is in order at the moment. Your question really is whether the successful tender was a valid tender in terms of meeting the specifications laid down. Is that what you mean?

MR. BENSON O. ERANKS: Yes, Sir, as regards the manufacturer of the particular item, the quality of the item and the description in all respects. If you would allow me one minute I can explain. In normal tender documents, one is required....

HON. TRUMAN M. BODDEN: Mr. President, I am now going to take a point of order. He is not entitled to make a statement. Now you have bent backwards for this Member of the House. You have closed out; you have let him get up again and really if you are going to let him make a statement I stand very firm on that, Sir. You do not let the rest of us do it. I do not know why you let him consistently go on making statements.

MR. PRESIDENT: I endeavour to stop him when he makes statements which I consider out of order. At the moment I am trying to understand his question in order to determine whether it is a valid question.

HON. TRUMAN M. BODDEN: With respect, Sir, you have the power to stop, not to try to stop, and you know as he knows that he is not entitled to make statements.

MR. PRESIDENT: Yes, what I was trying to explain was that if I think that he is making a statement which is out of order, I will stop him, not merely try to stop him, but stop him.

HON. TRUMAN M. BODDEN: He cannot make any statement with respect. Any statement which is made is out of order. He must ask a question or a supplementary question.

MR. PRESIDENT: No, do not get up yet please. What he can do, in my view, is to explain to me what his question is, so that I can determine whether it is a question which is in order or out of order. I am initially not sure that I understood his question. I think I have understood it sufficiently now to rule that it is in order, and I do not think he needs to explain it any further. He is really enquiring whether the successful tender was valid in terms of meeting the criteria laid down, and that, I think, is a fair question because part of the answer has said that another tenderer was disqualified.

HON. TRUMAN M. BODDEN: That is fair enough if a question is involved. What I am taking is basically statements.

MR. PRESIDENT: I have understood your point.

HON. TRUMAN M. BODDEN: If he asked a question that is alright.

MR. PRESIDENT: No, No, you have got your question. You can now wait for the answer.

MR. BENSON O. ERANKS: Except, Mr. President....

MR. PRESIDENT: No, please sit down. Please sit down. Thank you.

CAPT. CHARLES L. KIRKCONNELL: Mr. President....

MR. PRESIDENT: No, I am sorry. I have called on the Third Official Member and unless you are rising on a point of order, he must be allowed to answer the question before you can ask one. So, the Third Official Member to answer the supplementary question.

HON. LEMUEL HURLSTON: Mr. President, in answering that supplementary question, Sir, could I please direct the attention of this Honourable House to the last sentence in the original answer, which reads:-

> "Yes, the successful tenderer meets the criteria set out in the invitation to bid."

The supplementary question was endeavouring to determine whether the complete list of specifications, that is, every nut and bolt and colour has been conformed to in every single respect. Mr. President, I do not have that information, and I would not be able to give that answer, Sir.

MR. PRESIDENT: The Member for North Side.

MR. CRADDOCK EBANKS: Mr. President, a minute ago you closed question time but because the Member who posed the question to the House felt that he should have a further input, you accepted his application, Sir. I feel, Sir, that you were unjustified to do that after closing; to bend to his whims and fancies, Sir.

MR. PRESIDENT: Well, I think you are rising on a point of order, but I do not think that unless you wish to move a substantive motion on the point, that it should be pursued. I have forgotten the precise Standing Order. I think I will now close question time. I think Members have had a fair go at this. So, we will proceed to Item 3 on today's Order Paper, Government Business - Bills.

BILLS

THE CAYMANIAN PROTECTION BILL, 1984

CONTINUATION OF SECOND READING DEBATE

MR. PRESIDENT: The Second Reading debate on the Caymanian Protection Bill, 1984. Before I invite the First Official Member, or enquire whether the First Official Member wishes to exercise his right of reply, is there any other Member who has not yet spoken, who wishes to speak? I know that the Third Elected Member for West Bay has a reserved point of examination but perhaps we will deal with that first. I would just remind the Member before any other Member does so, that the terms of Standing Order 34(2) apply, that is to say, no new matters may be introduced, and the Member may not seek to strengthen his former position by new argument. It is solely to explain a point that arose at the time at which he sought permission to interrupt during the speech of the Honourable Fourth Elected Member of Executive Council.

HON. TRUMAN BODDEN: Mr. President, on a point of order generally, the Third Elected Member for West Bay has to stop making signs and speaking without his microphone, and making faces. I mean, really, this is a Legislative Assembly and we have to try to conduct it in such a manner that it does not appear to be a public meeting or something.

MR. PRESIDENT: I am sure that I shall be grateful for the assistance of all Members in conducting the proceedings of the House with appropriate decorum.

MR. BENSON O. EBANKS: Mr. President, I will not reply to that gentleman, Sir. Yesterday I rose under Standing Order 39(1)(b) the Honourable Fourth Elected Member of Executive Council did not give way. I indicated my wish then to utilise 39(2). The Member said that in my contribution I had used section 24 of the British Nationality Act to substantiate Commonwealth Citizenship. I merely wish to state that that was incorrect. One of the few notes which I have on my paper is Commonwealth Citizens, section 37. My copy of the British Nationality Law has no mark by section 24, which in fact deals with British Overseas Citizenship. However, there is a very broad mark by section 37 which deals with Commonwealth Citizenship. I read section 37 which reads:-

"Every person who:

(a) under this Act is a British Citizen, a British Dependent Territories Citizen, a British Overseas Citizen or a British Subject, or under any enactment for the time being in force in any country mentioned in schedule 3 is a citizen of that country and shall have the status of a Commonwealth Citizen".

That was my contribution. Thank you, Sir.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The Elected Member for North Side.

MR. CRADDOCK EBANKS: Mr. President, we have a Bill before the House and it reads, Sir, a Law to repeal and replace the Caymanian Protection Law. It would appear to me, Mr. President, that it should read The Caymanian Status Protection Law, not the Caymanian Protection Law, because if we read this Bill we find, as far as I am concerned, nothing as to the Caymanian. Everything pertains to Caymanian status, Caymanian status, Caymanian status.

Mr. President, during World War II the Cayman Islands came into the limelight. The men from these Islands who served in the Merchant Marine, in the Navy, in the Air Force or in any of Her Majesty's Forces were recognised as having many qualities.

At the end of the war it was soon realised that shipping companies began to apply to this Government for seamen to join their shipping fleets. That further enlightened the world about this little rock founded on the seas, the Cayman Islands.

MR. CRADDOCK EBANKS (CONTINUING): Mr. President, the whole intention of this Protection Bill, when it was brought to the House in the early 1970's was to protect Caymanians, or it was supposed to protect Caymanians. I will say here, Mr. President, that in many instances the Caymanians have not been protected. If what the law is intended to do is not being carried out in its full entirety, then it serves but one purpose, and that is to help destroy this country.

There were sections in the proposed Bill in the early 1970's which I did not agree with. It reached a stage in a particular area that a few other Members including the lady Member, and myself argued over it for three and a half days. I am hard headed sometimes too, Mr. President, but the hard headed Attorney General could not be moved.

When they talked about domicile, it was a state of mind. That still exists today. I believe that is what is wrong with most of us, the state of mind. Mr. President, I sat in on every Committee Meeting, dealing with this new proposed Bill. I made my contributions and objections, and I agreed that it be brought to this House to be finalised and become a law. It seems, Mr. President, that there will still be things remaining in this new Bill which is to become law which I still will not be able to agree with in principle, because I feel, Sir, that over a long period of time if not over a short period of time it will not prove beneficial to this country and the people.

We are aware, Sir, that in the last ten or fifteen years this country reached a stage of boom and development; of job opportunities which I agree, Sir, that were more than the local work force could take care of. Undoubtedly it was only fair that there would be people coming from outside seeking jobs for which they should be considered. It made it all the more abundantly clear that the Caymanian Protection Law should have been better carried out than it has been.

I am not going to attempt, Mr. President, at this time, to go down section by section. I will make certain references because I am anxious to get into the Committee Stage, which I suppose we may have to do. What we did in the old vestry one time was to attempt to close out the business before the proroguing of the House. We had to work until five minutes to twelve one night. So it may be that we may have to work until five minutes to twelve one night this week to finish it, Sir, after it goes into Committee Stage.

We have a section in it, Mr. President, which spells out eligibility. If that section remains as it is, Sir, or that word, then we might as well start packing up, Sir. We do not have anywhere to go, but we might just as well start packing up. There are multitudes of people who will find the way around to become eligible to get Caymanian status. A country this size has no factories which would be expanding and developing to provide work for the inhabitants. We do not have them, Sir.

Our two main avenues of employment are tourism and banking. You do not take the grass puller and put him into either one of these places. He or she must have certain qualifications. There will be people, Sir, who will claim Caymanian status. I know you say it has to go before the Board for Caymanian status to be granted, but according to the answer given a few days ago on how many had received Caymanian status - two hundred and fifty-one, well, that was two hundred and fifty-one too many.

MR. CRADDOCK EBANKS (CONTINUING): Mr. President, every individual who gets Caymanian status will more or less deprive a local person of a job. Our education system has improved so much over the last few years that we have our school leavers coming out with their passes which enable them to get a job. Some, desirous to further their education by going to colleges and universities will come back to play their part in the running of the country in which they were born and raised.

Mr. President, every individual who gains Caymanian status is entitled to everything which the country provides, and they have never put anything in the country, many of them. They came here and did a job and stayed here long enough, and through application and some tapping on the shoulder they were able to get Caymanian status. When one comes in here and works, he or she is paid for the job which they are doing, so they are not contributing to the country by helping to build it. They are contributing to themselves what the country is doing for them. They are able to come here and get a job and earn salaries which many of them never earned in their own countries.

Our schools, our hospitals, will be burdened with more children and patients. There is one area, Mr. President, that I see which does not look as if it will be run by Caymanians in the next hundred years. That is in the teaching profession. Caymanians seem to have little or no interest in that field, so that means we will for a long, long time continue to bring in people from overseas as teachers. When Mr. Jones comes in as a teacher, he brings his wife and three children. Then there you go. Four more people besides himself are added to the facilities of Government, education, health and other benefits, this and that.

We had a number of teachers who came in for the new school year. I suppose, Mr. President, that most of the male teachers had their wives with them, and these wives are probably already in an office job which some Caymanian should and could be in. How will the country survive? How will Caymanians survive if they are not given priority? Priority I said, Mr. President - not a second or third chance.

We have the list of territories from where people are eligible to make application for status. Do you feel that it would be fair to this country if Government put out an application for fifty people, fifty applicants to fill fifty posts in different areas in this country, but it said, "Only West Bayers can apply; Bodden Towers cannot apply". I guess that it is a puzzle, Sir. We have North and South American. It has been the Caymanian heritage to travel all the seas and one hundred years ago, Mr. President, there was only the sea and soil for our livelihood. Many of the Caymanians went to Nicaragua and South American areas to the turtle grounds. I believe many of those got to know the natives and were enticed to live and work in those South American territories with the hope that they would be able to do better for their families. The same applied to the North American continent. Caymanians went there hoping to do better for their families. We have a thousand, and I am using this purely as a figure, Sir; we have a thousand people in the United States who would be half Caymanian or three quarters Caymanian or wholly Caymanian and we have a hundred in the South American territories.

MR. CRADDOCK EBANKS (CONTINUING): Mr. President, is it not fair that these South Americans of Caymanian descent; first, second or third generation should have the same rights and privileges as the North Americans?

Many families have benefited and made their living from South America; Honduras, Belize and all the territories. They came back home and they settled down like many did when they went to the North, but there were some who did not. They reared their families and I feel, Sir, that what is good for one is good for the other. The United States has been marvellous, it has been wonderful to this country and I hold up my hand to it, Sir, but I hold up my other hand to my people in other territories who have the right to come back here if they want, Sir. They should be treated equally.

It never was a choice of mine. I sailed in and out of the United States for five years, but it was never a choice of mine that I wanted citizenship or a residence in the United States. I have seen a lot of countries in my seamen days but I have not found one which compares with the Cayman Islands, and that is why I came back here and settled down, Sir.

Mr. President, I am not saying, Sir, now do not misunderstand me; I am not saying that we do not need people from the outside world, from overseas, to continue to come here, and further invest, further carry on business, further help to develop the country. Mr. President, it is those people who do it for their interest first, while they are here. They are not here for the Caymanian.

We have areas of business here, Mr. President, in these Islands, which have been here for many years. If one were to carry out an investigation in some of those areas of business, one would find more foreigners of different nationalities than you would find Caymanians. I feel, Mr. President, that any investor in any country, as well as this one, should have the rights and privileges to see that his money is well spent; see that his business is well run; see that his business is well taken care of; see that he gets the returns from his business. I feel, Mr. President, that after a period of years, if that company can employ ten people, twenty-five people, fifty people, forty-eight out of the fifty ought to be Caymanian. Then we can say that we are protecting the Caymanian and encouraging the investor to be here, because they must help to train their employees to fill the posts which are necessary to be filled.

It might not be known to you, Mr. President, but it is a known fact that areas of business will bring in somebody to run the particular area in the business and they have to be first, if you want to use the horse word for it, "broken in" by the Caymanian. Yet he was brought in to do the job, but the Caymanian has to show him how to do it. That is not protecting the Caymanian, Mr. President. That is using the Caymanian for the convenience of somebody else. I have noticed applications going out asking for a specific post to be filled and we know that the requirements put in those applications cannot most of the time be met by the locals. Still it will be used and when somebody comes in from outside to fill that position, three quarters of those requirements are not needed.

These are some of the things which the Protection Board should be looking into and seeing that the Law is carried out to its fullest extent. I know, Mr. President, that they are saying, the prospective candidates for my constituency, that I am too old, but I would like to hope that any of them will live to have the integrity and the backbone and what I have stood for in this country; to live to see my age. I am hoping, Mr. President, with the help of God to have some more years.

HON. CRADDOCK BANKS (CONTINUING): I have given all the best of my youth for this country. I always stood for the Caymanian - our own born people. I am going to draw to your attention, Sir, to two things which are happening to this country, that have left a bad taste. A resident man in Trinidad came here for a few years, when the milk and honey started flowing, and started to get into it, then he was honoured by Her Majesty the Queen. Caymanians who had sweated and toiled, carried stone and to where they worked to help build this country, they were forgotten. Somebody who had come and put in two or three years and wrote a good magazine with a lot of filth in it, was entitled to be honoured by the Queen. The Caymanian who gave his all had to wait

HIS. PRESIDENT: I think I must remind the Honourable Member of Standing Order 35(8) and ask him to bear it in mind.

MR. CRADDOCK BANKS: I have always, in my thirty-two years as a representative of this country, behaved myself, Sir, and I intend to do that, but if I cannot speak for what I feel is fair, to this country and its inhabitants in here, Sir, I will be guided by your ruling; but I can take it on the outside and put it across. I might be rougher than that, Sir. There was another one, an American citizen, that was honoured by the Queen when other people were entitled to it.

HON. D.H. FOSTER: I think I must remind the Member about Standing Order 35(4) that Her Majesty's name must not be used .....

HIS. PRESIDENT: That is the Order to which I have just drawn the Member's attention - perhaps he was not aware of its contents, that Her Majesty's name must not be used to influence the House, and it is perfectly true that the Honourable Member can speak outside, as he just mentioned, on this subject, but he must not continue here, otherwise I would have to rule him out of order.

MR. CRADDOCK BANKS: Thank you, Mr. President, but I made the point that I wanted, and I have every respect for the honour of the Queen. That is what I am trying to point out to this House, Mr. President, that we, the people, Caymanians - leave me out of this if you want, I have already spent my days, and my bank can get along without what they have in there for me, because it does not take more than a few seconds to count it up. I have given my whole life, the whole of it the best of it, for this country and its people. I intend, Sir to stand by that, until whatever measure makes me leave this seat, Sir.

We have had young people, striving to qualify for positions, in the running of their country, but as to how far, Sir, we may get, no one knows. We should be getting more qualified Caymanians than we are getting, since government is prepared to put any student leaving school that can qualify for a University or a College, through to the full extent of their desires in the choice of a career.

Until this is done, Mr. President, we will have to wake up, and not be lured by a good paying job or one thousand dollars, to put off going to College. It takes three to five years to be qualified, to take the stand they ought to take in the country. So many avenues are open for people to be granted Caymanian status and this will destroy the economy of this country. It will destroy many

MR. CRADDOCK EBANKS (CONTINUING):

small business, because when one has millions to throw around, directly or indirectly, to get what he wants, and to get where he wants, then the small man with his five thousand cannot compete.

I feel, Mr. President, that we should think in terms of giving people desirous of coming to this country; give them residence with certain scope of employment. Other than that, this country will suffer sooner or later. You can tell me, Mr. President, that I do not have any faith. I have seen enough to make one think about his faith and what can go wrong. There is a section in this Bill that pertains to ships and employment.

We have an air service, a national airline, which is considered a "ship" in that category. It is amazing, Mr. President, to see the number of young Caymanians who have launched out into this area, for the enjoyment of saying I suppose that "I am a pilot, I a n fly." Nevertheless, Sir, they are doing a job. It is Cayman Airways, the national airline, it is owned in the name of the Cayman Islands. Now I agree, Mr. President one hundred per cent, being in the air is not like being on the ground. When something goes wrong in the air you cannot go out on the wing and start fixing it. We must be qualified to have the responsibility of hundreds of people's lives. I do not feel that any Caymanian has the intention of taking over the operation of such, and not be qualified. What I am trying to say, Mr. President, is that we must continue to use qualified pilots from the outside, but it has been brought to light that they are seeking Caymanian status. When any pilots are granted Caymanian status, that is their freedom to work if they want to work, live where they want to live. You will always have two, three or four jobs held by people with Caymanian status; so that a young chap who aspires to this, and hopes to get into that position, might never get there. He gets tired of waiting, he is bored, and throws up the idea of time and money and turns to some other venture.

Let me reiterate, Mr. President, no one outside of this country should hold a position or a job in this country that a Caymanian can do. If the Protection Board were to go into it today and do what ought to be done, there would be a number who would be told "Your employment will cease in two weeks' time, because there is a Caymanian to fill it." It should be done, Sir.

Until that is done, Sir, Caymanians will not be getting their rightful place; not getting the place that they are qualified to do, and can do. Now like any other country, there are a dozen people around, and all the money in this world would not get them to work. We are not talking about these, because every Tom, Dick and Harry has to put his hand in his pocket and give him ten cents when he is hungry. We are talking about the people who work, and can work.

In the banking institutions in this country, I wonder how many Caymanians there are? I know I have seen a couple of pieces in the paper how one or two have been given a year or two of training. It should have been dozens of Caymanians fully qualifed for positions in these banks, that foreigners are still holding, unless the Government gets down and puts their cards on the table. That is what you must do for our people, Sir.

Mr. President, if you do desire, then I will yield for a break.

MR. PRESIDENT: Do you intend speaking for some time further, then?

MR. CRADDOCK EBANKS: Well, for a while longer, Sir.

MR. PRESIDENT: Well, in that case, hon. I have been expecting that you might be nearing the end and I was going to give you an opportunity to finish without any interruption, but if you are speaking for some considerable further time, then I am sure Members would prefer to take a break now. In that case, let us suspend proceedings for approximately fifteen minutes.

HOUSE SUSPENDED AT 11.17 A.M.

HOUSE RESUMED AT 11.41 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. The Member for North Side.

MR. CRADDOCK EBANKS: Mr. President, as one all know that for some time, Government has been getting some representation from spouses, and I am aware, Sir, that there are certain amendments to that area of the Bill, but I have always expressed my feelings Sir. If I married a woman in any area of the world, it ought to be my right and privilege to bring her to my place of birth and residence and to be a part of my life in that country where I was born and raised, and vice versa. I do not think it is fair to tell her, "You cannot do that, you are not entitled to this." If a man or woman marries and cannot take his spouse to his country, then I do not feel that it is fair to human rights, human feelings and human desires.

So I do admit, Sir, that some amendment to improve that area, Mr. President, of marriage of convenience. I do not know, Mr. President, if there is any way in the world that you can control it, because in this country, by our own people, I have seen too much of it in the last couple of years. There are females who come into this country and they seem set on to somebody, and it is not long before they are married.

The men do not take long to find out that the women are not the types of persons they should be marrying - but still they will marry them, and then there is a separation. It still gives the women the right to stay here, because they are married.

How we can control it? I do not know, but I feel that some stringent measures should be laid down, because the class of people that are seeking this type of marriage, will not do this country any good. If they get married, one goes out of the back door, one out of the side door, and do not see each other again, then it is not good. Any other meaning you want to put on it, Sir, it is not good.

I do not see why some of our Marriage Officers would attempt to marry such people who become a burden to this country. They start bringing in their children - they said they did not have any, but you still find them coming in. The schools are overcrowded, but she is married now and bringing in a six year old child

HON. CRADDOCK BRANKS (CONTINUING): or a five year old child, and then where else do we go? Are we being protected? We cannot legislate for or against morals, Sir, we can only express our feelings and desires.

There is one big item in the Bill - work permits - how long they should operate and who should get a work permit and who should not, how long it should last, that again, Mr. President, has been abused in more than one way. It appears that, and this is the responsibility of the Board, one applicant can get as many permits granted, and as often, against another applicant, who has to shed tears and crawl on their knees before they can give consideration to that applicant for one permit.

It should be on an orderly basis, if someone really needs someone to work for them, regardless of the area. More or less it is in the common labourer area I believe, and domestic area, where the applicants should be treated alike. There have been domestic work permits granted for people, they have put in their time. The applicant would ask for a renewal. "No, you cannot get it renewed." At a later date they make a re-application for another and then they have to wait months and months, with all kinds of excuses, before they can get one. I do not feel, Mr. President, that it should be opened up freely to every application. The proper investigation should be carried out, to see to what extent this application needs to be filled and the requirements and all the rest of it, and then it should be dealt with without fear or favour.

It is a known fact, Sir, that Government employees do not need a work permit. It is also a fact, Mr. President, that there are other areas that Government meets the requirements set down by Law. All the Government vehicles go through the Traffic Department for inspection and approval to be fit for the road.

Government buildings are supposed to meet the requirements by Law of inspection before they can be passed for habitation and use. If these people employed by Government were under a work permit issued by the Board, then the Board would probably be able to reach further back to their background as to what they are like. I feel, Sir, that it would help the applicant, the employer, Government, and everybody concerned.

So these are some of the things, Sir, where I do not feel there should be a division. If we are all one people, for one cause, for one purpose, let us go all the same way. Do not make divisions. Do not make separations.

It seems that Government has been, many times, a refuge for people who, in other areas, were disqualified from working for them, and Government has taken them on and used them. If they are not good enough in one area, they should not be used in Government service. It is bad enough for the private sector to dismiss somebody, and somebody else in the private sector to pick them up, but I do not think it should apply to Government. You do have people who lose their job in one area, and then Government takes them on.

As to timing the length of the work permit, I suppose that can be controlled by regulations, if you do not want it in the law. Lawyers, for example, will have to be coming to this country to work for many years. Well, it looks like they should have a reasonable length type of work permit, rather than six months, or twelve months or eighteen months. If he, the lawyer, does not want to feel at ease with the work permit, well, he can find another country

HON. CRADDOCK BANKS (CONTINUING): for employment. We should lay down our rules and regulations as to what is required, and any applicant who feels that he cannot live under those, he does not have to stay here. I feel it must be the biggest business in this country today, because if they write a letter for you or for somebody now to be running you again, it is probably two hundred dollars or two hundred and fifty dollars. When they go into Court for a few hours, it is hundreds of dollars for their client to fork out. That is an area of instant millionaires. If you do not have the money, then they cannot represent you. There is no advice or leniency handed out with it. All of these areas should be looked into.

We had a very beneficial input from the public pertaining to this Bill. While it was expressed in a few areas that there was not enough time, well, if you do not want to do something, you do not have enough time. When you want to do something, you will find enough time.

So it was well accepted by the Committee. We gave consideration to as many areas as was possible and reasonable - some of these Members themselves (of the Committee) had taken a few out when the Bill was sent out because, for argument sake, Mr. President, the one pertaining to if you were fifty years old and spent one year here and invested half a million dollars, you would get Caymanian status. When I came across that, I think my jumped. It would be only opening the gate to rascality, people would be flocking in to invest five hundred thousand dollars because they were fifty years of age. Anyway, it was readily taken out of the draft.

So on many things the public was able to give their views. They did raise many outstanding points, so I would hope, Mr. President, that when this Bill becomes law it would satisfy a majority of the people in these Islands. It will not satisfy all, but I am saying the majority, because it might not satisfy me either, Sir, but anyway I will have to live with it, same as everybody else.

We have the Immigration Department which is one department, one arm of Government, that has a load of responsibility to this country to monitor the type of people coming and going, as far as possible. I must say, Mr. President, I do not believe their task is an easy one.

I believe, Sir, with respect and confidence in this department, that they have been doing a remarkable job but I suppose more could be improved. They are using a computer now. We will all have computers soon to tell us when to get up and when to lie down. Everything is on computer now. So the count out of the computer tells them how many overstayers there are but can they feed information into the computer to tell where to find them? If they could do that, it might not be difficult to find these in hiding.

You have people doing this, and you have people who have been here a long time, years and years, and get away with it. There should be some form of identification when they are giving out work permits at Immigration, a picture of the applicant and the date of expiry, and if the people do not come in on that day of expiry, the Department of Immigration should know who to look for.

So, Mr. President with the thousands of people who are pouring into this country monthly I realise it is not an easy task. The Department of Immigration has to sift out the good from the bad, coming into this country. I hope, Mr. President, that after this Protection Bill has become law, that the Department

MR. CHAUCOCK BRANKS (CONTINUING): of Immigration will be strengthened and will be given new guidelines to work from, Sir, so that we are not flooded with overstayers wanting an extension of time, giving the Department extra trouble and work to keep up with all of this.

Mr. President, I wonder at this stage if the Department of Education know how many children are going to the Government schools, High School, Middle School and Secondary schools, simply because they are free. It is easy. Children are just slipping into school and nobody knows whose child it is, or where it came from, but the child is in school. I'm not saying that the child should not have the opportunity of getting an education. I do not mean that, Sir, but the right procedure ought to be undertaken. We cannot, Sir, reach beyond where we can reach. We cannot have children going to school without limits. The more children, the more teachers and the more accommodation we need. This falls on the country and its resources.

I, Mr. President, would like to see something achieved in this area, so that children going to school meet the requirements which need to be met. Parents, guardians, relatives or friends getting the children into school should be looked into. In my opinion, Sir, there is much abuse in this area. It goes right back to people getting Caymanian status! As soon as they get Caymanian status they bring in their friend's three year old child. Nobody takes any notice of it. It starts in the kindergarten and goes right up through school. Somebody's child from some other country belonging to some friend or relative is being brought in to get the benefits of this country and contributing nothing.

Mr. President, if you wanted to find out how many people would want to stay here and claim Caymanian status, go back to thirty years ago when you made your smoke pot inside the door before you opened it to stop the mosquitoes from smothering you. Then you would find out how many people would want to come here, and how many would want to stay here. It is a pity, Mr. President, that we could not use our army at convenient times. Our army was the mosquitoes and there was no favour or respect for anybody.

What I am saying now, Mr. President, is that it was during those hard trying circumstances and difficult days when the foundations of this country were laid. The Caymanians were travelling all the seas of the world, meeting every nationality in the world so that they found out about the Cayman Islands. That trend has taken us to where we are today. One sea captain from these Islands told the Immigration in Houston once that if we had had a chance to get an education, we would have run the world.

When the Panama Canal was opened the captain in charge of that was a Caymanian. The first coloured man to navigate a ship across the Atlantic was a Caymanian. The first man in history known to steer a ship out of New York Harbour in the dark hours of the night, which happened in the boot-leging days, was a Caymanian. He went into a Government Department where he saw a picture on the wall which he wanted. He said nothing and walked back out.

So, Mr. President, it is not that the ability and quality is lacking in Caymanians. I do admit, Mr. President, that in these last few years, parents are eager to pass on to their children in many ways what they should not, but they did not have the opportunity to get these things. Now they are lavishing these things on their children who say, "I do not have to work, because Mum is in a big job and Daddy has a big job, and that is it".

MR. CRADDOCK EBANKS (CONTINUING): Nevertheless it is the right and privilege of everyone to enjoy what this country provides. We cannot grant that, Sir, or we cannot give our people that opportunity if there are no strong rules and regulations laid down to carry out the Protection Law. This law is for the protection of Caymanians and not to build a nation with people with Caymanian status. The way it seems to read now is that there are no Caymanians. Everything is Caymanian status. The person who is supposed to be a Caymanian is looked upon as having Caymanian status. If you do not have that you do not have anything else. That should not be so narrowly looked at, Mr. President. The born Caymanian who weathered the storms and built this slave step by step over two, three or five years, he is the person I am talking about, Sir, and his offspring, and their offspring and their offspring.

We had only one factory here, Mr. President, and that is laid to rest. That was the straw rope industry. When that was our checking or bank account we sold the ropes to our neighbours in Jamaica, but now synthetic, nylatic and all the other things came in and killed it. So we do not have another factory.

Our good neighbour South America, for which I hold the highest respect, when we endeavoured to try, (somebody up in Westminster opened it, Sir), to have a turtle breeding farm, the first of its kind in the world, on land, they have deprived us of that just as it was getting off the ground. The environmentalists came down and said that we had to stop this. So there it was; all of that investment down the drain. We still live in hope but, Mr. President, you do not expect a crying child of three days to be satisfied and get something to eat.

We have been doing a lot of begging and pleading for the last three years over this. It was one of the best investments, I believe, that came about here. It meant meat and food products for the country and for export, plus all the other things; the tourist attraction. So we have been deprived by the country which we so uphold, and, Mr. President, I uphold it. I am glad our relationship is as close as it is, and I trust that it will continue to get closer. They should realise, however, that even in this one aspect they are hurting us. People are out of a job.

What are we going to do about this, Mr. President, to get all we want? It is not possible, I guess. When we say we are going to help somebody we ought to be helped too. I am just coming back to the point, Sir, which I made at the beginning. Every Caymanian who has a relationship to this country by his father, his mother, his grandmother, or whoever it may be and it can be proved, Sir, regardless of what area of the globe he or she is residing in and wants to come in, they should be examined, looked after and considered as far as possible. I am not saying open the gates, but every consideration which is good for one area ought to extend to the other area. If my father or grandfather was born in Columbia and wanted to come out here, and my mother was in the United States, why should not my grandfather have the same rights to come back to this country as my mother or grandmother?

Let us be honest, Mr. President, to our own people and to ourselves. When the British Nationality Act came into effect it included the Cayman Islands and they executed certain things to be carried out under that Act. Again, Mr. President, we cannot deprive our people in any way regardless of what the British Nationality Act states. Any Caymanian who went to our mother country to school, college, or university had a deadline. When that was up they had to return home. What is good for one, Mr. President, should be good for all.

MR. CRADDOCK FRANKS (CONTINUING): I would have, Mr. President, that during the Committee stage we will go into a lot of areas. Arguments will be raised on it. Amendments will be proposed and I do trust, Mr. President, that we will be able to reach reasonable and sensible understandings and agreements as Members of this House. When it is all completed we will feel somewhat relieved with the hopes that the Caymanian, the man, the woman, the boy and the girl who is born and raised here will be the beneficiary of this country and not holder of Caymanian status. It is proposed by the Committee dealing with this that Government will set a quota. This is the first time, Mr. President, that I am making such a request, but I wonder if Government would let me sit in on Executive Council that day.

Mr. President, it is not with hatred and hard feeling or envy that I do not want to see people come to this country. I want to see people continue to come here and enjoy our country. If they want to do business they should enjoy it in the best way and invest in the interests of the country and its people as well. Because there are, Mr. President, areas and I do not know when I will not be here, and many of us will not be here when those jobs are filled by Caymanians. However, the Caymanian ought to have the opportunity to continue looking in that direction.

I would like to see a Caymanian where you are sitting, Sir. Not that I mean any change in the Constitution. I do not mean that. If Caymanians could bring this country to where it is today then the Caymanians can fill up positions too, Sir. I have not had the chance. Many more have not had the chance, but with the type of schooling and educational opportunities which are now facing the young people in this country, they ought to aspire to the highest level in this country.

I hope in another fifteen years, three quarters of the lawyers working here in this country will have to leave because we have enough Caymanians to do the job. Mr. President, I believe I have said enough to express my feelings in principle, and I am prepared, Sir, to put in whatever time is necessary while we are in Committee stage to try to iron out the ups and downs and come to a smooth sailing at the end of the day. I do not mean finish today, I do not mean that, Sir. Thank you very much, Mr. President.

MR. PRESIDENT: I think the Second Elected Member for West Bay is seeking to catch my eye. Would he prefer to speak before lunch, or would he prefer that we take the luncheon break first?

MR. D. DALMAIN RANKS: You could take the luncheon break first, Sir.

MR. PRESIDENT: In that case, perhaps it would be convenient to Members if we reassemble slightly earlier, at 2.00 p.m. Would that suit Members? Well, I will suspend proceedings until approximately 2.00 p.m.

HOUSE SUSPENDED AT 12.25 P.M.

HOUSE RESUMED AT 2.31 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. The Second Reading Debate on the Caymanian Protection Bill - the Second Elected Member for West Bay.

MR. DALMAIN D. EBANKS: I guarantee I will not be so long - my contribution is going to be short and brief. This Bill before us, Sir, is a very significant one. It controls the immigration of people into our Islands and that, Sir, is something that we have to be very careful with and watch very closely.

The old Caymanian Protection Law was formed in 1971 and was brought into effect, if my memory serves me right, in 1972.

Although it might not have been the best of laws, it still served a purpose, Sir. It gave the then Honourable House something to work with and it has kept in line the influx of people coming into these Islands.

Although a lot of criticism has been levelled at it, some of it well warranted, but, Sir, when the law was first formed, things were not then as they are now. The overload of work that has been placed on the new Protection Board, Sir, is more than they can handle.

I feel, Sir, that the amendments that have been headed into this Bill, such as equal rights for husbands and wives of Caymanian and foreign spouses, are a great step in improving it. Also with the children of age (when they become eighteen they are granted their Caymanian status) it means we are hurting our Islands and causing a lot of complaints from the public.

We had a lot of input from organizations on the outside, Sir, and we are very thankful for it. I know some of them were of great help. I feel that when this Bill is finished, Sir, we will have a good Bill to work from.

There is one thing I feel, Sir, that as time goes by the workload is still going to be greater. I feel that if the Protection Board is put into two sections, Sir, although there are sub-committees now, the reports from those committees have to come back to the Board. I feel that if it had two parts - one part of the Board working strictly on permits, illegal entries, overstayers and the other part on the business section and the commercial part, it would work more smoothly.

With that, Sir, I give this Bill my blessing and when we go into Committee Stage I have an motion to rectify it quickly. However, there is something else I wish to speak on, Sir.

Yesterday the Third Elected Member for West Bay spoke strongly, in fact he said he was going to fight with all his strength, in giving all Commonwealth countries a chance to get Caymanian status.

Now I have this House, Sir, does not go with that because, Sir, some of those countries are communist and we do not need that in these Islands. We have enough of our problems already, much less getting mixed up with a communist party.

HON. DALMAIN D. EBANKS (CONTINUED): I know that they are countries still in the Commonwealth, I know, Sir, as he said, they even have communist parties in the United Kingdom. I agree with that, but there is one thing he did not tell this House and I am telling the House that these communist parties are what brought the United Kingdom to her knees. These communist parties are what have broken the power of the two great, mighty country or nation known as Great Britain.

Until World War II, Sir, Great Britain was the ruling power of the world. The whole world looked to Great Britain for leadership. No little stupid countries in those days could get up and start wars, whether you were part of the Commonwealth or not and get away with it. She closed it down.

After the war, Sir, the Eastern block got into it, the Russians, and then started to push this communist disease, as he called it.

These same countries then left the power, broke the power with Great Britain and this is what has brought her to her knees that today she is only looked upon as probably the third party in the world.

I do not know what the allegiance to the Queen means to them, but I know this, Sir that he also mentioned that he had met some of the Members from some of the countries some time ago and they were gentlemen. Well, I was at a conference November just gone in London and there were a lot of Members from those countries. They are not gentlemen. They are more like hogs; and listening to them, talking with them and going out to the pubs with them, they do not respect the Queen, the United Kingdom or anybody. This is one of the reasons why today I say that this House should not support that amendment.

To think, Sir, that he would mention a man like Amin up against the United States of America, or Brunei - Amin was a criminal to his own people, Sir. I just cannot see this thinking. I do not know whether it is me who is crazy or who. It is like saying we should go over next door and invite Castro to come over here and be eligible for Caymanian status.

I hope this Honourable House pays serious attention to what I am saying, Sir, because that is a dangerous move.

He speaks, like the Indians say, with a forked tongue because if he claims he has Cayman and its welfare at heart how can anyone say that they want those countries to have a part of Cayman. There is no way that that can work, Sir.

I do not know what the Member was trying to put across. I know he is batting hard, Sir, but I hope to God that he is bowled for a duck.

I thank you, Sir.

MR. PRESIDENT: Unless any Honourable Member wishes to speak, I will invite the First Official Member, or ask him whether he wishes to exercise his Right of Reply.

HON. DENNIS M. FOSTER: Yes, Mr. President, but I promise you I will be brief, because I think it is time we got into Committee on this Bill, and I do not cherish the idea of being in here on Saturday. There are a few comments and observations I would like to make. The first is that much has been said on Section 2 on the definition of "eligible person".

HON. DENNIS H. FOSTER (CONTINUING): I think every another had something to say on that. When we get into Committee Stage, Mr. President, I think we can try and iron this out as best as possible. I would like to say that although a person might be eligible, it does not mean that they have to be granted status, Sir. The fact is that we have had many eligible people who have applied for status, and we have not granted status to anybody for the last two years, so I think it is not as serious as one is trying it, because as I said, being eligible is one thing, but being granted status is another. When we get to Committee Stage, Sir, I think we can iron that out.

There is another section, Sir, that I do not like, and I would like to see it amended. That is Section 8 (4) where the Chairman has an original vote and not a casting vote. I would prefer to see that the other way - just have a casting vote because Mr. President, you could get into a situation where we have used his original vote and it is a timesome thing, and he has no casting vote, but if he just has the casting vote alone he could, in the event of a tie, use his casting vote. I would like Members to think over that, and when we get into Committee Stage, we could see whether we could amend it or not.

Now, Mr. President, I feel that I should defend the Protection Board. The Member from North Side hit them pretty hard, there, and I should like to say this that the Board has a very responsible job, a very hard job, many many functions to perform. I have seen as many as six hundred applications for various things before the Board at one time, and I think they have done a pretty good job considering the pressures that they receive.

As regards training which the Member mentioned, the Board has been very harsh on this, Sir. They have called in Managers of the main Companies, of the Banks and Trust Companies and virtually demanded that they do this and they are doing it, Sir, but we cannot expect that our young Caymanians will go right into the top-notch posts without experience. The people who are holding those posts now, Sir, it has taken them thirty or forty years to get there, and it is going to take our young Caymanians, if they will stick it out, just as long to get professionally qualified, Sir.

The Board is under constant pressure, all around, and I think with the support that they are given they have done a pretty good job, all in all, Sir. As far as people being employed by Government, non-Caymanians, we have a system where each department must fill out a form and send it to the Immigration Department. It is not as complicated as the average application is, but at least at all times Immigration knows who is employed by Government.

The Member from North Side said, Sir, that Caymanians were being used for convenience. Mr. President, Sir who do they have to blame for that?

The only ones that I know who are being used for convenience are those who are fronting for people, and they obviously get something out of it otherwise they would not do it, Sir. Any Caymanian who is stupid enough to be used as a convenience by a non-Caymanian, that is his own fruit, Sir, Mr. President. I think every person who comes here to work, has to be invited here by a Company or Government, or comes under some sort of terms and conditions. I feel that from the time that person enters here, he is making a contribution in one way or the other to this country. Mr. President, just prior to 1960, Sir, sport was virtually nil in this country. I think

HON. DENNIS H. FOSTER (CONTINUING): It is these people who have come here from various territories and countries who have built sport in this country to what it is now, and I feel that these people are invited - I mean they have come here to work for a specific company or for Government or for whoever it is, and they play their part as far as I am concerned. If they stay here for seven years or more, and have no intention of leaving, and never cause any problem I would see absolutely no hurt or harm done in giving them status if they intend to make this their home for ever.

I think Mr. President, that it is the aim and object of every Company in this country to use the Caymanians wherever they can use them, for one simple reason - it is cheaper. They do not have to find housing, they do not have to pay passages back to another country, and they feel more at ease as to their advantage, and I think we have done well in persuading them in their training programmes. But, Mr. President, they suffer the same as Government does. As soon as they train some of our people, they believe the grass is greener on the other side and they leave. Our own Caymanians do it to their own Caymanians who are in business. As soon as they learn the job, they leave their employer and go and open a business similar to what they have been trained in.

I am in a position, Mr. President, where I get pleas from people who need help, and many Caymanian employers with businesses have told me that they cannot have confidence in their own Caymanians. They tell me that they have had boys who have lasted two weeks. Some are hired on Monday morning and then they do not come the next morning. This must be frustrating for anyone with a business to put up with that sort of person, and if they can get a person who is dependable and prompt and will do the job properly, it is to the Caymanians' advantage.

Mr. President, the Member from North Side said that persons granted status will only help to destroy the country. I disagree with that, Mr. President - if we grant the right people status it will help to build the country up and to make the country more stable and to put some new blood into it, to help us to continue to be on top.

Mr. President, I would at this time, ask Members of the House, when we go into Committee shortly, to think seriously and straight and let us try to come up with good answers to the few sections that we have to amend. Mr. President, it has been a long session. We have plenty of work to go back into our offices to do, and I solicit the cooperation of Members in the Committee Stage of this Bill, and I would like to thank them for supporting the Bill, thank them for attending the long hours that they have put in, and we will have an improvement on what we had before.

MR. PRESIDENT: The question is that the Bill entitled A Bill for a Law to Repeal and Replace the Caymanian Protection Law (Revised) be read a Second Time.

QUESTION PUT. AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: The House will now go into committee to study that Bill, but before we move into committee it may be helpful to Members if I simply say, in case any of them have not heard this already, that the legal draughtsman has been invited to attend during the Committee Stage of this Bill, and that he is available to assist any Member, Government or other, who may wish to draft an amendment if a Member wishes to seek assistance. It is clearly up to Members to decide if they wish to seek his advice, guidance or assistance or not.

HOUSE IN COMMITTEE

MR. CHAIRMAN: Please be seated.
Before we start to go through the Bill, perhaps I could just ask whether the Committee agrees to the usual arrangement under which we authorise the Second Official Member to correct any printing errors or other obvious mistakes which may have been made when the Bill was printing so that it is not necessary to draw attention to one of these when we come to one, clause by clause.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I certainly would be grateful if not only that authority were given but just in case there may be any Committee Stage amendments which entail consequential changes by means of cross-referencing or re-numbering of sections, if the House in Committee felt so minded that they could grant authority for that otherwise, because it might save a considerable amount of time in the House, as otherwise I might have to be constantly having to ask them to re-commit various sections which relate to others merely for the purpose of getting a correction which follows from an amendment.

MR. CHAIRMAN: Well, perhaps I could put those two propositions to the Committee simultaneously - the Second Official Member be authorised to make corrections to printing errors and the like as usual, but also authorised to make any consequential amendments which may arise from any Committee Stage amendments proposed by Members and accepted by the Committee. Perhaps I could put that formally, so that we have it on record. Unless any Member wishes to speak on the point, I will put that question.

QUESTION PUT. AGREED.

MR. CHAIRMAN: It will now be recorded in the Minutes that the Second Official Member has been empowered to do those two things. That said, perhaps next I could say that even though this is a very long Bill, I think that, subject to the wishes of the Committee, I will ask the Clerk to go through it, clause by clause, one at a time, instead of in batches because I know how much attention Members will wish to give to it, and I think perhaps it will be more convenient if we do it in that way, even if it may take slightly longer.

MR. CHAIRMAN: Finally, may I say, that when we come to any clause a Member has an amendment to move, and has arranged, as I did ask earlier, for typed copies of that amendment to be made available, then the Member should just draw my attention to the fact that there is a typed copy of the particular amendment he is proposing or intending to propose, so that we can make certain that everybody has it and it will be easier for Members to follow. I should perhaps say, that so far, I have received typed copies of amendments which Members have in mind to propose to clauses 2, 18 and 43 - it may be that there are others under preparation and under way.

HON. MICHAEL J. BRADLEY: Perhaps it might save time, eventually, if you indicated from the Chair, Sir, whether you would be willing, under 52 (sub-order 2 of Standing Orders) to give a general leave of the Chair to amendments for which no notice has been given, otherwise each member will in turn at each stage have to ask for that.

MR. CHAIRMAN: I think that is a very helpful suggestion, and perhaps I can say now, and we can put it on record now, that under the circumstances of this particular Bill I would propose to give leave in accordance with the provisions to any Member who sought to propose an amendment. I think we established the other day that it is in order to move an amendment to an amendment, but that it is not in order to move an amendment to an amendment to an amendment.. That is my recollection that that is the principle on which I would propose to act when granting leave for amendments.

Unless any other Member has a general point to bring to my notice, I think we could now make a start, on a Bill for a Law to Repeal and Replace the Caymanian Protection Law (Revised) and I will ask the Clerk to start.

THE CAYMANIAN PROTECTION BILL, 1984

CLERK: CLAUSE 1. SHORT TITLE AND COMMENCEMENT.

MR. CHAIRMAN: The question is that clause 1 do stand part of the Bill. Unless any Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

MR. CHAIRMAN: In respect of clause 2 I have received from the Third Elected Member for West Bay notice of an intended amendment to the definition of eligible person. Have all Members a copy of that proposed amendment? Is there any Member who does not have a copy of that proposed amendment? In that case, perhaps I could ask the Third Elected Member formally to move it. The Third Elected Member for West Bay ....., I am not sure whether the Third Elected Member for West Bay heard me: I know he was preoccupied.

MR. BENSON O. EBANKS: Yes, Mr. Chairman, I was just trying to place the amendments that are being circulated. In the order of the clauses which are being sought to be amended. Accepting that leave has been granted to the Chair, Mr. Chairman, I beg to move the amendment which has been circulated to the definition of eligible person. The proposal is to delete the present definition and to substitute therefor 'eligible person

MR. BENSON O. FRANKS (CONTINUING): means (a) any British citizen or citizen of the Republic of Ireland (b) any British Dependent Territories citizen (c) any Commonwealth citizen. The effect of this amendment, Mr. Chairman, would be to delete in section (a) the named countries of the Commonwealth and include all Commonwealth and to delete any United States citizen in its entirety. Mr. Chairman, I might call Members' attention to the fact that the deletion of United States citizen will not affect those persons of United States citizenship with connections to the Cayman Islands, providing that the amendment that is proposed by the First Elected Member of George Town to clause 18 sub-section 7 is supported.

MR. CHAIRMAN: Does any Member wish to speak on this amendment? On a tiny point I think that the amendment itself needs adjusting to put in a second set of inverted commas before the word "eligible" and a set of inverted commas after the word "person".

HON. O. RAIG BODDEN: Mr. Chairman, I was going to say that as the original definition is in four parts, I think we should take a separate vote on (a), (b), (c) and (d), because there might be some Members who agree with a part of the amendment and there may be some who do not.

MR. W. NORMAN BODDEN: Mr. Chairman, I support that view just expressed by the Member because that is the position that I am in. I support (a), (b) and (c) but not (d).

MR. BENSON O. FRANKS: In that case, Mr. Chairman.....

MR. CHAIRMAN: What would have to happen, is that somebody would have to move an amendment to an amendment. I do not think it is possible for me, subject to any guidance I am given on Standing Orders, to permit votes to be taken bit by bit on a proposed amendment. But if another Member - I speak subject to any guidance which other Members may give me, but that is my present opinion. I do take the point that is made, and I can quite see the advantage of trying to split it. But I think the way of doing that would be for somebody to move an amendment to an amendment which might have the effect.

HON. MICHAEL J. BRANDAY: I think, Mr. Chairman, Sir, with respect, that the problem is not insurmountable in that we can vote on this amendment and if the new proposed definition is put in, it becomes part of the substantive clause and a simple amendment to add a (d) could be put in at that stage. Alternatively if the amendment fails, we can move a subsequent amendment to the substantive definition in relation to (a).

HON. TRUMAN M. BODDEN: Mr. Chairman I think it is simpler than that. We vote on this, it is either going to 'up' or 'down', and if the motion fails we go ahead and vote on the substantive motion. The amendment has been badly put - that is the problem.

MR. CHAIRMAN: Well, not necessarily - it may be that different Members have different thoughts on the amendment in mind. Some Members would like to change small (c) of the clause as printed to "any Commonwealth citizen" and to omit United States citizens. Others

MR. CHAIRMAN (CONTINUING): might like simply to change clause (a) but to leave United States citizens in. I think, perhaps, the Second Official Member's suggestion is another way of proceeding - in other words, that we should vote on this one in the knowledge that even if we accept this one, Members who want United States citizens to be included, supposing that this one were to be accepted, Members who want United States citizens included could then propose a further amendment which would restore United States citizens. I think that was the Second Official Member's suggestion. The alternative is for somebody to move an amendment to this amendment which incorporates United States citizens in this amendment.

HON. MICHAEL J. BRADLEY: There is just one thought that has occurred to me in relation to the proposed amendment, Sir. That is, without giving an opinion on it, to draw the attention of Members, that whereas to lose British citizenship, Irish citizenship or British Dependent Territories citizenship, takes a definite act on the part of the person holding it, that through no fault of his own if a person is merely defined here as a Commonwealth citizen, using that term instead of a number of listed territories, that at some time in the future the politicians in that other country may decide for some motive to leave the Commonwealth, and having left the Commonwealth, that person who previously had been eligible, and being eligible had been granted status, would then lose it through no fault of his own. It is just a thought for Members - I am not trying to complicate the issue.

MR. CHAIRMAN: Because he has become an ineligible person.

HON. MICHAEL J. BRADLEY: Yes. I did not raise this in Committee, Mr. Chairman Sir, because at that time there was, at Committee stage, no indication that the feeling of the majority of Members then was to use the term Commonwealth citizen as such.

MR. BENSON O. FRANKS: Of course the same would apply by naming the countries. If they withdrew from the Commonwealth they would also lose eligibility.

MR. CHAIRMAN: No, they would not.

MR. BENSON O. FRANKS: If it was the intention to give it to them because they were in the Commonwealth .....

MR. CHAIRMAN: Well, as the Law is now worded, supposing that the version of the clause in the green printed Bill went through and supposing at a later date Australia left the Commonwealth, it would not have the effect of meaning that either an Australian citizen who had already been granted status, or any future Australian citizen who applied for status was ineligible, because the eligibility in the Law is not supposed to be as a result of Australia's membership of the Commonwealth. The Second Official Member's point is that if you change it to "any Commonwealth citizen" then it does tie it to the country being .....

MR. BENSON O. FRANKS: I do accept that Mr. Chairman, but that is merely an academic exercise. Only two countries have left the Commonwealth in its lifetime, Sir .....

MR. CHAIRMAN: So you need not be too nervous.

MR. BENSON O. EBANKS: I am not worried about that.

HON. MICHAEL J. BRADLEY: I merely felt that it was my duty to draw the implication to Members.

MR. CHAIRMAN: I think the question I would like to try to resolve is whether any Member who supports the change from the printed version of paragraph (c) to the amended version as proposed by the Third Elected Member for West Bay, but who wishes to retain paragraph (d), "any United States citizen", of the printed version, whether any such Member would wish to move an amendment to the Third Elected Member for West Bay's motion, which would give us an opportunity of voting on both amendments one after another.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I would like to see the term "any United States citizen" removed from the list of eligible persons as the Third Elected Member for West Bay said this would be covered under section 18(3), a motion which is to be moved or has been moved by the First Elected Member for Georgetown. This will take care of people who have a connection and roots in the Cayman Islands. This originally was the idea, Sir, why we included United States citizens, to give the people of Caymanian ancestry and roots the privilege of coming back here. I would like to move that in the original Bill, Clause 2(d), "any United States citizen" be removed and the balance of the Clause to remain as is.

MR. CHAIRMAN: Are you wanting to amend the Third Elected Member for West Bay's amendment, or are you really speaking in support of his amendment?

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I am not supporting the amendment made by the Third Elected Member for West Bay, but what I am proposing is that we support....

MR. CHAIRMAN: In other words, you are agreeing with one part of his amendment. You are agreeing with the deletion of "United States citizen", but you are not agreeing with the other part. That is the extension to all Commonwealth citizens of the paragraph (c) which provided for certain specified citizens.

CAPT. CHARLES L. KIRKCONNELL: That is correct, Sir.

MR. CHAIRMAN: I see. So it is the other way around.

MR. BENSON O. EBANKS: Mr. Chairman, it would seem to me that an amendment to my amendment would meet that. All that the Member would have to do is to move an amendment to section (c) of my amendment reinstating the Clauses in the original Bill and that would meet....

MR. CHAIRMAN: Then we could vote on that. That is what I was going to suggest. That is the effect of what you were saying, now that I have understood it, that you would like to amend the motion put by....

HON. MICHAEL J. BRADLEY: I was just going to say, Sir, that perhaps I could assist the First Elected Member for the Lesser Islands, as I understand that he wishes to move an amendment to the amendment, that paragraph (c) of the definition of "eligible persons" be deleted, and the words "any citizen of Australia, Bahamas, Barbados, Belize, Canada, Jamaica, New Zealand or Trinidad and Tobago" be substituted therefor.

CAPT. CHARLES L. KIRKCONNELL: That is correct.

MR. BENSON O. FRANKS: That is in my amendment.

MR. CHAIRMAN: Is that an amendment to your amendment?

MR. BENSON O. FRANKS: Yes, Sir.

MR. CHAIRMAN: Well, then, let us take it in that order. I am sorry that Members have not got a circulated typed copy of what we are about to vote on. However, let me explain it so that Members are sure what we are voting on. The first vote, unless any Member wishes to speak further on the point, will be either to or for; either in favour of or against an amendment proposed by the First Elected Member for the Lesser Islands to the circulated amendment proposed by the Third Elected Member for West Bay. Without reading out the full terms of it, the effect would be to leave the provision or the definition of "eligible person" so that it covers only "citizens of Australia, Bahamas, Barbados, Belize, Canada, Jamaica, New Zealand or Trinidad and Tobago", not "any Commonwealth citizen", but to delete "any United States citizen". We shall come back to the Third Elected Member for West Bay's proposition later.

HON. TRUMAN M. BODDEN: I would like to speak on that amendment to the amendment. What, as I understand it, the effect is, is that the substantive Bill would remain as it is, but you would remove "any United States citizen". Subsection (d) would disappear.

MR. CHAIRMAN: Quite right.

HON. TRUMAN M. B DDEN: I am totally against this. The majority accepted this in the Committee, and as I do not want to get into the merits of it, but both sides have argued for and against this, I hope Members would support this Clause as it is. That is, that they would vote against the amendment to the amendment. They would vote against the amendment, and they would leave this section as it is and vote for this section on the third vote. It is complex now, Sir, because what would have been very simple would have been to take a vote on this and let the First Elected Member for the Lesser Islands move that paragraph (d) be removed. Then it would have been understood better. I would like to go over that. My view is that we vote against the amendment to the amendment. We vote against the amendment, and we leave this section as it is by voting for the substantive section when the time comes.

MR. BENSON O. FRANKS: Mr. Chairman, I would just like to point out, Sir, that it would appear to me, from what happened on another earlier Bill in this Meeting, that what Members did in the Committee had little bearing on what they did in the House. So Members should be guided by their consciences, and whether they have since changed their minds or not on this section, I have put forward my amendment and I think when I was speaking on the Second Reading I said that it was possible that I would be standing alone on this. However, my shoulders are broad enough to take it. The First Elected Member for the Lesser Islands has proposed an amendment to my amendment, which as I understand it from the contribution of Members in the Second Reading, meets the feeling of a majority of Members in the House. I do not think it is a question of voting a gainst, against, against. It is a question which I think every Member understands, that they are asked to vote on, and it is a question of a Member voting his conscience.

HON. TRUMAN M. BODDEN: Mr. Chairman, may I just....

MR. CHAIRMAN: Could I just make one point. I was going to say that I take the point which was made by the Honourable Second Elected Member of Executive Council that it might have been simpler for Members to understand if I had done it the other way and voted on your amendment simply first, and then let the First Elected Member for the Lesser Islands propose an amendment of his own.. If on reflection the First Elected Member for the Lesser Islands agrees with me, he might like to withdraw his amendment on the understanding that once we had voted on the amendment proposed by the Third Elected Member for West Bay, he would then have an opportunity to move an amendment of his own. I think that might be simpler for Members. I think it is quite true.

CAPT. CHARLES L. KIRKCONNELL: Yes, Mr. Chairman, I agree and I withdraw.

MR. CHAIRMAN: So, in that case we are back simply to voting on the amendment proposed by the Third Elected Member for West Bay and circulated to Members. Well, let me call for ayes and noes first and let me see how we go.

QUESTION PUT: AMENDMENT TO CLAUSE 2 DEFEATED.

MR. BENSON O. EVANS: I think you heard correctly, Sir.

MR. CHAIRMAN: Now, I undertook that the.....

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I would like to move an amendment that we delete subparagraph (d) in "eligible person", "any United States citizen" be deleted from the Bill.

MR. CHAIRMAN: I imagine that the Committee would give the Second Official Member leave to make the tidying-up operation of shifting the word "and" from the end of subparagraph (c) to the end of subparagraph (b). I think we would leave that kind of thing to him would we not? So the amendment proposed by the First Elected Member for the Lesser Islands is that subparagraph (d) which reads, "any United States citizen" should be deleted from the definition of "eligible person". Does any Member wish to speak to that?

HON. TRUMAN M. BODDEN: I do, Sir. I would just like to point out that if you think that the answer to this is in putting American citizens in Clause 19(3) you are not correct. If you remove this from this definition it is going to affect every place where you have used the words "eligible person". It could affect children: it could affect spouses: it could affect widowers: it could affect widows, and each place where the words "eligible person" has been put is going to be affected. So I would not like you to be under the impression that to put that into Clause 19(3), which relates to reduction of period in relation to children alone, is the only place that "eligible person" is affected. It is throughout the whole of this Bill if it is removed. Really, I do not think that, at this stage, if it is removed from here, you may well have to look at every other Clause moving down, and decide whether you are going to put it into the other Clauses which it relates to.

MISS ANNIE HULDAH BODDEN: Mr. Chairman, if I could have some explanation, Sir, as to why we should have to amend "eligible person" all the way round.

MR. CHAIRMAN: I think that the point which the Member is making, the Second Official Member may say, is that if you once delete the provision which makes a United States citizen an eligible person, then in a variety of clauses, of which Clause 16, subsection 1 is only one, you have made it impossible for United States citizens to be granted status. The fact is, as I understand it, again, subject to correction, they are not eligible to be granted status now. Are they? Some may have status as of right, by birth, but a United States citizen if he now wishes to be granted Caymanian status first has to be naturalised. If United States citizen were deleted from the definition of eligible person, that would, as I understand it, restore the position as it exists today. Is that correct?

HON. D.A. FOSTER: I am not quite so sure, Sir, because I do not think there is a provision in this. If an American gets naturalised, then he gets status - I do not think that provision is here. provision is here.

MR. CHAIRMAN: If an American is naturalised, suppose this Bill were enacted and became Law, and someone an American were naturalised, he would then be a British Dependent Territories citizen, and eligible for status, and I am sure he would follow the motion which is followed today. In other words, before agreeing to his naturalisation, he would seek to establish that if naturalised, he would be granted status.

MR. BENSON O. EBANKS: Mr. Chairman, I think that Members understand fully that removing 'American citizen' from this section will affect three Clauses that have 'eligible person' included in it. In fact that has been the whole exercise, to remove an American citizen as an 'eligible person' where the American citizen is being given preferential treatment to the citizen of any other country.

MR. CHAIRMAN: It is a complex piece of legislation which I do not pretend I fully understand myself, and I do not want Members to vote on something without fully understanding what the implications of their votes are and it was for that reason that I was hoping that the Lawyers amongst us would tell us whether the outline that I gave of the effect, as I believe it would be, of the amendment was correct or not. Perhaps I could ask the Second Official Member and then the Second Elected Member.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, as Chairman of the Select Committee I endeavoured, wherever possible, earlier on, in consideration of the definition of 'eligible person', whenever we met it again later on through the Law and the Bill, when we considered it, to draw Members' attention to what the implications of the word 'eligible person' in that context were, and I think that, if we make a change to the present definition of "eligible person", then we will have to, when we come to each mention of "eligible person", stop and pause and think - do we want "eligible person" as it is redefined there, or do we need any consequential change?

One, without expressing a view for or against, comes to mind, in Clause 17 (b) where it says "in any case where a person is, on or after the day in which this Law comes into operation born outside these Islands then in any such case he shall possess Caymanian status if all of the following conditions are fulfilled - he is an eligible person, one of his parents at birth possess status and both his parents domiciled in these Islands".

I can see a possibility of a person who had status from here going to the United States, or some other place, and of acquiring citizenship - that could possibly follow that the child then could not have status by descent. I have not thought it

HON. MICHAEL J. BRADLEY: ...out fully, Sir but what I am trying to get clear in Members' minds is, if we redefine it now. I think we have to stop when we see the words 'eligible person' later on, as a traffic light and make sure that we want what is now under this new definition. I think that is what the Hon. Second Elected Member of Executive Council .....

MR. CHAIRMAN: Could I just ask, before you finish, and before I ask the Second Elected Member of Executive Council to comment too. Am I right in saying that at present a United States citizen cannot be granted status because the present law limits grants of status to British Subjects?

HON. MICHAEL J. BRADLEY: Yes, Sir.

HON. TRUMAN M. BODDEN: I agree with what the Honourable Attorney General has said, but I will give you one of the dilemmas you get when you touch a section which is not properly thought out. The First Elected Member for George Town has moved that amendment, and immediately the person would have received status under 18 (3) he would have lost it under 21 (1). That is the sort of nonsense that we could get, unless every Clause where it says 'eligible person' is looked at, and looked at in depth because you are changing the whole concept of the Law at this stage. It has been drafted in one way, and you are changing it all around, now.

Quite frankly, I would not like to have the mess on my shoulders to try to sit down in this Committee and literally re-draft every section with 'eligible person' as I see it. I am just giving you one, and the Courts could not in any way, where you have a conflict like that, try to come up with common sense if the Legislature enacted something which is not sense, and that is why I think we should let it remain as it is. If not it is literally a Special Committee's work again to get back and re-draft it, and I would like to point out here and now, if they remove United States citizen, I do not want the load on my shoulders to have caught every section. I guess it will have to lie squarely on the Second Official Member's shoulders, which is going to be a very heavy load, Sir: it is a re-drafting process.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, what we are trying to do here is to the United States citizen with a connection with the Cayman Islands. This is what we are trying to give all those United States citizens who have a connection .....

MR. CHAIRMAN: If they wish to give up their United States citizenship before they get status?

HON. TRUMAN M. BODDEN: No, Sir.

MR. CHAIRMAN: Well, in that case, I think the effect of what you are doing is not going to be what you suppose, because I think that if you delete United States citizen here and if somebody with Cayman connections, who is at present a United States citizen, and whom you would like to have status, wants it, then that person is going to have to give up his citizenship in order to become eligible .....

MR. HENSON C. EVANS: Now, Mr. Chairman, the proposal is to delete eligible person in 18 (3). I agree with the Second Official Member that we will have, whenever we see eligible person, treat it as a stop light and look at that section, but, ...

MR. CHAIRMAN: Yes. I see what you mean, yes, that is quite true.

MR. HENSON C. EVANS: Right, and Mr. Chairman, with respect. Sir I want to make one point clear. You mentioned about referring to the lawyers in here. Being a lawyer is not a qualification for sitting in this Assembly, and while I refer to specialities, I am not going to bend my right to my opinion to anybody if I have to be summonsed against my will.

MR. CHAIRMAN: Please, just let me make it clear I was as I hoped for the assistance of the House asking the lawyers present to explain the legal effect of doing something.

Whether the things concerned are desirable or undesirable is obviously left to each Member's judgement, but it does seem to me that the lawyers amongst us are more likely than others to be able to tell us what the legal effect of a particular amendment is, and it did seem to me, in a very complex matter of this kind, we would have been very unwise not to ask the lawyers to explain to us before we took a vote, what would be the consequences of our vote. It was not intended that they should have any more influence than anybody else over the way you voted. That is for Members to decide themselves.

HON. MICHAEL J. BRADLEY: If I may add, Sir, that I thought I was careful when I was interjecting and commenting then, to say that I was giving an opinion for or against the merits of the amendment or the proposed amendment, and I would consider that it would not be upon me as a lawyer here to comment on policy of that matter. I was merely endeavouring to prevent the House possibly getting into difficulties later on.

MR. V. NORMAN BODDEN: I expressed my concern about the section in the debate on this Bill, and it was, if the way this section has just been explained to me under 18 (3) United States citizens with Caymanian connections would be required to give up their United States citizenship before they could get Caymanian status .....

MR. CHAIRMAN: I am sorry, I misled you there, so let me make it quite clear. If you delete the phrase "who is an eligible person" from section 18 (3) then in respect of the classes of persons dealt with by that section, it ceases to be a requirement that the persons concerned should give up their United States citizenship before they are granted status, but as the Second Official Member and the Second Elected Member of Executive Council have quite rightly pointed out, it would be necessary if we did this to look very carefully at every

HON. CHAIRMAN (CONTINUING): section of the law in which the words "eligible person" or similar words appear to check what the effects were if we had once deleted the provision that makes United States citizens eligible persons because otherwise we might cause endless confusion and do things that we had not intended to do.

HON. NORMAN W. BODDEN: I understand that, and that could be quite true, with any other motion that you lumered with, I imagine.

HON. BRYAN O. EBANKS: For example, the instance given by the Second Elected Member of Executive Council could easily be covered by putting a proviso to 21 (a) saying that those under 18 (3) would not be affected by this section.

CAPT. HARRY S. KIRKCONNELL: I cannot support this amendment, Sir. I have given it serious consideration and the circumstances which we wish to correct would not be corrected if it was simply with Caymanian connections. I refer particularly to a Caymanian marrying a United States citizen, that if we remove United States citizen from being an eligible person, they would not get status, and what we are really trying to correct would not be able to be done unless United States citizens were left in the definition of 'eligible person', that is the way I feel.

HON. CHAIRMAN: Again, I speak subject to the views of the lawyers present, I think that an American who married a Caymanian and who wanted to get status if we had deleted this, would have to give up American citizenship to become a British Dependent Territories citizen in order to apply for status.

HON. MICHAEL J. BRADLEY: That is correct Sir.

HON. TRUMAN M. BODDEN: That is what Captain Kirkconnell has said, but if you have an American citizen here they do not have to do it, and further with children.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I can see now are in a bit untan here, Sir, I would like to withdraw the last amendment that I made to the Bill, because I do not wish to worsen the position. I would like to assist and make it easier for our people who are in the United States to come back to our Islands.

HON. D.H. FOSTER: Mr. Chairman, may I make a suggestion Sir. Put the clause to vote as it is in the Paper.

HON. CHAIRMAN: Well, if I once put it to the vote

MR. CHAIRMAN (CONTINUING): ... as it is in the Paper, then anybody can seek to amend it and I just want to make certain that Members who wish to propose amendments have a right to do so, but if the First Elected Member of the Lesser Islands has withdrawn his amendment now, we are left with no proposed amendment to the clause.

MR. BENSON O. EBANKS: Mr. Chairman, is it impossible for me to move another amendment to this Clause?

MR. CHAIRMAN: No, you are entitled to move another amendment.

MR. BENSON O. EBANKS: Yes, Sir, well I would like to move an amendment that Clause 7 (b), that the definition of 'eligible person' in Clause be deleted and substituted therefor 'eligible person means any British citizen or a citizen of the Republic of Ireland (b) any British Dependent Territories citizen (c) any citizen of Australia, Bahamas, Barbados, Belize Canada, Jamaica, New Zealand or Trinidad and Tobago .....

MR. CHAIRMAN: That is .....

MR. BENSON O. EBANKS: Yes, Sir, I want the American citizen out of it.

MR. CHAIRMAN: I am sorry, I just wanted to know what your amendment was. Really you are moving precisely the same amendment that the First Elected Member for the Lesser Islands' moved - it is deletion of little paragraph (d). I just want to be quite sure there was not anything more than that to the amendment you are moving. Well, then, I think we have discussed that one for some time, let us now vote, unless any other Member wishes to speak, let us not vote on that amendment. The amendment in effect being that paragraph (d) of the definition of 'eligible person' be deleted.

HON. G. HAIG BODDEN: Mr. Chairman, I was going to say that I do not think that amendment is properly before the House, because the First Elected Member from Cayman Brac withdrew it and when it was put by the Third Elected Member from West Bay earlier on, it was voted down.....

MR. CHAIRMAN: No, that was a different motion, that he put earlier on, and it was voted down.

HON. G. HAIG BODDEN: Yes, but it did contain the deletion of United States citizens, so that part has been voted on in a bigger amendment.

MR. CHAIRMAN: No, I do not accept that, because in the earlier discussion we agreed that some people might want to support one part of an amendment but not another part, and that we would take it as two separate votes, and I think that is what we ought to do, in fact.

QUESTION PUT: AYES AND NOES. AMENDMENT TO CLAUSE 7 DEFEATED.

MR. CHAIRMAN: Unless any Member has a further amendment to propose to that Clause, I would like now to put the Clause itself to the Committee.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

MR. CHAIRMAN: Clause 2 stands part of the Bill - recommended.

CLERK: CLAUSE 3 - CONFLICT WITH OTHER LAWS.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

MR. CHAIRMAN: Perhaps I should just say that although I said I would ask the Clerk to read the clauses one by one and shall do so, I will go through them fairly quickly. If any Member gave notice of an amendment I will stop, otherwise would any Member please make a noise and catch my attention promptly if he wants to move an amendment of which I have not had notice to a clause.

CLERK: CLAUSE 4 - SAVINGS OF OTHER LAWS.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5 - ESTABLISHMENT OF THE BOARD.

MR. CHAIRMAN: The question is that Clause 5 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6 - FUNCTIONS OF THE BOARD.

MR. CHAIRMAN: The question is that Clause 6 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7 - APPOINTMENT OF IMMIGRATION OFFICERS.

MR. CHAIRMAN: The question is that Clause 7 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8 - MEETINGS OF THE BOARD.

MR. CHAIRMAN: The question is that Clause 8 do stand part of the Bill.

MR. BENSON O. EBANKS: Mr. Chairman, I believe the First Official Member has an amendment to that, Sir. I have not seen a copy of it, but .....

MR. CHAIRMAN: Well, if he has an amendment, let him say.

HON. DENNIS R. FOSTER: I would like to move an amendment to that, Sir.

MR. CHAIRMAN: Could you speak into the microphone, please?

HON. DENNIS R. FOSTER: I would like to move an amendment to Clause 8(4), that the Chairman or presiding member shall have only a casting vote. That is the amendment, Sir, so we would take out the words "an original" and "not a second or" - those words come out. From "an original" .....

MR. CHAIRMAN: I think the word "a" stands in, does it not? You take out "an original", "and not", and then you take out the second "or" leaving "shall have only a casting vote".

HON. DENNIS R. FOSTER: Yes, only a casting vote, Sir. That is how I want it, anyhow.

HON. MICHAEL J. BRADLEY: I think it might be well, with respect, Sir, to make it clear that the Member does not have an original vote. I would prefer the wording "shall have no original but only a casting vote".

HON. DENNIS R. FOSTER: That will be fine, Sir.

HON. TRUMAN M. BODDEN: I was just wondering, Mr. Chairman, why take away the original vote?

HON. DENNIS R. FOSTER: Because I do not want him to have two.

HON. TRUMAN M. BODDEN: He only has two in the event of a tie. You have now put the Chairman there without a vote. I just point that out.

MR. CHAIRMAN: But it is only going to matter in the event of a tie, isn't it? It could not matter, otherwise.

HON. TRUMAN M. BODDEN: So what will he do .....

MR. CHAIRMAN: Oh, but he could make it an equality with his original vote .....

MR. BENSON O. EBANKS: That is what the democratic process eliminates. A Chairman should not be able to create a tie with his original vote and then break it with his casting vote.

MR. CHAIRMAN: Well, I think it depends, does it not, upon some laws? .....

MR. RENSON O. EBANKS: That is the majority opinion in this case, anyway.

MR. CHAIRMAN: The amendment proposed by the First Official Member is that the relevant part of paragraph 8 of Clause 8 should be re-worded to read "shall have no original but only a casting vote". I do not know whether the Second Elected Member of Executive Council wanted to move an amendment to that.

HON. TRUMAN M. BODDEN: Not really, Sir. I just point out the principle underlying the whole Committee Law - I have no strong feelings and to be frank it is the First Official Member and I will support it.

MR. CHAIRMAN: Unless any other Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 8 PASSED.

MR. CHAIRMAN: I will now put the Clause as amended to the Committee.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

MR. CHAIRMAN: The Clause as amended stands part of the Bill.

CLERK: CLAUSE 9 - REMUNERATION OF THE BOARD.

MR. CHAIRMAN: The question is that Clause 9 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 9 PASSED.

CLERK: CLAUSE 10 - APPEAL FROM DECISIONS OF AN IMMIGRATION OFFICER.

MR. CHAIRMAN: The question is that Clause 10 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 10 PASSED.

CLERK: CLAUSE 11 - APPEALS FROM THE DECISIONS OF THE BOARD.

MR. CHAIRMAN: The question is that Clause 11 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 11 PASSED.

CLERK: CLAUSE 12 - CONDUCT OF APPEALS.

MR. CHAIRMAN: The question is that Clause 12 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 12 PASSED.

CLERK: CLAUSE 13 - DECISIONS TO BE ADMINISTRATIVE.

MR. CHAIRMAN: The question is that Clause 13 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 13 PASSED.

CLERK: CLAUSE 14 - GENERAL PROVISIONS REGARDING ACQUISITION OF CAYMANIAN STATUS.

MR. CHAIRMAN: The question is that Clause 14 do stand part of the Bill.

MR. BENSON O. EBANKS: Mr. Chairman, I would just point out, Sir, that this question of eligible person appears all the way up in here, and while I am not prepared on this short notice to offer my amendment to it, I am totally against this American citizen being an eligible person for Caymanian status.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. Chairman, Sir, if it would help Members, even though we have left it unaltered, if they wish to think about this as we go along, the legal draughtsman has very kindly listed for me the sections in which the words "eligible person" appear, and I will make that listing available to any Member if he wished.

MR. BENSON O. EBANKS: If you gave me that copy, would you have one then?

HON. MICHAEL J. BRADLEY: No, but we have a photocopier, I understand.

MR. BENSON O. EBANKS: I would suggest that a copy be circulated, Sir.

MR. CHAIRMAN: Well, I am sure we will get a copy circulated now - yes. Meanwhile the question is that Clause 14 do stand part of the Bill.

HON. MICHAEL J. BRADLEY: In which the words "eligible person" appear in both subsections.

HON. TRUMAN M. BODDEN: I am wondering, whether the Second Elected Member would like to spend a Saturday in here? That is a joke.

MR. CHAIRMAN: It does seem to me that we have voted on the definition of "eligible person", that Members consciously decided they wanted to let it stand, and that unless I am given notice of an amendment to a particular section, Members intended the consequences of their earlier vote. The Third Elected Member for West Bay voted for an amendment which would have deleted American citizens - it is understandable that he should, in consequence, have reservations or whatever you like, not to agree fully with the provisions of Clause 14 (1) as they will now take effect, but I do not think that means that we have to debate it in full.

MR. BENSON O. EBANKS: No, Mr. Chairman, it would be much more difficult to exclude the American now that he has been left in the definition than it would have been to .....

MR. CHAIRMAN: But you did not get a great deal of support earlier when Members realised the consequences .....

MR. BENSON O. FRANKS: Yes, but Mr. Chairman, I have a feeling that Members were baffled by a bit of whatever. Anyway .....

MR. CHAIRMAN: I do not think you can be rude about other Members.

MR. BENSON O. FRANKS: No, I am not being rude, Mr. Chairman.

MR. CHAIRMAN: Well, if you say they are easily baffled or something - that may mean that you think that they .....

MR. BENSON O. FRANKS: All I am saying is that there will be a time when I can have my say on this one.

HON. G. HAIG BODDEN: The House has voted on the definition of eligible person. The Member has his lesson on democracy which he apparently needs.

MR. CHAIRMAN: Well, leaving aside who may require lessons in what, let me put the vote on this Clause.

MR. BENSON O. FRANKS: Thank you very much, Mr. Chairman.

QUESTION PUT: AGREED. CLAUSE 14 PASSED.

CLERK: CLAUSE 15 - NO RESTRICTION ON ACQUISITION ETC. OF STATUS BY WOMAN.

MR. CHAIRMAN: The question is that Clause 15 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 15 PASSED.

CLERK: CLAUSE 16 - APPLICATION TO THE CROWN COURT.

MR. CHAIRMAN: The question is that Clause 16 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 16 PASSED.

CLERK: CLAUSE 17 - ACQUISITION OF CAYMANIAN STATUS BY BIRTH.

MR. CHAIRMAN: The question is that clause 17 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 17 PASSED.

MR. CHAIRMAN: I have been given notice of an amendment that may be moved to Clause 18. I am not sure whether as a result of the decision not to proceed with an earlier amendment, that this one will still stand, but since we have reached the time that we customarily take a short break, I propose at this stage to suspend proceedings for approximately fifteen minutes if that suits Members.

AT 3:26 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 4:05 P.M.

MR. CHAIRMAN: Places be seated. Proceedings are resumed. The Caymanian Protection Bill - we had reached Clause 18.

CLERK: CLAUSE 18 - ACQUISITION OF CAYMANIAN STATUS BY GRANT.

MR. CHAIRMAN: Yes, the First Elected Member for George Town.

MR. NORMAN W. BODDEN: I beg to move an amendment to subsection (3) of Clause 18, by the deletion of "who is an eligible person" in the first line and the deletion of the words "or grandparents" as they appear in the second line thereof.

MR. CHAIRMAN: Do you want to speak to the amendment

MR. NORMAN W. BODDEN: Yes, Mr. Chairman, this subsection would then read; "Any person of not less than eighteen years of age, one of whose parents was born in the Islands and who has been ordinarily resident in the Islands for the period of three years immediately preceding his application may apply to the Board for the grant of Caymanian status".

Mr. Chairman, I have moved this amendment because I feel that there are other countries where we have Caymanians with roots in this country and since we have extended the number of countries in Clause 2 under the interpretation of 'eligible person', I would like to know that those Caymanians in other countries will have the same facility of applying for Caymanian status. It would be, in fact, by saying any person in truth and in fact, extending the number of countries which would generalise that any person from any country could apply. But as I have had other sections explained, by persons dealing with other sections of this Bill, this would only be making them eligible to apply, and it would not be an entitlement. On the other hand, we would be reducing those persons who can claim this by descent, by saying one of whose parents, rather than by extending it to grandparents, and I would ask support for this, Sir.

MR. CHAIRMAN: Does any other Member wish to speak to this amendment?

HON. TRUMAN M. BODDEN: Mr. Chairman, as I see the amendment, the Member is seeking to make the acquisition of status by any person, be that person out of Russia, Cuba or whatever communist countries or any country, to be eligible for status within the Islands once they should a three year period. I think the vote having been taken earlier on who is an eligible person, I do not think we should remove it here at this stage, but I believe that most Members who spoke, were not that much in favour of an open door. Agreed, it is limited: he is limiting it in one way - that is he is taking out grandparents, but he is making it completely wide open from the point of view of who becomes eligible, and I would think that it may not necessarily be desirable to put even a more special status than has ever existed to this extent, on really this wide a class of persons, that he is seeking to do here. I

HON. TRUMAN M. BODDEN (CONTINUING): mean it would completely open eligibility for this class of person. I will be frank, I will not support it. I think it is too wide.

On the one hand he went against the United States of America, but this now would be the United States of America and everybody else. I just want to make it clear that the removal of this would include what he was trying to exclude earlier. In other words he wanted to take American citizens out, and the Third Elected Member for West Bay wanted to widen it to Commonwealth citizens. This now does everything that they have been originally fighting for.

MR. BENSON O. EBANKS: Mr. Chairman, except that this refers to persons of one of whose parents were born in the Islands. This is what every Member, or most Members, on speaking on the Bill said they supported; which was that there be no special treatment of people whose parents happened to have gone to the United States, as opposed to those persons whose parents went to other countries. I think the Member is drawing a red herring because I do not know of anybody who is in Russia whose parents were born in the Cayman Islands. Furthermore, Mr. Chairman, the person has to be resident here for three years. That means the person would have had to have come in, as I see it, under some other clause in the Bill, and you know how many people are in a position, that is people born of Caymanian parentage, to come and sit down in the Cayman Islands and wait for three years to apply. They must have been here on work permits or something of the sort.

Now I do not know if the Member has in mind to employ anybody who would fall into a category that he is talking about, but I cannot see anything wrong with this amendment. The only thing I would say, Mr. Chairman, is that I would have been prepared to have left in "grandparent", but I am not going to push for that since I understand that the majority of Members support the amendment as presented by the First Elected Member for George Town. I think we are doing this knowing full well what we are doing and it is our wish to do so.

Now, I am sure, Mr. Chairman, that the Member will now call attention to Clause 21(a) where he would lose it if he is not an eligible person, but we can easily cover this by saying that this shall have no application to persons granted status under Clause 18(3). I am sure that it is not beyond the competency of the Honourable Second Official Member and the legal draughtsman to come up with an amendment to meet that position.

MISS ANNIE HULDAH BODDEN: Mr. Chairman .....

MR. CHAIRMAN: Could you speak into the microphone, please?

MISS ANNIE HULDAH BODDEN: Excuse me, I am not very mechanically minded, Sir.

Mr. Chairman, I would have thought with the deletion of "grandparents" it would have a lesser group than if it extended to "grandparents". This says the word "grandparents" should be eliminated. It should be only what he has proposed - that it strictly would be "parents" alone and not "grandparents", because "grandparents" could stretch over so far and bring in many more people than if it were just the parents. I

I endorse that that is in my opinion quite correct.

HON. TRUMAN M. BODDEN: Mr. Chairman, I will be very brief, Sir. My question to the Committee is very simply this. Do you want to give Caymanian status to a person who owes allegiance to Castro, or to Khrushchev, or to any other country other than neighbouring and friendly countries as we have set out in "eligible person"? In the event of war, for example, they owe allegiance to the nationality to which they belong and this would, in my opinion, create a difficult situation if the United Kingdom went to war with Argentina. For example, we had an Argentinian child here with Caymanian status. What is he? Is he an enemy? Whose side is he on? I think it is going to create bad complexities in that respect.

MISS ANNIE HULDAH BODDEN: If war broke out and we had a foreign citizen here, we should do what they did with Dagon at the outbreak of World War II.

MR. BENSON O. EBANKS: Mr. Chairman, Sir, I would say that the Member took a bad analogy. If England and Argentina went to war, the Argentinian in Cayman would do the same thing that the Argentinian did in the Falkland Islands - run. So he would hide. We would not have any trouble with him, Sir.

MR. CHAIRMAN: The First Elected Member for the Lesser Islands.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, the amendment before the House on this Clause, Sir, I fully support. It is something that we have been trying to do. That is, people with roots here we want to encourage, and it is restricted. One of the parents must be born here. The Member proposing it has taken out "grandparents", which would have widened his amendment, and this is precisely what all of us here have been trying to do - to extend to our fellow Caymanians abroad, who have had to leave here for economic reasons in the past, the privilege of coming back here to work amongst us and to help us build up the Islands.

I can see this amendment, Sir, as a fair one. We have given it to United States' citizens, and certainly anyone who was born here with definite roots. We cannot exclude these people, regardless of whether they have parents in Cuba. Perhaps, Sir, people who have lived under communism might do us some good if they were to come back here, because they know what communism is all about and can tell people here the bad effects of it.

I support this amendment, Sir.

HON. DENNIS M. FOSTER: As far as I am concerned, Sir, it does not even go far enough, because let there be no mistake about it, this child is the son or daughter of a father who was born here. That child is Caymanian by parentage, and you are only telling him here that he may apply for status. You are not even giving it to him - you are telling him he may apply. You are just giving him that privilege to apply, and that is after three years.

HON. TRUMAN M. BODDEN: Mr. Chairman, what I am just wondering is whether it is not better, following on what the First Elected Member for the Lesser Islands has mentioned, to leave in "grandparents", but try to restrict it to countries where most Caymanians are.

The wideness of it worries

HON. TRUMAN M. BODDEN (CONTINUING): me, because I do not believe that a person, take for example in Cuba, who has spent the last thirty odd years under the communist regime, can come out of it and think differently that easily, or that quickly, or at all. One or two as you point out may come out and assist in some way, but I think we run a real serious danger if we have people who have lived all their lives, and know nothing else but a communist way of life. I mean we know how difficult it is to change from our way of life in a democratic country to another way of life in another democratic country.

You can imagine the shock that one gets coming from a communist country into a democratic country. If it must go through wide, then the limitation to parents I think should stay in. If, on the other hand, we could try to restrict it to countries where Communism really are, and exclude the other ones and narrow it that way, maybe leave it to grandparents.

MR. CRADDOCK EBANKS: Mr. Chairman, I think we are being unreasonable, as it were, when you have one child who has one parent born here, in one country, and it is attempting to deny that child of the privilege of coming back to the realm of his parent, and making it reasonably easy for the same situation to exist from some other territory.

I said this morning, Sir, and I still say, it should be equally given consideration. Fairness and justice is the measure that we should use. Maybe many of them wouldnot attempt to come back or want to come back, but if they wanted to come back, they should be granted the opportunity and privilege to come back. I cannot see why it should be a barrier between two parents from two different countries - all from the same soil.

MR. W. NORMAN BODDEN: Mr. Chairman, I maintain that it is discriminatory to exclude the children of Caymanians regardless of what country they are from. I do not know why such a play is being made on Caymanian, because I think everybody knows, the majority of people in this country, exactly where each one stands But I feel that, regardless of what anybody's opinion might be, there are other countries other than those listed in Clause 2 of this Bill, where there are Caymanians, and if there is a child of a person born in the Cayman Islands, I feel should be entitled to apply. I understand that other clauses that have been applied in this Bill, have been explained by certain Members that entitlement and eligibility are two different things; and I feel that those persons whom I have put, or made it possible through this amendment, should be entitled to apply.

MR. J. GARSTON SMITH: Mr. Chairman, in my debate I made it abundantly clear that I did not want to see the flood gates of these Islands thrown wide open, but I think in certain cases, we really need to look at this thing. I agree with the First Official Member when he said a while ago - in any case these people are eligible to apply, but it does not mean that they will get Caymanian status.

HON. TRUMAN M. BODDEN: I wonder if I could just mention one other thing; the thing that worries me is that someone comes into this country for three years. Agreed, they are only eligible, But they come into a country for three years and you do not get to know them. I do not mind leaving in the three year period, where we know the countries from where they come, but let me ask you this: if you want to let in

HON. TRUMAN M. BODDEN (CONTINUING): these children, from let us say Cuba, because let us face it, there are a lot of Caymanians in Cuba who were born in Cuba and who know nothing but the way of life there.

I believe that a longer period would at least give us an opportunity, because remember you get nothing on these people. There is no police record. You literally get the people out of there with whatever the communist countries feel like giving them. So I would say, if you wish to widen this, then why not leave these years for the eligible persons and extend the period so that at least you could have checked on people coming from other countries, for example from Cuba? I think that would at least give a period to look at the person.

MR. BENSON O. EVANS: Mr. Chairman, I thought that at this contribution the Member was going to tell us the countries where Caymanians were, because I think that before that, that was the suggestion he was going to make - to list the countries where Caymanians existed. Anyway, I want to deal with what he just said, Sir.

Let us take the example of Cuba. The majority of Caymanians who are in Cuba are in the Isle of Pines which is an island off the mainland of Cuba. Those parents living in the Isle of Pines, who were born in the Cayman Islands, were in close contact with Caymanians up until the time that Castro took over, when Cayman stopped its trade with Cuba; but these people have a very similar way of life to the Cayman Islands.

For example, Mr. Chairman, those people who came back from Cuba in the late 1960's and early 1970's have all made very valuable contributions to this country's development. Each of them, almost without exception, brought some skill with them. For example, without them, today, the Public Works would probably stop still. They are technicians, and so on, of no main order.

I am not afraid, once these people are processed to the best of our ability by the British Consul or British Ambassador or whoever would be representing us in Havana - I have no fear of these people.

As the Member for the Lesser Islands said, maybe that is our best assurance that communism will never take root in the Cayman Islands. I have heard some of them, for example, point out that one of the first signs of a totalitarian or communist state is when the government begins to try to manage news and control the media. Those are the useful things that maybe they can tell their fellow Caymanians when these signs appear on the horizon.

I have no problem with those people, Mr. Chairman - in fact some of them have come home to visit and I have talked with them, and they have told me of their ways in Cuba and the Isle of Pines and how they would like to get out of it. If we can do something to help those people, Mr. Chairman, I am all for it. I do not believe that these are the people we have to worry about, wrecking this country. It is people who try to manipulate the media, manage the news, and things like that - those are the people we have to watch.

HON. TRUMAN M. BODDEN: I am very happy that I do not have friends such as he mentioned, but on the constructive side I am wondering, Sir, if, in 18 (1), which has the seven year period, we could not put persons who are not eligible persons and who are of one parent from here, in that Clause, so that at least we would have a period of wait and

HON. TRUMAN M. BODDEN (CONTINUING): see in relation to persons coming from countries from where we have no record.

Members here remember Marict and look at the problems that were launched in that respect. So, if the House are mindful of that, I think and I am always prepared to compromise, or if I am convinced to change my mind, but I would be a lot happier if a person is coming from the United Kingdom or the United States or wherever we have listed here, at least waited for a period of time until they could be properly checked.

MR. CHAIRMAN: It is actually after half past four, and I should have stopped already, but I thought we might be about to get a vote on this particular Clause. I am not so sure we are going to because I think there may be a second amendment proposed. It may take further time to debate it and sort out.

MR. BENSON O. EBANKS: I move that the question now be put, Sir.

MR. W. NORMAN BODDEN: Mr. Chairman, I would just like to say that if there is going to be an amendment to the amendment I would wish for my amendment be dealt with and have the Member put his own amendment through.

MR. CHAIRMAN: I was thinking he would be proposing a separate amendment. We are now after the time when I should have stopped proceedings. It is plain we are not going to finish tonight.

CAPT. CHARLES L. KIRKCONNELL: Could we not have a half an hour extra this afternoon?

MR. BENSON O. EBANKS: At least, Sir, yes, so that we will be sure to finish tomorrow.

MR. CHAIRMAN: Well, if that would suit Members. I think, too, that the Second Elected Member of Executive Council may be going to ask, as I would need to ask myself, whether we might be able to start tomorrow a little later than usual, because we both, and perhaps some other Members, have a commitment tomorrow morning, so that it might be as well to go on for another half an hour or so tonight, if that suits Members.

MR. BENSON O. EBANKS: I support the going on this afternoon, Mr. Chairman, but I do not support the delay tomorrow morning. I would suggest that you put the Second Official Member in the Chair, because I do not know about any other Members, but I would be prepared to come at ten.

HON. MICHAEL J. BRADLEY: The Second Official Member cannot sit in the Chair as long as the First Official Member is still around.

MR. BENSON O. EBANKS: I meant the First Official Member - if I said the Second, I meant the First.

MR. CRADDOCK EBANKS: Mr. Chairman, I might come to go to five, but not any later, because I am supposed to have a meeting tonight, and I must be home.

SUSPENSION OF STANDING ORDER 10(2)

MR. CHAIRMAN: Well, let us start by trying to go on till five tonight, and then later we can settle whether to start a little bit late tomorrow morning.

HON. DENNIS R. FOSTER: In which case I move suspension of Standing Orders 10 (2) to allow us to carry on until five o'clock this evening.

MR. CHAIRMAN: Does any Member wish to speak to that Motion?

MR. PERSON O. EBANKS: Only to ask the Member if he would prefer to move the suspension of Standing Orders without mentioning a specific time for closure, because we might be within five minutes of reaching a decision .....

MR. CHAIRMAN: Well, I have discretion on the Standing Orders anyway if we are very near to finishing something, to finish it, so that is all right, but I think five o'clock would meet most Members' wishes. I will put the question.

MOTION PUT: AGREED. STANDING ORDER 10(2) SUSPENDED.

MR. CHAIRMAN: I think as we did last time, it would be best to take the amendments one at a time. I do see that the amendment you have in mind might affect this amendment, but let us just see if we get this one through or not. I would like to put the question whether the amendment proposed by the First Elected Member for George Town should be accepted.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 19 PASSED.

HON. TRUMAN M. BODDEN: In that case, Mr. Chairman, it really makes redundant my moving any amendment to section 18 (1).

MR. CHAIRMAN: What you would have to do is amend the amended 19 (3) and amend 18 (1) simultaneously, and see if you could get support for that.

HON. TRUMAN M. BODDEN: Well, let me try that. I move that section 18 (1) be amended by inserting after the word "are", between the word "are" and "and" in the second line, the words "or one of whose parents was born in the Islands".....

MR. CHAIRMAN: I do not want to interrupt you, but will you not have to delete the words "who is an eligible person"?

HON. TRUMAN M. BODDEN: No, I said "or". Well, it could maybe best go in after "person", between "person" and "of not less than" so it would read: "Any person who is an eligible person or one of whose parents was born in the Islands", then it would have to say "and is of". So I would be inserting after "person" and "of" in the first line the words "or one of whose parents was born in the Islands" and "is", and then I will need to move one to 18 (3).

HON. MICHAEL J. BRADLEY: Sorry, Sir. I have not got that one correctly.

MR. CHAIRMAN: 18 (1) - you insert after the word "person", "or one of whose parents was born in the Islands".

HON. TRUMAN M. BODDEN: The section would then read "any person who is an eligible person or one of whose parents was born in the Islands and is .....

MR. CHAIRMAN: I do not think you need the "and is".

HON. TRUMAN M. BODDEN: All right, leave that out, that is no problem.

MR. CHAIRMAN: And then in 18 (3) .....

HON. TRUMAN M. BODDEN: In 18 (3) in the first line inserting after the word "person" - the words "who is an eligible person" as 18 (3) - that part of 18 (3) would do back the same.

MR. BENSON O. EBANKS: Mr. Chairman, I really do not follow the logic of this amendment.

HON. TRUMAN M. BODDEN: No; you wait until you have a chance to speak - I have not spoken to it yet. We have not even put it.

MR. CHAIRMAN: I think if the Member wishes to speak to the amendment, he has first go - that is fair.

MR. BENSON O. EBANKS: Yes, Sir, I am willing to give him that chance.

HON. TRUMAN M. BODDEN: You are willing to give it to me! I am entitled to it.

MR. CHAIRMAN: Order, order.

HON. TRUMAN M. BODDEN: What this very simply does is that it would allow the three-year period of a child of a parent who was born in the Islands of an eligible person, but if the person was not an eligible person then they would have to stand the seven-year period. The reason is simply this. They would achieve the same thing, but at least there would be a period of time during which they could be assessed before they would become eligible for status.

The reasoning is, simply, that I know we are going to have a lot of applications from places like Cuba and every Member in here knows that there is no way of getting records - Police records, medical records or anything else. The British Consul - there is not even a full Embassy in Havana - no, it is a full Embassy, I am sorry - the British Embassy, in spite of the fact that it will do as much as it can, has its limitations, because there just are not the sort of records that you find in the free countries. And I would hate to see that perhaps after three years we grant status to someone, and we find out that we may not have granted status if we had waited seven years, because they may have been, for example, involved in very serious

HON. TRUMAN M. BODDEN (CONTINUING): organized crime in that country, and there is no way of finding out, or alternatively they may be subject to other defects. We saw what came out in Mariel, and the United States is still trying to solve the problems that came from there. And, you know, I think that it is only reasonable if we must bring in people from countries which do not have records (if the Third Elected Member for West Bay does not turn his microphone on), that we at least give a period to assess persons. And, remember, all of the preferred status, relating to permits and those sort of matters, would still be with the person, but before he is finally given status, of which you cannot really do much after it is granted, we would have a period to assess him.

MR. CHAIRMAN: Could I just ask, so that I can understand it myself - and it may be helpful to Members too - whether I am right in believing that in practical terms, the effect of the amendment that you are now suggesting would be to mean that those people of Caymanian ancestry who had a parent born here, who had themselves probably been born and certainly living in the United States or Jamaica, would be able to apply for a grant of status after living here for three years; but those who are in similar circumstances, except that they had been probably born and certainly living in Honduras, Nicaragua, Costa Rica or Cuba (and I am naming countries where Caymanians most frequently went as I understand it) would have to wait seven years? That is the effect of what you are suggesting.

HON. TRUMAN M. BODDEN: Yes, Sir.

MR. BENSON O. EBANKS: Yes, Sir, except that I think you forgot Russia - he has been naming that.

MR. CHAIRMAN: I was naming the places to which Caymanians, as I understand it, commonly went.

MR. BENSON O. EBANKS: Yes, but I believe the Member believes there are some in Russia too, Sir.

HON. TRUMAN M. BODDEN: I am not going to argue with him today - I am just going to let him keep talking.

MR. BENSON O. EBANKS: Mr. Chairman, I am glad that he brought up the Mariel Boat Lift, because that was the ridiculous situation that I pointed out yesterday. If some of these people we are talking about in Clause 3, as amended, happened to have been amongst that Mariel Boat Lift and got United States citizenship, they are then eligible and can get it in three years. But, the unfortunate ones who did not take the Mariel Boat Lift route would have to wait seven years. You see, Mr. Chairman, what I .....

MR. CHAIRMAN: I take your point.

MR. BENSON O. EBANKS: There is a bit of manoeuvering, and I am not supporting that amendment. I do not know about anybody else.

MR. CHAIRMAN: The First Elected Member for the Lesser Islands.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, The amendment proposed has just made the thing more unclear. One section, subsections (1), (2), (3) and (4) of section 18, deals with four different types of persons.

The first one is any person, meaning anyone applying from any country - a period of seven years - must be an eligible person, but the seven year period is applicable in that instance. Whereas in the second one it deals with status for an adopted child, and then subsection (3) which has just been amended deals with people who are born here and one of whose parents was born here.

These are three different things, Sir. I do not see how we can mix three with one. What the Member - I think what he is trying to do is to extend the period of time when we will have a chance to assess the person whose parents were born here. Surely a simpler solution would be to extend the three year period to a longer period, and amend that. This is what I think he is trying to do - rather than to mix the two, subsections (1) and (3), together.

MR. CHAIRMAN: I think I have tried to make clear that what he is trying to do is to distinguish between those persons of Caymanian ancestry who have in recent years been resident in, and associated with, on the one hand United States and Jamaica, and on the other Cuba, Nicaragua, Honduras and Costa Rica - to exclude Puerto and to take only the places with which substantial numbers of Caymanians have been associated.

I think that is what the Member intended, and I think the amendment that he proposed does have the effect of giving effect to that sort of intention. Whether that is an intention that you support and welcome, or whether you do not think it is a good idea, is quite another matter.

MR. BENSON O. EBANKS: No, Mr. Chairman, you see, because, as far as I know, members of the Klu Klux Klan in America are not identified either. That is a clandestine organisation and if you got a report on them from the United States, or even on the Mafia, there would not be a report on that unless they were really active and had been caught.

Similarly if they were coming from the United Kingdom or Northern Ireland and had been members of the IRA, that again is a secret organisation and only some members who have owned to declare their hand are known. In fact, just recently there were Americans in Ireland supporting the IRA quite openly. So, Mr. Chairman, this is only a red herring. I think the Members know what they have done, and are prepared to live with it.

HON. TRUMAN M. BODDEN: Mr. Chairman, let me just say: there must be even to that Member, some distinction between a country which has the majority or ninety-nine per cent of its citizens, say as communists or as Klu Klux Klan, or whatever he keeps referring to, and one in which it is a very minute part.

You get, I would expect, communists in a very minority situation, or socialists, in a democratic country - you may even get one or two democrats in a socialist or a communist country. What I am drawing the distinction to is countries of which the majority population is certain - or if we got a hundred applicants from

HON. TRUMAN M. BODDEN (CONTINUING): ...Cuba, we may find one democratic person amongst them, but the majority would be out of a communist regime, and I am drawing the distinction of what the majority population is. I know that there are minorities as we can see, from even within the House and without, even, but the majority population in the United Kingdom are not communists. The majority of the population of the United States and of Jamaica and the other countries are not communists. That is the point I am making.

MR. W. NORMAN BODDEN: Mr. Chairman, I cannot support that amendment, Sir, because it is my opinion that a person can be assessed in the three years and I see no reason why it needs to be increased to find out what kind of person he is, when he has quite a rigid procedure to go through before he can even become resident here for one year.

MR. CHAIRMAN: I think we have probably had a fair go at discussing this, and I would like to put the question, if I may. I think all Members understand what it is - it is the amendment which was moved by the Second Elected Member of Executive Council and it is in two parts, but we take it both separately and as it have together, and it amends Clause 18 (1) and (3) of the Bill.

QUESTION PUT: AYES AND NOES. AMENDMENT TO CLAUSE 18 DEFEATED.

MR. CHAIRMAN: In that case, I hope that it may now be possible for me to put Clause 18 as amended, that is the amendment that has already been carried and it was an amendment to Clause 18, sub-section (3) proposed by the First Elected Member for Cayman Town. I would put the motion that Clause 18 as amended do stand part of the Bill. Unless any Member wishes to speak further I will put that question.

QUESTION PUT: AGREED. CLAUSE 18 AS AMENDED PASSED.

CLERK: CLAUSE 19 - PROCEDURE OF THE BOARD IN CONSIDERING APPLICATIONS FOR A GRANT.

MR. CHAIRMAN: The question is that Clause 19 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 19 PASSED.

CLERK: CLAUSE 20 - EVIDENCE OF CAYMANIAN STATUS BY GRANT.

MR. CHAIRMAN: The question is that Clause 20 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 20 PASSED.

CLERK: CLAUSE 21 - LOSS OF CAYMANIAN STATUS.

MR. BENSON O. EBANKS: Now, Mr. Chairman, this is the section where I know that the Second Official Member on the Benches would have, by now, prepared an amendment to (a) .....

MR. CHAIRMAN: To Clause 21(1)(a)?

MR. BENSON O. EBANKS: Right.

MR. CHAIRMAN: Perhaps I could just ask the Second Official Member whether we are right in supposing that he considers that an amendment to that Clause is necessary in order to take care of the amendment to Clause 18 (3).

HON. MICHAEL J. BRADLEY: Without having fully considered it, I think that we do need an amendment because as 18 (3) stands now, a person can be granted status without that person being an eligible person - but under 21 (1) (a), a person loses status when he ceases to be an eligible person. There could be an argument for saying that 21 (1) (a) would only bite where you were eligible, and then cease to be it, but I think it would prevent confusion if there were a clarification put in by a short amendment to 21 (1) (a).

MR. CHAIRMAN: Are you in a position yet to propose an amendment - or would you prefer time to look at it more carefully and consider, because if you would, subject to the views and the wishes of the House, we could go on to Clauses 22 and 23 - and go back to Clause 21 tomorrow, which might be safer.

HON. TRUMAN M. RODDEN: I might just say that there are times like these that a good lawyer is very important to the House.

MR. CHAIRMAN: I quite agree.

MR. BENSON O. EBANKS: I agree with that too, Mr. Chairman, that is why I can see that a good one gets in on the 14th November.

(LAUGHTER)

MR. CHAIRMAN: Perhaps it might be wisest, as we have got a few more minutes and could get on a bit further, to proceed with Clause 22 and to come back to Clause 21 in the morning, giving the Second Official Member slightly longer and giving him a chance to circulate to the House a typed version of the amendment he proposes. I think I will do that, if I may.

HON. MICHAEL J. BRADLEY: I would, Sir, just like to get drafting instructions in the sense - to understand that it is the wish of the Committee that 21 (a) stand as it is except for such minimum necessary amendments to provide that people who get status under 18 (3) still keep it no matter what they are.

MR. BENSON O. EBANKS: Exactly.

MR. CHAIRMAN: Perhaps I could put the question that the Committee agrees with Clause 21, subject to that sort of amendment because it would be pointless for the Second Official Member to draught the amendment and then find that the Committee did not like Clause 21 anyway. So I will just put the question that Clause 21 is agreed by the Committee, subject to the .....

HON. MICHAEL J. BRADLEY: Sir, if we turn the page there is just one amendment which is just slightly more than typographical, and that is 21 (1) (e) the first word, in (iii) should be "he" instead of "who".

MR. CHAIRMAN: Well, then, I will ask the House whether they will agree in principle. I am not putting the question that the Clause stand part of the Bill yet, that Clause 21 (1) should be amended by the correction to sub-paragraph (e) (iii), which has just been mentioned by the Second Official Member, and also by the kind of amendment to subsection (1) paragraph (a) which he outlined. If that is agreed, then the necessary amendment could be brought to the Committee in the morning.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, perhaps if Members would like not to be delayed further - that apart from having two lawyers in the House, we also have the advantage of a legal draughtsman with us today, who is formulating .....

HON. TRUMAN M. BODDEN: There are three lawyers - Miss Annis.

HON. MICHAEL J. BRADLEY: I was speaking on this side of the House, of course, not on the far Benches, Sir. The legal draughtsman has formulated an amendment to 21 (a) which is in the nature of a proviso.

MR. CHAIRMAN: Well, I think if we could have it typed and distributed in the morning it really would be easier. Let me finish what I was doing. Members do agree in principle that that is what they would like done to the Clause.

QUESTION PUT: AGREED.

CLAUSE 21 DEFERRED.

MR. CHAIRMAN: So we will take the Clause in the morning, if we could get the proviso typed so that Members can see it. Meanwhile we can go on with one or two more clauses.

CLERK: CLAUSE 22 - POWERS OF COURT.

MR. CHAIRMAN: The question is that Clause 22 do stand part of the Bill.

QUESTION PUT: AGREED.

CLAUSE 22 PASSED.

CLERK: CLAUSE 23 - PERSONS EXEMPTED.

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

MR. BENSON O. EBANKS: You could leave that for debate, Sir, and you would recall that in the Second Reading I called attention to the fact that in 23 (c), "members of the crew of any vessel engaged in their duties as such", representation had been made on this point and I was in sympathy with it. Of course, I acknowledged that research would have to be made into our Merchant Shipping Law, or whatever we have. But the point at issue, Mr. Chairman, is not that the crew of a ship cannot carry on their work as the crew of a ship when it is in port,

MR. BENSON C. EBANKS (CONTINUING): for example, the point at issue is not that a sailor should not be able to go down on a plank and paint the side of a ship when it is in port, nor is it the point that members of the crew of an aircraft should not be able to do their normal duties while on the ground here for a turn-around .....

MR. CHAIRMAN: I think I shall have to interrupt the Member. I was a bit too sanguine. I thought we could do a few more Clauses, but clearly there is going to have to be discussion of Clause 23 and I cannot reasonably presume that we will finish it in a couple of minutes, or something like that.

MR. BENSON O. EBANKS: Could I just ask the Honourable Second Official Member, and maybe the legal draughtsman, if it is possible to do some research on it before we come in the morning?

MR. CHAIRMAN: Perhaps they could have a private word with you after we adjourn in a minute's time. They may be able to explain what the position is to you. I think we probably resume in the House before we adjourn, do we not?

The House will resume.

HOUSE RESUMED

MR. BENSON O. EBANKS: Mr. President, could I enquire why it is that only the Members on that side get protection from the sun, Sir?

HON. TRUMAN M. BODDEN: Because the Members on that side are too bright.

HON. MICHAEL J. BRADLEY: You can change sides.

MR. BENSON O. EBANKS: I do not mean the Government side, you know.

MR. PRESIDENT: Please be seated.

HON. TRUMAN M. BODDEN: Mr. President, I would like to ask that the suspension, rather than being an adjournment until ten o'clock, be until ten-thirty or about eleven? I would ask the Honourable First Official Member if he may be minded to put that, because there are several Members, and I think yourself, who have an engagement interrupted for other matters where Members had to go, both social as well as business.

MR. PRESIDENT: I will certainly invite the Honourable First Official Member to put that motion, but of course if a majority of the Members favour the normal time, they will have an opportunity to say so and to vote accordingly.

ADJOURNMENT

HON. DENNIS M. FOSTER: Mr. President, I move the adjournment of the Honourable House until eleven o'clock tomorrow morning, Sir.

MR. BENSON O. EVANKS: Mr. President, if the Honourable First Official Member is available to go in the Chair, I would suggest that the adjournment be moved until ten o'clock. Of course, if we do not have a quorum to go on, well then, that is a different matter. But, I do not think that the matter for which the Honourable House is being sought to be delayed is a matter of public importance to the extend that the business of the House should be disrupted.

MR. PRESIDENT: I think that my suggestion is that a number of Members feel like that. It can come to a vote and we can decide. I would wish to be guided by the wishes of the House, but I will first put the question that this House do adjourn until eleven o'clock tomorrow morning?

QUESTION PUT: AGREED. AT 5:04 P.M. THE HOUSE ADJOURNED UNTIL 11:00 A.M., FRIDAY, 9TH SEPTEMBER, 1964.

FOURTH MEETING OF THE (1984) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
FRIDAY, 14TH SEPTEMBER, 1984

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS M FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLD	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON LEMUEL HURLSTON	ACTING THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN B McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN M BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON O HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BENSON O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MARY S KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FOURTH MEETING OF THE (1984) SESSION

OF THE

LEGISLATIVE ASSEMBLY

FRIDAY

14TH SEPTEMBER, 1984

1. PRESENTATION OF PAPERS AND REPORTS

   FINANCE COMMITTEE

   (Meetings held 7th and 10th September, 1984)

   TO BE LAID ON THE TABLE BY THE HONOURABLE ACTING THIRD OFFICIAL MEMBER.

2. GOVERNMENT BUSINESS

   BILLS:-

   (i) COMMITTEE STAGE (CONTINUING)

   THE CAYMANIAN PROTECTION BILL, 1984

   HOUSE RESUMES

   (ii) REPORT THEREON

   THE CAYMANIAN PROTECTION BILL, 1984

   (iii) THIRD READING

   THE CAYMANIAN PROTECTION BILL, 1984

TABLE OF CONTENTS

	PAGE
Report of Finance Committee Meetings held on the 7th and 10th September, 1984 - Laid on the Table	1
The Caymanian Protection Bill, 1984 - Committee Thereon	3
Report Thereon	45
Third Reading	44
Adjournment	46

FRIDAY, 14TH SEPTEMBER, 1984

11.11 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
Presentation of Papers and Reports.
The acting Third Official Member.

PRESENTATION OF REPORTS

FINANCE COMMITTEE

HON. LEMUEL HURLSTON: Mr. President, under Standing Orders I beg to lay on the table of this Honourable House Reports of the Standing Finance Committee Meetings held on the 7th September, 1984 and the 10th September, 1984.

MR. PRESIDENT: So ordered.

HON. LEMUEL HURLSTON: Mr. President, on the 7th September, 1984 the Standing Finance Committee met, considered and approved supplementary expenditures totalling CI$671,096 covering the following items of expenditure:

1. HEAD 7 - POLICE DEPARTMENT
SUB-HEAD 8 - UTILITIES.....CI$3,500
(Additional funds to purchase water for Police Headquarters and Sub-Stations)
SUB-HEAD 12 - VEHICLE HIRE AND MAINTENANCE
(Additional funds to meet commitments in relation to police vehicles, expenses not budgeted for in the 1984 Budget). Amount approved.....CI$85,000

2. HEAD 10 - FINANCE AND DEVELOPMENT
SUB-HEAD 19 - LOANS
(Funds to cover unsecured loans to provide assistance to the following private schools:-
(a) Triple C School - over a 10 year period with interest at 7% per cent, repayment commencing in September, 1985).....CI$100,000
(b) Our Lady of Perpetual Help Preparatory School - over a period of 10 years with interest at 7% per cent per annum, repayment commencing in September, 1985).....CI$185,000
(c) Edner School - over a 10 year period with interest at 7% per cent per annum, repayment commencing in September, 1985).....CI$60,000

3. HEAD 14 - HEALTH, EDUCATION AND SOCIAL SERVICES ADMINISTRATION
SUB-HEAD 8 - MEDICAL CASES
(Funds to cover an unusual overseas medical expense).....CI$10,000
SUB-HEAD - SPORTS GRANTS
(Funds to assist the Cayman Islands Amateur Boxing Association Ltd. Once the association has raised $40,000 on its own Government will match on a dollar for dollar basis funds to the extent of.....CI$75,600

HON. LEMUEL HURLSTON (CONTINUING):

HEAD 15 - EDUCATION DEPARTMENT
SUB-HEAD 1 - PERSONAL EMOLUMENTS
(Funds to cover salaries of five teachers for the Middle and High Schools).....CI$27,000
SUB-HEAD 14 - BOOKS AND EQUIPMENT
(Funds to cover books and equipment for the Middle and High Schools due to increased enrolment).....CI$23,055

5. HEAD 19 - AGRICULTURE, LANDS AND NATURAL RESOURCES
SUB-HEAD 7 - ADMINISTRATION
(Funds to cover fees and expenses for the Cayman Turtle Farm consultancy and to complete the project).....CI$59,436

6. HEAD 25 - TOURISM
SUB-HEAD 7 - LOCAL PROMOTION
(Funds to complete the roofing of three uncompleted shops at the Hall project in West Bay).....CI$10,000

7. HEAD 41 - LOCAL CONSTRUCTION
SUB-HEAD 30 - PURCHASE OF LANDS
(Funds for the purchase of Parcel 187 in Block 35B in Cayman Brac purchased for the Cayman Brac airport terminal).....CI$ 2,560
SUB-HEAD 34 - WATER AND SEWERAGE DEVELOPMENT
(Funds for the Water Lens at East End).....CI$90,000

At the Standing Finance Committee Meeting held on 10th September, 1984, Mr. President, a sum of $43,000 was approved in respect of Head 7, Police Department, Sub-Head 1, Personal Emoluments, these funds being in respect of two replacements and five additional specialist officers being recruited in the Police Department.

Thank you, Sir.

MR. PRESIDENT: In accordance with the provisions of Standing Order 67, paragraph (4) the House is deemed to have agreed to the motion.

Before we resume the Committee stage consideration of the Bill to repeal and replace the Caymanian Protection Law I have one announcement to make.

A special report from the Auditor General was laid yesterday. As Members will have noted it dealt with the answer given last week by the Honourable Third Official Member to a parliamentary question. That Member is at present away. He unfortunately therefore has no opportunity to clarify the position and will have none before the dissolution. The Acting Financial Secretary should not be expected to do so instead. Nevertheless a few comments are desirable.

First, had I considered that some parts of the answer threw doubt on the Auditor General's integrity I should have ruled them out of order, but in my present view this was neither the intention nor the effect of anything said. Criticism rather centred on the fact that most figures were estimates and necessarily imprecise or, in one case as has been acknowledged, incorrect.

What should have, however, been added was that the Auditor General had himself drawn attention to their

MR. PRESIDENT (CONTINUING): inspection and that he has a statutory duty to ascertain whether in his opinion essential records are sufficient to safeguard the control of revenue, a duty which cannot always be discharged without estimating revenue.

Second, the Audit Law provides that the Auditor General may at any time if it appears to him to be desirable, transmit a special Report on any matter incidental to his powers and duties under this Law. Such a Report should therefore be limited to matters of the kind specified. It has been represented to me that parts of the Report laid yesterday went beyond such matters and were ultra vires as a result.

Whilst I had taken the view that Section 8(3) of the Audit Law required that the Report be laid, I shall be considering what action may be desirable to safeguard against the inclusion of any inappropriate material in future.

Item 2 on the Order Paper, Bills. The House will resume in committee.

GOVERNMENT BUSINESS

BILLS

COMMITTEE THEREON

THE CAYMANIAN PROTECTION BILL, 1964

MR. CHAIRMAN: At the time of the adjournment yesterday we had, according to my records, begun to discuss Clause 23 but had left Clause 21 over for discussion today. Subject to the Committee's wishes it may be convenient to go back, we had not got very far with Clause 23. Let us go back first to Section 21 so we do not forget it, deal with that and then move to Clause 23 and continue through. So unless any Member wishes to suggest otherwise I propose now to return to Clause 21. I will ask the Clerk to read it in the usual way.

CLERK: CLAUSE 21 - LOSS OF CAYMANIAN STATUS.

MR. CHAIRMAN: The question is that Clause 21 stand part of the Bill and before I put that question I think all Members should by now have received a copy of a Committee Stage amendment to the Clause which the Third Elected Member for West Bay proposes to move. So I will invite him to move it.

MR. VENSON O. EBANKS: Mr. Chairman, assuming that your permission has been given for the amendment I propose that the following amendment be moved to Clause 21(a) of the Bill. That is that Clause 21 (a) of the Bill be amended by substituting a colon for the semi-colon at the end and by adding the following proviso:

> "PROVIDED that this paragraph does not apply to a person to whom status has been granted under section 18(3);".

The effect of this, Mr. Chairman, would be to preserve the rights of persons granted Caymanian status under 18(3) as amended yesterday, who but for this amendment would lose status under Section 21(a).

MR. CHAIRMAN: If I could just add I think all the time you really mean Clause 21(1)(a) because there is a (1)(a) and a (3)(a).

MR. BENSON O.EBANKS: Yes, Sir, 21(1)(a). That is the way the amendment reads. If I am not saying (1)(a) I am sorry.

MR.CHAIRMAN: There is a(3)(a) as well and....

MR. BENSON O. EBANKS: It is 21(1)(a). That is the way the amendment reads, Sir.

MR. CHAIRMAN: Does any Honourable Member wish to speak to that amendment? If not I will put the question that the Clause be amended as moved by the Third Elected Member for West Bay.

QUESTION PUT: AGREED. AMENDMENT PASSED.

HON. MICHAEL J. BRADLEY: If I may be permitted, Sir, just to mention a small typographical error seeing it is an amendment not the substantive text. It should, I think, be a semi-colon at the end instead of a full stop because we are inserting it.

MR. BENSON O. EBANKS: I accepted that as a typographical error which you would correct.

MR. CHAIRMAN: Fine. I will now unless any Member wishes to speak to the Clause as amended put the question that the Clause as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 21 AS AMENDED PASSED.

MR. CHAIRMAN: Clause 22 has been dealt with already.

CLERK: CLAUSE 23 - PERSONS EXEMPTED.

MR. CHAIRMAN: The question is that Clause 23 do stand part of the Bill and I recollect the Third Elected Member for West Bay had begun to speak on the Clause yesterday.

MR. BENSON O. EBANKS: Yes, Mr. Chairman, an amendment to 23(a) is with the table and it is being circulated.

MR. CHAIRMAN: You are quite right. I have had it. I am sorry.

MR. BENSON O. EBANKS: However, Mr. Chairman, after having this typed, out of an abundance of caution I have thought it advisable to add something to the typed version of the amendment. Because there seems to be a grey area as to whether The British Merchant Shipping Law or any other Law would come into effect, and they would have any relevance. So for the avoidance of doubt and out of an abundance of caution I would like to add the following words to the printed version which has been circulated and that is, "except such exemptions".

MR. CHAIRMAN: Could you tell me where it is added? Is it added at the end?

MR. BENSON O. EBANKS: Yes, Sir, "except such exemptions which may be relevant under any other law or laws enforced in the Islands".

MR. CHAIRMAN: Perhaps I could read out the amendment as I understand it now to be so that all Members are clear. The proposal is that Clause 23(e) be amended by substituting a colon for the semi-colon after the word 'such' and adding:

> "PROVIDED that for the avoidance of doubt it is to be understood that this exemption does not apply to the hiring or recruitment of crew on a permanent basis of vessels belonging to persons having Caymanian status or to Caymanian registered companies trading within or from within the Islands except such exemptions which may be relevant under any other Law or Laws enforced in the Islands."

I wonder whether the Member would permit me to invite the Honourable Second Official Member to say whether, provided that the House wanted and favoured an amendment of this kind, that wording is going to be satisfactory or whether we are going to be perhaps in conflict with some international convention. Or whether the wording is such that it may not be clear whether there is a conflict with British law. Whether there is some purely legal problems?

MR. BENSON O.EBANKS: Well, Mr. Chairman, that is the reason for this small addition at the end....

MR. CHAIRMAN: That I have understood but I am really.... I would like to find out whether the addition serves its purpose rightly.

HON. MICHAEL J. BRADLEY: Sorry, I , Mr. Chairman, was going to ask the Honourable Third Elected Member for West Bay whether in the formulation of the verbal addition to his amendment he had the assistance of the Honourable First and Second Official Members' technical advisors, or whether this is a thought in which there has been no consultation?

MR. BENSON O. EBANKS: It is purely mine, Mr. Chairman, so if he would like to have a word with the....In fact, Mr. Chairman, I discussed the first part of the amendment, the typewritten part, with the Legal draughtsman this morning. But when I sat here it struck me that out of an abundance of caution I should add this.

HON. MICHAEL J. BRADLEY: This, Mr. Chairman, Sir, with respect was the type of situation I hope to avoid and that is why I had the services available of the draughtsman. Could we perhaps go ahead and recommit this when we have had time to think about it?

MR. CHAIRMAN: I think that would be wiser because....

MR. BENSON O. EBANKS: That would be fine with me, Sir.

HON. TRUMAN M. BODDEN: I would just like to ask for a couple of clarifications on this before it goes into the drafting stage. Do you understand that when this goes through every ship and every plane or anything that is either owned by a person having Caymanian status or it is a Caymanian registered company, whatever is meant there, trading from within the Islands, everybody who is on that has to have a work permit. So that unless you are falling within these categories here, in other words it is exempting from the exemption. So if it is owned by a Caymanian then the exemption

HON. TRUMAN M. BODDEN (CONTINUING): does not apply. In other words you have got to get work permits on every ship and every vessel unless you can bring it under being owned by a person having Caymanian status or if it is a company. You are exempted from having work permits. This Section here as I see it is exempting all except Caymanian companies from having permits. It is not exempting them from the exemption as such so if it is a Caymanian company it would not have to have permits or if it is a person of Caymanian status they would not have to have permits. Otherwise anybody outside that class has to have work permits on any vessel coming within the Islands.

MR. BENSON O. EBANKS: Mr. Chairman, that is not the effect of the amendment at all. The amendment would read in its entirety, in other words the (c) which is there would remain;

> "Members of the crew of any vessel engaged in their duties as such;"

That gives exemption to crews of vessels carrying on their normal work while in our port or on the ground at the airport or whatever. I have gone on now to say that the intention of the law was never to put the recruitment of crew of Caymanian owned vessels or companies registered here outside of the ambit of the Caymanian Protection Law and that is what this amendment is seeking. The Member should understand that the Caymanian Protection Law exempts persons of Caymanian status from having to get a work permit so any crew member who is a person of Caymanian status could be hired without a work permit.

HON. MICHAEL J. BRADLEY: Mr. Chairman, if I may I think as I see it that the words "for avoidance of doubt" are very usefully put in here because if this amendment goes through it will mean, for example, if I have a ship, if I own a ship as a person not having status, that I do not need work permits for my crew. Whereas if the Third Elected Member for West Bay was owned the Queen Anne's Revenge, he would need work permits for his expatriate staff. I do not think that is what he intends.

MR. CHAIRMAN: I think that perhaps it would be sensible.....Please let me speak. I think it would be sensible to defer consideration of this Clause in order that the time of all Members should not be taken up in an attempt to get the wording of the amendment such as will accurately reflect the mover's intention. And it would be wiser to ask him to consult during a break with the Honourable Second Official Member and,or with the legal draughtsman so that they are clear what his intentions are and what exactly he wishes the Law to achieve, and they can then put it into appropriate phraseology agreed with him and he can then bring an amendment which will in fact legally achieve the objectives he has in mind. I think if we go on discussing it now we will take up everybody's time, quite a lot of it without necessarily getting a satisfactory result.

MR. BENSON O.EBANKS: Except, Mr. Chairman, that it would help the Honourable Second Official Member and the legal draughtsman if I would make it clear, and the Members....

MR. CHAIRMAN: Well if you would like to break off for two minutes and make it clear, please do.

MR. BENSON O. EBANKS: No, and the Members, Mr. Chairman, because the point raised by the last Member is irrelevant. We have no control over a foreign flag ship. We can only deal with ships over which we have control so a foreign flag ship is not in consideration.

MR. CHAIRMAN: What you wish to achieve as I understand it is that locally owned vessels should not be exempt unless in particular cases there is some international requirement for exemption. It is more or less that anyway and I dare say that the draughtsman will be able to prepare something, but I would really sooner proceed provided the Committee agree, to the next Clause leaving you to discuss with them a wording which is going to be satisfactory to both and bring it back to the Committee.

HON. G. HAIG BODDEN: Mr. Chairman, while I agree with what you have said I have not had an opportunity to get in a word because the Member moving the amendment has kept the line busy.

MR. CHAIRMAN: I promise you an opportunity to get in a word when we come back to the Clause.

HON. G. HAIG BODDEN: All right because I am against it in principle. It would mean that if the Kirk Express hired a crew member in Jamaica and came here, Captain Charles or whoever was in charge of the ship would have to go out and get a work permit. That person would not be allowed to work in our ports on that ship and this is nonsense.

MR. CHAIRMAN: I would like just to make it clear that nothing I have been saying has been intended either to imply that when the amendment is put into the necessary form I am supposing it will necessarily go through, still less to inhibit discussion of it once it has been formulated. It simply seems to me that to discuss an amendment which may be wrongly worded is going to be a waste of the Committee's time and will lead to confusion.

MR. BENSON O. EBANKS: I agree with you, Mr. Chairman, but I would venture to say it will not have to be changed much.

MR. CHAIRMAN: I think let us move perhaps to the next Clause. We have many Clauses to go.

HON. MICHAEL J. BRADLEY: Except, Sir, that if we are going to do that may I please reserve my right if I think later on that we need to stop to get this cleared up first, because it may interact on other provisions later on. There is a danger in leaving something undecided and happily passing other Clauses which we do not know if this would have an effect on.

MR. CHAIRMAN. But surely there must be a danger with any amendment that it is going to reflect not only on future Clauses but on past Clauses, and all the Clauses which we have already passed just as all the Clauses yet to come might be affected by an amendment. However, let us try and go ahead as best we can and we will ask you to bear in mind if we do come to a Clause which might be affected, the need to come back to it later.

CLERK: CLAUSE 24 - LICENCE REQUIRED FOR GAINFUL EMPLOYMENT OF PERSONS OF NON-CAYMANIAN STATUS.

MR. CHAIRMAN: The question is that Clause 24 do stand part of the Bill. I will put that question.

QUESTION PUT: AGREED. CLAUSE 24 PASSED.

CLERK: CLAUSE 25 - APPLICATION FOR LICENCE.

MR. CHAIRMAN: The question is that Clause 25 do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 25 PASSED.

CLERK: CLAUSE 26 - THE FORM OF THE APPLICATION.

MR. CHAIRMAN: The question is that Clause 26 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 26 PASSED.

CLERK: CLAUSE 27 - CONSIDERATION OF THE APPLICATION BY THE BOARD.

MR. CHAIRMAN: The question is that Clause 27 do stand part of the Bill.

HON. TRUMAN M. BODDEN: Mr. Chairman, there was a reference I think to 27(1)(c) by the Joint Committee and I think what they were referring to there is the availability of persons of Caymanian status and the availability of persons resident. I wondered what the feeling of the House was on this because I....

MR. CHAIRMAN: I think the point made was that if there was somebody who had permanent residence it might be good to give him preference over bringing in another person.

HON. TRUMAN M. BODDEN: That is right. I do not know whether the House feels that it is something which is more appropriately dealt with through directives or regulations or whether a bit of alteration to this could bring out that purpose. Because I think that is what, at least as far as I feel, should be the hierarchy of it and would be persons with status first, persons resident next, and others.

MR. BENSON O. EVANS: Mr. Chairman, I think that if directives are issued in accordance with the requirements of (a) to (i) of this Section or in the spirit of that, all bases should be covered, Sir. I do not see where we have any problem with this Section at all.

I believe that the point which, I think it was the Young Businessmen's Association made was that, for example, if there was a trust officer employed in the Islands whose wife was a qualified lawyer that it would be better to give the wife of that trust officer a permit to practice as a lawyer rather than having to go and recruit another lawyer who probably would bring his wife who was qualified as a nurse. That was what the Young Businessmen's Association was talking about, and I believe that there have been instances of this type of thing that have brought this to their attention, Sir.

MR. CHAIRMAN: I think it is probably quite true that under the present wording it would be perfectly possible for the Board to take account of the availability of anybody, not just Caymanians, who was resident and it would be perfectly possible to

MR. CHAIRMAN (CONTINUING): give directions inviting them to do so, so I think that probably does meet the wishes of the....

HON. TRUMAN M. RODDEN: I think now they carry it out anyhow, but since it was raised I thought I would raise it, Sir.

MR. CHAIRMAN: Thank you. May I then put the question that Clause 27 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 27 PASSED.

CLERK: CLAUSE 28 - BOARD MAY REFUSE OR GRANT APPLICATION SUBJECT TO CONDITIONS.

MR. CHAIRMAN: The question is that Clause 28 stand part of the Bill.

MR. BENSON C. EBANKS: Mr. Chairman, this is where I believe in the meeting with the delegation from the Chamber of Commerce the Committee agreed to cover certain of their objections under general directives. One of the objections, for example, was that presently an application for a work permit would possibly be refused without stating any reason and they were left to wonder whether in fact the Board felt that they did not need the employee, or whether it was a problem with the nationality of the employee, or with the character of the prospective employee. I think the Committee agreed that under directives it would be suggested to the Board that where the reason for refusal was not that they felt that the need had not been shown for the employee, that they would say, "This application is refused but submit another name or another nationality", and they accepted that. So I think that we have no problem on that point once we stick with our undertaking to do the directives accordingly.

MR. CHAIRMAN: Subject to the views of the Honourable Second Official Member I do not think that the House can bind a future Governor-in-Council to issue such directions unless the Law reflects the House's wishes. I am sure that any future Governor-in-Council would take note of the wishes expressed by this House although those wishes were not given the force of law but unless you amend the Law....

MR. BENSON C. EBANKS: I am aware of the legal position, Mr. Chairman, and I would not suggest that any amendment be put to the Law. I was just putting the spirit of this Section before the House.

MR. CHAIRMAN: Unless any Member wishes to speak further I will put the question that Clause 28 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 28 PASSED.

CLERK: CLAUSE 29 - LICENCE FEES.

MR. CHAIRMAN: The question is that Clause 29 stand part of the Bill.

HON. TRUMAN M. RODDEN: Mr. Chairman, I think the First Elected Member for George Town had commented and I am also of the view that if someone goes on a work permit and pays the fee which is now substantial and then leaves or is terminated whatever, say after a month, that the fee should be applied towards the next one rather than forfeiting say, $2,000 or $750, whatever it is and then having to pay

HON. TRUMAN M. BODDEN (CONTINUING): it again. However the fees are dealt with under the regulations and I am wondering whether that may not be the more appropriate place to deal with it.

MR. CHAIRMAN: I think that is where it would have to be dealt with, but....

HON. TRUMAN M. BODDEN: I just raised it because....

HON. MICHAEL J. BRADLEY: I have just been speaking to the Acting Honourable Third Official Member. I think abatement and waiver can be dealt with under regulations because if we prescribe them we can prescribe them in a particular manner and I feel that the Financial Secretary will give due note to the wishes of the House.

MR. W. NORMAN BODDEN: That was my understanding, Mr. Chairman, that there would be a remission of fees which I mentioned in the debate, and in the Select Committee I was made to understand that this would be taken care of in the regulations.

MR. CHAIRMAN: An abatement under specified circumstances?

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

MR. CHAIRMAN: So I think that deals with the point. In that case I can put the question that Clause 29 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 29 PASSED.

CLERK: CLAUSE 30 - OFFENCE TO ENGAGE IN GAINFUL OCCUPATION TO EMPLOY PERSONS IN CONTRAVENTION OF PART IV.

MR. CHAIRMAN: The question is that Clause 30 do stand part of the Bill. Does any Honourable Member wish to speak? I will put that question.

QUESTION PUT: AGREED. CLAUSE 30 PASSED.

MR. CHAIRMAN: Before we move to Part V, I do not know whether the Honourable Second Official Member would prefer that we went back to Clause 23 and tidied it up, and whether if so he has a version which could be shown to the Third Elected Member for West Bay. Or is it better to leave this open....

HON. MICHAEL J. BRADLEY: My understanding was, Mr. Chairman, Sir, that the legal draughtsman was in the process of having typed a re-worded amendment for the approval of the Honourable Third Elected Member for West Bay. I do not know whether the Honourable Third Elected Member for West Bay has seen an amended version yet. No? It is still being typed then.

MR. CHAIRMAN: All right let us proceed then to Clause 31.

CLERK: CLAUSE 31 - APPLICATION OF OTHER LAWS.

MR. CHAIRMAN: The question is that Clause 31 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 31 PASSED.

CLERK: CLAUSE 32 - GENERAL PROHIBITION FROM ENTRY INTO THE ISLANDS WITHOUT SPECIFIC PERMISSION OF IMMIGRATION OFFICER.

MR. CHAIRMAN: The question is that Clause 32 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 32 PASSED.

CLERK: CLAUSE 33 - CERTAIN PERSONS DEEMED NOT TO HAVE ENTERED THE ISLANDS.

HON. MICHAEL J. BRADLEY: This, Mr. Chairman, I think brings me back to my original point that I think we would need to know the wording of what the proposed amendment is and whether it has been carried before we consider this because this Clause refers to crews and passengers in transit in a vessel.

MR. CHAIRMAN: If the Committee agrees I will then leave over Clause 33 to be dealt with after we have further discussed Clause 23 and we can go on to Clause 34 now.

MR. BENSON O. EBANKS: I accept that, Mr. Chairman, but I do not think the amendment affects this.

MR. CHAIRMAN: I think if the Honourable Second Official Members is of the opinion that it would be unwise to proceed with this the Committee may prefer to accept his view.

CLERK: CLAUSE 34 - DUTY TO PRODUCE PASSPORT, ETC.

MR. CHAIRMAN: The question is that Clause 34 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 34 PASSED.

CLERK: CLAUSE 35 - PROHIBITED IMMIGRANTS NOT ALLOWED TO ENTER.

MR. CHAIRMAN: The question is that Clause 35 stand part of the Bill.

QUESTION PUT:

MR. CHAIRMAN: Oh, I am sorry. Have I....

MR. BENSON O. EBANKS: Mr. Chairman, yes Sir, this is the Section now which would have prevented, but for an oversight, Mr. Jimmy Boffer from coming here in 1975 or 1976, whenever it was he came.

HON. TRUMAN M. BODDEN: My only comment is who let him in in 1975?

MR. CHAIRMAN: Neither of those asides appears to affect the subject of the Clause.

MR. BENSON O. EBANKS: What I would like to know, Mr. Chairman, is who invited him?

MR. CHAIRMAN: What we should all like to know is whether either Member wishes to amend the Clause concerned? Since

MR. CHAIRMAN (CONTINUING): neither appears to I think I will go ahead and put the question that Clause 35 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 35 PASSED.

CLERK: CLAUSE 37...

MR. CHAIRMAN: That was Clause 35 we did was it? Have I gone wrong? On my notes we have just done Clause 35 and we are now on Clause 36.

CLERK: CLAUSE 36 - PROHIBITED IMMIGRANTS.

MR. CHAIRMAN: The question is that Clause 36 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 36 PASSED.

CLERK: CLAUSE 37 - ESTABLISHMENT OF STOP LIST.

MR. CHAIRMAN: The question is that Clause 37 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 37 PASSED.

CLERK: CLAUSE 38 - GOVERNOR MAY ISSUE ENTRY PERMIT

MR. CHAIRMAN: The question is that Clause 38 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 38 PASSED.

CLERK: CLAUSE 39 - ENTRY BY PERSONS OTHER THAN PERSONS OF CAYMANIAN STATUS OR EXEMPTED PERSONS.

MR. CHAIRMAN: The question is that Clause 39 stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 39 PASSED.

CLERK: CLAUSE 40 - REQUIREMENTS TO BE SATISFIED BY VISITORS.

MR. CHAIRMAN: The question is that Clause 40 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 40 PASSED.

CLERK: CLAUSE 41 - SAFEGUARDS REGARDING PERMISSION TO LAND, ETC.

MR. CHAIRMAN: The question is that Clause 41 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 41 PASSED.

CLERK: CLAUSE 42 - GRANT OF PERMISSION TO REMAIN PERMANENTLY IN THE ISLANDS AND TEMPORARY LICENCES FOR GAINFUL OCCUPATION.

MR. CHAIRMAN: I have seen copies of notices of two separate proposed amendments to Clause 42.

MR. NORMAN BODDEN: Yes Mr. Chairman, I have one.

MR. CHAIRMAN: One is to Clause 42(1) and is to be moved by the Honourable First Official Member and the other is to Clause 42(2)(ii) to be moved by the First Elected Member for George Town.

MR. W. NORMAN BODDEN: That is correct, Mr. Chairman.

MR. CHAIRMAN: I do not think they are related are they? I think they deal with quite separate issues.

HON. MICHAEL J. BRADLEY: Mr. Chairman, I seem to have lost my proposed amendment to 42(1). Perhaps the table could supply me with it.

MR. DENSON O.EBANKS: Mr. Chairman, if there is an amendment standing in the name of the Honourable Second Official Member, I have not got that either. I see one from the Honourable First Official Member.

MR. CHAIRMAN: I think I said the Honourable First Official Member. I certainly intended to say that it was the Honourable First Official Member who was to move the amendment. The Honourable Second Official Member simply wanted a copy of it. Am I right? Perhaps the Honourable Second Official Member can advise me, in believing that these two amendments are not interrelated. They deal with separate issues and therefore we can take them one at a time, and it may be convenient to take first the one dealing with 42(1) and then the one dealing with 42(2). There may be other Members who have amendments of which I have not had notice but let us deal with these two first.

Is could I start by inviting the Honourable First Official Member to move the amendment of which he has given notice.

HON. DENNIS H. FOSTER: Yes Sir, 42(1) Sir. The paper has been circulated but to make it a little clearer it is just substituting "person" for "visitor" and then taking out "under section 39" and inserting "to land, remain or reside in the Islands". That is the effect of the written amendment which was circulated.

MR. CHAIRMAN: Could you explain its purpose.

HON. DENNIS H. FOSTER: Yes Sir. Now it is now, it would only apply to a visitor, and in consultation with the Chief Immigration Officer it was decided it would be better to broaden it which would then make it much easier for administrative purposes.

MR. CHAIRMAN: In other words there may be some people to whom it is wished to grant permission to remain permanently who are not visitors, but who are here on some other basis, and as the Bill is now worded it is not possible to give them permission. However if the Bill were amended as you propose it would be possible.

HON. MICHAEL J. BRADLEY: I think in fairness to Members I should say that I had not adverted my mind to this and I do not think Members of the Select Committ had either. I support the Honourable First Official Member because as it is presently worded without amendment, it would create difficulties in

HON. MICHAEL J. BRADLEY (CONTINUING): transforming your status from work permit to permanent residents and thereafter to enter into employment. I do not think it in any way changes the intention of the Select Committee's recommendation.

MR. CHAIRMAN: Does any Member wish to speak on that amendment? In that case I will put the question that Clause 42(1) be amended as proposed by the Honourable First Official Member.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: May I now invite the First Elected Member for George Town to move the amendment of which he has given notice.

MR. W. NORMAN BODDEN: Mr. Chairman, I beg to move the following amendment. That Clause 42(2)(d) be amended by the deletion of the words "not exceeding sixty days" as they appear in the sixth line.

MR. CHAIRMAN: Do you wish to speak to that motion to explain?

MR. W. NORMAN BODDEN: Yes, Mr. Chairman. This amendment would make provision for the conversion of a temporary work permit to a full permit which is not only desirable, but at times necessary. You have a case, for example, where a person under sub-section (1) of that same Section could be granted a temporary permit for say thirty days and the employer might want to extend it, and as I see it this would be a means of accomplishing this with the permission of the Board. I would ask Members to support it. I know that it has been said before that it was never intended for the temporary work permits to be used in this manner but, nevertheless, it is being done and I feel that provision should be made for this in the law to avoid problems in the future.

HON. TRUMAN M. BODDEN: Mr. Chairman, I understand what the Member is doing but I am wondering if he is going about this in the proper way. This Section dealing with temporary licences does not require by law full applications. People come in on very short notice and they are given a permit maybe without having all the relevant references, police clearances or whatever. I am wondering if we amend the regulations by which the fee, it is a small fee here anyhow, fifty or a hundred dollars, but by which they could apply for a permanent licence and if necessary get that fee deducted or something. I would object to a long permit being granted for somebody who is not cleared.

MR. W. NORMAN BODDEN: No, this is not what I am actually intending to put in there but I understand the procedure of how a temporary work permit is granted. I imagine it would be the responsibility of the Board to see that the proper documentation was presented for any extension beyond the thirty days.

HON. MICHAEL J. BRADLEY: Is the worry of the First Elected Member for George Town, Mr. Chairman, that there is a restriction in total of sixty days for a temporary work permit and it should be longer? I can see that it would be undesirable if an employer was to use the device of a continuous series of temporary work

HON. MICHAEL J. BRADLEY (CONTINUING): permits to circumvent the need ever for the person's suitability to be investigated and approved by the Board. Would his objection be met if the sixty days total limit was extended to 180 days or twelve months, or is it the whole basis of procedure which is used by the Board at present which he is worried about?

MR. W. NORMAN BODDEN: It is the means really of converting a temporary into a full work permit for a year or whatever time as the Board may think fit, as the last line in that paragraph states. Now I have asked for assistance in drafting this through the help of the Legal draughtsman and this was the amendment which came out. Any other means which you might find of accomplishing or suggesting how this might be accomplished I am willing to go along with.

MR. CHAIRMAN: Your intention is that somebody should be able to convert from a temporary work permit to a proper permanent work permit not that you should go on for ever on a temporary work permit?

MR. W. NORMAN BODDEN: By no means, Sir.

MR. CHAIRMAN: Because I think that the amendment you have proposed would have somebody on a temporary work permit for ever and ever. If that is not your intention I think....

MR. W. NORMAN BODDEN: No, it is to give an employer the means of reapplying to the Board to extend a temporary into a full permit if he wants to keep the services of the employee.

MR. CHAIRMAN: Is he not able to do that now? Or is it that he does not have long enough because the Board takes a long time to deal with the application?

MR. BENSON O. EBANKS: Exactly, Sir. Normally the procedure is that the person should be out of the Islands when he applies for a work permit but if the person was here on a temporary work permit and the Board felt after processing all the necessary documents that they would extend it, then the Board could do so.

MR. CHAIRMAN: Not to extend it but to convert it into a permanent permit.

MR. BENSON O. EBANKS: Well, Mr. Chairman, I think the question of whether it is temporary or permanent is a play on words because, in this sense, Mr. Chairman not in the sense of granting by the Chief Immigration Officer, there is nothing such as a permanent work permit. They are all limited for a time so that it would be processed in the normal way on a renewal at a given time.

MR. CHAIRMAN: Yes, but I think with respect that the term "temporary work permit" is a term of art used in this Law for a particular class of permit in respect of which different fees are payable and different requirements are imposed. If you could have what in this Law is called a temporary work permit for an indefinite period then you might pay a different fee from the fee which you pay for a twelve month or two year work permit, and you might have different requirements as to the investigation of the individual.

MR. BENSON O. EDWARDS: In fact, Mr. Chairman, to have a continual extension of a temporary license involves a greater fee over a period of a year, say in the case of a domestic. I have been through this, Mr. Chairman, so I can tell you. In fact it has been used to raise revenue in some instances. Where a permit would have cost $100 or $150 it has cost you $400 or $450 over the year.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, without expressing an opinion on it myself could I draw the attention of Members to what I consider to be the chief difference between a temporary gainful occupation license and a normal one; and that is that the granting, as I see it, of a temporary gainful occupation license is in the full control of the Chief Immigration Officer and does not have to go before the Board in full. Now if you are going to give the Chief Immigration Officer power to grant temporary licenses for unlimited periods of time, if that is the wish of the House let is be the wish of the House, all I would like to do is draw their attention to what they are doing.

MR. CHAIRMAN: I do not think so, because if you read it the extensions have to be made by the Board.

HON. MICHAEL J. BRADLEY: I am sorry, but what I was getting at was that the criteria of the attending of it, the same forms do not have to be filled in, Sir, do they?

MR. CHAIRMAN: What I wondered was is there anything either in the present law or in this Bill as drafted that prohibits or inhibits a person who has a temporary gainful occupation license from applying for and being granted what I am calling a permanent one, a longer term one. Or is it perfectly possible for somebody who is on a thirty day or sixty day permit to apply for and be granted a longer term permit?

HON. DENNIS A. FOSTER: Mr. Chairman, I could not get a chance to speak before, Sir. We do do it now, Sir, but we discourage it because if you have a quota of fifty and it is used and a temporary is given you can see the difficulty can you not, Sir, in converting that into a one year permit.

MR. CHAIRMAN: You mean a temporary license does not count against the quota?

HON. DENNIS A. FOSTER: No.

HON. TRUMAN M. BODDEN: Mr. Chairman, if I may just suggest what I think would be a solution to the problem. I think we are going about it the wrong way. I think if the person gets a permanent work permit and then if they leave earlier you get to apply the balance of the fee towards the next permit, we have achieved firstly the person is checked. I mean this is a person who you are going to want permanently now, not just somebody who as I feel should be dealt with temporarily only. We check the person. If the person does not work out which is normally why you get, and I think the Member was suggesting, a temporary license, then the employer has not lost the fee. But what we are doing now is to bring in a person, not check him, give him a temporary license and then either go through a second application for a permanent license which he may not get if the quota is filled. The Honourable First Official Member is quite right. So I think if we did it the other way around

HON. TRUMAN M. BODDEN (CONTINUING): the only thing which the Caymanian loses is the work permit fee and really if they have a permanent licence, they know they have the space in the quota. Then if the person does not work out and they get rid of him they get a rebate on their fee against the next employee. If it works out then the person is in there permanently but I believe that we have to be careful using the temporary licence for when we intend it to be permanent.

MR. W. NORMAN BODDEN: Maybe, Mr. Chairman, part of this problem goes back to the directives or procedures and policies of the Board. I understand the procedure. What happens with a temporary licence is that a person comes in and is granted thirty days by the Chief Immigration Officer. If this employee is satisfactory the employee can file an application for an extension up to sixty days with the Board, but if they want to extend it beyond those sixty days the employee has to leave the Islands, I think another application has to be filed and the employer could wait for another six to nine months before he is informed of the results of that application. This is what I am trying to avoid. If there is some means of accomplishing this by directives or regulations, well I would go along with that, but this is a problem which has been brought to my attention.

HON. DENNIS M. FOSTER: Mr. Chairman, that is why we got in trouble some years ago, Sir. We had about 2,000 on temporary permits and we had a terrible job to straighten it up.

HON. TRUMAN M. BODDEN: That is what I was going to mention, Sir, because either we are going to regard what is de facto, a permanent permit as a permanent permit. Because if we try to regard them as temporary outside the quota this is precisely what would happen and people really abuse it. The other thing they used to do was they would keep people on this rather than pay the $750 or the $2,000. They would keep them in a company, say a publishing company for four months, get rid of them and they never applied for the permanent one. That way they got out of paying very heavy fees which otherwise would have arisen.

MR. W. NORMAN BODDEN: Mr. Chairman, I would just like permission to read this with the deletion of the words which I have asked for, and it says:

> "A temporary licence granted under the preceding paragraph shall be for such period not exceeding thirty days as the Chief Immigration Officer may think fit but may be extended by the Board on application made in the prescribed manner and on payment of the prescribed fee for such further period as the Board may think fit."

This is how that would read with deletion of "not exceeding sixty days" and this to my mind would achieve what I was trying to achieve, and that is my view. If Members have other views, I accept that, but that is my position on it, Sir.

MR. CRADDOCK EBANKS: Mr. Chairman, I was thinking in terms that limited permits for thirty or sixty days or whatever would more or less apply to people requested by Government or firms doing business in the Islands to come in to look into something, people of expertise who were needed, not to be filed as a whole string of all types of people coming in and

MR. CRADDOCK EVANS (CONTINUING): making application for a thirty day permit. I do not see why that is necessary. I thought it said it should apply to wherever is necessary for advice, aid, help and expertise, dealing and working whether it is for Government or the private sector. Recently I think the Public Works Department had one or two people from the factory to rebuild the mix plant at the Public Works Department. That is somebody with knowledge, and expertise to do a particular job, and I would think, Sir, that that is nearly as far as this sort of granting of work permits or licences should go.

HON. G. HAIG BODDEN: Mr. Chairman, I think the Member for North Side has put the question in its true perspective because there are two types of gainful occupation licences intended to fill two entirely different purposes. The temporary permit as he has said is to cover mostly emergencies. The regular permit is to fill a long term need and there should be no provision for converting a temporary licence into a regular one because it would be abused as it has been in the past. We should keep them separate.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I concur with what the two Members speaking before me have said. A temporary licence, Sir, is usually issued if you have or need someone for a specific job and this the Chief Immigration Officer can give you. He can give you thirty days and if the job cannot be completed within the thirty days then you take that application to the Board and say, "I am sorry, we have not been able to complete the work within thirty days. I need this gentlemen or lady, whoever it may be, for a longer period". Then the Board will consider the application at the expiration of the thirty days and extend it, if required, for another sixty days. As has previously been mentioned by the Honourable First Official Member I have knowledge of the problems which Government ran into with about 2,000 people in these Islands on temporary permits before, and if you remove this "sixty days" as is requested, we are going to find ourselves back in the same mess. People will be using temporary permits and will keep the people working here all the time, and there will be no control.

MR. J. CARSTON SMITH: Mr. Chairman, I cannot see anything wrong with the provisions made in this Bill, Sir. As other Members have already said you get a permit, a temporary permit for thirty days and then you can go back and get it extended for another sixty days. Mr. Chairman, in my opinion that is very good because many times before the sixty days are up or the thirty days are up you have already made up your mind that you do not want that person anymore. I think this is provided here as a trial run and I think the employer benefits just as much from this Clause as anybody else.

HON. DENNIS H. FOSTER: Mr. Chairman, can I just say to the First Elected Member for George Town that I see what he is driving at but it is going to cause us administrative problems and other problems, and if he would agree with us and withdraw this amendment I think we would fare a lot better.

MR. W. NORMAN BODDEN: Well, I have no option I suppose. It has been aired thoroughly and I guess you could put it to a vote.

MR. CHAIRMAN: I think it can be put to a vote.

MR. BENSON O. EBANKS: Mr. Chairman, I had to leave the Chamber for a while and I was only coming in when the Honourable First Official Member was saying something about at some period I think it was over 2,000 people were on temporary work permits. Mr. Chairman, I wonder if he could tell us at what period that occurred?

HON. DENNIS M. FOSTER: Mr. Chairman, we are discussing a Bill, Sir. We need to get on with this. This is something....

MR. J. GARSTON SMITH: Mr. Chairman, I think we are getting back to question time.

MR. CHAIRMAN: Yes, I think I shall put the question I really do not see that is....

MR. BENSON O. EBANKS: But I could inform the House, Mr. Chairman, because you remember I told you that I had experienced it. It was around 1978 or 1979.

MR. CHAIRMAN: The question is that Clause 42(2)(ii) be amended by the deletion of the words "not exceeding sixty days". That amendment was moved by the First Elected Member for George Town. I will put the question that that amendment be passed.

QUESTION PUT: AYES AND NOES. AMENDMENT TO CLAUSE 42(2)(ii) DEFEATED.

MISS ANNIE M. BODDEN: Mr. Chairman, I did not vote on that because I know personally that it has been done in the past.

MR. CHAIRMAN: The question I would now put unless there is any further amendment to that Clause is that Clause 42 as amended, because if you will remember we have already carried one amendment which the Honourable First Official Member proposed, should stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 42 AS AMENDED PASSED.

CLERK: CLAUSE 43 - PERMANENT RESIDENT PERMITTED TO HAVE GAINFUL OCCUPATION.

MR. CHAIRMAN: Before I go further it says that I have received notice of two proposals for amendments to Clause 43. One of the proposals to be moved by the Third Elected Member for West Bay is an amendment to Clause 43(2) and the other is an amendment to Clause 43(3). Again I think they deal with quite separate points.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, they deal with the same point, Sir. I was just going to bring that to your attention. It deals with the....

MR. CHAIRMAN: Can I just read it more carefully.

CAPT. CHARLES L. KIRKCONNELL: Both of us are saying that if the licence holder abuses the licence then it is to be revoked. The Board will have the power to revoke it. It is entirely left, Sir, to the....I think the amendment by the Third Elected Member for West Bay is a much neater amendment than the one which I put forward and whichever the Honourable Second Official Member thinks is most appropriate, the other should withdraw. I will withdraw if mine is considered inappropriate.

MR. CHAIRMAN: If the advisors concur in the opinion that the effect of the two amendments would be similar or identical and if....

CAPT. CHARLES L. KIRKCONNELL: Trying to achieve the same thing, Sir.

HON. MICHAEL J. BRADLEY: I do not think with respect, Sir, that.... They are partially achieving the same thing if both were passed, but there is one, in my mind, significant difference. In the proposed amendment to 43(2) you are adding in that the Board shall give consideration to the provisions of Section 20(5), and 27(5) does a number of things which say that the Board may from time to time revoke the terms of a licence. But then it goes on to say, "provided that no license shall be extended for any period exceeding three years at a time". Now to my mind that means that in granting a person with permanent residence permission to engage in gainful occupation, that the Board in doing so would have to give consideration to the prohibition on granting a normal gainful occupation license for more than three years at a time and would be, I feel, bound to follow the same procedure in regard to the length of time in which permission for a gainful occupation license was granted to a person having permanent residence.

The other point, Sir, is that in granting the permission the Board gives consideration to the provisions of 20(5) but there is no specific part in that proposed amendment expressly for them to revoke, and I think that with respect to the modesty of the First Elected Member for the Lesser Islands, that his also would be necessary for that specific purpose.

MR. BENSON O. EVANS: With respect, Mr. Chairman, the second power in subsection (5) is the power to revoke, "extend, revoke".

MR. CHAIRMAN: But if when you are considering granting a license you have to bear in mind that you might be able to revoke it, you are not in consequence able to revoke it unless you are given the power to revoke it. That would be my interpretation anyway.

HON. MICHAEL J. BRADLEY: If 43(2) were to be amended by adding a few extra words, Sir, which would say:

> "In granting such permission, the Board shall give consideration to the provisions of section 27(1), 20(1) and (5) and 29 and shall have all powers that they have in respect of a grant under this section as they have under 20(5)".

In other words the revoking power. That would cover it.

MR. BENSON O. EVANS: Mr. Chairman, the amendment is intended to put the person permanently resident in the Islands on the same footing as any other work permit holder and 27 covers the things which the Board must take into consideration when granting the license. 20(1) gives the Board the power of refusal of the license, and as I see it 20(5) says:

> "The Board may from time to time extend, revoke, vary or modify the terms of any licence, provided that no licence shall be extended for any period exceeding three years at a time."

Then 29 includes the payment of the fee.

MR. BENSON O. EBANKS: Mr. Chairman, the purpose of this amendment is to put the licensee with permanent residence on all fours with a non-permanent resident as regards a work permit. This is the intention of this amendment and I feel that it is met. Maybe if you want to extend it and include about the fine and so on, but I would have thought that would have extended to anybody.

HON. MICHAEL J. BRADLEY: If I may come in again, Sir. In relation to the proposed amendment by the Third Elected Member for West Bay it gives the Board a requirement to give consideration to the provisions of all these Sections. It does not say that it gives the Board the same power as under 25(5) and furthermore there is a difference between the Third Elected Member for West Bay's proposal as regards revocation and the First Elected Member for the Lesser Islands in that the power under 38(5) is discretionary on the Board. Under the proposed amendment to 43(5) it is mandatory upon the Board so to revoke.

Could I also draw Members' attention to the Clause next appearing for consideration, 44(e) in that it says there and this is why I want to draw it to the attention of Members now, that the Board shall declare that any person has ceased to enjoy permission to remain permanently in the Islands in any of the following circumstances:

> "(e) if having been granted permission to remain permanently in the Islands and engage in a gainful occupation as specified in the grant of permanent residence, he engages in the Islands in any gainful occupation other than that so specified or in breach of any terms of such permission;"

So there is a provision which we are coming to in the next Clause which has the effect of making it mandatory for the Board subsequent to conviction to revoke the permanent residence. Whether Members wish to extend it now in this present Clause to make it mandatory to revoke the gainful occupation as well....

MR. BENSON O. EBANKS: Mr. Chairman, it will be noted that the amendment has only added "and subsection (5)" to what is already in the Bill and I see the point which is being made by the Honourable Second Official Member which will give consideration. Supposing that the intention of the Bill was to put the permanent resident on all fours with anyone else as regards work permits, assuming that this Section of the Bill was so worded that the Board was obliged to act in accordance with these Sections pertaining to a work permit. I now see that they are not obliged to act in accordance with these so I would beg permission, Mr. Chairman, to change the wording of this Section to say that the Board shall act in accordance with those Sections, because that is what the intention is. It is not intended to create a special creature. The only intention here is to permit a person with permanent residence in certain circumstances to get a work permit, but the intention is to always ensure that in its actions the Board has to take into consideration the interests of Caymanians or persons of Caymanian status. It is not to put them anywhere out in their field with second cousin status. At least that is not my understanding nor what I support, that second cousin status situation.

HON. TRUMAN M. BODDEN: Mr. Chairman, sorry. No after you.

MR. CHAIRMAN: I was simply going to say my understanding is that the intention, I will not say the original amendment or the present amendment, of the Third Elected Member for West Bay is to achieve rather more than was apparently the intention of the First Elected Member for the Lesser Islands. The First Elected Member for the Lesser Islands, if I have understood his amendment correctly, merely wanted to ensure that anyone who did work which he did not have permission to do should have his work permit revoked. The Third Elected Member for West Bay wants to do that but he also wants to ensure that no permanent resident should be granted a licence for more than three years at a time, whereas the Bill as drafted would, on my understanding, have enabled the Board if it so wished to grant such people licences for longer periods.

MR. BENSON O. EVANS: Mr. Chairman.

HON. TRUMAN M. BODDEN: Mr. Chairman, I asked first. I think I am now understanding these amendments. The amendment put by the Third Elected Member for West Bay when interpreting this Bill, the Board, and 43(2) says:

> "In granting such permission, the Board shall give consideration to the provisions of Section 27(1), 42(1) and 29."

Now it seems to me nonsensical that on the granting of the licence you have to consider the variations. So there are two time factors. What the Section would mean as it is put now is that when you are granting permission, and only when you are granting permission, you can consider revocation. So on the legal interpretation there is a complete conflict. I think that what the Member means is that having granted permission there should be a power to revoke. So I do not think that the way this is written achieves anything because the Board when granting cannot consider revoking otherwise it would not grant.

MR. BENSON O. EVANS: Yes, but....

HON. TRUMAN M. BODDEN: No, let me finish. I have listened very carefully. The amendment which the First Elected Member for the Lesser Islands has put up to me makes sense because what he is stating there is that if you revoke the permanent residence you should also revoke the gainful occupation licence. Now I think what the Honourable Second Official Member, the Attorney-General has pointed out is that if under 43(a) having been granted permission so as to get beyond the stage of the Third Elected Member for West Bay's amendment. If having been granted permission to remain permanently in the Islands, the person engages in a gainful occupation licence other than that specified, then the Board shall declare that the permanent residence is revoked.

Now I can see that to put it beyond a doubt as I see it, you get permanent residence with a right to work as a condition. So if you revoked the permanent residence naturally the conditions which go around it would go, but if the First Elected Member for the Lesser Islands has doubts there then he would properly have achieved what he is setting out to achieve in his amendment. Quite frankly I agree, I mean if you revoke the permanent residence you should have to revoke the work permit and then if the person wishes to apply, he would have to apply just for temporary residence with a work Permit. But I think

HON. TRUMAN M. BODDEN (CONTINUING): that what is being proposed by the Third Elected Member for West Bay really does not achieve, at least not anything that I can support, because it just cannot go into that section. You cannot consider granting and revoking at the same time.

MR. CHAIRMAN: I quite understand that the Third Elected Member for West Bay will want to get his word in. Perhaps he will allow me a word first, because my word is to the effect that the tape is about to run out and I am sure he will not want to speak unrecorded. Moreover it does seem to me sensible to invite him during the lunch break to have a word with the Honourable Second Official Member and, or with the legal draughtsman to satisfy himself that he gets his amendment into a wording which will achieve his objectives. I know he thinks he has done this but we have not got it in writing now. As I understand it it has been changed. I think it would be helpful to Members to have it in writing and to have an agreement between our legal advisors and the Member concerned that in their view the amendment is achieving his intentions.

MR. BENSON O. EBANKS: Could you repeat that again, Sir, how many legal advisors?

MR. CHAIRMAN: I did not say. I said our legal advisors.

MR. BENSON O. EBANKS: I thought you said three.

MR. CHAIRMAN: I did not enumerate them. I am sure we are off the air by now so....

MR. BENSON O. EBANKS: I thought you said three.

HON. MICHAEL J. BRADLEY: While we are still off the air, Mr. Chairman, Sir, I would just like to get one thing clear in my mind. Is it the wish of the Third Elected Member for West Bay to restrict the....

MR. CHAIRMAN: ....and then any Member will have an opportunity to....

MR. BENSON O. EBANKS: Yes Sir, because this whole Clause is the result of leading....

MR. CHADDOCK EBANKS: Mr. Chairman, the tape is going to run out you know.

MR. CHAIRMAN: I think it has run out with a bit of luck and I am now going to suspend proceedings until 2.00 p.m. Would Members be happy to come back at 2.30 p.m. so that we can be sure of finishing at a reasonable hour?

COMMITTEE SUSPENDED AT 12.13 P.M.

COMMITTEE RESUMED AT 2.11 P.M.

MR. CHAIRMAN: There were two Clauses both of which we had debated a bit. One was Clause 23 and the other was Clause 43, in respect of each of which we agreed that an attempt should be made to draft an amendment which reflected the intention of the mover and was in the opinion of the Honourable Second Official Member and the Legal draughtsman worded in such a way to achieve its intention. I am not sure whether in either or both cases, Clauses 23 or 43, this has now been accomplished and if so whether a further amendment has been typed and is ready for circulation to Members.

MR. BENSON O. EVANS: Mr. Chairman, I think in the case of 23(c) it has been typed and circulated. I am satisfied with the legal draughtsman's version. It covers very well my desire.

MR. CHAIRMAN: So perhaps to ensure that all Members are debating the same amendment you would be kind enough to read out the amendment. First did we have an amendment proposed for 23 before?

MR. BENSON O. EVANS: I think it is being circulated now, Sir.

MR. CHAIRMAN: I am just checking whether we had an amendment for 23 proposed before and whether we need to withdraw it, or whether we never got that far.

HON. MICHAEL J. BRADLEY: I think the Third Elected Member for West Bay in fact proposed this previously circulated amendment. Technically, I think he would need to withdraw it and substitute this.

MR. BENSON O. EVANS: Yes, Sir, I am withdrawing my original version and substituting therefore the version prepared by the legal draughtsman which is now being circulated.

MR. CHAIRMAN: If you would like to just read it out and then Members can satisfy themselves that they have got the right one.

MR. BENSON O. EVANS: Yes, Sir, the one which is being circulated now is:

> "That Clause 23(c) be amended by substituting a colon for the semi-colon after the word "such" and adding the following proviso:-
>
> PROVIDED that for the avoidance of doubt it is to be understood that subject to the provisions of any other Law or Convention enforced in the Islands this exemption does not apply to the hiring or recruitment of crew on a permanent basis of vessels trading within or from within the Islands."

That, Mr. Chairman is the amendment which is before the House and if Members have that I would like to speak to the amendment.

MR. CHAIRMAN: Yes, it would be in order for you to speak to the amendment now.

MR. BENSON O. EBANKS: Mr. Chairman, the whole of subsection (a) of Section 23 would now then read:

> "This part shall have no application to members of the crew of any vessel engaged in their duties as such:
>
> PROVIDED that for the avoidance of doubt it is to be understood that subject to the provisions of any other Law or Convention enforced in the Islands this exemption does not apply to the hiring or recruitment of crew on a permanent basis of vessels trading within or from within the Islands:"

Mr. Chairman, in this Clause "vessel" includes aircraft, hovercraft and boats generally.

The Honourable Second Official Member made reference to a boat which I have an ownership in and which operates between the Islands and I would like to say that my interpretation of this Section has always been that it did not permit me to hire non-Caymanian crew on a permanent basis, or even on a temporary basis without a work permit. On each occasion that I have had a foreign national working on that boat I applied for, paid and received a work permit. That has always been my understanding. Of course that boat is not an internationally documented vessel. It is registered in the Cayman Islands and that is all. It has a register but no other form of documentation. There is not even a form of articles so it is not subject to international Convention or Law as far as I am concerned.

Frankly I wonder since I have heard the interpretation put to this Clause if that is not how some other operators of similar craft in Cayman, that is dive boat operators can have 47 people employed and only one Caymanian in the group. I am wondering if this is how they are getting around it.

What this amendment seeks, Mr. Chairman, is to put shipping companies, as far as possible, on the same basis as any other business or industry in the Islands. If International Law or International Conventions exclude them from certain things that other endeavours would not be covered by, well then this exemption would not apply, but in so far as their exemption from a work permit does not arise under the provisions of any Law or Convention enforced in the Islands there is no reason why those operators should not come under the same umbrella as all other businesses operating in the Islands, as I see it.

We are a seafaring country, Mr. Chairman, and if we have Caymanians willing, able and qualified to sail a ship which is operating within or from within these Islands there is no reason why the Caymanians should not be protected, their interests should not be protected the same as we are protecting every other Caymanian. That is all that this amendment seeks to do. It is not sanding, or we are not going out into unknown waters. It is for that simple reason that we have excluded the provisions of Laws or Conventions because none of us seem to be sufficiently cognisant of the rights and privileges which those Conventions or Laws would convey. So we have said that saving any exemption which could be claimed under

MR. BENSON O. FRANKS (CONTINUING): those Laws or Conventions, then a vessel would be treated in the same way as any other business. To me, Mr. Chairman, it is a straightforward thing and we are only trying to protect the class of person who would be, as I said, employed on an aircraft, vessel or hovercraft as the definition states, in the same fashion that we are attempting to protect the rights and interests of other Caymanians.

MR. CHAIRMAN: Thank you. Does any other Member wish to speak to this amendment? The First Elected Member for the Lesser Islands.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I would like to ask the Honourable Second Official Member if he would relate this amendment to say Thompson Shipping Company who have ships registered in the Cayman Islands with foreign crew. I would like him to relate what this provision would do to them and secondly what would it do in our case where we have the Kirk Express.

HON. MICHAEL J. BRADLEY: Would the Chair like me to reply to that before the Honourable Second Elected Member of Executive Council?

CAPT. CHARLES L. KIRKCONNELL: The Honourable Second Official Member. I am sorry, Sir.

MR. CHAIRMAN: I think he probably meant that.

HON. MICHAEL J. BRADLEY: My interpretation, Sir, and I would say that I am speaking without due consideration and research to this is, firstly that on the Bill before us Clause 33, paragraph (c) which is exactly the same as the Law previously enforced, is a blanket exemption for all crew members of any vessel engaged in their duties as such irrespective of whether or not the vessel is registered here, is operating here or is operating out of here, or whether the vessel is an international going vessel or a domestic one. Whether or not there have been interpretations in the past which have led members of the public voluntarily to pay for gainful occupation licenses is not for me to determine. I am sure they were advised in that respect. It may not have been the intention of the previous Legislature to make it as wide an exemption as that, and that is a matter which has now come to us for consideration.

In relation to the Committee Stage amendment, it specifically says that the exemption shall not apply to the hiring or recruitment of crew. I would prefer to see employment of crew rather than hiring or recruitment but that is not a matter at the moment. It applies to the hiring and recruitment of crew on a permanent basis of vessels trading within or from within the Islands.

If the two examples mentioned by the First Elected Member for the Lesser Islands are vessels trading from within the Islands, and from my own subjective knowledge of them I think that they are, then any crew hired or recruited by them on a permanent basis who were not of Caymanian status would require gainful occupation licenses. Please bear in mind that I am not a court of law having duly considered it but I would think that that has a reasonable expectation of being supported as an interpretation.

MR. CHAIRMAN: May I just ask one question for clarification. Would the words "on a permanent basis" be likely

MR. CHAIRMAN (CONTINUING): to be interpretated as meaning that if it become necessary to hire a crew member perhaps in a foreign port to bring the vessel back here for that journey, that that would be perfectly permissible and there would be no breach of the law?

HON. MICHAEL J. BRADLEY: Yes.

CAPT. CHARLES L. KIRKCONNELL: But on reaching the Cayman Islands he would have to get a work permit?

HON. MICHAEL J. BRADLEY: I think it would be a matter of consideration of each circumstance and the particular facts of the case when the employment ceased to be temporary and became permanent. I would consider that temporary would be for a stop gap measure to enable a certain thing to be done; to bring a ship back because a crew member fell ill or for some particular circumstance such as that as opposed to a permanent basis, which would be somebody who is signed on either for a fixed period of time which is of considerable length, or until further notice.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, through you, Sir. On a ship you sign articles of agreement with the Master. These articles of agreement run for a year. If during the course of that year, suppose one month after you have taken out your articles, you go to a foreign port, say Haiti and find you are short of a man and you have to ship a man. You then go to Miami and come back through here. What would be required then? Would we have to advertise and to through two weeks like the ordinary people? If we want someone to work in our office we have to advertise in the local press for two weeks. We have to put in an application. We have to wait. Is this what it means, Sir?

HON. MICHAEL J. BRADLEY: I would think so. I am thinking about the problem which the Honourable Member obviously envisages here and wondered whether instead of "trading within or from within the Islands" could usefully be substituted by putting "vessels trading solely or principally within the Islands", which would cover the case of ships such as the Queen Anne's Revenge, and would exempt certain types of ships which are doing international trading. However, I have no idea in relation to the two particular examples raised by the Honourable Member, in ships, whether they would be considered as trading principally: I think they might well be considered as trading principally within the Islands.

MR. BENSON O. EBANKS: "Within the Islands" I would interpret as either coastal around one of the Islands, but certainly not further than between the three Islands. That is what is envisaged by "within the Islands". And "from within the Islands" would mean if this was the principal port of operation. Mr. Chairman, my understanding of the case cited would be that if the ship needed a member of the crew because of some occurrence or whatever in a foreign port: that would not be recruting permanently. I would not envisage the Board since they could give what is called a temporary, if necessary, when the boat reached Cayman I would not envisage them holding the ship or delaying the ship until such time as all of the requirements of the work permit procedure were carried through. I would see the ship being allowed to operate with that temporary member of the crew until such time as the work permit procedure was completed; if at the end of that period it could be proved to the Board that no Caymanian was willing, able or qualified and ready to do the job, then they

MR. BENSON O. EBANKS (CONTINUING): could make that individual a permanent member of the crew or upgrade the member who they might have got from somewhere else. However, I see no impediment to this amendment as regards the operation of a vessel, meaning ship or aircraft.

MR. CHAIRMAN: About three Members have caught my eye at different points. I will take them in turn on the assumption that they all do still want to speak. The first to do so was the Honourable Fourth Elected Member of Executive Council.

HON. G. HAIG HODDEN: One of my questions, Mr. Chairman, was answered by the Honourable Second Official Member because you put the question to him, but I would like to say that it is impractical for this amendment to work because of the special circumstances which are realised with a ship or aircraft which trades internationally. Let us say for argument's sake that the United States had a similar provision. It would mean that when Cayman Airways goes to Miami all the stewardesses would have to have a work permit to work in the United States, and it would also mean if this goes in that every tourist ship as far as I am concerned is trading with these Islands. When that ship comes into port the cooks would not be able to cook, the engineers would not be able to start the engines, and it would be madness to have something like this in the Law. I think the crew members of ships and aircraft should be exempt from work permits.

MR. CHAIRMAN: The Third Elected Member for George Town also caught my eye.

MISS ANNIE K. HODDEN: Mr. Chairman, Sir, as I see this Law it would take more than the Law given to interpret it correctly. I cannot see the reason why we should involve it any more by saying that ships' crews must have work permits. I think that is very unreasonable. Now if it was anything where the Caymanians were being deprived of jobs, we should apply it to the specific airline, vessel or whatever, but we do not want to make this any more complicated. In my opinion this is very unnecessary.

MR. CHAIRMAN: The Member for North Side caught my eye too. I do not know whether he still wishes to speak.

MR. CRADDOCK EBANKS: Mr. Chairman, I have had quite a few years as a seaman, and on all the ships which I sailed, there was always a mixture of nationalities. In all of my knowledge and experience I never came across anything like a request of this kind. If you had to have work permits under different circumstances, different countries, and the different ports that you go in, then I cannot see how any ship would be able to continue in operation if you had all these complicated measures for them to meet. So I do not see the reason for it because as has been said, with ships or planes going into the United States or coming from the United States to here, going to Jamaica, going to Haiti wherever they might be going, how would this ever work out to be satisfactory? So I do not see any good that will come out of it, Sir. It will only involve more problems and prove expensive to some people. I hope you will be able to find some other solution than the one proposed now, Sir.

MR. CHAIRMAN: The Honourable First Official Member of Executive Council.

HON. DENNIS M. FOSTER: Mr. Chairman, this is not a practical amendment, Sir. Let us stop wasting time and put it to a vote.

MR. CHAIRMAN: The Honourable Second Elected Member of Executive Council.

HON. TRUMAN M. GODDEN: The only thing, Mr. Chairman, that I see on this Section on areas where we have had representation to the Committee has been from the pilots of Cayman Airways in relation to the employing of non-Caymanians as pilots. I have given it some considerable thought and I believe that that type of policy must originate in Cayman Airways. I think the duty of Cayman Airways is to employ Caymanians if they are available. The fact that they are exempted from the Public Service Commission and the Protection Board I think should not affect the policy of this Government, which has always been that Caymanians should be employed when they are available, and I would endeavour to see that that is done.

However, as I looked at this Section and started to write, as the exemptions and the exemptions to the exemptions went on it really was getting into a horrifying scene and I would hate to get us confused as some people had been on the earlier amendments. I say the earlier amendments so that no-one thinks I am referring to this amendment. I believe that that problem which is the only one which worries me should be corrected internally by the Government itself, and I do not support the amendment as it is. I see it as a real problem.

MR. CHAIRMAN: I think we have had a fairly thorough discussion of the amendment and I will give the mover one final word. It is normal that movers of motions have the last word. Let him do so.

MR. BENSON O. EBANKS: Yes, Mr. Chairman, thank you very much, Sir. As far as I am concerned, Sir, the whole question of work permits could be looked on as an annoyance and a humbug and expense to people, but that is the way that we control and protect the interests of Caymanians. As far as I am concerned this is what this amendment seeks to do. I am convinced that it is workable. I am convinced that it is fair and just. If Members feel it is a waste of time, Mr. Chairman, you can put it to the vote. I know where my vote will be.

MR. CHAIRMAN: Well I do propose to put it to the vote. I think that is the proper thing to do.

QUESTION PUT: AYES AND NOES. AMENDMENT TO CLAUSE 23(c) DEFEATED.

MR. CHAIRMAN: I think the noes have it.

MR. BENSON O. EBANKS: You heard right, Sir.

MR. CHAIRMAN: The only comment and it is not really for me perhaps to raise this, but nevertheless at the risk of straying beyond my proper terms of reference I will do so. The only comment that I would make is that the Honourable Second Official Member did draw to the attention of the Committee a point which I regarded as being of some importance and from which I have not heard anybody dissent. That was that perhaps inadvertantly the present law which the Bill before us reflects, in his view almost certainly had the effect of exempting from a requirement to obtain work permits anyone

MR. CHAIRMAN (CONTINUING): who works on any sort of vessel, anyone connected with a dive boat, anyone connected with a pleasure boat, anyone connected with a charter fishing boat, and I do not believe that Members of this Committee wish an exemption that wide. If I am right, it having now come to notice when it was not realised before, it may be that Members will want to find out whether in his wisdom the Honourable Second Official Member can draft something which is not open to the objections to which most Members thought the amendment proposed by the Third Elected Member for West Bay was open, but which, nevertheless, does achieve what if I am right would be the objectives of most Members of the Committee. That is, to ensure that what I call purely local boats like dive boats and charter fishing boats do not benefit from an exemption of this kind. Now it is not for me to move an amendment....

MR. BENSON O. EBANKS: Mr. Chairman, I would like to speak to that, Sir, but I would first like to refer to the old Law to see if the exemption in the old Law reads identically to this exemption.

MR. CHAIRMAN: I will invite the Honourable First Official Member because it is essentially his Bill and I thought he had something to say.

HON. DENNIS R. FOSTER: I would rather wait and take a second later.

MR. CHAIRMAN: Oh, the Honourable Second Official Member then.

HON. MICHAEL J. BRADLEY: I am not able, Sir, to go back at this moment in time further than the 1977 revision of the Caymanian Protection Law, but in that revision the wording is under Section 23:

> This Part shall have no application to -
>
> (a) members of the crew of any vessel engaged in their duties as such;

which is identical wording to the wording in the Bill before this House. I understand that the table has got a copy somewhere which I have seen of the original 1971 Bill as first drafted. If the Third Elected Member for West Bay has it in front of him maybe we can look at the wording of that Section 23(c) there. I think the wording probably is identical.

MR. CHAIRMAN: With the greatest respect to the Third Elected Member for West Bay I am not sure it matters too much whether (interruption) if I may finish please, whether the 1977 or 1971 Law said this or that. The fact of the matter is that what we are discussing is a particular Clause in the present Bill which our legal advisor the Honourable Second Official Member has told us of the effect which in his view that particular paragraph will have if enacted. If that effect is one which the Committee does not intend then perhaps we should proceed with an amendment to it.

MR. BENSON O. EBANKS: Mr Chairman.

MR. CHAIRMAN: I am going to give somebody else a chance. The Honourable Second Elected Member of Executive Council.

HON. TRUMAN M. LODDEN: Yes Sir. If a problem did arise on this and I am reluctant to try touching the Sections of the Law at extremely short notice because I find they always get the lawyers in problems and they get the non-lawyers completely wound up to where we get enormous problems. However, I would say this. If a person comes to the Cayman Islands and he is coming as a visitor, his passport is stamped that it is a condition that he shall not be gainfully employed. Now I think that condition, while the Law may not require a work permit, if a dive operation was found and the spirit of it was that they should have permits, then perhaps through Immigration it could be dealt with.

Secondly, if it was a grant of a local company's control license they can condition it that they shall employ people approved by the Board or something. I would be a little bit reluctant to try to touch this so quickly unless this Committee regarded it as an emergency, and if it has been working all right up to now I do not see for the next few months when we have no Legislature how a lot of damage could arise. Because most of the companies have a local companies control license which can be conditioned, as well as Immigration could be conditioned, Sir.

MR. CHAIRMAN: The Honourable Second Official Member.

HON. MICHAEL J. BRADLEY: If I may say, Sir, I have had an opportunity to consult with one of our advisors here and I am informed that administratively it has always been the practice to request the type of businesses which are operating solely within the Islands here even on vessels, to obtain work permits, and I think if I may I should say two things.

First of all it is potentially dangerous to rush the drafting of something which may be extremely complicated to spell out accurately on paper, and secondly I think that what the Honourable Second Elected Member of Executive Council may have said is probably the reason why it has never become a pressing anxiety before. Namely, that if a person is landed on the Islands, and that is why I advised Members that I would be happy if Clause 33 were left until we had considered this one. Clause 33 says certain persons deemed not to have entered the Islands but if a person has landed and has entered the Islands he is stamped in as a visitor, that he does not engage in gainful occupation. That is a condition whether or not he is required to have a work permit. So therefore if he does engage in gainful occupation he would be in violation of his immigration landing rights. I think that unless the Committee felt otherwise, now that we have been made very conscious of the problem, that it may be appropriate for you as President, Sir, of Executive Council, once a new session starts to consider whether we need to go further in this one rather than rush an amendment now.

I think that if the problem has not caused crisis before now because of administrative policy or because we were not aware of the full implications as I have advised upon them, there might be no great harm done if the situation is that people landing or landed as visitors can be controlled that way. But I am subject to what other Members think.

MR. CHAIRMAN: No, I think possibly I have raised an unnecessary hare for which I apologise, but I was just nervous that something might have gone through by inadvertence which the Committee had not intended. In view of the advice which we have been given I do not think that that is a great danger, and as has been said it could be rectified.

MR. BENSON O. EBANKS: Mr. Chairman, I was referring to the 1971 Law, Sir, and I think you said that you did not see the relevance. Well the relevance of that is that I am one of the few Members in here who was involved in the drafting of the 1971 Law and its passage through the House and I know what the intention was.

MR. CHAIRMAN: What was the wording?

MR. BENSON O. EBANKS: The wording is identical to what it is here. It is Section....

MR. CHAIRMAN: With respect if the wording does not reflect the intention of the House then when the courts come to interpret it they will do something which the House has not intended, which was precisely the reason why I raised this here. I am sorry for raising it in view of the advice given but, nevertheless, you must understand that the courts in interpreting the Law subject to advice, can only pay attention to the wording of the law itself. If it is badly worded they will not do what you intend them to do.

MR. BENSON O. EBANKS: Yes, but Mr. Chairman, that is the specific point. The Honourable Second Official Member said that remember he was not a court of law interpreting it with due consideration. I am not going to argue any more on this except to say that this was put in, this drafting was done by a gentleman who had retired as an Appeals Court judge of the court of Jamaica and he did not use phrases which had not been tested and tried in court.

MR. W. NORMAN BODDEN: I would just like to say something on this before we move on, Sir. It is my opinion that subsection (c) of 23 was intended, that exemption that was provided in there was intended to cover crew on in transit vessels or aircraft and what has developed is that there are crew members who are coming here, residing in the Islands and either going on ships or aircraft. Since this situation has developed I am wondering whether a provision could not be put in there to the effect that provided that those members of the crew of any vessel do not reside in the Cayman Islands.

MR. CHAIRMAN: Are you in fact proposing an amendment or not?

MR. W. NORMAN BODDEN: Yes, I would propose an amendment, Sir.

MR. CHAIRMAN: Would be in the wording that you have just given?

MR. W. NORMAN BODDEN: That is correct. That subsection (c) of 23 be amended to read following the word "such":

> "PROVIDED that those members of the crew of any vessel do not reside in the Cayman Islands;"

I am sure that the Honourable Second Official Member can give me some assistance in putting that in the proper form if need be.

MR. CHAIRMAN: Does any Member wish to speak to that?

HON. G. HAIG BODDEN: Yes, Mr. Chairman. I do not think that we can allow that amendment either because what would happen

HON. G. HAIG BODDEN (CONTINUING): to the crew of say an aircraft if it were necessary for Republic Airlines to overnight here. Would this prohibit the crew from residing here for the night?

I do not think we can get into this. My opinion, Sir, is that we voted on this Clause, or the amendment. Why do we not just move on.

MR. W. NORMAN BODDEN: I would like my amendment to be dealt with, Sir.

MR. BENSON O. EBANKS: Mr. Chairman, I would just like to concur with the interpretation put to this Clause by the First Elected Member for George Town. This is a provision to deal with the temporary visit of a ship into our ports. I made this clear earlier in my debate, and I want to reinforce it with him. This is why it was put in and this is the interpretation that has always been given to it, and as I said I am resting on the legal advice which was given at the time and until that opinion is upset in a court of law I am happy to stick with it.

MR. CHAIRMAN: Does any other Member wish to speak to the amendment?

HON. G. HAIG BODDEN: Only, Sir, I would like to know which opinion he is talking about. I am afraid he has lost me.

MR. CHAIRMAN: He is agreeing, I think, with the First Elected Member for George Town's amendment. I am not sure whether it is the Honourable Second Elected Member for Executive Council, yes.

HON. TRUMAN M. BODDEN: I need a little bit of time to think, Sir. Just let me see if I follow what the Member was saying. What he wants to do is to let a person who is a crew member who permanently resides in Cayman but not of Caymanian status have a gainful occupation licence. Correct?

MR. CHAIRMAN: I have forgotten the precise wording because I, to my shame did not write it down.

MR. W. NORMAN BODDEN: The wording was, Sir:

> "PROVIDED that those members of the crew of any vessel do not reside in the Cayman Islands;"

Then in that case this exemption would apply.

MR. CHAIRMAN: Subject to the Honourable Second Official Member's view I would think it would have to be "ordinarily reside". Because if you just say "do not reside" it would be very difficult to determine....

MR. W. NORMAN BODDEN: You could say "not ordinarily resident".

MR. CHAIRMAN: Or "not ordinarily resident", something of that kind.

MR. W. NORMAN BODDEN:

> "PROVIDED that those members of the crew of any vessel are not ordinarily resident in the Cayman Islands";

MR. CHAIRMAN: I wonder whether the Honourable Second Official Member or anybody else can tell us whether that kind of amendment would have unexpected side effects. I think the mover has made clear what he intends it to achieve, but might it do all sorts of other things which he did not intend?

HON. MICHAEL J. BRADLEY: It is hard, Mr. Chairman, Sir, to think up all the permutations at short notice. What it certainly would not cover if we are adverting to particular examples, it would not cover Cayman Airways employing a crew who live in Miami and work on a permanent basis.

MR. CHAIRMAN: No, but I think he was not at that stage so much, as I understood what he said, concerned with that. He was concerned with stopping people who lived here and took advantage of living here, and who are not Caymanians, from working here without work permits.

MR. W. NORMAN BODDEN: It is directed to persons who come here and reside in the Cayman Islands and are exempt from the work permit under 23(c) because they sign on as a crew member of whether it is an aircraft or vessel or pleasure craft or whatever.

MR. CHAIRMAN: Could you put it, just . staff of Republic Airlines who come and live here or would that never happen?

HON. MICHAEL J. BRADLEY: What you could have, Sir, is a person resident here employed by an international shipping company whose vessel comes here. Technically in those circumstances that company would require that person to have a work permit because it is a general non exemption for anybody resident here. So if any vessel or crew has a person who is resident here in their employment as the crew of a ship, once they came within our jurisdiction they would be committing an offence by having him working.

It may be far fetched, but you did ask me.

HON. DENNIS E. FOSTER: Mr. Chairman, non-Caymanian crew members of Cayman Airways can only live one place or the other, Miami or here, and I am afraid most of them do reside here when they are not flying.

If something is working well, Sir, leave it alone. Do not try to fix it.

MISS ANNIE E. BODDEN: Mr. Chairman, that is exactly what I was going to say. If we have some Law which is working well, why interfere with it. I am very sure, Sir, that before June, 1985, we will see that this Law will have to be amended and in the meantime if we find the Law is not working we can put in all these small amendments then. I think that we are wasting time now and should get on with the Bill.

MR. CHAIRMAN: Let us put the amendment to the vote.

QUESTION PUT: AYES AND NOES. AMENDMENT TO CLAUSE 23(c) DEFEATED.

MR. CHAIRMAN: In that case let me put the question that Clause 23, which has not in the event after all this been amended, stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 23 PASSED.

MR. CHAIRMAN: That takes us, I think, to Clause 43 and before we broke for lunch the question of whether.....

HON. MICHAEL J. BRADLEY: Sorry, Sir, could we perhaps recommit Clause 33 and dispose of it which was the one which I wanted to see where.....

MR. CHAIRMAN: You are quite right. I am so sorry. I had forgotten that we had left Clause 33.

CLERK: CLAUSE 33 - CERTAIN PERSONS DEEMED NOT TO HAVE ENTERED THE ISLANDS.

MR. CHAIRMAN: The question is that Clause 33 do stand part of the Bill. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSE 33 PASSED.

MR. CHAIRMAN: We can now I think return to Clause 43. Before our lunch break I had invited two Members who had proposed amendments to see whether conceivably one amendment could be drafted which would satisfy the purposes which both had in mind. I am not sure whether a draft was in the event produced or not.

HON. MICHAEL J. BRADLEY: My understanding, Mr. Chairman, Sir, was that the Third Elected Member for West Bay in consultation with my legal draughtsman did prepare a revamped proposed amendment. However, since they are both outside the Chamber at this moment it is hard for me to know exactly what they have done because I was shown a copy of it, but.....

MR. CHAIRMAN: Well if he is not here to move it, that is his lot. In any case the First Elected Member for the Lesser Islands did give notice of an amendment which we did determine was conceivably separate and which seemed less controversial. I do not know whether he would wish us to proceed with that before we go any further?

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, what I said before, Sir, if the amendment which the Third Elected Member for West Bay was proposing to the House, covered my amendment, that is that it would revoke the license of a person who had abused the privilege of gainful occupation license. If his amendment had the same effect, I would withdraw my amendment.

MR. CHAIRMAN: I have understood that but the Third Elected Member for West Bay is not here. Unless somebody else is going to move his amendment, and nobody seems to know how he wants it worded so nobody is likely to be able to, I am offering you the opportunity before I put the Clause unamended to the vote, to move your amendment.

HON. MICHAEL J. BRADLEY: I would see, Mr. Chairman, Sir, no great harm in moving the amendment because it is mandatory whereas the powers to revoke under other Sections of this Bill are discretionary. I think there would be no harm, in fact if the First Elected Member for the Lesser Islands amendment were moved, it would put it beyond doubt.

MR. CHAIRMAN: I think so.

CAPT. CHARLES L. KIRKCONNELL: In that case, Mr. Chairman, I would like to move that Clause 43, subsection (3) be amended by the deletion of the full stop at the end thereof and the addition of the words "and the permission under subsection (1) to engage in gainful occupation shall forthwith be revoked by the Board.".

MR. CHAIRMAN: I think Members know of the amendment. Does any Member wish to speak to it? If not I will put the question.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 43(3) PASSED.

MR. BENSON O. EBANKS: Mr. Chairman, where are we at this point, Sir, because I was with the legal draughtsman.

MR. CHAIRMAN: We are on Clause 43 and the amendment of which the First Elected Member for the Lesser Islands had given notice earlier has been moved and carried, and I am now asking whether any Member has a further amendment. I did ask earlier whether the amendment that I believe you were preparing in the lunch break had been done and nobody had a copy of it anyway.

MR. BENSON O. EBANKS: Well, I think that the legal draughtsman and I have reached agreement, Sir. I do not know what the Honourable Second Official Member will have to say. He is having it typed at the moment.

MR. CHAIRMAN: Do you have a copy of it or not?

MR. BENSON O. EBANKS: No, Sir, I left it with him.

MR. CHAIRMAN: I wonder whether, even without being able to read it to us yet, you can tell us what its purpose is?

MR. BENSON O. EBANKS: Yes, Sir, I can basically tell you what it is. It would have the effect of amending the Clause to read something like this.

> "In granting such permission, the Board shall give consideration to the provisions of section 27(1), 28(1),"

29 is deleted because 29 in fact really has no application to this Section of the Law at all. That has come to our notice in looking at the proposed amendment. It would then go on to say:

> "and shall act according to the principles set down in Section 28(5)".

That is basically how the amendment would affect the Section.

MR. CHAIRMAN: So that the principle effect of it bearing in mind that the Clause has already been amended in such a way, that is subsection (3) of the Clause, as to provide that it shall be mandatory for the Board to revoke the licence of anyone who engages in gainful occupation.

MR. BENSON O. EBANKS: That would not in any way detract from the amendment which I am proposing, Sir.

MR. CHAIRMAN: No, I was going to say that the principal effect of your amendment would in consequence, I think, be that the Board would not be able to license somebody who had permanent residence to engage in gainful occupation for a longer period than three years. That is to say, not for a longer period than they can license other people for.

MR. BENSON O. EBANKS: Mr. Chairman, that would be part of the effect but that is not the principal reasoning behind the amendment. The principal reasoning behind the amendment is to put as near as possible a person on permanent residence seeking a gainful occupation license on all fours with anyone else seeking a gainful occupation license. In other words, Mr. Chairman, this Section came about because it was felt that in special circumstances a person with permanent residence might possess some skill which was absent on the Islands, and particular reference was made to the Lesser Islands of Cayman Brac and Little Cayman. But we, the Committee, did not want to put the permanent resident in any preferred position to any other permit holder. In other words, Mr. Chairman, if the permanent resident is holding a work permit for which a Caymanian qualifies and becomes available to do then, bluntly speaking, the permanent resident must make way for the Caymanian. This is the whole purpose of this Law and we must bear in mind, Mr. Chairman, that the permanent resident is normally a person who has had to establish that he is a person of independent means and has sufficient income to support himself and his dependents during his stay in the Islands.

So he should be more restricted than the other work permit holder if I have anything to say about it.

MR. CHAIRMAN: The Clause is still being typed out is it? The amendment, I am sorry?

I wonder whether it would be best under the circumstances if we try to go ahead with Clauses 44 and beyond and come back to Clause 43 when we have the amendment before us. I think that is the wisest thing to do. We will ask the Honourable Second Official Member to stop us if we come to a Clause that in his view might be affected by the proposed amendment to Clause 43. I realise that is quite difficult, but still.

CLERK: CLAUSE 44 - LOSS OF PERMANENT RESIDENCE.

MR. CHAIRMAN: The question is that Clause 44 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 44 PASSED.

MR. CHAIRMAN: Perhaps I could just mention one thing. I have not been given notice of any proposed amendments to any of the remaining thirty or so Clauses. It might conceivably be the wish of the Committee that they be read three or four at a time now in order to expedite matters. So far I have done it one at a time because we were going to be coming to Clauses which were controversial. Members will obviously still have a chance to move amendments or to discuss points if they want but it would expedite matters a bit if we took the Clauses a few at a time.

HON. MICHAEL J. BRADLEY: I think we could do three Clauses at a time.

MR. CHAIRMAN: I think we will do that.

CLERK: CLAUSE 45 - DETENTION OF PERSONS WHO HAVE BEEN REFUSED PERMISSION TO LAND.
CLAUSE 46 - DUTY OF LOCAL AGENT OF VESSEL TO GIVE NOTICE OF ARRIVAL.
CLAUSE 47 - CONTROL OF LANDING FROM VESSELS.

MR. CHAIRMAN: The question is that Clauses 45, 46 and 47 stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSES 45, 46 AND 47 PASSED.

CLERK: CLAUSE 48 - INWARD PASSENGER AND CREW MANIFESTS.
CLAUSE 49 - OUTWARD PASSENGER AND CREW MANIFESTS.
CLAUSE 50 - GOVERNMENT VESSELS.

MR. CHAIRMAN: The question is that Clauses 48, 49 and 50 do stand part of the Bill.

MR. BENSON O. EBANKS: In the case of Clause 50, Government here refers to the Government of the Cayman Islands. Do we have any sea-going vessels, Sir, which this would apply to?

HON. MICHAEL J. BRADLEY: "Vessel" as the Honourable Member has already pointed out, includes aircraft.

MR. BENSON O. EBANKS: I did not know the Government owned either one of them.

MR. CHAIRMAN: But it might.

MR. CRADDOCK EBANKS: Mr. Chairman, he must have forgotten about all the gunboats, coast-guards, police boats and launches and all the vessels which Government have. He went to sleep somewhere down the road.

MR. BENSON O. EBANKS: They do not have any masters who would qualify under this Section.

QUESTION PUT: AGREED. CLAUSES 48, 49 AND 50 PASSED.

CLERK: CLAUSE 51 - DUTIES OF THE CHIEF IMMIGRATION OFFICER AND OF ARRIVING PASSENGERS.
CLAUSE 52 - DISEMBARKATION AND EMBARKATION CARDS.
CLAUSE 53 - DUTY WITH RESPECT TO REMOVAL OF PERSONS LANDING UNLAWFULLY OR IN RESPECT OF WHOM PERMISSION TO LAND IS REFUSED.

MR. CHAIRMAN: The question is that Clauses 51, 52 and 53 do stand part of the Bill. I will put the question.

QUESTION PUT. AGREED. CLAUSES 51, 52 AND 53 PASSED.

CLERK: CLAUSE 54 - REGISTER TO BE KEPT AND PARTICULARS FURNISHED BY HOTEL KEEPERS AND OTHERS.
CLAUSE 55 - REGISTER OF PERSONS OF NON-CAYMANIAN STATUS.
CLAUSE 56 - OFFENCES RELATING TO ILLEGAL LANDING AND POWERS OF ARREST.

MR. CHAIRMAN: The question is that Clauses 54, 55 and 56 stand part of the Bill.

MR. BENSON O. EVANS: Mr. Chairman, I am wondering if in the register, to cover the observations of some Members in the second reading about prostitution, if the register should not include whether or not the people are married if a couple is entering the hotel.

MR. CHAIRMAN: Unless there is an amendment proposed I shall put the question.

QUESTION PUT. AGREED. CLAUSES 54, 55 AND 56 PASSED.

CLERK: CLAUSE 57 - RE-ENTRY PERMITS.
CLAUSE 58 - NON-APPLICATION OF PART VI AS RESPECTS PERSONS POSSESSING CAYMANIAN STATUS.
CLAUSE 59 - REPORT PRELIMINARY TO DEPORTATION ORDER.

MR. CHAIRMAN: The question is that Clauses 57, 58 and 59 stand part of the Bill. I will put the question.

QUESTION PUT. AGREED. CLAUSES 57, 58 AND 59 PASSED.

CLERK: CLAUSE 60 - POWER OF GOVERNOR TO MAKE DEPORTATION ORDER.
CLAUSE 61 - FORM OF DEPORTATION ORDER, POWER OF REVOCATION, VARIATION, ETC.
CLAUSE 62 - SERVICE OF DEPORTATION ORDER AND POWER TO DETAIN DEPORTEES.

MR. CHAIRMAN: The question is that Clauses 60, 61 and 62 stand part of the Bill.

QUESTION PUT. AGREED. CLAUSES 60, 61 AND 62 PASSED.

CLERK: CLAUSE 63 - DUTY TO COMPLY WITH DEPORTATION ORDER.
CLAUSE 64 - DUTY TO AFFORD TRANSPORTATION OF DEPORTEE TO PLACE OUTSIDE ISLANDS.
CLAUSE 65 - HARBOURING DEPORTEE.

MR. CHAIRMAN: The question is that Clauses 63, 64 and 65 stand part of the Bill. I will put the question.

QUESTION PUT. AGREED. CLAUSES 63, 64 AND 65 PASSED.

CLERK: CLAUSE 66 - ARREST OF PERSONS CONTRAVENING, ETC., PART VI.
CLAUSE 67 - EVIDENCE IN PROCEEDINGS TAKEN UNDER PART VI.
CLAUSE 68 - TRANSITIONAL PROVISIONS.

MR. CHAIRMAN: The question is that Clauses 66, 67 and 68 stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSES 66, 67 AND 68 PASSED.

CLERK: CLAUSE 69 - PROCEEDINGS TO BE SANCTIONED BY ATTORNEY-GENERAL.
CLAUSE 70 - IDENTIFICATION CARDS.
CLAUSE 71 - REGULATIONS.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, in the last line of Clause 70, sub-clause 1, the word "issue" in fact should read "have issued". In some way it got from the passive to the active tense. While I am saying that, Sir, could I apologise for not mentioning it earlier, but I have just been reminded by this. This error was drawn to my attention by a member of the public who with, I think

HON. MICHAEL J. BRADLEY (CONTINUING): eleven other persons had made representations to the Select Committee, but who were not listed in the list of the forty odd persons. I said to the person that I would at Committee Stage bring to the attention of the House that there was an omission in the list of persons who had made representations, and that was in the name of Mrs. Sybil McLaughlin and I think eleven others. I said I would do that in fairness to her so that it is on public record and that it was omitted from the Committee Minutes. It was she who reminded me of this error.

MR. CHAIRMAN: Thank you. I think we can regard that as a printing error although it is a rather more substantial one.

HON. TRUMAN M. BODDEN: Mr. Chairman, I believe if we are going to abate fees then in the Regulations Section, probably in 71(2)(c) maybe we should out of an abundance of caution put in something there about abatement of fees.

MR. CHAIRMAN: Would the Honourable Second Official Member like to comment?

HON. MICHAEL J. BRADLEY: I agree, Sir, and perhaps immediately before the semi-colon at the end add the words "and the circumstances under which such fees may be abated or waived".

MR. CHAIRMAN: It is therefore now proposed that Clause 71, sub-clause (2), paragraph (c) should be amended by the insertion at the end of that paragraph of the words "and the circumstances under which such fees may be abated or waived". Does any Honourable Member wish to speak to that amendment? If not I will put the question that that amendment to Clause 71 be made.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 71 PASSED.

MR. CHAIRMAN: I will put the further question that Clauses 69, 70 and 71 as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 69, 70 AND 71 AS AMENDED PASSED.

CLERK: CLAUSE 72 - POWER TO PUT QUESTIONS AND REQUIRE PRODUCTION OF DOCUMENTS.

CLAUSE 73 - OBSTRUCTION OF PERSONS ACTING IN EXECUTION OF LAW.

CLAUSE 74 - OFFENCES RELATING TO FALSE STATEMENTS, USE OF FALSE DOCUMENTS, ETC.

HON. MICHAEL J. BRADLEY: I think, Mr. Chairman, Sir, if I may in Clause 72 also suggest that it might be useful in 72(1)(b) specifically to list "identification card".

MR. CHAIRMAN: Am I right in supposing that you are proposing that that paragraph be amended by including the words ", identification card" after "permit"?

HON. MICHAEL J. BRADLEY: Yes, Sir.

MR. CHAIRMAN: Does any Member wish to speak to that proposed amendment?

MR. BENSON O. EBANKS: I am just trying to find the Section of the Bill where the identification card is mentioned. Is that all that.....

MR. CHAIRMAN: Clause 70.

HONSON O. EDANKS: Should it not be"gainful occupation identifiation card"? Because it could be any kind of identification card. Is this not what you were referring to?

MR. CHAIRMAN: Perhaps it would be better. "Gainful occupation....."?

HON. MICHAEL J. BRADLEY: Yes.

MR. CHAIRMAN: Thank you very much. I will assume that the Honourable Second Official Member has himself expanded the amendment which he proposed. Does any Member wish to speak to that amendment? In that case I will put the question that Clause 72, sub-clause (1), paragraph (b) be amended by the addition of a comma and then the words "gainful occupation identification card" after the word "permit" in the second line of the Clause.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 72 PASSED.

MR. CHAIRMAN: I will now put the further question that Clauses 72 as amended, 73 and 74 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 72 AS AMENDED, 73 AND 74 PASSED.

CLERK: CLAUSE 75 - PUNISHMENT FOR OFFENCES AGAINST LAW.
CLAUSE 76 - OFFENCES AGAINST LAW BY CORPORATIONS, LIABILITY OF OFFICERS, ETC.
CLAUSE 77 - EVIDENCE IN PROCEEDINGS TAKEN UNDER OR IN CONNECTION WITH LAW.

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, Clause 76, Sir, while I have not put in an amendment I would like consideration to be given to Section 70 where they have "secretary or other officer" as being people who would commit an offence. I do not see, Sir, that they should be included. It should be the managing director, manager and directors.

MR. CHAIRMAN: I have been advised that the tape is about to run out. I had been hoping that within thirty seconds or so we would have finished all the Clauses apart from the ones which we have to go back on. It seems to me now possible that there may be a bit of discussion about Clause 76 so I think perhaps rather than embark on that discussion, because it is also time for our customary break, I would suspend proceedings for approximately fifteen minutes.

I would, perhaps if I may, just remind Members that I did circulate to them a brief note about this Bill a day or two ago which was further to a private discussion we had earlier, asking if we could have a further word about it. It might be convenient to do so immediately after the short break now. I do not think it will take more than a few minutes. I hope it will not. So possibly after we have had a cup of tea or whatever we could meet very briefly in the Committee Room.

COMMITTEE SUSPENDED AT 3.27 P.M.

COMMITTEE RESUMED AT 3.58 P.M.

MR. CHAIRMAN: Please be seated. I now have a copy and I hope all Members have copies of the amendment in its revised form which the Third Elected Member for West Bay proposes to move to Clause 43(2). Perhaps I could invite him to move it and to read it out. I think you have explained it already, but just as a formality if you could move it.

MR. BENSON O. EBANKS: Yes, Mr. Chairman, the amendment is that Clause 43 of the Bill be amended by the deletion of section "29" and substituting therefor:

> "(3) In granting such permission, the Board shall give consideration to the provisions of section 27(1) and 28(1) and shall act in accordance with the principles set out in section 28(5)."

MR. CHAIRMAN: Thank you very much.

MR. BENSON O. EBANKS: Could I explain why I changed the wording, or why the wording has been changed?

MR. CHAIRMAN: Well I think you did explain while we were waiting for this. I think Members have had the benefit, unless any other Member is speaking and raises queries which you need to answer.

HON. TRUMAN M. BODDEN: May I speak?

MR. CHAIRMAN: Yes of course.

HON. TRUMAN M. BODDEN: As I see it, Sir, the amendment which the First Elected Member for the Lesser Islands has put and which has been passed, as I see it it satisfies the query which has been raised. I would prefer to stay with that amendment. I think it is good and what really is being done here now is something which I am not prepared to support even thought it is now properly drafted. It is really going to, I think, fairly seriously alter the Clause and it is going to create a lot of problems which we really do not need and I would just vote against it. I do not see why he would now like to change spouses as well and get back to this whole decision of equality and inequality between husband and wife. I think we should leave it as it is in which case....

MR. CHAIRMAN: I do not think it will affect spouses.

HON. TRUMAN M. BODDEN: Well we had Section 29 in there, right? Section 29 related to fees and those fees were exempted in relation to spouses. Either we are going to have to exempt them in this Bill or we are going to have to exempt them in the regulations. What I am really saying is it is now drafted. I would like to see that the principle in Section 29 is brought back in. I appreciate the way the drafting was perhaps not correct in Section 43(2) because it is not a consideration, and I am just prepared to leave it, but to deal with the exemption then, in the regulations for it. I appreciate, Sir, it is not

HON. TRUMAN M. BODDEN (CONTINUING): a consideration and that it would have to be a substantive clause, but I would not like to give the impression that feeling here was that spouses should be charged fees.

MR. BENSON O. EBANKS: Mr. Chairman, you see now, Sir, why I wanted to speak to the amendment, because it is obvious that the Member who just spoke does not understand the amendment. To be frank with you my first attempt at changing my original amendment was purely to substitute "shall give consideration to the provisions of". I merely suggested substituting "shall be in accordance with those Sections", but when one looks clearly at the way the Bill is drafted, one will see that Section 17 and 22 deal with the issue of gainful occupation licences under Section 25 which is Part IV of the Bill. The Section which we are dealing with is Part V of the Bill so this is why I had to do the proper changes which were done here.

Now taking out Section 19 has nothing to do with equality of spouses and so on because again that refers to the permits given under Section 24. The right to charge a fee for the permanent resident would be covered by the Section in the general provisions to prescribe fees and I think we went on to say "and also the circumstances under which such fees shall be waived or waived". So that is where the fees in respect of the permanent resident would come. Clause 28(5), while I could not say "shall be in accordance with the section", I had to say it was in accordance with the principles of the Section, and the principles of that Section state:

> "The Board may from time to time extend, revoke, vary or modify the terms of any licence, provided that no licence shall be extended for any period exceeding three years at a time."

Therefore, Mr. Chairman, we are as I see it putting as near as possible the permanent resident who gets a work permit on all fours with anyone who would get it under Part IV of the Bill.

MR. CHAIRMAN: Thank you for explaining the position so clearly.

If I may now put the question to the vote. The question is that the amendment proposed by the Third Elected Member for West Bay to Clause 43, subsection (2) be made.

QUESTION PUT: AYES AND NOES.

MR. CHAIRMAN: I find this very difficult to judge, may I call again.

QUESTION PUT: AYES AND NOES.

MR. BENSON O. EBANKS: Could we have a division, Sir.

MR. CHAIRMAN: I think the ayes had it if anything, but I would be happier with a division because I really was not sure.

DIVISION

AYES	NOES
Mr. D. Dalmain Ebanks	Hon. Truman M. Bodden
Mr. Benson O. Ebanks	Hon. G. Haig Bodden
Mr. W. Norman Bodden	Mr. J. Garston Smith
Capt. Charles L. Kirkconnell	Miss Annie H. Bodden
	Mr. Craddock Ebanks
4	5

Hon. Dennis E. Foster, Hon. Michael J. Bradley, Hon. Lemuel Hurlston and Hon. John B. McLean abstained.

MR. CHAIRMAN: I declare that the amendment is defeated by five votes to four with four abstentions.

AMENDMENT TO CLAUSE 43(2) DEFEATED.

MR. CHAIRMAN: I will now put Clause 43 as amended, and the amendment is the amendment made earlier and passed after it had been moved by the First Elected Member for the Lesser Islands, to the vote.

QUESTION PUT: AGREED. CLAUSE 43 AS AMENDED PASSED.

MR. CHAIRMAN: We can revert to Clauses 75, 76 and 77 which I think the Clerk had read out. I understand that the First Elected Member for the Lesser Islands does not after all intend to pursue the question of an amendment to Clause 76?

CAPT. CHARLES L. KIRKCONNELL: That is correct, Sir.

MR. CHAIRMAN: In which case I will put the question that Clauses 75, 76 and 77 stand part of the Bill. I am so sorry.

MISS ANNIE H. BODDEN: Mr. Chairman, with regard to Section 75, I am wondering if the six months with the amount of the fine, and the twelve months, is not too lenient, Sir. I would think that the six months should be made into twelve months, or one year if you want to call it that, and the twelve months to twice that amount, two years or twenty-four months whichever is the most legal and lawful way to put it into the Bill.

MR. CHAIRMAN: Does the Honourable Member wish to move an amendment or simply to canvas opinion and allow other Members to express their opinion before an amendment is moved?

MISS ANNIE H. BODDEN: Mr. Chairman, I would like to get through you the opinion of the Honourable Second Official Member as to whether the correction is in order or not.

HON. MICHAEL J. BRADLEY: If I may, Mr. Chairman, Sir, retrace the history of this Clause. My memory without reference to my notes is that between the Discussion Draft and its present form the Select Committee decided to increase the amount of the fine, which was the time when the Acting Honourable Second Official

HON. MICHAEL J. BRADLEY (CONTINUING): Member was Chairing the Select Committee. It had been my normal practice in penalty clauses in other legislation to try and guide the House into a systematic correlation between fine and imprisonment and my own personal indications in a situation like this is that $1,000 and a year and $4,000 and two years would be more in accordance with the normal balance than $2,000 and six months. However, it may be that Members at the time had a reason for increasing the fine and not the imprisonment.

MR. CHAIRMAN: Does any other Honourable Member wish to comment? In that case unless the Third Elected Member for George Town wishes to move an amendment I shall have to put the question.

MISS ANNIE H. DOUDEN: Well, I am quite prepared to withdraw the suggestion, Sir.

MR. CHAIRMAN: So the question is that Clauses 75, 76 and 77 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 75, 76 AND 77 PASSED.

CLERK: CLAUSE 78 - SAVINGS.
CLAUSE 79 - REPEAL.

MR. CHAIRMAN: The question is that Clauses 78 and 79 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 78 AND 79 PASSED.

CLERK: THE CAYMANIAN PROTECTION LAW, 1984.

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

QUESTION PUT: AGREED. THE TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled a Bill for a Law to repeal and replace the Caymanian Protection Law (Revised).
The House will resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.
Report. The Caymanian Protection Bill, 1984.

THE CAYMANIAN PROTECTION BILL, 1984

REPORT THEREON

HON. DENNIS H. FOSTER: Mr. President, I beg to report that a Bill for a Law to repeal and replace the Caymanian Protection Law (Revised) was examined by a Committee of the whole House and passed with amendments to Clauses 8, 16, 37, 42, 45, 71 and 72.

MR. PRESIDENT: The Bill is accordingly set down for third reading, Order Paper, Item 2(3).

THE CAYMANIAN PROTECTION BILL, 1984

THIRD READING

CLERK: The Caymanian Protection Bill, 1984.

HON. DENNIS E. FOSTER: Mr. President, I move that The Caymanian Protection Bill, 1984 be given a third reading and passed.

MR. CHAIRMAN: The question is that a Bill entitled a Bill for a Law to repeal and replace The Caymanian Protection Law (Revised), as amended, be given a third reading and passed.

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

TRIBUTES TO THE ELECTED MEMBER FOR NORTH SIDE

HON. DENNIS E. FOSTER: Mr. President, before making the adjournment, Sir, with your permission, we learnt this morning that this would be the last time the Honourable Member for North Side would be sitting in this Chamber as an Elected Member, and therefore I think it would be in order, Sir, for me on behalf of us here on the Official side to say to him what a pleasure it was for us to be working with him over the years. I did not have the pleasure of working with him for thirty-two years, Sir, but it has been quite a few years, and although we have not seen eye to eye at all times he was a Member who I always respected. Only when I could do no better, Sir, would I really try to touch him a little bit on the wrong side. Nevertheless that is all part of life, Sir, and I think the country is indebted to him for thirty-two years of service in this Assembly. I would like to take this opportunity to express our best wishes to him in his retirement. I really think he is doing the right thing, Sir, because after all there comes a stage in all our lives when you want to do what you want to do when you want to do and how you want to do it.

I can quite agree with the Member relaxing in that nice atmosphere he has in North Side and enjoying the best of his retirement, and we wish him just this

HON. TRUMAN M. BODDEN: I wonder if I may just say something first. I know this is normally said on the adjournment....

MR. CHAIRMAN: I was going to say, we have not actually moved the adjournment. I thought that the Honourable First Official Member was going to move the adjournment and that will give everybody a proper opportunity to speak, and I think a number of Members may like to speak. Perhaps the Honourable First Official Member would move the adjournment.

ADJOURNMENT

HON. DENNIS E. FOSTER: Mr. President, I move the adjournment of this House sine die.

MR. CHAIRMAN: Perhaps I will give the Honourable Second Elected Member of Executive Council the benefit of the doubt. One or two Members caught my eye.

MISS ANNIE E. BODDEN: I am not going to argue, Sir.

HON. TRUMAN M. BODDEN: Mr. President, I too would like to join in paying tribute to Mr. Craddock. I think I am entitled to call him that despite the Standing Orders at this stage.

He has for thirty-two years given very unselfishly of his time and his all to his country. I have learnt a lot from him. I think he has justly held the position of father of this House and perhaps father within the Islands. As Mr. Foster said, it has been a pleasure working with him. I wish him a happy retirement. I am certain, Sir, that having spent thirty-two years in politics he definitely has a crown up above, because that length of time is extremely trying, extremely long and you have to really have the tolerance and patience and love for your country and your people to spend that length of time.

I wish for him and his wife and family everything that is good and I am sure that Members here will continue to draw on his advice despite the fact that he may not be within this Chamber. In ending I would like to say to the other Members here that it has been very nice working with them and despite the fights at times we have had a healthy if somewhat vociferous house at times. I would wish for them a clean campaign and everything that is good in the future.

MR. PRESIDENT: I think the Elected Member for North Side.

MR. CRADDOCK EBANKS: I would just give way to any other Members who want to say something, and I would speak then at the end.

MR. PRESIDENT: The Third Elected Member for George Town.

MISS ANNIE H. BODDEN: Mr. President, Sir, I have been associated with Mr. Ebanks, our Representative for North Side for the last twenty-two years and I have found him to be very unselfish in all his work in the Assembly.

When we first met, I am speaking of myself here, in the old Town Hall, if you got a drop of water to drink you were lucky and he endured all that. He had to come all the way from North Side sometimes in rain and bad weather, but he was never absent. He was always there to perform his work to the best of his ability.

I personally am very sorry that he is leaving. I suppose that I would be classed in the same category, old age, and in old age people are no good. Well I will here state that I would really like, and I hope that the substitute who will be elected for the District of North Side will be a man of the calibre of Mr. Ebanks. I personally, Sir, am much older than Mr. Craddock and it has been stated to me, in fact some of those who are now candidates have sent delegations to my house asking me to please step down. Now I said this, I would not step down for my mother and sister because it is the little pleasure which I get serving this country. I have served for twenty-two years and I am not the least bit ashamed of my record. I have tried to do all that I could for all the people that I could and as long as I could, and if it is God's will to have me come back to this House I shall continue to do the same as I have been doing, and that is serve the people without any thought of pain for Annie Huldah Bodden.

Thank you, Sir.

MR. CHAIRMAN: The First Elected Member for the Lesser Islands.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I too would like to join in wishing Mr. Craddock from North Side all that is good to him and his family in the future. I have worked with him since 1976, and I have found him to be straightforward in all the dealings which I have had with him. I think he has represented his constituency well. I was on Executive Council 1976 to 1980, and when it came down to North Side and the roads and the needs of North Side, Mr. Craddock was always there with these needs, and he did not leave me alone until he got what he wanted. I would say that it was a pleasure to have worked with him in that capacity. It has been a pleasure to work with in here on this side of the House. I shall miss him and I know that he has done his very best for his country and I think that North Side will long remember him for the many years of service which he has given to his constituency and people.

Mr. President, being an Elected Member is a very thankless job and to put up for thirty years with all the hurls of abuse and all of the accusations, he has been in my books a man of Job's patience. I think he has run his race well and he can leave here feeling satisfied that he has done a job for his country and his people, and all of us can look up to him, and we are grateful to have had a man of Mr. Craddock's calibre in this Assembly for so long.

I thank you, Sir.

MR. PRESIDENT: The Honourable Fourth Elected Member of Executive Council.

MR. G. HAIG BODDEN: Mr. President, everyone knows that I am a youngster in politics, and I recall some of my first introductions to politics. Two occasions came to mind. One was, I believe, in the '70's when the Member for North Side stormed into the Town Hall which had been barred up with plywood because the Government had been trying to pass laws which were considered at the time unjust, and despite the police armed with guns and the warship standing offshore he tore down the plywood in front of the President of the Assembly and started throwing it outside. That Meeting was not held behind barred doors as had been anticipated, but was held in the open and Mr. Craddock was responsible.

Another occasion which comes to mind was in early 1972 when the President of the Assembly refused to swear in Mr. Jim Bodden who had been elected in a by-election in contravention of the Constitution, and Mr. Craddock was one of those Members with the courage to walk out of the Assembly on that day. The Meeting was held at the Town Hall in West Bay.

So there are two of the memorable occasions on which I attended the Legislative Assembly prior to becoming a Member. Also, Mr. Craddock will be remembered for the hard line which he took against drugs, alcohol and the yellow paint on the roads. Now that he has chosen to retire he carries on like the poet Robert Frost when he said he could sum up life in three words, "It goes on". Last night when he stepped down like the prophet Elijah he cast his mantle on to Elisha and I can only trust that the Elisha whom he has chosen will be as noble a person as the old man the prophet Elijah.

Finally I would like to say I trust that in his retirement he will still continue the same sound beliefs which he had and will continue to support the same party line which brought him to fame.

MR. PRESIDENT: The First Elected Member for West Bay first caught my eye.

MR. J. CARSTON SMITH: Mr. President, so many good things have been said about my good friend Mr. Craddock that it hardly leaves anything much for me to say. But I must say that in hearing this morning about his retirement, his resignation, it really was a surprise to me. There is an old saying, "the best of friends must part at some time". Now I do not mean that we will not be seeing each other but we surely will miss Mr. Craddock here in this Legislative Assembly. I just want to endorse what most of the Members have said. I feel that he has represented the people of North Side in a very able way. Although in his earlier days he did not have the opportunity, nor did he have the money to get some of the things which he has got for North Side in the last eight years he has always plugged for his district, and for this I admire him.

I just want to join Members in wishing for him and his family a happy retirement.

I thank you.

MR. PRESIDENT: The Third Elected Member for West Bay.

MR. BENSON O. EBANKS: Mr. President, it has been my pleasure to work on both sides of the House with the Member for North Side, and as other Members have said we have not always seen eye to eye but I have never ever had reason to doubt the integrity or sincerity of purpose of the Member. I know that some Members have said they will remember Mr. Craddock, if I may be permitted to call him so, for his outspoken and vociferous representation but I have memories of other sides of the Member as well. Because, Mr. President, quite a bit of what was achieved by the Member was done behind closed doors as well, and if I might, Mr. President, since what I am specifically going to refer to was a joint effort, if I may invoke the name of a former Member of this House. That is to say that when the Member for North Side and the immediate past Member for East End worked behind the scenes to get roads from Bodden Town to East End and North Side, to get electricity into those districts, much of it was done by negotiation behind closed doors. I know that very often achievements of this nature are lost sight of in the more visible signs of a black topped road in front of one's home or a street light in front of one's home, but if it had not been through the efforts of those Members to get the road from Bodden Town in the first place, and the electricity, there would have been very little satisfaction in having a black topped road in front of one's house in North Side. Or it would have been impossible to put the street lights.

So, Mr. President, there is only one thing that worries me about Mr. Craddock's retirement and that is if my calculations are correct it is possible that if I am returned at the polls on November 14th, I might then become the father of the House. I do not really feel that old, not that I am saying Mr. Craddock is old, but it is not a title which I will wear with that much distinction, and I can give Mr. Craddock one assurance and that is that I will never break his record of length of service in this House if I can help it.

In closing, Mr. President, I would like to wish the Member a long and happy life of privacy and retirement and to wish for him and his family all that is best in the future. Thank you.

To other Members, Mr. President, may I say that I would be a hypocrite if I wished all of them

MR. BENSON O. EBANKS (CONTINUING): success at the polls but, nevertheless, I wish them an enjoyable and trouble free campaign.

Thank you.

MR. PRESIDENT: The First Elected Member for George Town.

MR. W. NORMAN DOUSEN: Mr. President, I would just like to associate myself with all the kind remarks which have been passed on to the Member for North Side, Mr. Craddock Ebanks, and I think it is fitting and good that the occasion does arise in someone's life when they can receive good comments and good remarks and the bouquets from their colleagues that they so rightfully deserve while they are still alive.

I have known Mr. Craddock for most of my life and I have been more closely associated with him in the last four years, and I would like to say that anybody who has served this country for the number of years that he has, it has had to be a sacrificial life for both him and his family. I can only wish Mr. and his family all the best and a good retirement which he so rightfully deserves.

Thank you.

MR. PRESIDENT: The Honourable First Elected Member of Executive Council.

HON. JOHN B. McLEAN: Mr. President, I must agree with the last speaker. It is not often you hear such nice remarks about somebody while they are still alive. It is always in an obituary that you hear such remarks. However, Mr. President, I must say that this afternoon if not one word was said on behalf of Mr. Craddock, with his track record it would not make a difference. I think if every one of us after serving our country for so many years could look back with pride the way that Mr. Craddock can, we could justly say to ourselves, we have served our country.

I will not, like other Members said, say to Mr. Craddock that I wish him a happy retirement because, Mr. President, I am not looking forward to Mr. Craddock being retired. He is already a politician and I think that when it gets into your blood for that long, it is impossible for you to retire. So what I am looking forward to, Sir, is to work even closer with Mr. Ebanks in getting good advice. Maybe he will not be sitting in the Chamber but I am hoping that if I am re-elected to this Chamber, that I will be able to look up at him, and if I need his advice I can go up there and talk with him. So I do not think it is fair to say a happy retirement because I still have great expectations from the Member.

To other Members, Mr. President, I would also like to say I hope and trust that they will be faced with a clean campaign and I have no doubt in my mind that what I am going to say is hypocritical, as the previous speaker felt. I am going to say, Mr. President, that I hope and trust that as many Members as possible in this group will be returned. I think that our Government could have been much worse than it was although it is a known fact that sometimes certain Members have become a bit, I would say on the other side, but you, Mr. President, had to rule them out of order. I still feel that in some way some sort of contribution has been made to their country. So I am not going to be that hypocritical as to wish anybody failure in the upcoming election. I am wishing all well. To speak further, Mr. President, I am hoping that if we are returned here, that

HON. JOHN S. McLEAN (CONTINUING): this past session, this past term will have been a lesson for one and all of us, and that we will put our heads together and endeavour to run this country even better than we have done in the past.

Thank you Mr. President.

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. D. DALMAIN EBANKS: Mr President, I too want to pay tribute to Mr. Craddock. It was a shock to me this morning when I heard the news, but then thinking about it, thinking about the time that he has put in here, thirty-two years, I think he is doing the right thing. So I want to wish him and his family all the best in his retirement.

The thing about it, Sir, is that this is not the first time that Mr. Craddock and myself have been fighting for our country, Sir. We were naval veterans in World War II. That is when I got to know Mr. Craddock and from then I know he was a sticker, Sir, and a fighter, and I know that he will go down fighting. I pray that whoever fills his seat from North Side will represent that district as well as Mr. Craddock did.

Thank you, Sir.

MR. PRESIDENT: The Honourable Acting Third Official Member.

HON. LEMUEL HUHLSTON: Mr. President, I rise to speak on behalf of the substantive Honourable Third Official Member who is currently travelling outside the territory.

Earlier this week when I was sworn in as a temporary Member of this Honourable House, little did I know that I would have been speaking as much as this. But I too, Sir, on behalf of the Honourable Financial Secretary would like to associate myself with the accolades which have been well deservedly laid before the Honourable Member for North Side on this occasion. As has been suggested, retirement is just another type of activity. It is nothing to be dreaded and it is nothing to mourn about. In fact most people tend to celebrate it. On this occasion I feel that we can confidently celebrate with the Honourable Member for North Side because if anyone has batted well and has opened all bases at the same time, he has surely done so.

Speaking personally, Mr. President, I have known Mr. Craddock from when I was a little boy and since joining the Civil Service sixteen years ago I have grown to know him even better. One of his sons is currently the Chief Engineer with Government and he is about my age. The family of this Honourable Member can be justly proud to see him having served so well, bow out nobly at this stage.

I too, Sir, would like to say that I wish for him on behalf of the Honourable Financial Secretary, as well as myself, good health and a long hard working retirement.

MR. PRESIDENT: The Honourable Second Official Member.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I have said it before in this House that lawyers always like to have the last word, but I think that it is appropriate on this occasion that the Father of the House, after I have spoken, should indeed have the last word.

Mr. President, Sir, he is called the Father of the House and he is called it, I think justly. In the short two years that I have had the pleasure out of the thirty-two

HON. MICHAEL J. BRADLEY (CONTINUING): that he has been in this House, of working with him, and I think the description Father of the House is appropriate because a father is God-fearing; he is fair; he is strict; he is not afraid to speak his mind or say his piece; he is looked up to with respect by the rest of the family; he has got experience. There is an old saying, Mr. President, Sir, that when a boy is twenty he thinks how little does his father know and when he is thirty he thinks how much his father has learnt in the last ten years. What I mean, Mr. President, Sir, is that we all have learnt and gained from Mr. Craddock's experience. In Committee in particular I have looked to him as my left hand man. In the community at large, as a person new to this Chamber and relatively new to these Islands I know that he is universally looked upon with respect and with affection.

I personally thank him for all the help that he has given to me in Select Committee and in this House and I will say, Mr. President, Sir, that at least in my mind I shall never forget him, if for no other reason that every time I see the Traffic Department painting their yellow line I will think of Mr. Craddock.

To the rest of Members I will say that it has been a genuine pleasure working in this House with them. I have had the experience of working in other Legislative Assemblies of Dependent Territories, but I think that here, Mr. President, that when criticism is made in this House by Members it has been constructive and not destructive criticism. It is said of the mother of Parliaments that the House of Commons is the best club in the world. I would say that Membership of this House with the feeling of fellowship; of working together for the good of the country; of being able to talk and argue together mens it a fair second.

To all the Members who are standing again I wish them a good fight and I look forward to meeting them either inside or outside this House.

To Mr. Craddock, may he continue years of work for the good of his country.

MR. PRESIDENT: Before I allow the Member for North Side to catch my eye I would just like to have the opportunity to say a brief word myself. Before I add my voice to those of all of you who have paid tribute to his long service may I make just one or two other remarks.

I have been with you, presiding over your deliberations for less than three years, not indeed for the whole life of the present Assembly but, nevertheless, even during that comparatively short period it has been the greatest of pleasures to get to know all of you and to find how much support and assistance I was invariably given in the performance of the duties you had thrust upon me. I shall still use my best endeavours when a new Assembly is elected, to persuade them of the virtues of appointing their own Speaker. I was unsuccessful in persuading you. I may be unsuccessful again, and if I am unsuccessful again I may not be altogether disappointed because it has given me, as I say, the pleasure of getting to know all of you the more closely and of working with you.

From time to time during the period I have been here there have, only infrequently, been occasions when some Members have felt that others were trying their patiences, abusing their privileges or otherwise misbehaving, and there have sometimes been slightly strained scenes. But I am thankful to say that not only have I never had to exercise

MR. PRESIDENT (CONTINUING): the kind of disciplinary control which Speakers of the House of Commons and indeed of a number of other Commonwealth Assemblies are obliged to exercise, but I have never even had to use this instrument here. That is a tribute to the responsibility with which all your debates have been conducted and to the underlying good humour and good relationships which have always prevailed amongst Members even when arguments have tended to become the slightest bit heated.

During the last three years, the period I have been here, we have celebrated the 150th Anniversary of Parliamentary Government in the territory which was a significant occasion. We have welcomed a visiting Commonwealth Parliamentary Association group from the United Kingdom and we have witnessed the retirement of a Clerk who had served the Assembly for something like twenty-five years, I believe. Tributes were paid to her service at the time of her retirement but it is appropriate to say again now, at this time when the Dissolution is about to take place, how grateful we were to her, to her staff and to her successor for all the services they performed and for the way in which they enabled us to conduct our business smoothly.

I should like to feel that I could properly say how glad I would be to see all, or all but the Member for North Side whose retirement has been announced, all of you back here in two or three months time, but as you know I am not allowed to take sides and I must not voice opinions about who might or might not, or should not be elected. Perhaps I can properly, nevertheless, say that I wish you a clean, a satisfactory, a peaceful campaign and that I look forward to welcoming back any of you who do return.

In conclusion I have long believed that although perhaps these Islands have the tightest confidentiality legislation known, yet nevertheless it was impossible to keep a secret here. I was astonished therefore to learn this morning how carefully guarded the secret of the Elected Member for North Side had been. It was, to me at least, a total surprise when I read the morning paper. Even though it was a surprise I can fully understand that the Honourable Member felt, and felt with justice that he had served his country for a sufficient time to be fully deserving of and to merit retirement now. I should like to thank him for all he has done over those many years, and in particular for his unfailing support to me during the past three years when I have had the pleasure of knowing him. I should like to add with the Honourable First Elected Member of Executive Council that I hope and confidently expect to see him back listening to future debates, enjoying the atmosphere of this House, mixing with former colleagues and continuing the good fellowship we have always known with him.

The very best of success and happiness and long life to the Member.

MR. CRADDOCK EVANS: Mr. President, and Honourable Members of this House. Maybe I contemplated for this time in my life. Maybe I did not. I have asked myself the question more than once why did I get it in my head to become an Elected Member to represent this country and its people. Probably if I had known or had had any knowledge that there would be a continuation of hate across the head from the public, maybe I would not have bothered.

Nevertheless, I am glad I have weathered all of those stormy days with no hard feelings nor remorse to anyone in this country. I made myself available for one reason, for one purpose and one purpose only, if I could be of any value to this country and its people.

MR. CRADDOCK SEARKS (CONTINUING): I have had the honour and the privilege of working with many Members in this House, and the previous Houses over the past years, and I feel, Mr. President, that however small my contribution might have been in the beginning, I continued to feel that I could be of help to this country. I am glad that I have seen it grow from rage and mosquitoes to televisions and new motor cars and beautiful homes and a good clean, stable Government. However little that I may have contributed to this country I am proud that these goals have been achieved.

It has been my pleasure and honour to work with every Member who came and went from the Assembly. I have got a lot of comfort, a lot of satisfaction, a lot of joy and a lot of help from all Members. I am wondering if the Attorney-General, the Honourable Second Official Member thinks because I am leaving the seat I will not be knocking at his door sometimes. I will.

Mr. President, if it had been for silver and gold, or monetary gain I would not have been here here until this 19th day of September, 1984.

Mr. President, to many this morning, yes it was a surprise, and the reason it was a surprise I can truthfully say that I was not pressured from anywhere, from any place, from any people, or from any group. Neither was I threatened. Neither did I request or ask the public if I should quit. I have a reasonably small family, a wife and two sons and we have lived and worked together. Four years ago my family indicated to me by talking it over, that they felt it was somewhat getting time and I should think of myself and give them some time. Nevertheless we solved it and I was permitted to accept another term if I was elected, but they have reminded me over the months. The boys would say, "Daddy it is time". The family decided this and I did not feel that I would have been fair to my constituents and the people who stood by me and gave me their votes all over the years if they had been told by anyone else other than the Member who they had elected to represent them. So that is the reason why it was kept away from the public. I did not do that with disrespect to the Members of this Honourable House, or the President, or some people may feel that it was disrespect to the team which we are accused of being. It was simply that I felt that my constituents should be told first and that is what I did, and now I can apologize and explain why it was delayed from this Honourable House.

Mr. President, I owe thanks and gratitude to the majority of the people in this country from end to end. They have given my their support in the good times and in the bad times. They have told me over and over: they have called me at all hours of the night, "Craddock we can depend on you, we can count on you and we are expecting you to remain as one of our leaders in this country". To the populace I extend my thanks and the deepest of appreciation for their help and guidance that they have given me through the years. I am hopeful, Mr. President, and Honourable Members, whoever may take up this chair will remember that I did what I felt was best for this country, and the same individual will do no less.

Governor Russell when he was leaving, or right after he left, I think, I got a few lines from him which I cherish and his closing words were, "Craddock what has stuck to me since being Governor and you an Elected Member in my time of office, no Member in that Assembly could bulldoze you against the dictates of your mind".

Mr. President, as I said, it has been an honour to work with the Members, the Lady Member who is here, one of the longest now, and other Members. I do appreciate our working

MR. CHADDOCK EBANKS (CONTINUING): together, all the help which I have received from each one. I will leave this Assembly as an Elected Member this evening and I will come back. I will do some listening. But it is the one time of my life, the time I have served in the Assembly representing the people of this country will be one of the longest memories which I will look back on and enjoy. It will be just as if I were reading a book which I do not have in my hands. There are many occasions, there were rough days and there were smooth days, but I went along with all of them, and in the light of that, Mr. President, I do thank each Member this evening for their kind remarks. I will miss their association, our getting together, but I still have the same deep respect and honour and I will visit from time to time and have a cup of coffee with them.

I do trust that each one of the other eleven Elected Members will re-occupy their seats regardless of who may occupy mine. I wish them for the continuation of a good Government, a clean Government, and the blessings of Our Heavenly Father to rest and abide in and on the deliberations of this Honourable House and Government of the Cayman Islands.

Mr. President, I thank you.

MR. BENSON O. EBANKS: Mr. President, under Standing Order 31, Sir, which permits a Member to speak more than once on a motion with the approval of the House, I seek the approval of the House to say a word or two to you, Sir, and the staff of the Assembly.

MR. PRESIDENT: I am not sure if Standing Order 31 does quite what you say but I do not think that any Member would wish to object to your saying just a word of thanks to the staff of the House, and I think that that would be a kindly thing to do.

MR. BENSON O. EBANKS: Mr. President, as a Member who has probably interrupted the second greatest number of times; I am not sure whether the Honourable Second Elected Member of Executive Council or the Honourable Fourth Elected Member of Executive Council holds the first position, I would just like to say that even though I might not have always agreed with your judgements or your rulings, I always accepted them and I am sure they were done with the best of intentions, and I must say that I have enjoyed the three years that you have sat as President of this House. I look forward to working with you in the future. To the Clerk, the Sergeant-at-Arms and the rest of the staff of the Assembly, I would like to thank them for their co-operation, help and assistance in every way. not to forget Miss Mary who has provided the sustenance for us over the many days we have been here. I would like to include in this word of thanks our Clerk who retired not too long ago and whom I worked with for many years.

Thank you very much, Mr. President, and thank the Members for allowing me to say those few words.

MR. CHADDOCK EBANKS: Mr. President, when I extended my thanks to the Members of this House, that included the whole staff as Members even though they are not elected, including the lady cook who has fed us so well without any qualms.

MR. PRESIDENT: I think it remains for us to put the question, which was that this House do now adjourn sine die.

QUESTION PUT: AGREED. AT 5.15 P.M. THE HOUSE ADJOURNED SINE DIE.

FIRST MEETING OF THE LEGISLATIVE ASSEMBLY

AFTER THE GENERAL ELECTIONS

TUESDAY, 20TH NOVEMBER, 1984

10:00 A.M.

PRESENT:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

OFFICIAL MEMBERS

HON DENNIS M FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

ELECTED MEMBERS

MR BENSON O EBANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W McKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS DAPHNE L ORRETT	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MR VASSEL G JOHNSON, CBE, JP	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT CHARLES L KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDER OF THE DAY

FIRST MEETING OF THE LEGISLATIVE ASSEMBLY HELD AFTER THE GENERAL ELECTION, 1964

TUESDAY, 20TH NOVEMBER, 1964

1. PRAYERS BY THE REV. EDGAR OGSTON.

2. CLERK READS THE PROCLAMATION BY THE GOVERNOR SUMMONING A SESSION OF THE LEGISLATIVE ASSEMBLY.

3. OATHS TO MEMBERS.

4. ELECTION OF FOUR MEMBERS TO THE EXECUTIVE COUNCIL.

FOLLOWING THE DECLARATION OF THE FOUR MEMBERS DULY ELECTED TO EXECUTIVE COUNCIL THEY CROSS THE FLOOR AND TAKE THEIR PLACES ON THE GOVERNMENT BENCH

SUSPENSION OF THE HOUSE FOR FIFTEEN MINUTES

5. GOVERNMENT BUSINESS:

(a) PUBLIC ACCOUNTS COMMITTEE - GOVERNMENT MOTION NO. 1
TO BE MOVED BY THE FINANCIAL SECRETARY, HON T.C. JEFFERSON
THIRD OFFICIAL MEMBER

(b) STANDING BUSINESS COMMITTEE - GOVERNMENT MOTION NO. 2
TO BE MOVED BY HON. D.H. FOSTER (LEADER OF GOVERNMENT BUSINESS)
FIRST OFFICIAL MEMBER

(c) STANDING HOUSE COMMITTEE - GOVERNMENT MOTION NO. 3
TO BE MOVED BY THE HON. D.H. FOSTER (LEADER OF GOVERNMENT BUSINESS)
FIRST OFFICIAL MEMBER

(d) MEMBERSHIP OF THE LIQUOR LICENSING BOARDS OF GRAND CAYMAN AND THE LESSER ISLANDS - GOVERNMENT MOTION NO. 4
TO BE MOVED BY THE HON. D.H. FOSTER (LEADER OF GOVERNMENT BUSINESS)
FIRST OFFICIAL MEMBER

(e) CINEMATOGRAPHIC AUTHORITY - GOVERNMENT MOTION NO. 5
TO BE MOVED BY THE HON. D.H. FOSTER (LEADER OF GOVERNMENT BUSINESS)
FIRST OFFICIAL MEMBER.

TABLE OF CONTENTS

	PAGE
Prayers	1
Proclamation Read by Clerk	2
Oaths and Affirmations	2
Election of Four Members to the Executive Council (Standing Order 5)	3
Government Motion No. 1 - Public Accounts Committee	7
Government Motion No. 2 - Standing Business Committee	10
Government Motion No. 3 - Standing House Committee	12
Government Motion No. 4 - Liquor Licensing Boards of Grand Cayman and the Lesser Islands	14
Government Motion No. 5 - Cinematographic Authority	17
Adjournment	20

TUESDAY, 20TH NOVEMBER, 1984

10.00 A.M.

MR. PRESIDENT: The Assembly is in Session. I shal ask the Rev. Edgar Ogston to say prayers.

PRAYERS

REV. EDGAR OGSTON: Let us pray.

King David once said,"the God of Israel spoke, the rock of Israel said to me"; "When one rules over men in righteousness, when he rules in the fear of God, he is like the light of morning at sunrise on a cloudless morning, like the brightness after the rain that brings the grass from the earth".

Oh Lord our God, if ever we needed Your Wisdom and Your guidance, it is now as the Legislative Assembly begins a new Session, standing upon the threshold of a new beginning for these Islands, and yet fraught with so many dangerous opportunities. We pray that You will bless the twelve men and women chosen by the people of these Islands, for You alone know them and the secret recesses of their hearts, their needs, their motives, their hopes and their fears. Lord Jesus, we pray that You would put Your arms around them to give them strength and state clearly to them, to give them wisdom greater than their own. May they all hear Your voice and seek Your guidance.

Especially this day we pray for the election of the Executive Council; that You would guide this Assembly to the four whom You have chosen.

We pray for the Queen and all the members of the Royal Family. Help us to appreciate the tremendous responsibilities which they carry and grant them strength to bear these responsibilities with integrity. We pray too for the Governor, the Queen's representative here; that You would anoint him with wisdom from on high for the task laid upon him.

Lastly, we pray that the spirit of reconciliation would prevail in these Islands and that all people would unite in You to create a just and righteous society here.

Through Jesus Christ our Lord, who taught us to pray the family prayer:-

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

MR. PRESIDENT: Please be seated.

I shall ask the Clerk to read the proclamation summoning this Session of the Assembly.

CLERK READS PROCLAMATION: "PROCLAMATION NO. 7 BY HIS EXCELLENCY GEORGE PETER LLOYD, Companion of the Most Distinguished Order of St. Michael and St. George, Commander of the Victorian Order, Governor of the Cayman Islands.

WHEREAS, by subsection (1) of Section 46 of Schedule 2 of the Cayman Islands (Constitution) Order, 1972, it is provided that the sessions of the Legislative Assembly shall be held at such time and place as the Governor may from time to time by Proclamation appoint;

NOW THEREFORE, under and by virtue of the powers vested in me by the aforesaid Order, I, GEORGE PETER LLOYD, Companion of the Most Distinguished Order of St. Michael and St. George, Commander of the Victorian Order, Governor of the Cayman Islands, DO HEREBY PROCLAIM AND MAKE KNOWN THAT A SESSION OF THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS shall be held at the Legislative Assembly Building in George Town, Island of Grand Cayman, at 10.00 a.m. on Tuesday the 30th November, One Thousand Nine Hundred and Eighty Four.

Given under my hand and the Public Seal of the Cayman Islands at George Town on the Island of Grand Cayman this Nineteenth day of October in the year of Our Lord One Thousand Nine Hundred and Eighty-Four in the Thirty-Third Year of the reign of Her Majesty Queen Elizabeth II.

GOD SAVE THE QUEEN".

MR. PRESIDENT: Thank you.
We proceed next to the swearing in of Members. I shall be grateful if all Members and members of the public will stand.

OATHS AND AFFIRMATIONS were administered by the Clerk and were subscribed and affirmed to as follows:-

OFFICIAL MEMBERS

DENNIS HALEY FOSTER	OATH OF ALLEGIANCE
MICHAEL JOHN BRADLEY	OATH OF ALLEGIANCE
THOMAS CARROLL JEFFERSON	OATH OF ALLEGIANCE

ELECTED MEMBERS

FIRST ELECTORAL DISTRICT, WEST BAY

BENSON OBADIAH EBANKS	OATH OF ALLEGIANCE
WILLIAM McKEEVA BUSH	AFFIRMATION
DAPHNE LOUISE ORRETT	AFFIRMATION

SECOND ELECTORAL DISTRICT, GEORGE TOWN

WILLIAM NORMAN BODDEN	OATH OF ALLEGIANCE
LINFORD AINSWORTH PIERSON	OATH OF ALLEGIANCE
VASSEL GODFREY JOHNSON	OATH OF ALLEGIANCE

THIRD ELECTORAL DISTRICT, LESSER ISLANDS

MABRY SALISBURY KIRKCONNELL	OATH OF ALLEGIANCE
CHARLES LEONARD KIRKCONNELL	OATH OF ALLEGIANCE

FOURTH ELECTORAL DISTRICT, BODDEN TOWN

JAMES MANOAH BODDEN	AFFIRMATION
GEORGE HAIG BODDEN	OATH OF ALLEGIANCE

FIFTH ELECTORAL DISTRICT, NORTH SIDE

DENISON EZZARD MILLER	OATH OF ALLEGIANCE

SIXTH ELECTORAL DISTRICT, EAST END

JOHN BONWELL McLEAN	OATH OF ALLEGIANCE

MR. PRESIDENT: Please be seated.

ELECTION OF FOUR MEMBERS TO THE EXECUTIVE COUNCIL (STANDING ORDER 5)

MR. PRESIDENT: Item 4 on today's Order Paper is the election of four Members to Executive Council. The procedure followed is governed by Section 6(b) of the Constitution and by Standing Order No. 5 of the Standing Orders of this House. I propose if there is no objection from the floor, to appoint the Honourable First and Third Official Members to be scrutineers to assist the Clerk with her duties.

I am now going to call for nominations to Executive Council by voice, and there needs to be a proposer and a seconder for each nomination.

BENSON OBADIAH EBANKS - MOVED BY MR. W. McKEEVA BUSH
- SECONDED BY MRS. DAPHNE L. ORRETT

MR. PRESIDENT: Thank you. Mr. Benson Ebanks moved by ....if I may I will use names for simplicity for the moment. Our normal practice is to refer to Members by the names of their constituencies, but it may be helpful just for this particular proceeding to use names. Moved by Mr. McKeeva Bush, seconded by Mrs. Daphne Orrett.

WILLIAM NORMAN BODDEN - MOVED BY MRS. DAPHNE L. ORRETT
- SECONDED BY MR. LINFORD A. PIERSON

MR. PRESIDENT: Mr. Norman Bodden moved...a moment please. I will call the next Member when I have just read this one out. Mr. William Norman Bodden moved by Mrs. Daphne Orrett, seconded by Mr. Linford Pierson, and it was Capt. Mabry Kirkconnell who next caught my eye.

CHARLES LEONARD KIRKCONNELL-MOVED BY CAPT. MABRY S. KIRKCONNELL
-SECONDED BY MR. W. NORMAN BODDEN

MR. PRESIDENT: Capt. Charles Kirkconnell moved by Capt. Mabry Kirkconnell, seconded by Mr. Norman Bodden. Mr. Ezzard Miller caught my eye.

VASSEL GODFREY JOHNSON - MOVED BY MR. D. HAZARD MILLER
SECONDED BY CAPT. CHARLES L. KIRKCONNELL

MR. PRESIDENT: Mr. Vassel Johnson moved by Mr. Hazard Miller, and seconded by Capt. Charles Kirkconnell. Is there any further nomination? I wish to give Members full time. In that case, if my arithmetic is right, there is in fact no need for an election. I will come to a point of detail in a moment and I can declare the four Members who have been nominated, Mr. Benson Ebanks, Mr. Norman Bodden, Capt. Charles Kirkconnell and Mr. Vassel Johnson to have been elected as Members of Executive Council without, in fact, a need for a vote as there were four places and four nominations. That is provided that all these four gentlemen accept nomination and before declaring them elected, I will ask them in turn whether they do accept.

Mr. Benson Ebanks, do you accept nomination?

MR. BENSON O. EBANKS: Mr. President, I accept the nomination.

MR. PRESIDENT: Mr. Norman Bodden, do you accept nomination?

MR. W. NORMAN BODDEN: Mr. President, I accept nomination.

MR. PRESIDENT: Capt. Charles Kirkconnell, do you accept nomination?

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I accept the nomination.

MR. PRESIDENT: Mr. Vassel Johnson, do you accept nomination?

MR. VASSEL G. JOHNSON: Mr. President, I accept the nomination.

MR. PRESIDENT: In that case, I declare the four Members concerned to have been duly elected as Members of Executive Council; and if I may I should like to congratulate them upon their election.

The point of detail I mentioned earlier is that the Standing Orders of the House require that the four Members of Executive Council should be duly placed in order as First, Second, Third and Fourth Elected Members of Executive Council; and the procedure prescribed is that the one who has the most votes becomes First, Second, Third and so on. Since we have not in fact been required to vote to choose them I think it will be necessary to have a ballot for the specific purpose of settling the order in which they are placed; which is to be First, which is to be Second, which is to be Third. Indeed I think it will probably be necessary to have three separate ballots, for First, for Second, for Third and then the Fourth will follow automatically.

So I will ask the Clerk and her staff to prepare the necessary ballot papers and meanwhile I will suspend proceedings for ten minutes while this is done.

HOUSE SUSPENDED AT 10.30 A.M.

MR. PRESIDENT: Please be seated.

Perhaps if I may I will just again briefly outline the mechanics of the procedure which we will follow. The names of the four Members nominated to, and elected to Executive Council have been put down on the ballot papers in the order in which they were nominated; the first to be nominated, the second to be nominated and so on. The ballot papers are headed Election for First Elected Member of Executive Council, and those ballot papers will be distributed first. They will contain the names of all of the four Members concerned and those voting should put a cross against one name only, the name of the person whom you vote for as First Elected Member of Executive Council. If a paper has two crosses on it or if a paper is signed it will have to be regarded as a spoilt paper.

The Sergeant-at-Arms will take round the ballot box to show it to Members so that they know that it is empty. He will distribute pencils and the ballot forms and then that ballot will take place. After that ballot, and assuming that it has produced a First Elected Member, the same procedure will be followed in selecting a Second and then subsequently a Third. But the second time the papers come round, if we have managed to select a First Elected Member the first time, the ballot papers will say Election for the Second Elected Member and the name of the Member who has already been elected as First will be deleted. I hope that is clear. Then the same procedure will follow for the Third Elected Member.

Have I made that clear or are there questions which any Member would like to ask about the mechanics of the procedure?

I am inviting the Honourable First and the Third Official Members to assist the Clerk as scrutineers as I said I intended doing had there been an election for Membership of Executive Council.

BALLOT PAPERS WERE DISTRIBUTED BY THE SERGEANT-AT-ARMS

BALLOT PAPERS WERE COLLECTED BY THE SERGEANT-AT-ARMS IN THE BALLOT BOX.

THE CLERK CALLED THE COUNT.

FIRST COUNT

NAMES	TOTAL VOTES	
BENSON OBADIAH EBANKS	3	
WILLIAM NORMAN BODDEN	1	
CHARLES LEONARD KIRKCONNELL	2	
VASSEL GODFREY JOHNSON	2	4 SPOILT BALLOT PAPERS

MR. BENSON OBADIAH EBANKS is First Elected Member.

MR. JAMES M. BODDEN: Mr. President, could we ask for a recount on that. On the tally I made it eleven votes. Maybe I am wrong and I did not hear correctly, but.....

MR. PRESIDENT: Well I will ask them to re-count, but as reported to me it is:-

BENSON OBADIAH EBANKS	3 VOTES	
WILLIAM NORMAN BODDEN	1 VOTE	
CHARLES LEONARD KIRKCONNELL	2 VOTES	
VASSEL GODFREY JOHNSON	2 VOTES	4 SPOILT PAPERS

MR. PRESIDENT (CONTINUING): Perhaps the scrutineers and the Clerk will check that that is correct.

CLERK: That is correct.

DECLARATION OF FIRST ELECTED MEMBER TO EXECUTIVE COUNCIL

MR. PRESIDENT: I therefore declare that MR. BENSON OBADIAH EBANKS is the Honourable First Elected Member of Executive Council.

I shall now ask that on the ballot papers for the Honourable Second Elected Member of Executive Council Mr. Benson Ebank's name be crossed out so that the other three names will remain, and Members will be invited to vote for one of the other three in the same way, in respect of the Second Elected Member.

BALLOT FOR SECOND PLACE IN EXECUTIVE COUNCIL

BALLOT PAPERS WERE DISTRIBUTED BY THE SERGEANT-AT-ARMS.

BALLOT PAPERS WERE COLLECTED BY THE SERGEANT-AT-ARMS IN THE BALLOT BOX.

THE CLERK CALLED THE COUNT.

NOISE FROM GALLERY

MR. PRESIDENT: Quiet please.

NAMES	TOTAL VOTES	
WILLIAM NORMAN BODDEN	5	
CHARLES LEONARD KIRKCONNELL	3	
VASSEL GODFREY JOHNSON	2	3 SPOILT BALLOT PAPERS

DECLARATION OF SECOND ELECTED MEMBER TO EXECUTIVE COUNCIL

MR. PRESIDENT: I declare that MR. WILLIAM NORMAN BODDEN is elected as Honourable Second Elected Member of Executive Council.

The Sergeant-at-Arms will next distribute papers headed Election for Third Elected Member of Executive Council and the names of both Mr. Benson Ebanks and Mr. Norman Bodden will have been deleted from the ballot papers before they are distributed.

BALLOT FOR THIRD AND FOURTH PLACES IN EXECUTIVE COUNCIL

BALLOT PAPERS WERE DISTRIBUTED BY THE SERGEANT-AT-ARMS.

BALLOT PAPERS WERE COLLECTED BY THE SERGEANT-AT-ARMS IN THE BALLOT BOX.

THE CLERK CALLED THE COUNT.

NAMES	TOTAL VOTES	
CHARLES LEONARD KIRKCONNELL	6	
VASSEL GODFREY JOHNSON	3	3 SPOILT BALLOT PAPERS

DECLARATION OF THIRD AND FOURTH MEMBERS TO EXECUTIVE COUNCIL

MR. PRESIDENT: I declare that CAPT. CHARLES LEONARD KIRKCONNELL and MR. VASSEL GODFREY JOHNSON have been elected respectively as the Third and Fourth Members of Executive Council and I shall invite the Elected Members of Executive Council to take their seats now.

ELECTED EXECUTIVE COUNCILLORS TAKE THEIR SEATS ON THE GOVERNMENT BENCH.

MR. PRESIDENT: Thank you. I shall again suspend proceedings at this time for approximately twenty minutes.

HOUSE SUSPENDED AT 11.12 A.M.

HOUSE RESUMED AT 11.37 A.M.

MR. PRESIDENT: Please be seated.
Item 5. Government Business, (a) Public Accounts Committee - Government Motion No. 1.

GOVERNMENT MOTION NO. 1 - PUBLIC ACCOUNTS COMMITTEE

HON. THOMAS C.JEFFERSON: Mr. President, I beg to formally move Government Motion No. 1 to establish a Public Accounts Committee. I will read the motion:-

"BE IT RESOLVED that this Legislative Assembly appoints a Standing Public Accounts Committee with the following terms of reference.

For the examination of the accounts showing the appropriation of the sums granted by the House to meet the public expenditure and of such other accounts laid before the Committee as the House may think fit.

BE IT FURTHER RESOLVED that five (5) Elected Members be appointed to the Committee with the above terms of reference and the term of office being the life of the House. The quorum shall be three members including the Chairman who shall be nominated by the Presiding Officer of the Legislative Assembly or otherwise by the Committee from among one of its members."

MR. PRESIDENT: The motion is open for debate if anybody wishes to debate it, and also for nominations of the five Members. The Elected Member for North Side first caught my eye.

MR. D. EZZARD MILLER: Mr. President, I wish to nominate Mr. Linford Pierson.

HON. BENSON O. EBANKS: I beg to second that nomination, Mr. President.

MR. PRESIDENT: Mr. Linford Pierson is nominated by the Elected Member for North Side and seconded by the Honourable First Elected Member of Executive Council. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I would like to nominate Mr. Eszard Miller.

HON. VASSEL G. JOHNSON: I beg to second the nomination.

MR. PRESIDENT: The Elected Member for North Side is nominated by the Honourable Second Elected Member of Executive Council and seconded by the Honourable Fourth Elected Member of Executive Council. Let me just write that down. The next to catch my eye was the Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I beg to nominate Mr. John McLean.

HON. VASSEL G. JOHNSON: I beg to second the nomination, Mr. President.

MR. PRESIDENT: Mr. John McLean is nominated by the Second Elected Member for West Bay and seconded by the Honourable Fourth Elected Member of Executive Council. The Honourable Third Elected Member of Executive Council caught my eye next.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to nominate Capt. Mabry Kirkconnell.

HON. VASSEL G. JOHNSON: Mr. President, I beg to nominate Mr. Haig Bodden.

MR. PRESIDENT: I am waiting for a seconder actually for Capt. Mabry Kirkconnell first, if I may. The Second Elected Member for George Town, are you seconding Capt. Mabry Kirkconnell's nomination? Thank you very much.

MR. LINFORD A. PIERSON: Mr. President, I beg to second the nomination of Capt. Mabry Kirkconnell.

MR. PRESIDENT: Yes, Capt. Mabry Kirkconnell nominated by, I think it was the Honourable Third Elected Member of Executive Council and seconded by the Second Elected Member for George Town. Then the Honourable Fourth Elected Member of Executive Council caught my eye.

HON. VASSEL G. JOHNSON: I beg to nominate Mr. Haig Bodden, Mr. President.

MR. BENSON O. EBANKS: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. Haig Bodden is nominated by the Honourable Fourth Elected Member of Executive Council and seconded by the Honourable Second Elected Member of Executive Council.

That is five nominations so far. I am not saying the nominations are closed, I am just keeping track for Members. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I would like to nominate Mrs. Daphne Ornett.

MR. W. McKEEVA BUSH: Mr. President, I beg to second the nomination.

MR. PRESIDENT: Mrs. Daphne Ornett is nominated by the Honourable Second Elected Member of Executive Council and seconded by the Second Elected Member for West Bay.

Are there any other nominations?

If I may, I will ask those nominated in turn whether they are prepared to serve on the Committee. We have six nominees and the Committee has five Members.

Mr. Linford Pierson are you willing to serve as a Member?

MR. LINFORD A. PIERSON: Yes, Mr. President.

MR. PRESIDENT: Mr. Ezzard Miller?

MR. D. EZZARD MILLER: Mr. President, I accept the nomination.

MR. PRESIDENT: Mr. John McLean?

MR. JOHN B. McLEAN: I will serve, Mr. President.

MR. PRESIDENT: Capt. Mabry Kirkconnell?

CAPT. MABRY S. KIRKCONNELL: Mr. President, I will serve.

MR. PRESIDENT: Mr. Haig Bodden?

MR. G. HAIG BODDEN: Mr. President, I accept the nomination.

MR. PRESIDENT: And Mrs. Daphne Ornett?

MRS. DAPHNE L. ORNETT: Mr. President, I accept the nomination.

MR. PRESIDENT: In that case, since we have six nominees for five places it will be necessary to ballot. What I propose to do, if I may, provided there is no objection from the Floor, is to continue with the various other Motions for the appointment of Members of other Committees and then do any necessary balloting, as it were simultaneously at the end. Because I think that that will help to shorten the procedure without being in any way unfair, and it may indeed give Members a clearer idea of who may be up to serve on which Committees before any voting is done.

MR. JOHN B. McLEAN: Mr. President, perhaps I could make it a little easier. I will stand down.

MR. PRESIDENT: Naturally, if you really wish to stand down I must accept that, but I would have hoped that you might have been able to serve. I think it is valuable for a Public Accounts Committee to have a number of Members of an Opposition, (if we can call it the Opposition) serving on it. However I will be guided by your wishes.

MR. JOHN B. McLEAN: Well I will not accept the name of Opposition, but I just tried to speed up the procedure in the House.

MR. PRESIDENT: Perhaps what we can do is go through the other Committees first, and then when we see how many people have been put down for which Committees I can ask again whether any Members wish to withdraw.

HON. THOMAS C. JEFFERSON: Mr. President, I just wish to point out that the Motion has not been passed by the House as yet.

MR. PRESIDENT: Thank you very much. I am grateful for that reminder. I must have probably forgotten. I had been trying to sort out the nominations first, and the procedure.

Unless any Member wishes to speak further on the matter I will now put the question that the Government Motion No. 1 be passed.

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

MR. PRESIDENT: Government Motion No. 2. The First Official Member.

GOVERNMENT MOTION NO. 2 - STANDING BUSINESS COMMITTEE

HON. DENNIS R. FOSTER: Mr. President, I beg to formally move Government Motion No. 2 which stands in my name and reads as follows:-

"BE IT RESOLVED that this Legislative Assembly appoints a Standing Business Committee with the following terms of reference -

(a) To decide and inform the Clerk on Tuesday of each week the order in which private Members motions will be debated on each Thursday.

(b) To decide and to inform the Clerk two clear days before each Question Day the Questions to be put down for reply on the Order Paper.

(c) To provide a ready means of consultation between Members of the Assembly who are not Members of the Executive Council, and the Leader of Government business, Clerk or Presiding Officer.

BE IT FURTHER RESOLVED that this Standing Business Committee be comprised of the First Official Member as Chairman and four other Members.

AND BE IT FURTHER RESOLVED that the quorum will be set at 3 Members to include the Chairman and the Committee shall meet each Monday during sittings of the House and as called by the Chairman or at the request of the Clerk."

MR. PRESIDENT: The Motion is open for debate and for nominations. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I beg to nominate Capt. Mabry Kirkconnell.

HON. CAPT. CHARLES L. KIRKCONNELL: I beg to second it, Sir.

MR. PRESIDENT: Capt. Mabry Kirkconnell is proposed by the Honourable Second Elected Member of Executive Council and seconded by the Honourable Third Elected Member of Executive Council. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I beg to nominate Mr. Ezzard Miller.

HON. BENSON O. EBANKS: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. Ezzard Miller is nominated by the Second Elected Member for George Town and seconded by the Honourable First Elected Member of Executive Council. The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I beg to nominate Mrs. Daphne Orrett.

MR. W. McKEEVA BUSH: Mr. President, I beg to second the motion.

MR. PRESIDENT: You are seconding the nomination?

MR. W. McKEEVA BUSH: Sorry, Sir. The nomination.

MR. PRESIDENT: Mrs. Daphne Orrett is nominated by the Honourable Fourth Elected Member of Executive Council and seconded by the Second Elected Member for West Bay.
Are there any further nominations?

HON. BENSON O. EBANKS: Mr. President, I beg to nominate Mr. McKeeva Bush.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I beg to second it.

MR. PRESIDENT: Mr. McKeeva Bush is nominated by the Honourable First Elected Member of Executive Council and seconded by the Honourable Third Elected Member of Executive Council.
Are there any further nominations? If not I will declare the nominations closed, and in fact, subject to the Members nominated agreeing to stand, which I will ask them in a moment, that will complete the Membership of that Committee.
Capt. Mabry Kirkconnell are you willing to serve as a Member of that Committee?

CAPT. MABRY S. KIRKCONNELL: Mr. President, I will accept the nomination.

MR. PRESIDENT: Mr. Ezzard Miller are you....?

MR. D. EZZARD MILLER: Mr. President, I will accept the nomination.

MR. PRESIDENT: Mrs. Daphne Orrett?

MRS. DAPHNE L. ORRETT: Mr. President, I accept that nomination.

MR. PRESIDENT: And Mr. McKeeva Bush?

MR. W. McKEEVA BUSH: Mr. President, I accept the nomination.

MR. PRESIDENT: In that case I declare the four Members concerned, the First Elected Member for the Lesser Islands, the Second and Third Elected Members for Member for North Side and the West Bay to be Members of the Standing Business Committee.

We move next to Government Motion No.3, the Standing House Committee.

Oh, have we carried that Motion? I am so sorry. Thank you so much. I forgot that we had not passed the Motion itself. We have appointed the Members without passing the Motion. Thank you for reminding me. Does any Member wish to speak to Government Motion No. 2 about the appointment of the Standing Business Committee? If not I will put the question that the Motion be carried.

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

MR. PRESIDENT: Now Government Motion No. 3 dealing with the Standing House Committee.

GOVERNMENT MOTION NO. 3 - STANDING HOUSE COMMITTEE

HON. DENNIS M. FOSTER: Mr. President, I beg to move Government Motion No. 3 standing in my name which is the Standing House Committee, which reads as follows:-

"BE IT RESOLVED that the Legislative Assembly appoints a Standing House Committee with the following terms of reference.

To make recommendations to the Assembly

(a) for matters affecting the working conditions, comfort of facilities for Members during sittings of the Assembly;

(b) for any matters affecting the working conditions, comfort or facilities for the staff of the Assembly;

(c) for the operation and maintenance of the library of the Assembly and the provision of research facilities;

(d) for the maintenance, upkeep, furnishing and equipment of the Legislative Assembly Building.

BE IT FURTHER RESOLVED that this Standing Committee should be composed of five elected Members, one of whom will be elected by the Members as Chairman and one as Deputy Chairman.

AND BE IT FURTHER RESOLVED that the quorum shall be three Members to include the Chairman or Deputy Chairman and that the Committee should meet at least once per meeting of the Assembly."

MR. PRESIDENT: Government Motion No. 3, the text of which has just been read out by the mover is now open for debate and for nominations. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I wish to nominate Mr. Linford Pierson.

MR. D. EZZARD MILLER: I second it.

MR. PRESIDENT: Mr. Linford Pierson is nominated by the Honourable Second Elected Member of Executive Council and seconded by the Member for North Side. The Honourable First Elected Member of Executive Council was the first to catch my eye.

HON. BENSON O. EBANKS: Mr. President, I beg to nominate Mr. McKeeva Bush.

MRS. DAPHNE L. ORRETT: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. McKeeva Bush is nominated by the Honourable First Elected Member of Executive Council and seconded by the Third Elected Member for West Bay. The next to catch my eye was the First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I beg to nominate Mr. Ezzard Miller.

MR. W. McKEEVA BUSH: Mr. President, I second the nomination.

MR. PRESIDENT: Mr. Ezzard Miller is nominated by the First Elected Member for the Lesser Islands and seconded by the Second Elected Member for West Bay. The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I beg to nominate Mrs. Daphne Orrett.

HON. BENSON O. EBANKS: Mr. President, I second that nomination.

MR. PRESIDENT: Mrs. Daphne Orrett is nominated by the Honourable Second Elected Member of Executive Council and seconded by the Honourable First Elected Member of Executive Council. The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I beg to nominate Capt. Mabry Kirkconnell.

MR. BENSON O. EBANKS: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Capt. Mabry Kirkconnell is nominated by the Honourable Fourth Elected Member of Executive Council and seconded by the Honourable First Elected Member of Executive Council. Are there any further nominations?

In that case I will declare the nominations closed, and subject to their confirmation that they are all willing to serve, all five Members will become Members of the Standing House Committee. I will ask them in turn to confirm their willingness to serve on that Committee.

Mr. Linford Pierson?

MR. LINFORD A. PIERSON: Mr. President, I accept the nomination.

MR. PRESIDENT: Mr. McKeeva Bush?

MR. W. McKEEVA BUSH: Mr. President, I accept the nomination.

MR. PRESIDENT: Mr. Ezzard Miller?

MR. D. EZZARD MILLER: Mr. President, I accept the nomination.

MR. PRESIDENT: Mrs. Daphne Orrett?

MRS. DAPHNE L. ORRETT: Mr. President, I accept the nomination.

MR. PRESIDENT: Capt. Mabry Kirkconnell?

CAPT. MABRY S. KIRKCONNELL: Mr. President, I accept the nomination.

MR. PRESIDENT: In that case, subject to the Motion itself being passed I declare that the five Members concerned have been duly appointed Members of the Standing House Committee. Provided that the Motion is carried it will be for those Members to choose their own Chairman and Deputy Chairman.

Does any Member wish to speak any further to the Motion? If not I will put the question that the Motion be carried.

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

MR. PRESIDENT: We pass now to Item 5(d), Government Motion No. 4, Membership of the Liquor Licensing Boards.

GOVERNMENT MOTION NO. 4 -
LIQUOR LICENSING BOARDS OF GRAND CAYMAN AND THE LESSER ISLANDS

HON. DENNIS H. FOSTER: Mr. President, I beg to move Government Motion No. 4 standing in my name, the Membership of the Liquor Licensing Boards of Grand Cayman and the Lesser Islands:-

"WHEREAS it is now expedient for appointments to be made for the Liquor Licensing Boards of Grand Cayman and the Lesser Islands

BE IT RESOLVED that a Deputy Chairman and two (2) other Members be nominated by the Legislative Assembly for the LIQUOR LICENSING BOARD OF GRAND CAYMAN and two (2) Members for the LIQUOR LICENSING BOARD OF THE LESSER ISLANDS."

MR. PRESIDENT: Before opening the Motion for debate and for nominations may I firstly enquire, and it is something, I am sorry to say I forgot to enquire earlier, whether the appointments would be made for a specific period, or whether they are made until further notice? It does not say in the Motion, and I am afraid that I have forgotten.

HON. DENNIS H. FOSTER: Mr. President, I think the Law says annually, Sir.

MR. PRESIDENT: So we could take it that this would be an appointment for a year unless the Law itself was changed in the meantime. While the Honourable Second Official Member is just checking that I will make one further point, which is to remind Members that although the Deputy Chairman and two other

MR. PRESIDENT (CONTINUING): Members of the Grand Cayman Liquor Licensing Board and two Members of the Lesser Islands Liquor Licensing Board are nominated by the Legislative Assembly, there is no statutory requirement that the nominees should themselves be Members of the Assembly. With the Committees which we were dealing with a few moments ago such as the Public Accounts Committee, and House Committee and Business Committee, Members of those Committees had necessarily to be Members of the House. With the Liquor Licensing Board that is not so. It has been, I think, the practice hitherto to appoint Members of the House, but it is not a statutory requirement.

HON. DENNIS M. FOSTER: I confirm, Sir, it is annually.

MR. PRESIDENT: So it is an annual appointment we are talking about.

I now open Government Motion No. 4 for debate and for nominations; and remember the nominations would be for two separate Boards.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, perhaps in the interests of clarity it might be helpful if the first separate post which has to be elected separately of Deputy Chairman were taken for the Board for Grand Cayman.

MR. PRESIDENT: If we have to do any voting I think we would have to do it like that. I had thought nominations. I am prepared to accept nominations for any of the posts, either the post of Deputy Chairman or one of the Members in the Grand Cayman Board, or one of the Members in the Lesser Islands Board. Anybody nominating somebody should make clear what they are nominating him or her to be. The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I beg to nominate Mr. Linford Pierson as Deputy Chairman.

HON. VASSEL G. JOHNSON: Mr. President, I beg to second the nomination.

MR. PRESIDENT: Mr. Linford Pierson is nominated as Deputy Chairman, that must be of the Grand Cayman Board because we do not have a....., by the Honourable First Elected Member of Executive Council and seconded by the Honourable Fourth Elected Member of Executive Council. The Honourable Third Elected Member of Executive Council was the next to catch my eye.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to nominate Mr. Trevor Foster for the Lesser Islands.

MR. PRESIDENT: The Honourable Second Elected Member of Executive Council was the next to catch my eye.

HON. W. NORMAN BODDEN: Mr. President, I would like to second that nomination.

MR. PRESIDENT: Mr. Trevor Foster is nominated by the Honourable Third Elected Member of Executive Council and seconded by the Honourable Second Elected Member of Executive Council, and he is nominated for Membership of the Lesser Islands Board. May I just ask the proposer whether Mr. Foster is known to have agreed to serve?

HON. CAPT. CHARLES L. KIRKCONNELL: Yes, Mr. President, he has agreed.

MR. PRESIDENT: Thank you.
The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I beg to nominate Mr. Jerris Miller to be a Member of the Liquor Licensing Board of Grand Cayman.

MR. PRESIDENT: I am trying to give everybody a fair go. The Second Elected Member of George Town.

MR. LINFORD A. PIERSON: Mr. President, I beg to second the nomination of Mr. Jerris Miller.

MR. PRESIDENT: Mr. Jerris Miller is nominated by the Honourable Fourth Elected Member of Executive Council and seconded by the Second Elected Member for George Town for Membership of the Grand Cayman Liquor Licensing Board. Perhaps I could just ask the proposer whether Mr. Jerris Miller is known to have agreed to serve?

HON. VASSEL G. JOHNSON: Yes, Mr. President, he has agreed.

MR. PRESIDENT: Thank you.
The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I would like to nominate Capt. Mabry Kirkconnell to serve as a Member of the Liquor Licensing Board of the Lesser Islands.

HON. VASSEL G. JOHNSON: I beg to second that nomination, Mr. President.

MR. PRESIDENT: Capt. Mabry Kirkconnell is proposed and seconded for Membership of the Lesser Islands Liquor Licensing Board.

The Second Elected Member for West Bay caught my eye, I think.

MR. W. McKEEVA BUSH: Mr. President, I beg to nominate Mr. Mitchell Welds for the Liquor Licensing Board of Grand Cayman.

MR. PRESIDENT: I am afraid I did not catch the name. Mitchell Welds?

MR. W. McKEEVA BUSH: Mr. Mitchell Welds.

MR. PRESIDENT: Is it spelt Welds?

MR. W. McKEEVA BUSH: Yes.

HON. BENSON O. EBANKS: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. Mitchell Welds is proposed and seconded for Membership of the Grand Cayman Liquor Licensing Board. May I ask the proposer whether Mr. Welds has agreed to serve?

MR. W. McKEEVA BUSH: He has agreed, Mr. President.

MR. PRESIDENT: Thank you.
Are there any other nominations? Perhaps before declaring the nominations closed I should just ask the Second Elected Member for George Town and the First Elected Member for the Lesser Islands whether they are prepared to serve respectively as Deputy Chairman of the Grand Cayman Liquor Licensing Board and a Member of the Lesser Islands Liquor Licensing Board. The Second Elected Member for George Town?

MR. LINFORD A. PIERSON: I accept the nomination, Mr. President.

MR. PRESIDENT: The First Elected Member for the Lesser Islands?

CAPT. MABRY S. KIRKCONNELL: I accept the nomination, Mr. President.

MR. PRESIDENT: In that case, if I am right in thinking there are no further nominations, I declare the nominations closed, and subject to the Motion itself being carried I declare that Mr. Linford Pierson has been nominated to become Deputy Chairman, and Mr. Jerris Miller and Mr. Mitchell Welds have been nominated to become Members of the Liquor Licensing Board of Grand Cayman. Capt. Mabry Kirkconnell and Mr. Trevor Foster have been nominated to become Members of the Liquor Licensing Board of the Lesser Islands.
Does anybody wish to speak further to the Motion? If not I will put the question that the Motion be passed.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 4 PASSED.

MR. PRESIDENT: The next item on the Order Paper is Government Motion No. 5, the Cinematographic Authority. The Honourable First Official Member.

GOVERNMENT MOTION NO. 5 - CINEMATOGRAPHIC AUTHORITY

HON. DENNIS H. FOSTER: Mr. President, I beg to move Government Motion No. 5 standing in my name, the Cinematographic Authority:-

> "WHEREAS under Section 2 of the Cinematograph Law, Cap.21 provision is made for the establishment of an Authority consisting of the Governor, three Elected Members of the Legislative Assembly and one member nominated annually by the Governor to carry out the stipulations of the above-cited Law and Rules made thereunder.
>
> BE IT RESOLVED that three (3) Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 20th November, 1964."

MR. PRESIDENT: Government Motion No. 5, as just read out by the Honourable First Official Member is now open for debate and for nominations, but before calling on any Member to speak perhaps I should just make clear in case there is any doubt, that on this occasion the three Members whom we have to nominate have to be Elected Members of the Assembly. It is different from the Liquor Licensing Board with which we have just dealt. So I can only accept the nominations of Elected

MR. PRESIDENT (CONTINUING): Members of the Assembly. So many people are trying to catch my eye. The Second Elected Member for George Town because he is nearest.

MR. LINFORD A. PIERSON: Mr. President, I nominate Mr. Ezzard Miller.

MR. PRESIDENT: The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I beg to second that motion.

MR. PRESIDENT: You are seconding the nomination?

HON. VASSEL G. JOHNSON: Sorry, the nomination, Sir.

MR. PRESIDENT: Mr. Ezzard Miller is proposed by the Second Elected Member for George Town, and seconded by the Honourable Fourth Elected Member of Executive Council. The Honourable Second Elected Member of Executive Council.

MR. W. NORMAN BODDEN: Mr. President, I beg to nominate Mr. McKeeva Bush.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Mr. President, I would like to second that nomination.

MR. PRESIDENT: Mr McKeeva Bush is nominated by the Honourable Second Elected Member of Executive Council and seconded by the Third Elected Member for West Bay. The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to nominate Mr. Linford Pierson.

HON. VASSEL G. JOHNSON: Mr. President, I beg to second that nomination.

MR. PRESIDENT: Mr. Linford Pierson is nominated by the Honourable Third Elected Member of Executive Council and seconded by the Honourable Fourth Elected Member of Executive Council. Are there any other nominations? Before declaring nominations closed may I just ask the three Members concerned whether they are willing to be nominated. The Member for North Side?

MR. D. EZZARD MILLER: Mr. President, I accept the nomination.

MR. PRESIDENT: The Second Elected Member for West Bay?

MR. W. McKEEVA BUSH: Mr. President, I accept the nomination.

MR. PRESIDENT: The Second Elected Member for George Town?

MR. LINFORD A. PIERSON: Mr. President, I accept the nomination.

MR. PRESIDENT: Thank you.
In that case, subject to the Motion itself being carried I declare that the three Members who are nominated have been duly nominated to become Members of the Cinematographic Authority for the coming year.
Does any Member wish to speak to the Motion? If not I will put the question that Government Motion No. 5 be passed.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 5 PASSED.

MR. G. HAIG BODDEN: Mr. President, may I have a division on this?

MR. PRESIDENT: On the question of whether this Motion should be carried?

MR. G. HAIG BODDEN: Yes, Mr. President, because the first nominee is the Manager of the only cinema on the Island and we have seen too much nepotism in this....

MR. PRESIDENT: Are you nominating somebody else?

MR. G. HAIG BODDEN: I am not nominating anybody else, Sir, I only want to place my objection on record.

MR. PRESIDENT: Very well, we can have a vote if that is what is being asked for, on the Motion.

MR. D. EZZARD MILLER: Mr. President, on a point of order, Sir, I am not the Manager of the cinema. I resigned that post over a year ago. (Laughter).

MR. G. HAIG BODDEN: Mr. President, if this is the case I apologise but I would like to point out that on the Board previous to this his brother was nominated and accepted, and this is nepotism as far as I am concerned. (Laughter).

MR. PRESIDENT: Order. In that case the request for the division has presumably been withdrawn and I declare the Motion carried, and the three Members duly nominated.
The one point which has not yet been resolved is the question of the Membership of the Public Accounts Committee where there were five Members to be chosen and six nominations were made. All the remaining Committees, the necessary appointments have been made.
Going back to the Public Accounts Committee, perhaps before contemplating a ballot about it, I can again enquire of the individual Members in turn whether they still wish to accept nomination.
Mr. Linford Pierson?

MR. LINFORD A. PIERSON: Mr. President, I accept the nomination.

MR. PRESIDENT: Mr. Hazard Miller?

MR. D. EZZARD MILLER: Mr. President, I accept the nomination.

MR. PRESIDENT: Mr. John McLean?

MR. JOHN B. McLEAN: Mr. President, I accept the nomination.

MR. PRESIDENT: Capt. Mabry Kirkconnell?

CAPT. MABRY S. KIRKCONNELL: Mr. President, I accept the nomination.

MR. PRESIDENT: Mr. Haig Bodden?

MR. G. HAIG BODDEN: Mr. President, because of the obvious imbalance in the Membership, I regret that I am compelled to decline the nomination.

MR. PRESIDENT: It is clearly your right to decline if you wish, but were you to stand and to be successful, I would have thought that the Committee would have been that much better balanced. (Laughter). Silence. You definitely wish to withdraw do you?

MR. G. HAIG BODDEN: Definitely, Sir.

MR. PRESIDENT: Mrs. Daphne Orrett?

MRS. DAPHNE L. ORRETT: Mr. President, I accept the nomination.

MR. PRESIDENT: In that case, my understanding is that in the end there are five Members nominated, and since five have to be appointed no election is necessary. I am not sure whether we carried that Motion or not. Yes, we did I think.

HON. D.H. FOSTER: We carried the Motion.

MR. PRESIDENT: Yes, in accordance with the terms of the Motion I appoint the Second Elected Member for George Town, Mr. Linford Pierson to be Chairman of that Committee.

That concludes the business on the Order Paper. I will invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. DENNIS A. FOSTER: Mr. President, I move the adjournment of this House sine die.

MR. PRESIDENT: Before I put the question to Members, since it is a motion that the House adjourn sine die it may be convenient to Members if I explain that what I have in mind is to suggest, some time I hope within the next two or three weeks, firstly the dates on which this House might next meet, which would be, I think probably, a Budget Meeting and a Throne Speech sometime in late February. Also hopefully, I will try to suggest dates for all of the Meetings likely to be held during 1985, to enable Members to make plans about travel or other sorts of engagements and the like. It may not be possible for me to suggest all the 1985 Meeting dates, and of course when I suggest Meeting dates all I can suggest is the beginning of each particular Meeting. Whether the Meeting lasts two days, or two weeks or longer is largely in the hands of Members themselves, depending on how long debates continue. I thought it might be helpful to know that I hope to be able to send proposals to Members some time within the next two or three weeks, and to give all Members an opportunity of commenting if particular proposals may cause some serious inconvenience, and if they want to enquire if it might be possible to make slight adjustments.

The motion now then is that the House do adjourn sine die. Does any Honourable Member wish to speak? The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, before the adjournment of this Honourable House is called, I would like to take this opportunity to sincerely thank the people of George Town for returning me to this Honourable House as their representative, and especially with such an overwhelming majority at the polls. I also thank my colleagues for electing me today to a place on our Executive Council. I feel that this is because of the confidence which they have in me and this confidence is deeply appreciated.

To all the people of Grand Cayman, of Cayman Brac and Little Cayman I say that I am happy to represent all of my people. I promise to put service above self and I will strive at all times to do my best for the continuing progress and development of our country, this country for which we all hold so much pride and love.

The prayers of many God-fearing citizens have gone into our recent General Election and I would humbly ask that they continue to remember and hold up those of us who must help to guide these Islands over the next four years. It is true, Sir, that the results of the democratic process will always please some people and displease others; but may the true spirit always prevail in our land. I for one am thankful today that we still live in a country where the power of the ballot and the process of honest and fair elections can place in action the wishes of the majority of the people. The public must be most highly commended for the mature and responsible manner which has prevailed throughout our General Election, a most valuable asset not possessed by many countries today. I would like to take this opportunity to thank Mr. Kearney Gomez, Miss Marjorie Piercy and all of those who contributed to the machinery of our elections and so capably operated this machinery.

I accept, Sir, my place in our Government today with humility and a deep sense of responsibility in serving all of my people equally and fairly regardless of colour, class, creed or political affiliation. It is my determination to uphold and contribute to the high principles of Government in these Islands. I am looking forward to working with you, Mr. President, and all Members of this Honourable House for the benefit and well-being of all of our people all of the time.

The campaign is over. The Election is past, the challenge is ahead, and with malice towards no-one, we must join our hands, hearts and minds in building a better Cayman Islands for the benefit, peace and happiness of all who live here.

Thank you, Mr. President.

MR. PRESIDENT: Sorry if I pause for a moment. I will get these constituencies and the rest familiar soon. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, even though I have already publicly thanked my supporters and friends for their confidence in electing me to represent them, I would nonetheless again take this opportunity to say thank you for your strong support over the past years, months and weeks and for making today possible for me. Perhaps the most important activity of today's proceedings was the swearing in ceremony as it establishes my position as a Member of our Legislature.

To those of my supporters and others who have expressed their wish to see me elected to Executive Council, I would say to you that my most important election took place on November 19th, and I want you to know that the 1988 campaign started today. I promise my full support

MR. LINFORD A. PIERSON (CONTINUING): to the Executive Council and want them to know that I am willing to assist them whenever called upon.

This Election was perhaps the most important event in the history of the Cayman Islands. Our country is now at a stage where more than ever before very serious consideration will have to be given to the future of these Islands. A word of warning to us all: 1969 is not that far away. Four years of one's political life can pass away very quickly indeed. If we do not work in the best interests of the people they have the power to remove us. I already know of a number of potential candidates for 1969. Under our present Constitution four of our twelve Members only can be elected to Executive Council. However, twelve of us were elected to represent the people of the Cayman Islands and I hope and trust that we will all have a very co-operative, sympathetic and understanding Executive Council to help the other eight Members render to their constituents the best representation possible.

Let us all work together for the good of our beloved Isles, Cayman. Thank you, Mr. President.

MR. PRESIDENT: The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I take this opportunity to again thank my constituents for the confidence which they have reposed in me and my fellow Members of the Legislature for electing me to this high office today.

I am humbly grateful to all of them for the opportunity to be of service to my country and to my people. I am keenly aware of the awesome responsibility which goes with this honour. To those who did not see fit to support me, I want to say that I realise that my responsibility is to all of the people of these Islands and to all of the people of West Bay in particular. I invite all Caymanians to seek my assistance whenever they think that I may be able to be of some assistance to them.

With the help of Almighty God I will never betray the trust placed in me and I pledge my best efforts to discharge my responsibilities without fear and without favour or malice to anyone. I trust that the work of this Assembly will be the most productive ever and that the people of this country will respond to the call to also re-dedicate themselves to all that is good and honourable, so that together we will move ever forward and ever upwards.

Thank you, Mr. President.

MR. PRESIDENT: The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to thank God for answering the prayers of our people. I know he was in control of the Election and may we never forget him. Without God we can do nothing.

I also want to express my gratitude to the people of Cayman Brac and Little Cayman for their support on November 14th, and to my wife and family for their patience, understanding, support and love. To the Members of the newly elected Legislative Assembly, I would like to thank them for the confidence they have placed in me by electing me to Executive Council. I give them my assurance that I will work closely with them for the betterment of our people. I promise to serve my country faithfully, honestly and with humility. In turn, I

HON. CAPT. CHARLES L. KIRKCONNELL: ask for your prayers, patience and understanding.

Finally I would like to reassure all those living and working here that I will do my utmost to protect their rights and will always treat them fairly.

Thank you, Mr. President.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, I would like on behalf of my colleague and myself to thank the people of Bodden Town who have continued to show their faith in our representation. I would also like, at this point, to thank my colleagues of the Unity Team who lost their seats in this Election. The democratic process has spoken and we must all live by that; but I would remind this House that our loss is not their victory but our victory, and one battle has been lost but not the war. I can promise them the stiffest opposition in the next four years, by God's help, that ever they have had.

Caymanians, Mr. President, never cease to amaze me and I guess that it has been one more lesson taught to me in many different ways. But I am assured, Mr. President, that the shadow of myself and my colleagues of the Unity Team will always stand tall in the history of the Cayman Islands and I doubt that it will ever be surpassed. We attended as best we could to all areas of the society and this country, at the Election time, enjoyed the best conditions that it has ever had in its history. We have heard the different play with words and with figures, but in the words of the Honourable present Financial Secretary of the country we all know that the country has large surpluses and large reserves and a small debt in relation to the reserves and the surplus, and the majority of this was put into the coffers of this country in the last eight years. Because it is on record that the country, if we talk about edging to the brink of bankruptcy, was in that condition in 1976.

I would remind the people of this House and of this country that this country went through a very trying period in the years of 1972 to 1976, and it cannot be blamed on any world recession, but on the activities which took place in this country during that period. I would remind the Members of this House to please not follow that path which they followed during those years, which took this country to the brink of disaster, and if it is followed again with their able supporters on the outside, in a similar manner to which it was in 1972 to 1976, it will again bring this country to the brink of disaster.

It will be very interesting for the people of this country to observe how the promises which were made in this Election can be kept, and believe me, Mr. President, we on this side of the House, or I should say we of the Unity Team will surely be watching them as to how they keep them.

I pledge to you and the people of the Cayman Islands my continued support, my continued effort but most of all, by God's help, I promise very, very strong opposition. Thank you.

MR. PRESIDENT: Does any other Honourable Member wish to speak? I think the Third Elected Member for West Bay caught my eye first.

MRS. DALPHNE L. ORRETT: Thank you, Mr. President. Last Thursday morning on the 15th November, I was privileged to share with our West Bay constituents an overwhelming feeling of joy, relief, hope, buoyancy and victory. The feeling was and still is sheer ecstasy. Together we scored a victory, not just for West Bay but for all of Cayman, and I thank God from whom all blessings flow. The exemplary and unbiased manner in which Mr. Kearney Gomez, Mr. Orrett Connor and all the others who assisted in the electoral process, is deeply appreciated. I am indeed honoured and deeply grateful for the confidence which our people have placed in me. I know the best is being expected from me and I am determined not to disappoint our people.

I am both desirous of, and committed to excellence; both by example and precept, both inside and outside these walls I am committed to excellence. My filling this position is not just a job; it is a calling and for this reason I am committed to excellence. For God deserves my best, our people deserve my best everywhere, but especially in Government. A sloppy, undisciplined effort offered to the God who is Master of the Universe and who is the Author of Truth is not merely unfortunate, it is an offence. Our people must be offered a Government with more than just high technical qualities. Ultimately a complete Government must not only provide knowledge of how to do something, but whether to do it and for whom.

I hope to be a part of a Government which enables us to make moral judgements and thus be able to choose with a high degree of success, what is genuinely good, true and beautiful. My decision to serve our people as a Member of the Legislative Assembly was not born of a desire for prestige, nor of a quest for power, for these two must pass. I hope to prove available and approachable, and to prove a trusted friend who seeks to bring to fruition the promises made to our people during our recent election campaign. I did not promise in our campaign, nor do I promise you now that there will always be smooth sailing, but I do solemnly promise that I shall endeavour at all times to do my part in steering our ship of state on the right course.

The prayers of our people played a vital role during our recent elections and I thank you from the bottom of my heart. Your prayers during our term of Government are no less needed. Fellow Caymanians, I feel good about our new Government. Let us lift up our heads, rejoice, for good things are ahead.

Thank you, Mr. President.

MR. PRESIDENT: The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, Honourable Members, ladies and gentlemen. I would first like to thank you, Mr. President, for affording us the opportunity of addressing this Honourable House on the occasion of our first appearance in this Chamber. I must also take the opportunity to extend to the people of these Islands, and especially to my supporters here in George Town, my sincere thanks for the confidence they have reposed in me by giving me one of the coveted twelve seats in this Legislative Assembly. I would also like to thank my colleagues of this Chamber for electing me to this position in Executive Council.

Mr. President, my presence here today is to me my return to an old home where I lived until a short time ago, for seventeen years. I would perhaps, Mr. President, think, subject to correction, that I might have served for a continuous period longer than any other Member in this present House.

HON. VASSEL C. JOHNSON (CONTINUING): Mr. President, Thursday morning the 15th November, 1984, made it quite clear to me that my return here was a popular choice by the people of George Town who elected me to this Legislative Assembly, and with a mandate. The jubilant mood, Mr. President, of these Islands which greeted the early hours of the morning of the 16th November, when the election results were known, has given me inspiration and strength, encouragement and a determination to ensure that these Islands continue in that spirit throughout our four years in office, and indeed many other four years thereafter.

Mr. President, we have taken over the people's Government at a point I can very well describe as the crossroads in the history of these Islands. A point, Mr. President, where we, the new Members of this Legislative Assembly are left with a great task, a great task of reshaping the future of our homeland. We can only pray for God's guidance, Mr. President, and His wisdom, to lead us on the right course, remembering always, Mr. President, that nothing is politically right which is morally wrong.

Mr. President, I have already given a statement of my intentions from the platform, through the radio, and in the press so it only leaves me now to give to you and to this Honourable House, and to the people of the Cayman Islands my reassurance of those intentions.

Mr. President, as there may not be another Meeting of this Honourable House before the end of the year, may I be presumptious and take this opportunity to give you, Mr. President, and Mrs. Lloyd and your family, the Honourable Members of this Legislative Assembly and their families, and all the lovely people of these Islands, my sincere good wishes for the coming festive season.

Thank you very much, Sir.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, may I take this opportunity to thank you, Sir, for your leadership during the last two years, and for the opportunity to speak to the Honorable Members here today. Firstly, I would like to thank my constituents from Cayman Brac and Little Cayman for the support I received in the General Election held on November 14th. I deeply appreciate all who supported me and I ask all of those who did not support me to unite behind me and my colleague Capt. Charles as we strive for a better Government for the Cayman Islands.

I would like to congratulate the Supervisor of Elections and all of his staff for the able way in which the Election was carried out. I would particularly like to make refrence to our District Commissioner, Mr. Ryan who was the returning officer for the third electoral district, for the wonderful and excellent manner in which the Election was carried out. We are deeply grateful for all his aid there.

I would like to say to all my colleagues who have been elected to the Executive Council that I congratulate each of you, and I pledge to you my full and complete support. It is very gratifying to me, and I am sure to the people of Cayman Brac and Little Cayman that we once again have one of our representatives as a Member of Executive Council. We need that due to our geographical location. We appreciate what has been done in the past years, but we feel that we need one of our own and we are very grateful that that once again exists.

To the former Members of the House, the long serving Members such as our "mother" of the House, Miss Annie Huldah Bodden, I would like to take this opportunity to pay my great

CAPT. MABRY S. KIRKCONNELL (CONTINUING): respects to her for her long years of able service here in this Honourable House. She will always be remembered by me and I shall always be most grateful for the number of years that she has served us, and all the advice and guidance which she has given us during my short period of four years which I have served here in the House prior to this term.

Mr. President, I would like also at this time to appeal to all Honourable Members of this Assembly that we unite together to lead the Cayman Islands on the best course that we know how. Let us forget the Election; let us forget the past, realising that that is history, and we will be making history as we serve the people for the next four years.

So I would like in conclusion to thank all my constituents, thank all the Members present today, and again appeal to the Honourable Members of this House; let us all unite and make the Cayman Islands the best country possible.

Thank you, Mr. President.

MR. PRESIDENT: The Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I would like to take this opportunity to thank the people of North Side for their support, and I will endeavour to serve them and the people of these Islands to the best of my ability, and to at all times keep the people of these Islands involved in Government.

I very deeply appreciate the opportunity and the confidence of the people of North Side to serve them. I intend to deliver to the people of this country the commitment I have made, with honour, humility and dignity. I look forward to working with all Members of this Honourable House for the benefit of the Cayman Islands.

Thank you, Mr. President.

MR. PRESIDENT: Unless any other Member wishes to speak? The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, this will be the second time since nomination day that I have had an opportunity to thank the people of my constituency, but it is my feeling, Sir, that if I stood here and thanked them a thousand times it would be in order. Because on nomination day they displayed a special faith and trust in me which I intend to stand here and to defend to the hilt.

Today, Mr. President, besides thanks to my people, I would also like to thank the Clerk of this Legislative Assembly and her able staff. I would also like to thank the Honourable Official Members of Government with whom I have worked quite closely during the last four years, and last but by far not least, I would like to thank my Principal Secretary, Mr. Kearney Gomes and the able staff of the Portfolio which I was charged with for the last four years.

Let me say, Mr. President, that standing on this side of the House, or sitting on this side of the House as it may be termed, will degrade me in no way. This is where I started. I am by no means power hungry. I served for the last four years on Executive Council and I have a track record whereby I can look any member of these Islands in the face. However, Mr. President, let me say I will not stand by and see anyone try in any way to demolish or to pull down something which has been built up for the benefit of this country and its people. I have been supported by my people on nomination day and I have also been supported by every person in the Cayman Islands. I am a Caymanian, Mr. President, who will at all times defend Caymanians.

MR. JOHN B. McLEAN (CONTINUING): Today, Mr. President, I am hopeful that each Member in here will realise that four years is a very short time, and that we will knock heads together and try to continue what has been built up for the benefit of the people of this country. We are at a point today, Sir, where anything can happen. We have a good thing going but it can easily be destroyed. Let us always be mindful of this and at all times keep our people in mind.

I pray today, Mr. President, that Almighty God will continue to guide us and that each one here will make their best endeavours for this country.

I thank you.

MR. G. HAIG BODDEN: Mr. President, I would like to thank the people of Bodden Town who have shown their confidence in me over the last twelve years, having elected the First Elected Member for Bodden Town and myself with a resounding margin. I would like to thank our supporters who worked hard and honestly to bring about the inevitable results of the Bodden Town election.

I would also like to congratulate the four new Elected Members of Executive Council and I look forward to supporting measures which I believe are good for the country, to finding the flaws in any incompetence they may show and actually burying up any policies which they may present, which I feel are not in the interests of the country.

I would like to put to rest a rumour which has been started by the opposition in Bodden Town that I may resign my seat. On the morning after the elections I was very touched when I went to West Bay because some of our people were sad, but when they saw me they came to life and they said, "We have not lost everything, we still have other representatives. We still have Haig and Jim". This has been a way of life with us, particularly during the past eight years on Executive Council. We did not go out to do programmes in Bodden Town simply to get elected. We did what we felt was good and in the interests of the country, whether it was West Bay or Cayman Brac and North Side.

I do not have the impish perspicacity of the late Sir Winston Churchill, but at age seventy-one after having won World War II and saved the world, he was thrown out of office, and he said, if I can quote his words that:

> "The Conservative victory is the greatest disaster that has smitten England in its long and chequered history."

I will not use the same prognostication which he used, but I will say that I will remain in this Chamber because I think it is necessary, and I will quote his words again when he said, (although he could have resigned and painted, and did whatever he wanted), he said:

> "I feel now, however, that the situation is so serious and what may have to come so grave, that I am resolved to go forward carrying the flag as long as I have the necessary strength and energy, and have your confidence."

So for those who may hope to take those Bodden Town seats I would say again in the words of Churchill:

> "We shall fight on the beaches and in the landing fields. We shall never surrender."

On the night of the election I said to the electorate in Bodden Town, "Now that the campaign is over

MR. G. HAIG BODDEN (CONTINUING): I hope the hate will be put aside". I was startled this morning to read a shocking letter by a leader of one of our churches, Mrs. Mary Woodward, a letter of hate against the two Bodden Town Members, and this is sad and I do hope that her minister will take her and kneel down (Noise from gallery)....

MR. PRESIDENT: Quiet in the public gallery please.

MR. G. HAIG BODDEN: ....at the footstool of God, and pray for her soul because she certainly needs it.

Finally I would say two things. When Sir Winston during the dark days of the war heard that he might be in danger if he attended in Africa, he wrote to one of his comrades; he sent a message saying: "Read John 14(1)", which says:

> "Let not your heart be troubled: ye believe in God, believe also in me."

And finally I would say to those new Members and to the new Executive Council what the prophet Jeremiah said:

> "Let not he that putteth on his armour boast as he that taketh it off."

MR. W. McKEEVA BUSH: Mr. President, it is with deep gratitude and humble appreciation that I rise to say thank you to the people of my district for the confidence which they have reposed in me. Sir, it is not so much the political victory that matters, but the opportunity which that victory affords for building the country in accordance with the directions which our people wish us to pursue. During the time ahead it is most important for us that the country shows discipline and good sense in the national interests.

We, Sir, in this House at this time, represent an anxious country in a troubled world. Our constituents look to us for leadership and commitment. We serve a hard taskmaster, our country. The urgency of its needs must always be given dominance over other considerations.

There has been much said, Mr. President, about 1972 to 1976, in the past election, but, Sir, the election is fought. The people have chosen and dignity has ruled the day.

Mr. President, the four votes I cast for the four Elected Members of Executive Council were not taken lightly, Sir. I voted for them because I believed that they are honest men of integrity, and I believe that they have worked for their businesses, and worked for their families, most importantly, and I believe, Sir, that they can do a good job, a job which is well needed at this time in the Cayman Islands. So at this time in our history we cannot afford to be divided. The challenge to be faced is too great, the cost of failure too high for everyone.

We must all recognise that we have one obligation and that is to work for the promotion and interests of this country, and for improving the lot of all those of us who have decided to make the Cayman Islands our home, those of us who were born here and those of us who were brought here lawfully.

Finally, Mr. President, today being the people's day I beg to give notice that at the next sitting of this Honourable House I will be bringing a motion, the effect of which will be to revoke and cancel Private Members' Motion No. 5, commonly known as the Stevens Motion, passed by the Assembly on 1st December, 1972.

MR. W. McKEEVA BUSH (CONTINUING): May Almighty God so guide us each and every one.

I thank you very much.

MR. PRESIDENT: The motion before the House is that this House do now adjourn sine die. Before asking Members to vote on it, may I thank them for the help that they have given me in ensuring that today's proceedings went so smoothly, and were conducted with dignity. I look forward to the continuing assistance of Members during the life of this House. Sometimes people can say in the excitement of the moment, things better left unsaid. Sometimes in the excitement of a moment two Members may rise at once, each determined to outface the other, and sometimes on those occasions it is the awkward, potentially embarrassing task of the President to try and keep proper order. But I look forward to receiving from all of you, as I received from Members of the last House, your help, tolerance and understanding when I try to perform that task as impartially as I can.

Meanwhile, may I thank the Members who offered to me, to my family, and indeed to all of us, good wishes for the coming Christmas season, and may I reciprocate those, wishing to each and every one of you and to all of your families a very happy Christmas and a very prosperous New Year.

Now before I forget, let me put the motion.

QUESTION PUT: AGREED. AT 1.13 P.M. THE HOUSE ADJOURNED SINE DIE.

SPECIAL MEETING OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY, 12TH DECEMBER, 1984

FIRST DAY

PRESENT

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS M FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O FRANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CHARLES L KIRKCONNELL	MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL G JOHNSON, CBE, JP	MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS DAPHNE L ORRETT	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT HARRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

SPECIAL MEETING OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY, 12TH DECEMBER, 1984

1. PRAYERS

To be delivered by Rev. Edgar Ogston

2. PRESENTATION OF PAPERS AND REPORTS

(i) Finance Committee Reports

(Meetings held 22nd and 29th November, 1984)

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER, CHAIRMAN FINANCE COMMITTEE.

(ii) House Committee Reports

(Meetings held 27th and 29th November, 1984)

TO BE LAID ON THE TABLE BY THE SECOND ELECTED MEMBER FOR WEST BAY, CHAIRMAN HOUSE COMMITTEE.

(iii) Business Committee Report

(Meeting held 11th December, 1984)

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, CHAIRMAN BUSINESS COMMITTEE.

3. QUESTIONS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 72: WOULD THE MEMBER STATE WHY THE SWEARING-IN CEREMONY, WHICH WAS BROADCAST LIVE ON RADIO CAYMAN, WAS NOT REPEATED?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 73: WOULD THE MEMBER STATE:-

(a) WHAT WAS GOVERNMENT'S SURPLUS REVENUE ON 31ST OCTOBER AND 30TH NOVEMBER, 1984; AND

(b) WHAT WERE THE GENERAL RESERVES ON 31ST OCTOBER AND 12TH DECEMBER, 1984?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 74: WOULD THE MEMBER STATE THE NUMBER OF APPLICATIONS FOR CAYMANIAN STATUS WHICH ARE:-

(a) NOW PENDING; AND

(b) PROVIDE AN AGING ANALYSIS OF SAME?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 75: WOULD THE MEMBER STATE WHAT, IF ANY, PLANS ARE BEING MADE TO INTRODUCE LEGISLATION IN THE NEAR FUTURE TO PROVIDE FOR A CONTRIBUTORY PENSION SCHEME FOR EMPLOYEES IN THE PRIVATE SECTOR AND THOSE NOT ALREADY COVERED IN THE GOVERNMENT SERVICE?

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 76: WOULD THE MEMBER BRIEFLY STATE THE PRESENT POLICIES AND CRITERIA OF THE HOUSING DEVELOPMENT CORPORATION WITH REGARDS TO APPROVING LOAN APPLICATIONS?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 77: WOULD THE MEMBER STATE WHETHER CAYMAN AIRWAYS LIMITED HAS A WATCHMAN IN ADDITION TO GOVERNMENT'S AIRPORT SECURITY?

NO. 78: WOULD THE MEMBER STATE:-

(a) WHETHER ANY CASH OR CASH VALUE ADVANCES HAVE BEEN MADE AT ANY TIME BY CAYMAN AIRWAYS LIMITED OR CAYMAN AIR HOLDINGS LIMITED TO ANY OF ITS DIRECTORS, INCLUDING THE CHAIRMAN OR STAFF; AND

(b) WHETHER A CHARGE ACCOUNT IN THE NAME OF ANY MEMBER OF THE BOARD OF DIRECTORS, INCLUDING ITS CHAIRMAN, WAS WRITTEN OFF THE BOOKS OF CAYMAN AIRWAYS LIMITED PRIOR TO THE ELECTIONS?

4. GOVERNMENT BUSINESS

(a) MOTIONS:-

GOVERNMENT MOTION NO. 6

(BROADCASTING OF PARLIAMENTARY PROCEEDINGS)

(b) BILLS:-

FIRST AND SECOND READINGS

(i) THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1984

(ii) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1984

COMMITTEE THEREON

(i) THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1984

(ii) THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1984

TABLE OF CONTENTS

	PAGE
Prayers	1
Reports of Finance Committee Meetings held on 22nd and 23th November, 1984 - Laid on the Table	1
Reports of House Committee Meetings held on 27th and 29th November, 1984 - Laid on the Table	2
Report of Business Committee Meeting held on 11th December, 1984 - Laid on the Table	5
Questions	5
Government Motion No. 6 - Broadcasting of Parliamentary Proceedings	13
The Development and Planning (Amendment) Bill, 1984 - First and Second Readings	15
Hon. V.C. Johnson	15
Mr. Linford A. Pierson	17
Mr. James M. Bodden	19
Mr. D. Ezzard Miller	23
Mrs. Regina L. Arnett	24
Mr. G. Haig Bodden	26
Mr. M. McKeeva Bush	30
Capt. Rolvin S. Kirkconnell	34
Hon. W. Norman Bodden	35
Hon. Charles L. Kirkconnell	36
Hon. Ramon O. Thanks	37
Division	40
The Parliamentary Pensions (Amendment) Bill, 1984 - First and Second Readings	41
Mr. D. Ezzard Miller	41
Mr. G. Haig Bodden	45
Adjournment	49

SPECIAL MEETING OF THE LEGISLATIVE ASSEMBLY
HELD ON WEDNESDAY, 12TH DECEMBER, 1984
FIRST DAY
10.00 A.M.

MR. PRESIDENT: The Assembly is in session. I shall invite the Rev. Edgar Ogston to say prayers.

REV. EDGAR OGSTON: Let us pray.

Lord our God, we remember Your promise that wherever two or three are gathered together in Your name you are there in the midst of them. We claim that promise this morning and pray that each one of us may be aware of Your presence, for You know our needs and how inadequate we feel ourselves to be in the presence of world and social problems and the challenges of this hour. Send Your divine help down upon us O Lord that we might be better than we are, wiser than we know and stronger than we dream.

In this prayer, Father, we bring before You the Members of the Legislative Assembly - men and women who feel the weight of responsibility and the need of divine guidance; men and women who often are sorely tempted and who need the support of Your grace. Make clear to them what are the right things to do at this time and give them courage to do the right in Your sight through Christ our Lord.

We pray for the Queen and the members of the Royal Family and we also pray for His Excellency the Governor. Grant them wisdom and discernment for the trake You lay upon their shoulders and may they set an example of honesty and integrity to this world.

Lastly Father we pray for the peoples of these Islands that they would use and not abuse the opportunities You place in their hands as these Islands develop. In the hour of prosperity may they not forget You the Giver.

These our prayers we ask through Jesus Christ our Lord who taught us to pray the Family Prayer:

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

MR. PRESIDENT: Please be seated.

Presentation of Papers and Reports. The Honourable Third Official Member.

PRESENTATION OF REPORTS

FINANCE COMMITTEE

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the table of this Honourable House the Finance Committee Report for 22nd November, 1984 and for 29th November, 1984.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, the Meeting of 22nd November, 1984 approved a total sum of $50,000. These funds were provided for retirement of the Commissioner of Police, $30,000 for salary which would take him to the end of his contract in August, 1985, and $20,000 for gratuity which would cover his total contractual period.

HON. THOMAS C. JEFFERSON (CONTINUING): The Meeting of 29th November, Mr. President, approved a total sum of $2,462,000 for Cayman Airways Limited. These funds were approved, Mr. President, to meet firstly, the quarterly payments which were due on 1st December, 1994, and on advice from the Managing Director of Cayman Airways there was insufficient cash held by the airline to meet this payment. Secondly, Mr. President, we, this Honourable House and Finance Committee guaranteed these quarterly payments to Inter First Bank of Dallas and therefore there was no other alternative but to approve the funds to meet this quarterly payment. Additionally, Mr. President, on examination of the Amounts Payable of Cayman Airways, it was found that some pressing needs have to be addressed, mainly in dealing with a major portion, Mr. President, of the oldest bills due in the Accounts Payable.

Therefore, Mr. President, of this total sum of $2,462,000 we have honoured to date the quarterly payment of $838,675, and a sum paid to Texaco for fuel of $400,000.

MR. PRESIDENT: In accordance with the provisions of Standing Order 87(4) the House is deemed to have agreed to the motion.

House Committee Reports, the Second Elected Member for West Bay.

HOUSE COMMITTEE

MR. W. McKEEVA BUSH: Mr. President, I beg to lay on the table of this Honourable House, House Committee Reports for 27th and 29th November, 1994.

MR. PRESIDENT: So ordered.

MR. G. HAIG BODDEN: Mr. President, just on a point of order I would say that the Members have an opportunity to debate this Report. It is altogether different from the Financial Report and I would call your attention, Sir, to Standing Order 72(5) which deals with Select Committee Reports, and also to 72(3) which says that Reports of Standing Committees of the House can be treated in the same way as Select Committee Reports. As I am opposing the contents of this Report, I would like the opportunity to debate it.

MR. PRESIDENT: My understanding has always been that it is open to Members to speak when Reports of the House Committee, or the Business Committee are laid. I do not think that any Member has ever availed himself, or at least not in my recollection, of the opportunity to do so, but you are entitled to do so and if you wish to speak to the Report that is in order.

MR. G. HAIG BODDEN: Mr. President, first of all I do not agree with the seating arrangements recommended in this Report. My colleague from Bodden Town and I will be bringing over the next four years many motions, upon which we will have to consult continuously. It would be inconvenient and uncomfortable for us if we were separated, so I do not intend to sit at the end of this table, but rather sit in the centre where I am in close proximity to the other Member. Also I would say that it is my firm belief that the Committee went beyond its terms of reference in suggesting the seating arrangements. The terms of reference as set out for that Committee simply give them the authority to

MR. G. HAIG BODDEN (CONTINUING): provide for the comfort of the Members and not for specific seating arrangements.

Furthermore, our Standing Orders are silent on it and the Standing Orders say that when our Standing Orders are silent we must then use the practice in the House of Commons. I would like to refer you to Erskine Mays on seating arrangements, and Erskine Mays says that in the House of Commons no special seats are assigned to the Members. Therefore, I feel that we have a right to sit wherever we want to sit.

The second reason for rejecting this Report is that the Report has made many recommendations for the spending of money, for the extravagant waste of money and these recommendations cannot be accepted by this House. If the department concerned with the operation of the Legislative Assembly should feel that there is a necessity for any expenditure I would hope that the Clerk, who is the head of that department will make her submission to the Finance Committee when the Budget is being prepared.

I specifically mention, Sir, the purchase of a word processor. I do not deny that such a machine is necessary, but it is my understanding that there is a word processor at the Government Administration Building which is not used to its full capacity, and perhaps the work of the Legislative Assembly could be processed on this machine thereby saving Government some money. I also refer to the recommendation in the Report for the purchase of a shredder and I know that there is one available at Government offices, and perhaps this could be used. I believe that we should investigate whether it is feasible to use this before we purchase such a piece of equipment.

Then, there is also a recommendation in the Report that we put in a soundproof box for Radio Cayman and I see in the Report recommendations for even sprucing up the steps of the Legislative Assembly. While I know that the House Committee has the responsibility for taking care of the building, I would not like to see the House Committee adopt the attitude that they must spend Government money merely to justify their existence, and I certainly will oppose recommendations such as the ones contained in the Report to the House. I trust that such recommendations will come through the proper channels from the head of the Department and will not be used to justify the existence of the House Committee, nor to perpetuate its existence. I certainly feel strongly. I feel that it is wrong for the House to start off, when the campaign pledges have been to control the waste and the spending in Government, at this first Meeting, which it is my understanding has been called especially for the purpose of presenting the business which is before the House....

MR. PRESIDENT: If I may interrupt the Honourable Member. I am conscious of the fact that if we debate this matter for too long there will be no time left for questions. I would think the Member has made his point and would suggest therefore that he rest it at that in order that other Members may have an opportunity to ask questions. Even the Member himself, I think, has a question down today.

I would rule that the points which were dealt with by the Committee, including the seating of Members, does in my view fall within the Committee's terms of reference. I think that the Committee is empowered to deal with anything touching on the convenience and comfort of Members and that is a point, therefore, which they can properly deal with. On the other hand I accept that if the Member who was just speaking wishes to sit where he is seated now, I am sure that arrangements can be

MR. PRESIDENT (CONTINUING): made for him to continue to do so.

MR. C. HAIG BODDEN: Yes, Mr. President, I agree that I should stop the debate, but I must reiterate that the terms of reference which I have before me do not specifically authorise....

MR. PRESIDENT: With respect, I have made a ruling on that. The Member may not agree with the ruling. If he wishes to move a specific motion to challenge my ruling he is entitled to do so, but not otherwise, and my ruling is that it is within the terms of reference that they are entitled to make recommendations about seating, but that if the Second Elected Member for Bodden Town wishes to be seated where he now is, I am quite certain that arrangements can be made accordingly.

MR. C. HAIG BODDEN: Yes, Mr. President, since I am allowed to remain where I am, that is fine.

MR. PRESIDENT: I do not think that that will cause any problem. As to the other points, my understanding from the Reports of the Committee is that the matters will come up with the estimates in the ordinary way, and therefore they will come before Finance Committee. It was merely the House Committee expressing views about what might be done and I am sure that the Clerk when preparing her estimates will take those views into account. It will then be for Finance Committee to determine whether funds should be provided.

So unless any other Member wishes to speak, I would prefer that we gave Members an opportunity to ask their questions. In that case it is ordered that the House Committee be noted.

MR. JAMES M. BODDEN: Mr. President, I really did not intend to speak on this point but I could not let the matter rest the way you ruled on it. In the absence of any rules on parliamentary procedure we always go to Erskine May, and Erskine May is silent on that point and I feel that you have made a very unfair ruling in the House this morning with regards to the presentation of this Paper, Sir.

MR. PRESIDENT: With respect, it has been the custom of this House ever since I have been here, and so far as I know, before that to allocate seats to Members unlike the House of Commons where anybody sits anywhere, although a number of them do by custom sit in particular places. But here there has been an absolutely fixed practice where the Official Members sit, where the Elected Members of Executive Council sit and where each of the other Members sit. Therefore I have regarded it as being the practice of this House to allocate seats, and having regard to that, I have regarded it as being perfectly proper for the House Committee, which is charged with the task of looking to amongst other things the comfort and convenience of Members, to make recommendations about where each Member might sit. Now if the House wishes to change the arrangement which has hitherto been made, and to cease to have fixed seats for particular Members, that is a matter which the House can certainly decide to do.

I think we will pass on to questions now, though. No, I beg your pardon, we will pass on to the Business Committee Report. We have not had that yet.

BUSINESS COMMITTEE

HON. DENNIS E. FOSTER: Mr. President, I beg to lay on the table of this Honourable House the Business Committee Report of the Meeting held on 11th December, 1984.

MR. PRESIDENT: So ordered. Questions. The Elected Member for North Side.

QUESTIONS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 72: Would the Member state why the swearing-in ceremony, which was broadcast live on Radio Cayman, was not repeated?

ANSWER: After wide publicity and with the Governor's approval, the swearing-in ceremony was broadcast live and it was not thought necessary to repeat it.

MR. PRESIDENT: Unless there is a supplementary I will invite the Second Elected Member for Bodden Town to ask the next question.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 73: Would the Member state:-

(a) What was Government's surplus revenue on 31st October and 30th November, 1984; and

(b) What were the General Reserves on 31st October, and 10th December, 1984?

ANSWER: (a) The surplus revenue on 31st October, 1984 was $891,510 and on 30th November, 1984 a deficit position of $884,473. The revenue through 30th November, 1984, does not include the budgeted sum to be taken from Reserves of $1.5 million.

(b) The General Reserves on 31st October, 1984, stood at $10,082,944 and on 10th December, 1984, was $9,183,162.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Supplementary, Mr. President. Is it correct what I am hearing that a surplus on the 31st October, 1984, of $891,510 has completely disappeared by the 30th November and we are in a deficit position this year of over $884,000. Is that correct?

MR. PRESIDENT: That is what has been stated already, so I do not think really that is a supplementary. You have been given the answer. If you are asking the Member to confirm the figures, that he has not read them out wrong or something, I will let him confirm it, but it is not really a supplementary.

HON. THOMAS C. JEFFERSON: That is correct, Mr. President.

MR. G. HAIG BODDEN: Mr. President, a supplementary. Will the Member say if Executive Council has approved these answers?

MR. PRESIDENT: That is not an allowable supplementary, I am afraid.

MR. G. HAIG BODDEN: Can I ask, Mr. President, if they have knowledge of the grave situation that exists?

MR. PRESIDENT: No, because calling it a grave situation is your terminology. It does not arise from the answer. You can say "of the situation", but not "grave situation", if you wish.

MR. G. HAIG BODDEN: All right, Mr. President, I will move on to another supplementary. Will the Member confirm that the Reserves which existed on the 31st October have now been reduced by more than $1 million up to the 30th November?

MR. PRESIDENT: If you read the answer you will find that he cannot because the answer is that they have been reduced by less than $1 million, at least on the printed figures which I have in front of me. From $10,032,00 to $9,123,000 which I make just over $900,000, much less than $1 million.

MR. G. HAIG BODDEN: Yes Sir, you are correct with that but I had made an error in taking it down in writing. The answer does say, and this a supplementary, Sir, will the Member confirm that the Reserves which stood on 31st October, 1994, at $10,032,749 have now been reduced on 10th December to $9,123,752?

MR. PRESIDENT: With respect, if a Member gives an answer and gives figures, you cannot continue as supplementaries asking if he can confirm exactly what he has said. You can ask questions which arise out of it, and it was a perfectly fair question a moment ago although you dropped it as a supplementary, to say is the Government aware of the situation.

MR. G. HAIG BODDEN: Yes, Mr. President, you are perfectly correct but I hope that you bear with my state of shock at these figures.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: A supplementary, Mr. President. Would the Member state whether it is a fact that this reduction in Reserves was used to pay bills owed by Government prior to the 14th November, 1994?

HON. THOMAS C. JEFFERSON: Mr. President, the reduction in the General Reserves was a result of the explanation I gave on the approval given by Finance Committee on 29th November, 1994, dealing with Cayman Airways. The reduction is the total sum paid to Tamco, $400,000 (U.S.), and Inter-First Bank $636,673. When converted to Cayman Islands dollars that is the reduction from the 31st October, 1994, figure, coupled with the position, Mr. President, those funds are earning interest. So it is the net of the two.

MR. G. HAIG BODDEN: Mr. President, can I ask arising out of that as an explanation, if it is the practice of Government to just take out the reserves to pay current bills? Or is it the practice to wait and see if these bills can be paid before this hasty action is taken?

MR. W. McKEEVA BUSH: Maybe we would have had no Cayman Airways.

MR. JAMES M. BODDEN: Maybe that is what you all wanted.

MR. PRESIDENT: Order, order. Only supplementary questions can be permitted. I am prepared to admit the supplementary question which was to the effect, is it the practice to take money from Reserves rather than....

HON. THOMAS C. JEFFERSON: Mr. President, I think it would depend on the position of the Government at the particular time that the application or the need arises. If you have a situation where you have surplus revenue, then you would take the funds from surplus revenue. If you have an urgent matter and there is no surplus revenue, where is Government going to take the funds from other than taking them from General Reserves. I think that is the position, Mr. President.

MR. PRESIDENT: Unless there is any further supplementary, I will invite the Second Elected Member for George Town to ask the next question.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND INTERNAL AFFAIRS

NO. 74: Would the Member state the number of applications for Caymanian status which are -

(a) now pending; and

(b) provide an aging analysis of same?

ANSWER: (a) There are 309 (three hundred and eight) applications now pending.

(b) By year of application the breakdown is as follows:-

1976	1
1977	14
1978	19
1979	20
1980	22
1981	28
1982	76
1983	92
1984	36
	309

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Would the Member state what plans, if any, are being formulated to deal as expeditiously as possible with these status applications?

HON. DENNIS H. FOSTER: Mr. President, no plans as yet have been formulated. We are just a very, very new Government with plenty of other priorities to get done before this, but it will be attended to in due course.

MR. LINFORD A. PIERSON: Mr. President, a further supplementary. Would the Member state whether the Caymanian Protection Law, 1994, Law 23 of 1994, is yet in operation, and if not, how soon can we expect it to come into operation?

HON. DENNIS H. FOSTER: Mr. President, it is not in operation yet, Sir, and I cannot really say when it will come into effect. It is left to the Government to decide that.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if he will give the House an undertaking that all of these applications will be processed, and whether the person is admitted to status or not, the person will be notified and that they will be processed as quickly as possible?

HON. DENNIS H. FOSTER: Mr. President, I cannot give an undertaking, Sir, it is a policy matter which the Government will in due course make. Without them having made it I cannot give an undertaking.

MR. G. HAIG BODDEN: Mr. President, may I ask if the Member will take up with Executive Council the matter of whether they will deal with these; clear them all off; let those who can get status know, and those who will not be given it know?

MR. PRESIDENT: With respect, I think that you should get one point straight. It is not for Executive Council to deal with them. Executive Council's responsibility is limited to setting a quota. It is for the Caymanian Protection Board to deal with the individual applications, but I think you can properly ask the Honourable Member whether he will urge Executive Council to enable the Protection Board to deal with them quickly, and if your supplementary can be varied in that respect, it will be quite in order.

HON. DENNIS H. FOSTER: Yes, Mr. President, tell the Member yes to that one. I have every intention of trying to do so, Sir.

MR. PRESIDENT: Unless there is any further supplementary I will invite the Second Elected Member for George Town to ask the next question.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 75: Would the Member state what, if any, plans are being made to introduce legislation in the near future to provide for a contributory pension scheme for employees in the private sector and those not already covered in the Government service?

ANSWER: The introduction of enabling legislation of the kind referred to in the question will depend upon the outcome of a feasibility study which Government will consider undertaking in the near future.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Would the Member state if he has any time frame for conducting this feasibility study?

HON. BENSON O. EBANKS: No, Mr. President, none other than as soon as is humanly possible.

MR. LINFORD A. PIERSON: A further supplementary, Mr. President. We are all aware of the human constraints, but would the Member state whether he would be receptive to a scheme designed to provide for retirement benefits to employees of Government not now covered by a pension scheme, and for employees in the private sector?

MR. PRESIDENT: I think really the Member has already said that the answer to that is going to depend on the outcome of a feasibility study. I think it is clearly implied that the Member is receptive to the idea, but he has got to find out, and will find out as soon as is humanly possible whether it is a feasible idea. So I think really you have had the answer to your supplementary.

Unless there is any further supplementary, I will invite the same Member, the Second Elected Member for George Town to ask the next question.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

MR. YR: Would the Member briefly state the present policies and criteria of the Housing Development Corporation with regards to approving loan applications?

ANSWER: Due to the short time I have been in the Portfolio and with other pressing and urgent matters to deal with, it was not possible to look into the operation of the Housing Development Corporation. However, the information requested will be forwarded to the Member as soon as possible.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Supplementary. Would the Member state whether he has made himself aware of all of the policy guidelines which were set down in regard to the handling of loan applications?

HON. VASSEL C. JOHNSON: Mr. President, I have already said that I have not yet had time to look into the affairs of the Housing Development Corporation.

MR. JAMES M. BODDEN: Mr. President, the guidelines which were set down probably do not cover more than one printed page and with such an important subject I would have thought that the Member would have made himself aware of what....

MR. PRESIDENT: The Member may ask a supplementary, but not make a speech, so turn it quickly into a supplementary and you will be all right.

MR. JAMES M. BODDEN: Mr. President, I think we should be given a little latitude in explaining something. I am trying to explain and ask him why such an important subject, and if you would wait, I would be able to explain it. Why with such an important subject, when it covers such a small space, has he not made himself aware of the policies yet?

MR. PRESIDENT: I really think that he has answered that already. He has said that he has not yet had time. Now you may criticise him for not having had time but I do not think that there is anything more that he can say in answer to your supplementary that he has not said already.

MR. JAMES M. BODDEN: Mr. President, I was always under the impression that the Member responsible would be answering the question and not you.

MR. PRESIDENT: You are quite right but I am ruling whether the question is in order or not.

Is there any further supplementary? In that case I will ask the Second Elected Member for West Bay to ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 77: Would the Member state whether Cayman Airways Limited has a watchman in addition to Government's airport security?

ANSWER: A person was engaged as a night-watchman for Cayman Airways during the period 27th October, 1996, to 15th November, 1996. However, with due respect, I must point out that this line of questioning is related to the day-to-day management of the company for which I am not directly responsible.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Member say whether this extra security which he has mentioned in his reply was because of the recent elections as it happened during that period?

HON. W. NORMAN BODDEN: Mr. President, I cannot state the reason for the employment of the night-watchman, Sir.

MR. G. HAIG BODDEN: Can I ask, Mr. President, if the night-watchman was hired specifically to watch the aircraft, or was the watchman hired to watch some other area of the operation?

HON. W. NORMAN BODDEN: Mr. President, the duties of the night-watchman were not specified to me by the management of Cayman Airways so I cannot say whether he was employed to specifically watch the aircraft, or whether he had other responsibilities at night.

MR. G. HAIG BODDEN: Mr. President, can the Member tell us why the job of this watchman came to an end on the night of the elections?

HON. W. NORMAN BODDEN: I can only make an assumption there, Mr. President. I assume that management decided that it was no longer necessary to employ him as a night-watchman and therefore terminated his employment.

MR. G. HAIG BODDEN: Can I ask if it was the manager who hired the watchman on 27th October?

HON. W. NORMAN BODDEN: Mr. President, I have pointed out in my reply that I do not consider the day-to-day management of the company as my direct responsibility but I would assume that the management or the manager of the company should have been the person responsible for employing him, or he should have at least been aware that he was employed.

MR. G. HAIG BODDEN: Mr. President, can I ask if the watchman's job was terminated because of the inefficiency of the watchman, or because of the disappearance of the need for having a watchman?

HON. W. NORMAN BODDEN: No reason was given to me by management as to why the employment was terminated. I think that must have been the decision rightly taken by management.

MR. PRESIDENT: Unless there is any further supplementary I will invite the Second Elected Member for West Bay to ask the next question standing in his name.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 78 Would the Member state:-

(a) Whether any cash or cash value advances have been made at any time by Cayman Airways Limited or Cayman Air Holdings Limited to any of its Directors, including the Chairman or staff; and

(b) whether a charge account in the name of any member of the Board of Directors, including the Chairman, was written off the books of Cayman Airways Limited prior to the elections?

ANSWER: (a) According to information supplied by the Director of Finance of Cayman Airways, cash advances totalling US$6,500.00 were made to the former Chairman for travel expenses. No advances have been made by Cayman Air Holdings Limited.

(b) According to the Director of Finance of Cayman Airways, no charge account in the name of any members of the Board of Directors, or its Chairman, was written off the books of Cayman Airways Limited prior to the General Elections.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary, Mr. President. Could the Member state if this $6,500 has been recovered?

HON. W. NORMAN BODDEN: Mr. President, the answer to that supplementary is that the amount is still outstanding according to the Director of Finance of Cayman Airways.

MR. D. BIZZARD MILLER: A further supplementary, Mr. President. Could the Member state if any action is being taken to recover the sum of money?

MR. W. NORMAN BODDEN: Mr. President, I have been assured by the Director of Finance that steps will be taken to attempt to have these advances accounted for in the normal manner.

MR. LINFORD A. PIERSON: Mr. President, could the Member state whether these are advances to be refunded or whether the accounting of expenses are to be made?

HON. W. NORMAN BODDEN: Mr. President, it is my understanding from the Director of Finance that the account for expenses incurred has to be made.

MR. W. McKEEVA BUSH. Supplementary to section (b) of the question, Mr. President. Would the Member state whether this answer includes the Miami Office of CAL as well?

HON. W. NORMAN BODDEN: Mr. President, I cannot state that, Sir, I do not have that information and I do not think it was included in section (b) of the answer.

MR. W. McKEEVA BUSH: Mr. President, I wonder if the Member would give an undertaking to have it in writing?

HON. W. NORMAN BODDEN: I can do that, Mr. President, I will have it investigated and clarified, and I can give it to the Member requesting it, in writing.

MR. JAMES M. BODDEN: Mr. President, can I make a point of explanation, Sir?

MR. PRESIDENT: Yes, I think you are entitled to do that.

MR. JAMES M. BODDEN: I think we have an unwarranted attack here at my integrity and my Chairmanship of the Board of Cayman Airways. In view of this I should be entitled or given permission to speak in my behalf.

I can assure the Members of this House and the public at large that I have been paid no salary as everyone knows, by Cayman Airways. I have stolen nothing from Cayman Airways. I have worked like hell for Cayman Airways during the years it was under my Chairmanship. I have done everything within my power to keep it afloat or in the air and there will be no necessity to take any action to recover the money, because these could have been justifiable expenses in most cases if I had wanted to do it. But I will repay the money, because the Members of this House will soon find out that in travelling on Government business with the allowance that is given, to meet the people one has to meet with, one can never do it in the proper style.

In regards to the Miami office as well as the local office, I can assure the world at large that

MR. JAMES M. BODDEN (CONTINUING): no account of mine has ever been written off the books of Cayman Airways.

MR. PRESIDENT: Unless there is any other supplementary, we can pass on to the next Item.

GOVERNMENT BUSINESS

GOVERNMENT MOTION NO. 6

BROADCASTING OF PARLIAMENTARY PROCEEDINGS

HON. D.H. FOSTER: Mr.President, I would like to move Government Motion No.6 standing in my name which reads as follows -

> In accordance with the Immunities, powers and privileges conferred upon the Legislative Assembly of the Cayman Islands by the Cayman Islands Constitution Order, 1972, Legislative Assembly Immunities, Power and Privileges Law (Revised) and all other written laws
> BE IT HEREBY RESOLVED that Radio Cayman being a broadcasting station operated from within the Cayman Islands by the Government of the Cayman Islands is hereby authorised to broadcast recordings of the proceedings of the Legislative Assembly as are hereinafter named: -
>
> 1. Question Time.
> 2. Debate on Second Readings of all Bills set down for the sitting., commencing on Wednesday the 12th December, 1984
> 3. Debate, if any, on Government Motions.

MR. PRESIDENT: Government Motion No.6, the text of which has just been read out by the First Official Member, is now open for debate.

MR. D. EZZARD MILLER: Mr.President, on a point of clarity, Sir, is there any particular reason why the Committee stage of bills is not broadcast on Radio Cayman? If there is not, could I ask that that be included in the broadcast as well?

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

MR. G. HAIG BODDEN: Mr.President, I would object to the broadcasting of committee stage of bills. Everyone knows that the radio station has a responsibility to its listening public to broadcast matters which are not only of interest but which have a content that would not be boring to its listeners.

Members know that in this Chamber when we take a bill through the committee stage, it is slow going, it is also difficult to follow even for the Members who are present in the Chamber. For those listening at home, not having a copy of the bill or a copy of the particular section that is being amdifed or dealt with in any manner, it would be incomprehensible to the listener to follow the committee stage of the bill. I approve wholehartedly broadcasting of the Second Reading debate of bills and Question Time, as well as the debate on important

HON. G. EMIL PODDER (CONTINUING): matters, but I believe it would be asking too much of the Radio Station to broadcast the committee stages of bills. I do not think the public would really be able to follow the broadcast. I certainly will bring, later on next year, a motion whereby we can amend Standing Orders and amend the Legislative Assembly (Immunities, Powers and Privileges) Law, Revised, so as to allow the Radio Station to broadcast the proceedings of the House without having to go through the procedure which we must now follow. Our standing Orders are silent as well as our Legislative Assembly (Immunities, Powers and Privileges) Law, Revised is silent, and because the Defamation Law is also silent on this matter of radio broadcasting, I think the time has come when we must amend these Laws, and our Standing Orders for regular broadcasting by the radio of matters of importance that happen in the House. The Radio Station should be given the same immunity from prosecution which the Members enjoy in the Chamber. I would certainly not like to see us get into broadcasting the committee stages.

MR. PRESIDENT: Does any other Honourable Member wish to speak? Does the mover wish to exercise his right of reply?

HON. D.R. FOSTER: Yes, Sir. I tend to agree with the last speaker, Sir, on the matter of broadcasting the committee stage of bills. I think this would be very boring and very difficult. We do have a limited amount of time on Radio Cayman. In other words, when these meetings are broadcast, it is taking said time from some other person. I further agree that we should bring forward amendments to the present legislation so that we do not have to do this at every sitting.

If I had had more time I would have tried to have had this present motion under a period of at least a year. Nevertheless, Sir, I think amendments will be coming forward in the future in order that motions at each meeting will be done away with.

MR. PRESIDENT: I will put the question that Government Motion Number 6 be passed. Will those in favour please say, Aye, those against No,. The Ayes have it.

GOVERNMENT MOTION NO. 6 PASSED.

MR. PRESIDENT: Perhaps if I may be permitted a comment, I would wholeheartedly endorse the proposal which I would think, in a sense, is a matter for the whole House, rather than simply for the Government; that we should facilitate the broadcasting of proceedings on a permanent basis so that we do not have to pass a motion at each meeting. I am always terrified that we shall forget to pass one and may be the broadcast will go on. Then we shall make a lot of trouble for ourselves after.

So, if we can make some standing arrangement, either by amending the Legislative Assembly (Immunities Powers and Privileges) Law, Revised or otherwise, that commends itself to the House, I think this would be excellent. It may be that the Business Committee of the House (because as I said, I regard this really as a matter for the House rather than for the Government to decide) can look into possible modalities, such as means of achieving an objective, which I sense would command rather general support, in the House.

I think perhaps before we move to the next Item - Bills - this may be a convenient moment for our usual morning adjournment, and I will therefore suspend proceedings for approximately fifteen minutes.

AT 11:10 HOUSE SUSPENDED FOR FIFTEEN MINUTES

AT 11:35 A.M. THE HOUSE RESUMED

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
Item 4(b) Bills. (i) The Development and Planning (Amendment) Bill.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1984

FIRST READING

CLERK: A Bill for a Law to amend the Development and Planning (Amendment) Law (Revised).

MR. PRESIDENT: A Bill entitled a Bill for a Law to amend the Development and Planning (Amendment) Bill, 1984 is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: A Bill for a Law to amend the Development and Planning Law (Revised).

HON. VASSEL C. JOHNSON: Mr. President, I beg to move, Sir, the Second Reading of a Bill entitled a Bill for a Law to amend the Development and Planning Law (Revised).

Mr. President, the object of this Bill as stated in the Memorandum of Objects and Reasons is to amend the Development and Planning Law (Revised) by repealing section 35(a) which presently provides for the payment of a fee of four per centum in respect of final approval of planning permission for a condominium known as strat title scheme.

Mr. President, this provision in the Law was introduced in March, 1981. At the time of the introduction there were protests by developers and investors who were concerned by the fact that Government had started to impose a tax on areas of economic development here and that this 4 per cent tax on condominiums would undoubtedly discourage development in that particular area.

The evidence of this, Mr. President, was felt even before the Bill became Law, because proposals to build condominiums at the time were either delayed or withdrawn eventually.

Mr. President, since the 28th April, 1981, there have been a few proposals for condominium development amounting to something like $15 million. These projects would have paid to Government a total of $600,000 fee, but to date it was noted, Mr. President, that only $160,000 had been paid. It is an indication of the reluctancy in the developers to meet this tax; some of those cases are on appeal; some of them have been withdrawn; some of them have been delayed and the whole development of condominiums seems to be in a state of chaos.

Mr. President, this year the

HON. VASSEL C. JOHNSON (CONTINUING): construction industry has been losing ground, contrary to what some people might have said. There was a good bit of unemployment, even from the earlier part of the year. The problem is that after the condominium development ran ashore, developers turned to office accommodation and over the last three years many office buildings sprung up in George Town, in addition to what was there before.

But that state of development, Mr. President, has now reached saturation point where there is a surplus of accommodation on the market and therefore the construction industry will have to find a new direction.

We, the Government, have been inviting a better hotel into the Islands from ten years ago. Mr. President, hotels are like airlines, unless their particular traffic rises to a certain level they are not interested and so with all the plea and with all the encouragement that Government has given, we have yet to attract a first class hotel. In the meantime the condominiums have been working quite well.

As far as I am concerned, Mr. President, there is nothing wrong with a condominium. You find them in every country of the world. There are many tourists and travellers who like the condominiums because of the privacy in them and in my own view, if you are not going to attract the type of hotels we wish to have then we might as well encourage condominiums, because unemployment in the construction sector is quite a frightening thing in these Islands if it occurs. It is something we would not like to see and it is our duty, so far as it is possible, in the encouragement of the right type of development to ensure that jobs are provided for the unemployed.

Many people have said that they do not like condominiums. It is said that they are filling up the Seven Mile Beach and it it said that condominiums do not provide employment like the hotels. Mr. President, as development goes on, it will be found that hotels and other development will continue improving. If someone wants to build a hotel on the Seven Mile Beach any time in the future, I foresee them buying out one of the condominium complexes and bulldozing it to build their hotel.

But apart from that, Mr. President, the Seven Mile Beach sea-side of the road is not the only place where hotels can be built in that area; in fact there are proposals just now in the pipe-line for fairly large hotels to be built on the other side of the Seven Mile Beach area, inland. So the excuse for filling up the Seven Mile Beach with condominiums is not disastrous; of course everybody has their own opinion.

As far as the employment aspects of it are concerned the hotels do employ more people than the condominiums, but the condominiums have a lot of benefits as well. The minute the land is bought for the condominium both Government and the realty receive benefits. When the condominium is built, again the Government and others benefit. There is the maintenance, the staffing, the Government tax which comes from the tourist accommodation tax, and then later comes the sale and re-sale of that unit which brings more money into Government coffers. The condominium, too, Mr. President, is usually owned by wealthy people. If it is looked up for a month or two, the owners are not going to cry over it, but if business in a hotel fails, then serious problems will arise within that industry. So that is basically the difference between the two.

HON. VASSEL G. JOHNSON (CONTINUING): Furthermore, condominiums do not damage the environment of any particular area wherever they are built, because they are beautiful and attractive buildings. I would say that they enhance the beauty of the country.

Mr. President, this Bill is being brought not because of any political reason, it is brought purely as an endeavour to improve the economy in the construction sector and in the Islands generally, by encouraging developers to come forward and implement their plans. There are quite a number of them - I have seen a very impressive development which is now in the pipe-line. There are bankers and other people coming into the country today to look at the financing. This has already received planning approval. It is a project that will perhaps cost in the vicinity of $100 million and the developers are very optimistic about it.

There are others who, because of the tax, did not feel like proceeding with the development. These people would now be encouraged to move on with the job, to create jobs and to improve the economy generally.

I know that this Honourable House might look at the bit of revenue which this provision has brought into the Treasury, but as I said in my opening address, out of the $600,000 which was supposed to have been paid only $160,000 were collected. The rest of it is outstanding, some of it not collectable, some of it on appeal. But it is the opinion, Mr. President, that the total benefit which will be derived from the release of this restriction, taxing condominiums, will largely, by a good margin, offset the revenue which it would produce.

My judgement about this, over the past four years, has not changed, Mr. President, because I have constantly over that period heard objections against this particular form of tax. So it is the view that what is being presented here is economically to the benefit of the country. For that reason, Mr. President, I do recommend the Bill to this Honourable House.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Development and Planning Law (Revised) be given a Second Reading. The motion is open for debate.

The Second Elected Member for George Town.

DEBATE ON SECOND READING

MR. LINFORD A. PIERSON: Mr. President, I personally view section 35(a) of Law 28 of 1971 as contained in Law 2 of 1981 as an amendment that should never have been enacted. It is my opinion that this amendment did more harm to the economy of this country than any good we derived from it.

I personally complained bitterly when this amendment Law was introduced, mainly because it was, in my opinion, a bad Law and one which was difficult to implement. Especially in the absence of the necessary and appropriate Regulations.

As the then Chairman of the Central Planning Authority perhaps I had, and have, a keener interest in this amending bill than most of us here today. However, sadly all of my complaints appeared to have fallen on deaf ears.

MR. LINFORD A. PIERSON (CONTINUING): Section 35(a)(1) of this Law, that is Law 28 of 1971 stated that for each unit in the scheme of development a fee of an amount of 4 per centum of the estimated cost of the building was to be paid as fixed by the Authority. The Central Planning Authority was unable to get all developers to agree to paying the 4 per cent of the cost of the condominiums plus there was always a problem in deciding on a value agreeable to both the developers and the Authority. This, of course, is highlighted today by the remarks made by the Fourth Elected Member of Executive Council in his presentation of the Bill.

He mentioned a figure of $600,000 which should have been collected on a value of $15 million development. Of course, this figure fell by approximately seventy-three per cent, or $440,000, as records show that only $160,000 were collected.

I would also comment on the remarks made by the Honourable Fourth Elected Member of Executive Council on the necessity to re-locate some of the business in our tourist related industry. I could not agree more that consideration should now be given to re-locating in other areas of this country. This is a responsibility, as I see it, of the Government. We should not allow investors to come here and totally dictate to us where they will locate their businesses. It is the responsibility of this Government to recommend to investors where these industries should be located. We must also bear in mind the benefits which derive to all Caymanians and not only the people who live in West Bay and George Town.

Section 35(b)(c) of the same Law vested in the Governor in Executive Council the power to reach a compromise by accepting a unit the value of which was supposed to be not less than the aggregate value of ten of such fees, or, in other words, 4 per cent of the value of ten condominiums. Here again, Mr. President, this was very, very difficult to implement and more difficult to monitor.

There was always a difficulty in deciding the rate of cost of square feet should have been applied to these dwellings and more so to decide on a final value of the dwelling.

Mr. President, I see the repealing of section 35(a) of Law 28 of 1971 as a very wise move indeed. As the saying goes 'better late than never'. This Law has caused a lot of damage to our economy and has resulted in a number of potential developers shying away from the Cayman Islands, particularly Grand Cayman.

It is not my intention today, Sir, to prolong my debate on this, because my position is pretty well known, as I have aired it on several occasions. I am aware also that there are other speakers who would wish to speak on this matter.

I do agree with the Member presenting this Bill that section 35 should be repealed and I give this amendment Bill, 1994, my full support. Thank you, Mr. President.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The First Elected Member for Bodden Town.

MR. JAMES M.BODDEN: Why?

Mr.President, I think after this Session of the Legislature the entire country will be asking themselves Why? I find myself wondering today - Why?

Why such a proposal at this time when we are faced with a lot of pressing problems? Why should we come in this House and repeal a Law which has benefitted the country and will benefit the country?

I will point out in my argument as I go along how ridiculous some of the statements made in the presentation of this bill have been.

Mr.President, when something is working you do not fix it. We have, according to some of the Members of this House, a law of broken legs - why do not we fix some of the rest of them?

If this was something that could not have been of benefit to the people of this country, I would have thought this morning that in the presentation of this bill that much more information and details would have been forthcoming to explain why and answer to the people of this country why, and particularly at this time.

Are we doing this to assist a special interest group? Are we getting the Bermuda Triangle in operation? The Member in presenting this bill said that the bankers were here on the Island - I wonder whether they were the Bermuda bankers who came in on Cayman Airways last night?

We welcome investment, we welcome development, that is the life-blood of this country. But I cannot agree with any Member of this House that this Law has been detrimental. There have been some special interest groups who have spoken about this Law from the time it was put on the statute books and I am well aware of who they are and who they were. I remember my colleagues and myself at that time having to take some time to try to explain to one of the Ruputies of the present administration the reason for this bill, and I thought at that point after he had given his blessing, that that particular person would agree to the bill, that he would still be in favour of it.

Mr.President, we are here as Legislature to protect not only the investors, and not only the special interest groups, but we are here to present the welfare of all Caymanians, particularly the less fortunate. As I am seeing it, we are not thinking one bit of that.

The Member who presented this bill is well aware that before the administration of 1976 to 1984, that condominium projects on this Island received duty exemption under the Hotels Aid Law when they never should have received it. It was something that we had to plug. Are we trying to go back to those days, Mr.President, or are we going to be fair-minded people and treat our people with the respect and the decency that they deserve?

Let us look at the ridiculous part of this argument. The Law deals with : four percentum assessment, and the finished cost, that is, a cost of building materials and labour to complete the finished product. Most condominiums in this country are built in the range of a cost

MR. JAMES M. BODDEN (CONTINUING): of about One Hundred Thousand Dollars, with the exception of the elaborate Five Hundred Thousand Dollar condominiums that are being built in a certain area on the Seven Mile Beach.

Mr. President, if a man can afford to build or a man can afford to buy a Five Hundred Thousand Dollar condominium to live in luxury on the Seven Mile Beach he can certainly afford to pay into the Treasury of this country a four percentum assessment or roughly Twenty Thousand Dollars U.S. That is not going to deter anyone from investing in this country.

What really deters investors is when the country loses the stability, when people get afraid to invest, that is when we worry. Not at this point.

Four percentum on the average finished product of condominiums in this country would represent about Four Thousand Dollars US. And would you believe that a man, an investor, who could come to this country and afford to probably pay at least $1 Million outright for the purchase of the land on which he is going to build these condominium, apartments, and probably spend another $10 Million building, that Four Thousand Dollars a unit additional, to the Government, is going to deter him and run him away from this country? The argument is too ridiculous to even put up.

Mr. President, the average lawyer in this country in preparing a 2-page deal to transfer ownership of a condominium will charge Two Thousand U.S. Dollars to do so. Now if the investor does not run from this country because of the Two Thousand Dollars that he has to pay the lawyer to prepare a simple deed of transfer, do you believe he is going to run because he is paying Four Thousand Dollars into the Treasury of this country? If he is , he is not thinking too much about the welfare of this country either.

Mr. President, I have a strong belief that any investor, whether he is in Grand Cayman or wherever he is, if he is going to enjoy the fruits of the country he should put something back into that country. Particularly if it is to help the less fortunate. That is what this Law was designed to do.

Again I have to keep asking myself - why? Why are we changing it? Would it not have been better today for the Government of the day to come to this Assembly this morning and say - we find out we do not need another Five Hundred Thousand Dollars, so we are going to take off the duty on food-stuff to aid the poor people of this country? Or come up with some other scheme that would help the man on the streets, not come up with a scheme here that can only help a limited number of people.

I am not in favour of this, I stand strictly against it and I hope the people of the Cayman Islands will stand behind me and my colleague. I hope that the Members of the Assembly will look at this in the right way and not repeal this Law.

The Member in presenting the bill spoke about the difficulty in the collection of this. Mr. President, how ridiculous can we get. If we have Six Hundred Thousand Dollars owing to us under this Law, why have we not

MR. JAMES M. BODDEN (CONTINUING): collected it, why do we not collect it? If the poor man on the street owe $10 for garbage fee you are going to take him to court to get it, so there are all kinds of ways under the Law to deal with the collection of revenue. Why are you letting this money go out of the window? Is it to protect some special interest group again?

Something is wrong when we get this type of Law presented to the House. Besides that, Mr. President, there is no difficulty in the collection of this money and there should be none of it outstanding, because the Law says that the fee must be paid into Government's Treasury before the final occupancy certificate can be obtained. So how have we allowed people to transfer these condominiums? How have we allowed people to live in them? Is it another flaunting of the Law or what is taking place?

It is specifically covered in this Law that we are about to repeal. You know why we are repealing it? Because the law did say that the people could build houses, that the less fortunate people could then buy from Government. That is the main reason we are repealing this law today. Because we have already heard in this House this morning the manner in which housing is going to be treated by this administration. When the Member who is directly charged with the portfolio has told us after being in office for a month he has not been able to read a one page direction. So we know how it is going to be treated.

Mr.President, this Law in no way discouraged development. What has happened is that many developers saw the opportunity to make a lot of money in the condominium market and the market became saturated. It is only now that we are getting to the point where the older condominiums which have been on the market for a year or two years are being sold,and it is getting to the point where investors may now consider building again. Why do we not leave this Law on the books and try to get that additional revenue which the country will need. If it is not needed for anything else, put it in the Housing Development Fund and help the poor people of this country.

If investors are wary of investing here,it is not because of this Law and this small tax. You might as well tell me that seven and a half stamp duty tax is deterring them. I am sure we will hear that in the next session, that we should take that off because somebody is probably coming up to buy another big piece of land or something from somebody else. This is not what we want.

People did not delay or withdraw their applications to develop. We have had a fair amount of development going on. Development has reached a saturation point in the condominium market. It has gradually worked itself out of that saturation. People will return to the condominium market and that is why I feel that it is imperative that we do not repeal this law at this time.

There was talk about a good bit of unemployment. Well, if we are experiencing problems which I seriously doubt, anyone who is willing to work in the Cayman Islands can find employment. The majority of those who are not working will not work, regardless of what you do. If you were to offer to give them the job of assisting the Good Lord in Heaven to write down the names of the sinners, they would not work at it. These people are not going to work. But if we are

MR. JAMES M. BODDEN (CONTINUING): genuinely interested about these people why do not we go to the Immigration as I have preached for a long, long time, this side of the House and that side of the House and get the mess cleaned up? Get the people out of this country who are not here on work permits and so forth. Then there would be sufficient jobs may be for our own local people, if they would work.

We do not have to do this to bring condominium development into the Cayman Islands. We have had condominium development - we will continue to have it as long as we maintain the stability of those Islands. If we destroy it, no, we will not have it.

We must also remember that in the development business it is well known that it goes in cycles. You will have a spurt of housing development for may be two years. Not in this country, but in other countries. You will have a spurt of office development for a couple of years, then you will have the condominium development for a couple of years; then you will have the hotel development for a couple of years. Usually in the development business everything does not mesh and run together. So we have office developments now, we probably have more than enough. Now are you going to tell me that at the next sitting of the House you are going to come back and say now we must take off all the duty on office development so that we can get some more developed? What kind of manner are we thinking about in running this country?

Hotel development is not something that can be easily enticed into a country. Many things have to be looked at. For a person to come in and build a hotel of any magnitude in the Cayman Islands, you are looking at an initial investment of twenty-five to thirty million dollars before he ever starts to earn a penny back. That money is usually loaned to him at a very high interest rate. You can rest assured that any developer who comes to build a hotel here is not investing more than twenty to twenty-five per centum of his own money. The rest of it he is borrowing; he is leveraging on it and he has to pay a high interest factor.

Then we have in Cayman, let us face it, high labour costs and there are many other factors to be considered. Usually you would be looking at a small group to put that much money together; that is why we do not have more hotels than we have.

People have talked about the Sheraton group; they have talked about the Hylton group and hotels of that kind. They are not the people who are going to come in here to build - it is going to be the simple investor and they are only sitting in the wings hoping to scrape off ten or fifteen per cent of the gross in order to run the hotel and give it their name. That is all they do - they do not come up with the finances, they do not come up with the money. So we must not kid ourselves. Hotel development will come to this country - I hope it will soon come - but whenever it comes it will come at a time when it is needed, at the time when the number of hotel rooms that we have in the Island are being over-flowed and when we have the competent airline service that can cope with it. That is why I have always stretched my neck out, that is why I have always stood up for Cayman Airways, because you are not going to have a tourism business if you do you do not have a a viable national airline.

So if you were to tell us of some of the other plans, something else that will help the

MR. JAMES M. BODDEN (CONTINUING): country but for God's sake what is in place that is helping the country do not tear it down. Thank you.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I give my full support to this bill because I believe the removal of this fee of four percentum of the estimated cost of a condo unit as fixed by the Planning Authority and not as the First Elected Member of Bodden Town has suggested and the final cost of a condominium, has served no useful purpose in this country during its existence since the 15th of April, 1981.

I do believe, however, and the figures as presented by the Honourable Fourth Elected Member of Executive Council have shown that this Law, passed on the 15th of April, 1981, has served to bring the condo industry to a grinding halt. If this bill, when it was introduced and passed into Law in April, 1981 was intended to provide a fund from which low-cost housing could be built to help the less fortunate, Mr. President, it has failed miserably and it should be removed from the books.

I question how any one can say that this law has served its purpose when on Fifteen Million Dollars of investment as intimated by the Honourable Fourth Elected Member of Executive Council in moving this bill, the immediate past Government of this country should have collected a figure of Six hundred thousand dollars, and they only managed to collect One Hundred and Sixty Thousand Dollars or twenty-six percentum of that, then I say the Law has been ineffective.

I also wonder, Mr. President, if the records of the Authority will show the amount not collected, as outstanding revenue for this Government, or if the fees have been waived, or postponed, or suspended, as provided for under section 2(b) (c) of the law which states - "The Governor may, in any particular case, postpone or suspend to a date prior to the obtaining of the certificate of fitness of fitness for occupancy, in whole or part the payment of fee.".

Since it has been intimated that the removal of this bill is going to make life so hard for the less fortunate in this country, because this tremendous amount of funds has not been collected to help low-cost housing or the developers have not seen fit to build a large number of homes to house these people, in lieu of this 4 percentum cash fee, I also wonder, Mr. President, if the records will show whether the funds which were collected, that is One Hundred and Sixty Thousand Dollars were deposited to general revenue or if it did in fact go to the Housing Corporation.

Since it is clear from the fact that the Law has not achieved its intended purpose, I therefore have no reservations about supporting this proposed amendment to remove it. I also express the hope that removal of this restriction, an unnecessary addition to the cost of building a condo, will stimulate the industry and therefore the economy, in particular the construction industry.

However, Mr. President, I wonder if at some later stage, we could not include a Clause in this amendment to encourage these condo units to be built

MR. D. EZZARD MILLER (CONTINUING): in the eastern end of the Island, that is, away from the 7-mile beach, so as to preserve what is left in that area for large hotels. This incentive would, I believe, be similar to what the hotels enjoy under the Hotels Aid Law, which allows certain concessions to hotels being built in these areas.

I am not in favour of placing restrictions to development on Seven Mile Beach, but I believe an incentive package could achieve the same objective while preserving the market forces of private and free enterprise.

I therefore support the bill for a Law to amend the Development Law (Revised) and express the sincere hope that it will stimulate the condo industry and thereby the economy of the Cayman Islands.

Thank you, Sir.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The Third Elected Member for West Bay.

MRS. DAPHNE L. ORNETT: Thank you, Mr. President.

Mr. President, the bill before us here for a Law to Amend the Development and Planning Law, I would like to say here and now that I have studied this and I also support it.

To bear this out, I would like to mention a few reasons here why I do. Number 1, developers are reluctant to start any business or development because this fee which is required to be paid up front presents hardships, having to be paid before the condos are actually sold out.

I have also been told that at least one permanent local contractor has had to forego a major portion of his profit and even a portion of his, I guess, wages until such time as the condos were completely sold out, in order to facilitate the development going forward.

A slow down in development tends to adversely affect all areas of our economic development, but in particular this slow down affects the construction worker and the hotel or apartment employees. Rather than discourage an orderly and necessary development trend, we must do all possible to encourage th e developer, because it is not only he who suffers but many of our people find themselves in dire financial stress and strain and the hotel or apartment workers are found in the same unhealthy situation.

Condos are required and necessary but I wish to inject here that a first class hotel is, at this time, in my opinion, even more necessary. The main reason being that a much wider cross-section of the working community will be found to be able to secure employment in many different departments, realising of course that in a condominium complex those who are employed are mainly those who fill within the departmental housekeeping, and laundy, one or two positions such as gardener or watchman or maintenance and of course, management.

With the hotel, however, there are many roles to be filled, such as housekeeping, kitchen, dining, reception, bell-boys, laundry, reservations, telephone operators, etc. all necessary in the tourist-related industry.

Of course, the needs for condos will continue and must not be over-looked for many retirees and others wish to obtain and own their own accommodations here on the Islands. However, since this particular section of construction must continue, it would seem to me that the time might

MRS. DAPHNE L. ORRETT (CONTINUING): now be ripe for a consideration to be given to some sort of aid similar to, if not the same as the Hotels Aid Law to be made available to the condominium developer. If only for say, two years, simply to provide a shot in the arm for our flagging development industry here.

This waiving of, or reduction in customs duty to be paid by the condo developer would not, and I repeat, not be intended for the long-term but as stated earlier merely to provide a shot in the arm for the construction industry at this particular time.

We must do all within our power to encourage orderly and attractive development, and I would like to emphasize that term orderly and attractive development within our islands. But I must point out here, Mr.President, that there have been some condo complexes built which are unattractive, but in some cases, some are left unfinished and the surrounding area left in a dirty and ill-maintained condition.

The Bill for a Law to Amend the Development and Planning Law seeks to relieve the developer of paying that fee up front, or alternatively, they may opt to build a dwelling unit, the cost of construction of which is agreed between the applicant and the Governor and is not left in the total amount of such fee.

A question which comes to mind here, Mr.President, is since that particular law has been on our books, have any such buildings been constructed and disposed to persons of Caymanian status, under any scheme for the housing of such person?

I do not wish to take the time of this Honourable House simply for the sake of argument, but after studying the case put forward by the Honourable First Elected Member of Executive Council I feel that the removal of this four percentum fee will do more good in encouraging development in our country, which is surely needed at the present time. Thank you, Mr.President.

MR.PRESIDENT: Does any other Honourable Member wish to speak? If not, I will invite the mover ....

MR. G. HAIG BODDEN: Mr.President, I had hoped that you would have taken the noon adjournment.....

MR.PRESIDENT: If I may interrupt you, I would be quite happy to take the adjournment now. I thought perhaps no other Member wished to speak, in which case the mover could have wound up and we could have finished the Second Reading before lunch, but if you intend to speak, and there may be another speaker too. I do not think we are going to finish the Second Reading before lunch, so perhaps it would be more convenient for Members to break now.

So perhaps I may suggest that we suspend proceedings until 2.15 - will that suit Members - 2.15?

AT 1.37 P.M. THE HOUSE SUSPENDED

THE HOUSE RESUMED AT 2.20 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The Second Reading of the Development and Planning (Amendment) Bill. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr.President, I was really surprised to know that a Special Meeting of the House had been called to deal with the two Bills which are on the Agenda.

I am surprised because the Bill before the house is neither urgent, important or necessary. I can sympathise with the new Government in their efforts to do something which they hope will improve the revenues of Government, the economy and to better the performance of the past administration whose record, I believe, will remain unbeatable.

So it is a trivial for which this Bill has been brought. It has been brought hastily and in fact so hastily that Member presenting the bill, nor the Members supporting the Bill, could put forward any statistics to justify the action which they now take.

I do not want to go back into history but I know of a previous Government who repealed certain taxes, who reduced certain taxes, but these reductions were all in an area which could be passed on to what is called 'the small man'.

Here we have a Bill, which if repealed, will pass on a saving to a special interest group, will pass on a saving to a very small part of the population, will pass on a saving to developers primarily, and nine out of ten of these developers are not local people. So the Bill before the House, if it should pass, will be a Bill where the benefits will go to people who do not need these benefits.

In support of the Bill, I heard Members say that it is necessary to repeal the four percentum tax on the condominiums because when it was imposed in 1981 it hurt the economy, and in fact the exact words used were "that the 1981 Bill hurt the economy". So I am not surprised that the Members who made this statement did not try to prove the statement by giving the House any statistics and while I would not go as far as to say that the statement cannot be proven, because the statement is untrue, I must tell the House that the statement is a terminological inexactitude. I will tell the House that the economy of this Island was not hurt in 1981 and I will prove by statistics that the economy, since 1981, has not been hurt, but has been helped. This I will do by using the audited figures of the Government.

But before I do this, I cannot help but say that the same Development and Planning Law, which we are amending today, did help the economy of this country. But it did not hurt it in 1981, it hurt it in 1975 and here again I will not make a wild statement, but will quote from the Budget Address of our former Financial Secretary during that period. I will just quote two small paragraphs.

One of them is, and I quote - "Revenue collection in 1976 totalled Eleven Million Six fifty-two thousand five twenty-one Dollars or Two Million, five hundred and seventy-thousand dollars more than collected in 1975.". But, listen to this - "While revenue from Customs duty had declined again in 1976 other areas of revenue had improved.".

MR. G. HAIG BODDEN (CONTINUING): So that the Customs revenue was down in 1978, as it had been down in 1975 over 1974 and everyknows that when Customs revenue falls, it falls simply because of a lull in the construction industry. So Customs revenue went down in that period because construction had slowed, because of the impending Development Plan.

The second paragraph I will read from this Budget Speech is on construction, and I quote - "Construction activity in 1978 declined considerably with planning permit values down to Six Million Three Hundred and Twenty-three thousand Dollars from Fifteen Million Six Hundred and Seventy-five thousand in 1975.". So clearly construction was down in that period and down in that period because of an impending amendment to our Development and Planning Law which would have introduced the Development Plan which never came about.

In 1981 there is no evidence at all that Government revenue from construction fell and this can be borne out by a look at the audited figures of the Government over that period.

In 1980 Government's revenue, according to the audited accounts, was Thirty-four Million Nine Hundred and Thirty-Seven Thousand Six Hundred and Thirty-Six dollars. When this bill, which is to be repealed, was introduced in March of 1981 Government's revenue rose that year from Thirty-Four Million Dollars to Forty-two Million Dollars. The exact figures that the revenue collected in 1981 was Forty-Two Million Six Hundred and Eighty-Four Thousand Five Hundred and Thirty-Three Dollars.

The revenues were up again in 1982 to Forty-Seven Million Nine Hundred and Ninety-Seven Thousand and Twelve Dollars and the revenue is up again in 1983 to Forty-Eight Million, Six Hundred and Ninety Thousand One hundred and Thirty-One Dollars. The revenue for 1984 is up again, the estimates are Fifty-Five Million Three Hundred and Fifty Thousand and One Dollars, and probably we will make that estimate.

So from 1978 until 1984 we had a percentage increase of 365.6 percent so that during the period when the four percentum tax on the condominiums existed the economy of this country was not hurt because the revenues continued to rise.

I will go even a little bit further than that, Sir. If we look at the reserve funds of Government we will see that they increased.

In 1980 the reserve stood at Six Million Nine Hundred and Seventy-one Thousand Dollars and during the period that this Bill has been on the books, the reserve, according to the Financial Secretary, reached the Ten Million Dollars mark. So I could go on and on with expenditures, such as Capital Expenditure, out of local revenue, to show that during the period of the existence of this bill the economy did not suffer, but prospered.

So the wild statements that this country's economy was hurt by the introduction of this Law in 1981, or whenever it came about, are totally unfounded. In fact we know that there has been a steady climb of Government's revenue from Thirteen Million Dollars in 1976 to over Fifty Million Dollars this year.

MR. G. MAIC BODDEN (CONTINUING): So when Members get up and say that this Bill caused a lot of damage to the economy, let them tell the House what damage it caused. It is not enough to say like the Herald says "it hurt the economy". Let them tell in dollars and cents how it hurt the country and they are unable to do it, because it did not happen.

I hear about developers flying away, where are the facts? Where are the statistics? Where are the figures to back up these statements?

We know what happend in the condominium market. We know that because of the lucrative market for condominiums the developers went to town and they over built as the First Elected Member for Bodden Town said this morning. The market had been saturated and all development, particularly development dealing with real estate, whether it was hotels, houses, condominiums or just the purchase of land, these developments go in cycle. You have the price rising and rising until it reaches a plateau where it levels off. Then the prices dealine after so many years and the cycle starts again. This is what has happened in the condominium market.

If you do not believe these words, I would ask you just to look at today's newspaper and see what is happening. One real estate developer alone lists a number of condominiums that are on the market for sale, and if you look in the newspaper you will see the Villas of the Galleon have a two-bedroom unit for sale for Two Hundred and Fifteen Thousand Dollars (US). Clan Creek has a one-bedroom unit for sale for Ninety Thousand Dollars, Sun Point has a two-bedroom unit for sale for One hundred and twenty-Nine Thousand Dollars; another two-bedroom unit for sale for Four Hundred and Fifty-Six Thousand dollars; Beach Bay has a 2-bedroom unit for sale for One hundred and Forty-Nine Thousand US Dollars. These condominiums are all on sale by just one real estate agent, and undoubtedly other real estate agents could list as many units for sale. So there is no shortage here now for condominiums. If somebody wants to build a condominium he must compete at the market price.

Dolphin Point is also for sale and we know that there are other condominiums that are selling on the West Bay beach for some Three Hundred and Fifty Thousand Dollars up to Five Hundred Thousand Dollars. So they are only giving relief to the rich to become richer by removing this tax as an incentive for people to build more condominiums in an already saturated market.

Furthermore, if you remove this tax you would be putting the existing developers at a disadvantage because the new developer would be able to underprice his condominium because he does not pay this four percentum tax which other developers have paid.

Now some say that Government only collected One Hundred and Sixty Thousand Dollars from this tax, that may be so - I have not checked the figures on it. But they did collect some money and apparently from the figures given more money is owing and it is the duty of Government if this money is going to go out and collect it. You do not close down the Hospital because you cannot collect the hospital fees, it is Government's business to go out and try to collect these hospital fees

MR. G.HAIG BODDEN (CONTINUING): You do not do away with the tax, you do not do away with the fee because you cannot collect it and we cannot do away with the fees on these condominiums simply because somebody has not been able to enforce the legislation. I believe the legislation can be enforced and what we are doing here today is offering relief to the rich. I would hope that this Bill will be withdrawn from this House and other bills brought which will give relief to local people, as we did when we were elected in 1976. The first thing we did was to reduce the import duty on automobiles from thirty-three and one third percentum to twenty-seven and one half percentum.

We embarked upon a programme where every year at every Budget Session since 1976 we have removed the import duties from foodstuffs, but if this new Government is going to take it off condominiums, then they will have to put it back on and this is what I am afraid of.

I heard nonsense in this Chamber this morning about unemployment, but I did not hear anybody give a single category in which the people were unemployed. I did not hear them give any statistics of how many people are unemployed. I did not hear them give any reasons why they are unemployed, and the only reason put forward was put forward by the First Elected Member for Bodden Town when he suggested that there are people that are unemployed and will always be unemployed because they are unemployable, they will not work. We will always have a small percentage of people like this but I believe that any Caymanian worth his salt, living here, can go out in today's economy, in today's market place and in today's work force and find a job which he is capable of doing and for which he will be paid.

I have dealt with one reason why the condominium market slowed down and that was because we just had enough rooms, we had enough condominium rooms, because you cannot continue to build unless there are people who will rent these condominiums. It is a matter of supply and demand. The developers had built the condominium market to where they had expanded the supply more than equal to the demand and the simple story of economics is that when your supply exceeds your demand, the supplier cannot put more items on the market.

The slow-down has come because of over-building and perhaps to a lesser degree, because of greed. Some of these condominiums that are sold for Three Hundred and Fifty Thousand Dollars could probably be sold for half the price.

So we must feed the greed of these developers by removing the tax. I do not doubt that the tax will be removed because whether the public know it or not the public elected a party to run their Government, a party that is united and the votes will go the party way.

The Bill before the House comes as a surprise; this meeting today comes as a surprise. I was expecting that the Government had an ace up its sleeve. I cannot honestly believe that a Special Meeting of the House has been called simply to take off the tax, to give a special interest group, unless there are people out there waiting to build condominiums of which we have not been told.

Mr. President, I am all for stimulation of the economy and I am all for programmes that

MR. G.HAIG BODDEN (CONTINUING): will increase the revenue of Government. I have been a part of a Government for eight years where we have successfully, year after year, increased Government's revenue while giving relief to the local people on items of duty and I cannot honestly support this amendment. I would hope that since the mover of the Bill had no statistics to prove that their case was right, that now that we have presented some figures to show that they are wrong, they will have the courage to withdraw it.

MR.PRESIDENT: The Second Elected Member for West Bay

MR.W.McKEEVA BUSH: Mr.President, the Bill before the House seeks to remove an amendment to the Development and Planning Law which was passed in 1981. That amendment put a tax upon condo developers and the reasons given at the time were to get money for housing or have the developer build a home for locals in need.

Sir, I am very conscious of the need for a long-term low-interest funds to be made available to Caymanians who are in need of housing. In fact, it was an issue I campaigned on in the 1980 elections and also in the recent elections in which I was just elected to office.

Even though, Mr. President, looking back at some of the debates on that Bill in 1981, even though the First Elected Member from my district in the House then supported the Law, they had told me in the campaign of 1980 we had no housing problems in the Cayman Islands. But, Mr.President, I knew I was right then and still I am right today, for there are hundreds of people in this country who are living in sub-standard and over-crowded conditions. However, the amendment to the law which the present bill is seeking to remove was and is not the answer as has been the experience during the life of the law.

The very first mistake was Government's idea that Government could make a plan and the investor would build a home at cost, whatever that cost meant. Then Caymanians would buy the home. That was the first mistake because as a tradition in this country we Caymanians want to build our own homes.

But I must pose the question, Mr.President who was going to get the homes? Was the real poor Caymanian, who is in dire need of a proper home and probably could afford a mortgage for Twenty Thousand Dollars, get it? Would such a person have gotten this mortgage or get this home or would politics dictate, as has been usual, and someone who could afford to pay the rate for a mortgage at one of the local banks,got a Fifty Thousand Dollars or Eighty Thousand dollar home. This is what politics, Mr.President, had come to in this country, in my opinion. You scratch my back and I scratch yours.

Mr.President, in their hurriedness to pass the Law there was no organisational machinery set up with which the Law needed to operate. There were no guide-lines; there was no determination of who was to get the homes, and since the machinery was not set up with which to administer the Law, then the purpose for which the Law was supposed to have been made in the first place, did not exist.

MR.V.McKEEVA BUSH (CONTINUING): catering to these investors and are bending backwards to have them come to their shores. We have to make our package more interesting and give them more incentives.

It is a known fact when we go abroad and tell people we are from the Cayman Islands they ask "Where is that?" So we have to make sure that every single dollar we spend on advertisements for tourism is spent well.

There has been talk of big hotels, but it seems, Mr.President, the big hotels are not interested in Cayman and may be this is due to bad experience throughout the Caribbean. Situations like political turmoil, poor performance by staff, taxation, high crime rates and the fears of nationalisation are some of the adverse effects which have hooked the big hotels in other areas.

Talking about nationalisation, Mr.President, can you imagine what would have happened in the country if the threat and I call it a threat in a memorandum to the Members of the previous Government by the Third Elected Member of Executive Council then had been carried out concerning the nationalisation of CUC.

MR. JAMES M.RODDEN: Mr.President, on a point of order, what is this Member really speaking about? Is he speaking about the Bill... that is not relevant at all...

MR.PRESIDENT: I am inclined to agree.....

MR.JAMES M.RODDEN: .... would you call him to order as you were doing this morning to Members on my side?

MR.PRESIDENT: I am inclined to agree. I had been intending perhaps at the end of this debate, to draw attention to the fact that partly because a number of maiden speeches are being made during it, I have been rather more liberal than perhaps the Standing Orders really require me to be in allowing Members to stray from what I would regard as strictly relevant. Since it has been brought formally to my attention now, I must call to the notice of the Member speaking the fact that really he should address his arguments in his speech to the Bill now before the House and not stray quite as widely as he has been doing.

I can understand that some of the earlier speakers have themselves (I am not talking about maiden speeches now) strayed a little, but I think he has strayed a great deal further.

MR.V.McKEEVA BUSH: Mr.President, I bow to your ruling, Sir, but this morning I heard Members who have been in this Assembly for twelve years asking for latitude and I only ask that you give me the same, Mr.President.

Anyway, we were talking about development and we were talking about tourist related developments and hotels were brought into the debate this morning. I am only now giving some of the reasons why hotels have failed in other Caribbean countries, saying that we do not want that situation here. But, Mr.President, there is a saying that goes 'When you throw a rock in a pig pen, he that really

MR. W.McKEEVA BUSH (CONTINUING): Government, it seemed, then started asking for cash.

We heard quite a bit about houses being needed. Mr.President, even though one developer offered to build homes, his submission was rejected and at that point I said it was nothing less than taxation on the investor. The sad thing was the money was not used for housing but went somewhere else.

Not only that, but it also seems some investor paid the tax and then again some did not pay and I have to wonder too at this point why this was so, but I guess that again went according to who represented who..

The previous Government spent some Three Hundred Million Dollars - why could not some of this, one Million Dollars, Two Million Dollars or Three Million Dollars, over the eight years been spent on housing? It seems the Government had the idea that outsiders must take up the great slack where the Government failed. Why did they continue to waste away public funds in useless areas such as the News Bureau?

This attitude, Mr.President, is a bad one. We make laws which might seek to help our people and all that really happens is that, in the final analysis, our people are really not helped. They are the ones to suffer.

We, as the old saying goes, can take a horse to the well, but we cannot make him drink and when the Government finds itself with money in their hands it must make the move to help our people; they elected us to serve them not the foreign investor.

Mr.President, tourist-related development is a concern today because tourism is a major industry in this country and it is a vital ingredient to our economy and if we are going to try and encourage tourism, how then are we going to make laws that will favour some investor and penalise others who have stuck it out here through the good and the bad times, and are trying to make our Islands a tourist or a worth-while tourist destination. We are going to chase away that kind of investor and we are going to find out in the end that we have no tourism.

This, Mr.President, in my humble opinion, is what has been going on and one of the reasons why our economy was on the down-ward trend and become stagnant.

To say the very least, the general manner in which the previous administration conducted its business, is one of the reasons the economy looked so bad over the last few years. When the outside world, Mr.President, looks on this little country, which is supposed to be a tax-haven, which purports to be a good, safe place to invest, and then they see situations where certain investors buy a condominium and then cannot get their title, but have to go through the rigmarole of the courts, what do they think? What else can they think but that the Cayman Islands is not the place to invest? This is what has been going on.

I feel our Government has a job to do and that is to restore the confidence of the foreign investor in this country once more. We have to make them feel safe to come here. We have to offer them incentives. There are, Mr.President, too many little Islands in the West Indies

MR.W.McKEEVA BUSH (CONTINUING): squeals is the one who got hit.". May be I may be out of order again, Mr.President....

MR. JAMES M. BODDEN: Mr.President, this is not relevant and if he is going to throw stones in a pig pen he better throw them in his own pig pen, they might get in the right place.....

MR.PRESIDENT: Now, now....

MR. W.McKEEVA BUSH: If I am out of order, Mr. President, I bow to your ruling again.

Anyway, Mr.President, as I said we have to give incentives to the foreign investor, we have to make him feel wanted and high crime rates and other things like that we need to keep far afield from the Cayman Islands - naturalisation and those kind of things. We have to make the foreign investor feel that Cayman is the ideal spot. We have to offer bigger and better packages and I feel that removing the four percentum is a fair start as a stimulant for development.

One fact I recognise, Mr. President, and I hope I am not being out of order again, and that is, while we must try to encourage outside investment, we must also recognise the necessity of keeping a balance between development, be it tourist-related or development introduced by locals and the preservation of our so delicate Island environment. In order to maintain an environment which is both agreeable to the eye and to the well-being of the residents, we must have more orderly planning in and the comprehensive development of land. To ensure that land for development is used in a manner serving the best interests of the community, to protect and enhance the natural beauty of the landscape, to keep the coasts of the Islands in their natural state.....

MR.PRESIDENT: I hope the Member is going to explain to me how this is relevant because I have cautioned him not to stray and I think he is starting to stray again.

MR.W.McKEEVA BUSH: Mr.President, I bow to your ruling, Sir.

I was trying to say, Mr. President, that we must retain our present beauty and the seashores so that investors will feel that this is a proper place to invest and that they will get their money back for our buildings.

MR.PRESIDENT: That may be, but I do not think that there is any way that you can explain to me in which this bill is intended to perform that particular function and if you want to make a speech about that sort of subject, you should put down a motion or you should wait until there is an appropriate Bill.

MR.W.McKEEVA BUSH: Mr.President, I bow to your ruling. But I hope I can reply to some of the things that were said here by Members of the opposition, if I may call them that, concerning the poor people in the country. This was brought up in the debate, Sir, and there has been much talk about the poor man from the leaders of the previous Government, but may I ask, Sir, what did they do for the poor man?

MR. JAMES M. BODDEN: Mr.President, if you are asking for a debate versus one against the other, I am prepared to take my side and give you a good one today. But this man is entirely out of order, you would not even allow this man to ask a question this morning which strayed a bit, this is entirely out of order and I expect you to deal with it.

MR. PRESIDENT: I have stopped him from saying things that seemed to be me irrelevant. What he is starting to say now does seem to me to be likely (he has not gone far enough for me to be certain yet) to be answering points which were made by you and by the Second Elected Member for Bodden Town, in which case I would allow him to proceed.

MR.V.McKEEVA BUSH: Thank you, Mr.President.

There is talk about taking the duty off of basic foodstuffs. This was done with the chickens, but I also want to enquire how got the benefit from the duty removed from chickens? Not the poor man, Mr.President, not the poor man. But lip service has been paid here, it has been their watch-word, as far as I am concerned.

If the tax on condominiums was supposed to have helped the poor with housing, then why are so many in need of houses today?

They spoke also, Mr President, of special interest groups, I am supporting the bill and I have no special interest to protect, except to see that my people are working again. Because there are a lot of people who are out of work today, even though some would have you believe that this is not so.

As I have said, for a country which is supposed to be a tax free country, a tax haven and to put tax on the foreign investor is courting disaster. I believe we are doing the right thing today in removing the amendment to the Development Law.

It was Confucius who said 'Better to light one small candle than to curse the darkness'. This Government is trying to light a small candle.

I think you, Sir, and I am sorry if I have caused the other Member a little grief.

SOME MEMBERS: LAUGHTER

MR.PRESIDENT: Does any other Honourable Member wish to speak? The First Elected Member for the Lesser Islands.

CAPT.MABRY S.KIRKCONNELL: Mr.President, the Bill before this Honourable House today, A Bill for a Law to Amend the Development and Planning Law(Revised) I support.

Back in 1981 I expressed concern that this would slow down the development, the construction of condominiums. So much so that my colleague and I were able to get our district, Cayman Brac and Little Cayman, excluded from this percentage.

I think it has had an effect on the construction within the territory and I do not feel that what we have collected has had that much beneficial effect to housing.

CAPT.MARRY S.KIRKCONNELL (CONTINUING): I support housing and I am very concerned that so many Caymanians do need homes, but I do feel, Mr.President, that the import duty that will be collected from developers will put a larger sum in the revenue of the Cayman Islands Government. It will create employment for our people, it will enable these people who need homes to make the payment to the Housing Authority.

Just having the homes built and they not being employed, they will not be able to purchase them we will still not have accomplished our mission. Therefore, Mr. President, I give this amendment my full support and in order to conserve time I shall be brief.

I ask that we give every consideration to the unemployed here in these Islands that we can create a full employment system and a better place in which our Caymanians can live. Thank you, Mr.President.

MR.PRESIDENT: The Honourable Second Elected Member of Executive Council.

HON.W.NORMAN HODDEN: Mr.President, I consider section 35A of the Development and Planning Law which was passed in 1981 a self-defeating contradictory piece of legislation which should never have been passed in the first place, much less allowed to remain in force as part of the Development and Planning Law.

Especially when we examine the proviso in sub-section (b)(ii): on the one hand the fee of four percentum of the estimated cost of the building is demanded, however, in the proviso, the Governor may accept in lieu of such fees for the applicant to build a dwelling house at a specified cost. On completion, the house becomes the property of Government and the amount of the agreed cost of such dwelling-house shall be paid by the Government to the applicant. So where does the revenue-earning capability of this Law become effective?

I submit, Mr.President, that the second part of this section 35A contradicts the first part, because on one hand the applicant pays Government a certain fee and on the other hand Government pays the applicant for the dwelling house.

If the objective was to generate funds to build houses for the poor, how many houses have been built in the past four years, may I ask? Where are these houses for the poor?

There can be little doubt to my mind, Mr.President, that section 35A has proven to be a deterrent as evidenced by various projects which have never gotten off the drawing board and therefore never become a reality. Regardless of any claim to statistical success, unemployment in the construction industry has become a harsh reality for many today in our country, and I am speaking about the unemployed, not the unemployables.

In view of the slow-down being experienced in some areas and in the interest of continuing growth and development, we must carefully examine every means of encouraging investors to build. I see the repeal of section 35A as a strong step in the right direction. I therefore support the Bill, Mr.President, and I thank you.

MR. PRESIDENT: The Honourable Third Elected Member of Executive Council.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, the object of the Bill which is before the Honourable House, is to repeal one of the worse laws this country has ever had on its books. That is, a Bill which was presented in 1981 to amend the Development and Planning Law.

It has slowed in every respect and has brought development construction of condominiums to a state of confusion and frustration and today there is little or no activity in this area.

I objected to the introduction of the Development and Planning (Amendment) Bill, 1981 in February 1981 and warned of the adverse economic impact it was sure to have on the country. I said then that if the bill was approved in its present form it would eventually bring investment in construction of additional condominiums and strata development to a halt. Almost four years later, and regrettably, Mr.President, my prediction has come true.

We were also told then that the passage of the bill into law would help us solve the housing problems of the poorer people in our community. Here we are, four years later, and after having collected One Hundred and Sixty Thousand Dollars in fees, not one poor person in our community has benefitted by this ridiculous Law.

Instead of helping our people it has hurt them, as many construction workers are without a job today.

Our reason for repealing this bad law is not political, but rather an economic measure to improve our economy by encouraging investors to build and revive construction which will give our people work.

Our people, on the 16th of November, gave us a mandate to change the course of our country, which was well on the way to ruination and bankruptcy and with this in mind, Mr.President, our Government, with the help of God, intends to tackle and reserve our faltering economy. We will restore confidence in stability which has been badly shaken and keep a firm hand on the tiller of our good ship Cayman.

We are sure that this small amendment will encourage investors and that new projects will soon be started. Our people will then have full employment once again.

We have heard from the Third Elected Member of George Town, who was the former Chairman of the Planning Board, that the law was a bad one and difficult to implement. He also said that he had brought this matter to the attention of the former Government who ignored his advice completely.

The two Members of the former Government who have argued against this bill are completely out of touch with reality and what is happening in the construction field. Developers are balking and our people are out of work. Is this not enough proof that we have a sagging economy and that steps need to be taken to encourage investors to help us to re-invigorate our economy and provide employment for our people.

Mr.President, I am encouraged to hear that this Bill has come as a surprise to one of the Members

CAPT.CHARLES L. KIRKCONNELL (CONTINUING): of the former Government. We have many more surprises.

It is the intention of this new Government to take whatever action has to be taken to put the financial affairs of our country back on a sound basis and to see that the people of our country benefit from all developments which take place here.

Mr.President, I support this Bill.

MR.PRESIDENT: The Honourable First Elected Member of Executive Council.

HON.BENSON O.EBANKS: Mr.President, I support the Bill and I support it mainly for one reason, and that is in the hope that it will stimulate the construction industry.

It has been said that there is no unemployment in the Islands, but, Mr.President, I am at a loss to understand where that information comes from. Daily I find people who are unable (and these are people who normally found employment in the construction industry) to obtain work.

One Member asked a question - why this bill and then he answered it himself by making the statement if something works do not fix it. Mr.President, that has been the problem with this amendment made in 1981 to the Planning Law, it has never worked.

Of the Six Hundred Thousand Dollars mentioned by the mover of the bill as accruing of developments approved, the fact is, Mr.President, that the three single largest projects with an assessment of Three Hundred and Six Thousand Eight Hundred Dollars, never got off the ground. They were never built so that we in fact are looking at a possible revenue from this source of only Two Hundred and Ninety-Three Thousand Two Hundred and Forty-One Dollars.

I am not prepared to say, Mr.President, whether, without the four percentum, these developments would have taken places, but assuming that they had taken place but for the four percentum, Government would have received by way of import duty on these three projects alone over $1.5 M, in fact One Million Five Hundred and Thirty-Four Thousand Dollars based on the assessed value on the cost of construction. So that it is easy to see that if you ask the question to have or not to have, it would be a simple answer to agree that to have had the construction of these buildings and collected the import duty, Government would have been streets ahead than to have insisted on the four percentum and not had them.

In addition to the figure which I have quoted here, since there seems to be some grey area in the question of how the assessed value is arrived at in any case, one would have to add the import duty on furniture and fittings and also the import duty that possibly might have been collected on food consumed by people residing in these condominiums, as well as the tax that would have been included or collected. Then of course there would have been the multiplied effects in the economy and to Government from the employment which people would have received on these projects.

So what I am really saying, Mr. President, in a nut-shell, is that if the four percentum did not prevent these buildings from going forward, what we are looking at is Three Hundred and Six Thousand Eight Hundred Dollars. If it did prevent the projects from going forward, then Government has lost over One and a half Million Dollars

HON. BENSON O. EBANKS (CONTINUING): as a result of their not going forward. So, that to me, it is worth the gamble to assume that the projects would have gone forward but for the four percentum since we have been told that that four percentum is, in fact, a deterrent to development.

I agree with those Members, Mr. President, who would prefer to see a large hotel at this time - I think it is badly needed and hopefully we will get it. I also agree that there is possibly still a surplus at this time of condos, but, Mr. President, if we can stimulate the economy, then we are putting our people to work and let us not fool ourselves, there are many people out there in need of jobs. For that reason, Mr. President, I support the bill and commend it to Members' support.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak, I will invite the mover of the Bill whether he wishes to exercise his right of reply.

HON. V.G. JOHNSON: Mr. President, I do want to say many thanks to all those Members who supported the Bill and for the two opposition.

It leaves me but very little to say, since many of the points that were raised in objection to the presentation of this Bill have been dealt with by other speakers. However, in presenting the Bill I cast no aspersions on any one and there are a few things which I must clear and to which I must reply.

The First Elected Member for Bodden Town asked the question why was this Bill introduced, and he also suggested that there might be interest groups. Also there might even be the Bermuda Triangle. Mr. President, I have heard about this Bermuda Triangle on the platform before and I know what the reference is about. It is about the Elizabethan Square where I work as Managing Director. Elizabethan Square is owned, of course, by Bermudians.

Mr. President, before I went to Elizabethan Square I was quite confident that the investors of that Square were people of the highest integrity and that they were people who were interested in the development of the Cayman Islands and they wanted to be a part, if it was possible. They have been involved in a development which cost them many millions of dollars and they did not want to take any part in the running of that development; they wanted it to be done by someone locally. So, Mr. President, I do not think there is anything wrong with that development. The reference to Bermuda Triangle refers to tragic and awful circumstances and I am sure that Elizabeth Square is no where in that category.

I would say, Mr. President, that whoever is being referred to in the Bermuda Triangle that they are better than the Texas Cowboys.

Mr. President, a lot of rhetoric took place on the other side by the two opposition Members. They spoke about condominiums prior to 1975 which were not taxed or not given Hotel Aid Law concession. I am aware of two - one was the West Indian Club established in the early nineteen fifties and one is the Caribbean Club, established in late 1960. These were given hotel aid concession. Since those days I am not aware of any other

HON. V.G. JOHNSON (CONTINUING): given that facility.

Mr. President, a lot of statistics were given relating to the year 1975 and 1976. I am sure that pretty soon we are going to have to erect a monument somewhere in these Islands and dedicate those two years, 1975 and 1976 because they are the two most talked about years in the history of these Islands.

The statistics that they speak about are statistics that have caused a lot of concern in this country from time to time - statistics that tend to deceive and we are not going to present statistics here if we are not certain of the correctness of those figures. In fact, we present a lot of statistics to the public and they scarcely know what you are talking about. You have to come with facts in a statement that the public can understand.

When we speak about the advantages of repealing the section of the law which we are dealing with we describe to the public and to this Legislative Assembly in general terms what we mean. Besides, the law has been in operation for the last two or three years and all the speakers here, Mr. President, except two, have related their experience of the effects of this law. It behooves me that so many would acknowledge that the law is affecting the economy of this country and two other speakers cannot see it.

However, I am sure that as far as we on the Government bench are concerned, I personally have no fear of the reaction of the public as far as this bill is concerned.

The question of the condominium tax had been raised many times on the platform during the campaign period and it is looked upon as one of the mandates which we brought into the new Legislative Assembly from the people of these Islands. We are dealing with issues, Mr. President, we are not dealing with politics here now - we left politics outside the doors of this Assembly we are dealing with issues. The Government is definitely looking at the many issues which were raised, and dealing with them one by one.

Mr. President, I have nothing more to say other than again I want to thank the Honourable Members for the contribution which they made to this Bill and I do recommend it to the House.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to Amend the Development and Planning Law (Revised) be given a Second Reading. Will those in favour please say Aye, those against No. The Ayes have it.

MR. JAMES M. BODDEN: Could we have a division, Sir?

MR. PRESIDENT: Certainly.

DIVISION

AYES	NOES
Hon. D.H. Foster	Mr. James M. Bodden
Hon. Michael J. Bradley	Mr. G. Haig Bodden
Hon. Thomas C. Jefferson	
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Charles L. Kirkconnell	
Hon. V.C. Johnson	
Mr. McKeeva Bush	
Mrs. Daphne L. Ornett	
Mr. Linford A. Pierson	
Capt Mabry S. Kirkconnell	
Mr. D. Esmond Miller	

ABSENT: MR. JOHN McLEAN

12 | 2

BILL GIVEN A SECOND READING.

MR. PRESIDENT: I think it might now be a convenient moment to take a break. I would ask Members to try to keep the break to fifteen minutes so that we can make some further progress a little later in the afternoon.

AT 3:35 P.M. THE HOUSE WAS SUSPENDED

THE HOUSE RESUMED AT 3.31 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. The Parliamentary Pensions (Amendment) Bill.

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1984

FIRST READING

CLERK: A Bill for a Law to Amend the Parliamentary Pensions Law, 1984, Law 8 of 1984.

MR. PRESIDENT: The Bill entitled A Bill for a Law to Amend the Parliamentary Pensions Law, 1984 is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: A Bill for a Law to amend the Parliamentary Pensions Law, 1984, Law 8 of 1984.

HON. D. E. FOSTER: Mr. President, I move the Second Reading of a Bill for a Law to Amend the Parliamentary Pensions Law, 1984, Law 8 of 1984.

This is a short, two clause amendment. The 1984 Parliamentary Pensions Law was assented to on the 9th of July, 1984 would normally have come into operation on the 1st of January, 1985, as provided for in the Law. This short amending bill seeks to change the coming into operation of the Law on the 1st of January, 1985 and to give the new administration an opportunity to examine the Law more closely. If necessary to present an amendment in due course.

I would hope that the Members would give this bill their support because it is felt that quite a few people who served parliament as Members of the Justices and Vestry were somehow left out. I guess and time is needed to have a closer look at it and, if necessary, amend it to take in these people who were inadvertently left out.

I commend the Bill and ask Members for their support.

MR. PRESIDENT: The motion is that a Bill entitled A Bill for a Law to Amend the Parliamentary Pensions Law, 1984 be given a Second Reading.

The motion is open for debate. The Member for North Side.

MR. D. EZZARD MILLER: Mr. President, if I am support all the bills which the Government Bench may bring to this Honourable House during its four-year life with as clear a conscience and as clear a mandate from my constituents, as this one, it will indeed be a pleasant and productive 4 years.

The reason for this, Mr. President, is because there are so many areas of the Parliamentary Pensions Law, 1984, with which I am the

MR. D. EZZARD MILLER (CONTINUING): public at large disagree, and which are either excessive in the benefits allowed, redundant in its benefits or too lenient in its eligibility requirements. I am therefore quite pleased that the new Government has decided to delay the effective date of this law to give them time to study it and make recommendations to improve it.

Hopefully, they will propose a bill which will provide pensions of some sort to all Caymanians that would also include Parliamentarians and there will be no need for a special parliamentarian pension.

Now, Mr. President, to deal with the areas of the law with which I disagree: Section 3 (1) " "Subject to the provisions of this law".....

MR. PRESIDENT: I do not really want to interrupt the Honourable Member if he can convince me that what he says is relevant, but what is before the House is simply intended to defer the operative date. It does not seem to me that a discussion of the merits and demerits of the substantive law is really in order at this stage.

MR. D. EZZARD MILLER: I bow to your ruling, Mr. President, but certainly one would be allowed the latitude to justify the reason why .....

MR. PRESIDENT: I think it is fair to make the general point that you welcome an opportunity that the Government is taking to review the law, but I do not think really we should be debating all of the substance of the law.

MR. LINFORD A. PIERSON: On a point of order, Mr. President, I wonder whether this Bill can be intelligently discussed without going into some details on the present law.

MR. PRESIDENT: Well, I suppose it could be argued that if this bill were passed it would remain open to the Government to advise me, rather than coming back to the House, to proclaim a date on which the existing law could be brought into effect. If the Government did that, then the existing law, with any defects that some Members might think it has, would remain unchanged, so I suppose on reflect, perhaps, it is perfectly fair that you should be allowed to comment on and criticise provisions of the existing law in order to make clear why it is that in your view, although if this bill is passed, it would be open to the Government to introduce a law in the form in which it now exists. Nevertheless they should not do so but should come back to the House with a further amending Bill which is what I take it you are going to argue.

Fair enough. You can continue.

MR. D. EZZARD MILLER: Thank you, Mr. President. Section 3 states that "any Member who has since the first day of October, 1959, served as a Member for two full parliamentary terms or for periods equal in the aggregate to not less than six years...". Mr.

MR. D. EZZARD MILLER (CONTINUING): President, it is my humble opinion that six years is too short a tenure to entitle one to a pension, since Legislators, in fact, receive a fairly good salary; they do seek to be elected under these conditions; they are allowed to retain their employment, or to run their own businesses, as the case may be while serving and sitting in this Assembly. I will concede that if one is successful in representing one's constituency, indeed, if one is privileged to serve one's constituency for periods in excess of twenty years, one may be entitled to some form of a pension, but, Mr.President, Section 9(1) entitles a Member who has served in Executive Council for only a period of one year to draw an additional pension. This allows the benefits to accure so that in fact when a Member has served only one term in Executive Council, that is four years, he can get the maximum benefit, which is two-thirds of his salary, allowed under the law.

Mr.President, I cannot support an additional pension for Executive Council Members, in addition to that which they would receive as Members of the Legislature, which the Law, which we are seeking to defer, does allow. Because as Executive Council Members they do receive a substantial additional salary, while they are in office, and again, they are allowed to retain outside employment and other sources of income.

Mr.President, I also believe that the formula for payment of pensions under this Law is excessive. Section 4 (a), (b) and (c) - when one will attain the maximum benefits allowed for pension after only twelve years of service I believe is too generous. In fact, Mr.President, it would appear that sub-paragraphs (b) and (c) are redundant because under our present system of four year term any Member who will be entitled to a pension of one-half of his salary under sub-paragraph (b) would automatically be entitled to the two-thirds under sub-paragraph (a), because even if he lost the election immediately following he would have served for twelve years.

This may provide benefits for some people who served before but if that is the case then we are doing what was mentioned this morning, or in fact has been done, in that the past Government, in fact, legislated for special interests.

Using the basic salary as defined in the law of $13,260, those who qualify for a regular MLA pension under sub-paragraph (c), that is, they receive the maximum benefits after 12 years of service would receive an annual salary of Eight Thousand Eight hundred and Forty Dollars or Seven Hundred and Thirty-Six Dollars and sixty-six cents a month.

However, section 9 (1) says that any person who is entitled to a pension under this law may, at his option, exercisable in accordance with sub-section (2) be paid instead a pension at the rate provided for in section 4, the pension at the rate of three-fourths of such amount, together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension.

Mr.President, in most of the cases to exercise that option is the sensible thing to do, because none of us know how long we are going to remain in term firms after age fifty-five.

MR.D.EZZARD MILLER (CONTINUING): So when a Member exercises that option as a regular MLA he would, in fact, receive a yearly income of Three Thousand Three Hundred and Fifteen Dollars and a gratuity of the sum of Thirteen Thousand Eight Hundred and Twelve Dollars and fifty cents. That is in the case of a regular Member of the Legislative Assembly.

Now, if we move on to section 8 which allows the Member who has served a full term in Executive Council and we use the basic salary defined in the Law of Twenty-one Thousand six Hundred and ninety-six dollars it will be found that he would have a yearly income of regular pension, if he opted to take the pension strictly as a yearly income without exercising his option under section 7, he would have a yearly income of Fourteen Thousand Four Hundred and Sixty-Four dollars. But again, Mr.President, if he exercised the option as allowable under section 6 (1) the yearly income would be Ten Thousand Eight Hundred and forty-eight Dollars and in addition to that yearly income, he would get a gratuity of Forty-Five Thousand Ten Hundred Dollars. This, Mr.President, gives a total pension benefit to such a person, that is a person who qualifies both for the maximum benefits as a Member of the Legislature and for the maximum benefits of the pension allowed to an Executive Council Member, that is, the person has served twelve years in the Legislature, one term of foury years of which was spent in Executive Council, he could get himself, at the age of Fifty-five a yearly benefit of Fourteen Thousand One Hundred and Sixty-Three Dollars since the pension is culmitive, and a gratuity of Fifty-Nine Thousand Twelve Dollars and Fifty Cents.

Mr.President, just to put it in perspative, there are four Members in this Assembly who can qualify under these conditions at age fifty-five and we are therefore looking at a total sum from the Treasury of over to close Three Hundred Thousand Dollars in the first year just for these four Members. So I believe that these benefits are excessive and they would put an unnecessary drain on the Treasury of this country.

Further, Mr.President, I think that, as I said before, the term required to entitle one to full benefit is too short and I fail to see how Government can digress from the standard it has set for Civil Servants in their pension scheme, and I think there should be some continuity of these standards one has set for others, specially when one is applying standards for oneself, as is the case when we, as Parliamentarians, vote a parliamentary pension for ourselves.

Further, Mr.President, I could not agree with section 6 as I feel we should draw the line at widows and legitimate children. Section 6 says "For the purpose" (and I beg leave of the House to read it, Sir) "of this section expressed child includes a posthumous child, step-child, an illegitimate child who immediately before the death of the person was wholly or mainly dependant on him for support, and (d) an adopted child in a manner recognised by law and in the case of a person referred to in paragraph (a) of sub-section (2) of section 7 before the person last ceased to be a Member".

As I said, Mr.President, I think the line should be drawn at widows and legitimate children.

Neither can I agree, Mr.President, with the provisions in this law under section 12 should be irrevocable, as Members should be allowed to forego a pension

MR. D. EZZARD MILLER [CONTINUING]: when they qualify, if they do not need it at that time. However, circumstances do change and the most volatile of all circumstances, Mr.President, is one's financial position, because if nothing less, inflation eats away at it daily. Members should therefore be allowed under this section to claim their pension at a later date, if they so desire.

Further, Mr.President, this Law really provides good benefits for people who have served both as Executive Council Members and as Members of the Legislature. It gives very little cognizance to some of the other Members. Two Members come to mind in particular who have served this country for over twenty years and who, in fact, would receive very little benefit for these additional years over twelve. In fact no benefit for the additional years served over twelve as the pension is paid out in this Law.

I therefore, Mr.President, have no hesitation in offering my full support to this amendment before this House. Thank you, Mr.President.

MR.PRESIDENT: Any other Honourable Member wish to speak? If not I shall call upon the Mover to exercise... The Second Elected Member for Boulden Town.

MR.C.CRAIG DOUGLAS: Mr.President, the bill before the House is the most dastardly act ever committed by any Government or any Legislature anywhere that I have any knowledge of.

The Bill is a mean one, it is a pernicious one; it seeks to take away a right which had been vested in people who served as Members of this Honourable House over many decades. The Bill before the House seeks to stop the Parliamentary Law from coming into effect on the 1st of January and seeks further to make that bill not law, come into effect on a day to be determined by the Governor, by Proclamation published in the Gazette.

There may be some who will try to argue that the pension payable under this law is not vested in Members because the bill or the law does not go into operation on the 1st of January, 1985. That argument cannot hold water because all the conditions for the vesting of the pension have been met.

The Law was passed in May of 1984; the Governor assented to it on the 9th of July, 1984 and in the Gazette of October the 15th, 1984 we published the power of non-disallowance which had come down from London. So London has accepted the Bill and for all intents and purposes the Bill is functional.

This amendment will take away a vested right which exists. It is my understanding that in law there is something known as expectancy and the beneficiaries of this Law have an expectancy to receive this pension and we should not seek to take it away - we should not seek to delay the implementation of this pension.

It is being done in a very subtle way; the reason given by the mover of the Bill is that the Government would like some time to examine the bill so that they can bring some amendments which will include previous Members of the Vestry. I agree, Sir, that these old Legislators, those who served in the Assembly of Justices and Vestry should be included in this law, but they must be included by an amendment to the principal Law. There is no need at all to delay the implementation of this Law merely to study it so that it can be amended later on. The Law should go into effect on the 1st of January, 1985 and it must go

MR.G.HAIG BODDEN (CONTINUING): into effect on the 1st of January. If the Members of the Government wish to amend the law they can do so at their leisure.

According to a list which was circulated to the Members of this House when the original bill was passed in May of this year, there are only fourteen people on today's date who would qualify for this pension, and I say it is an insult to these fourteen people to try to take away their pension. In fact, the Legislative Assembly would be stealing from them, would be depriving them of a vested interest which has been given to them under the Law, and I am alarmed that we have a Government that now shows absolutely no respect of Legislators who have served this country for many decades. As some of these names are listed on this paper, I feel free to use them. I refer to Mr. Craddock Eluaks who served for about thirty years; Miss Annie Huldah Bodden, who served for twenty-odd years, dear old Mr.Claude Hill, who has been disabled for several years now. If this bill is to be put off, what benefit can these people hope to get?

There are many other Legislators like Mr. Berkley Bush and Mr.Kurman Conolly, Mr. Osmond Panton who give their entire lives, the greater part of their useful lives for this country and we have a Government that now says that the Law should not go into operation on the 1st of January. And it is a disgrace to this country, it is an insult to the integrity of these Members, as well as an insult to the people of the Cayman Islands who elected these people to serve. The fourteen beneficiaries under this Law should receive and must receive their pensions on the 1st of January, 1985.

If this House wants to amend the Law Later to include anybody else, and if they want to amend it to include Members of the Vestry I am all for it. I will support such an amendment; in fact, I was surprised to know that is the reason for the delay, but I am not fooled by the reason given. I do not believe the reason given is the real one for the introduction of this Bill. I believe that we have been given only one reason for the introduction of this bill and in fact I know that we have been given only one reason and we have been given the reason which would be palatable and which would make this Law acceptable to us. But I am not fooled that easily.

This Law going into effect on the 1st of January, 1985 will not break this Government as was proclaimed during the recent election because the fourteen people who would receive pension under this will receive a total in 1985 of $110,903, or a little over Nine Thousand Dollars a month and this will not break this country.

When we have given up today Six Hundred Thousand Dollars under the Development and Planning Law, how can we now truthfully and honestly try to delay this pension?

Next week Wednesday night I will be attending a dinner to honour Mr.Craddock Eluaks and Miss Annie Huldah Bodden and I wonder how Members can attend that function next week and look these people in the face and say we have come here to pay tribute to you when they have taken away the pension which is their inherent right under this Law on the 1st of January, 1985?

MR.G.HAIG BODDEN (CONTINUING:) Some of the beneficiaries under this law will receive as little as Four Thousand Four Hundred and Twenty Dollars per year. Some of them who served for many years will receive Three Hundred and Odd Dollars per month, and today that is called excessive.

It was the great American President, Franklin D. Roosevelt who said "It is better to have a Government that rules with money than one that is frozen in the ice of its own indifference", and this is what we are here today - we see a Government frozen in the ice of its own indifference. This is what has happened to this pension Law, as I will show in a few moments. We have the situation where this Law is not being scrapped. If it was being scrapped I could understand it, but what has happened? The law is simply being put on ice until some people can qualify and I expect that when the party which we know goes into force we are going to have every Member of the party supporting this Bill. I expect there will be two votes against this amendment and let me show you how this is being put on ice. When I say "put on ice" I mean simply that.

You know you go out and you catch a lot of fish you do not need to eat it today so you put it in the ice-box, now this is what is happening to the Pension law today - it is being put on ice because no Member in this Assembly today can get this pension, today or on the 1st of January, because you are not entitled to the pension unless you cease to be a Member of the House. So all the Members here and all the Members who will be supporting this Bill know this, and if you can bear with me, Sir, we have a situation where the Second and Third Elected Members of West Bay are not eligible for this pension. They will not be and they cannot be even at the end of four years - they must first get elected another term because they must serve a minimum of six years before they can get any pension at all. And then even after having served that time they must reach the age of fifty-five and they are many moons away from it.

We have the Member from North Side in the same position. He is not qualified for a pension under this because he must serve another four years and after having served another four years he must reach the age of fifty-five, which is a couple of decades away. And that is a tall order to reach the age of fifty-five.

We have the Second Elected Member from George Town in the same position; he is not eligible for this pension, but he has admitted to me that he is going to support the amendment. He is not eligible for the pension because he must first get elected another term, which is a tall order. Then, even having gotten elected, and even supposed he serves another term, he must reach the age of fifty-five.

We have some of the Members of Executive Council themselves, because one of the Members has not yet reached the golden age of fifty-five and the other Elected Members are not eligible unless they resign their seats and unless they cease to be Members of the House.

But all of them are saying the pension is good, but we are not going to put it into force because those fourteen people will benefit on the 1st of January. This is bad, because we have a Government frozen

MR. G. RAIE BODDEN (CONTINUING): in the face of its own indifference, when they know the parliamentary pension is a good thing.

I would like to refer, Mr. President, to a recent issue of the Parliamentarian, April of 1988. There was an article on Parliamentary Pensions and the reason why I am doing this is because I believe the reason why this amendment has come to the House today is because the Members of Government who brought it do not understand the principles upon which a parliamentary pension is given. They do not understand that the pension is simply a part of the pay-package, but it is accepted in every country of the Commonwealth and I would just like to read the first paragraph -

> "The need to provide some sort of retirement benefits to Members of Parliament is now, by and large, recognized in Commonwealth countries, though the shape and amount of such benefits may not be the same everywhere.".

It is a universally accepted fact that the Members of Parliament receive a parliamentary pension after they have served so many years, but this new Government does not seem to admit it, they do not seem to understand it.

I feel sorry today for the three Government Members who sit across from me, because in May they supported this Bill; they supported the going into operation on the 1st of January and now they have been forced by the Elected Members, and the Elected Members must bear the full responsibility for the change in this Bill, because the three Government Members, in May of 1991 supported this Bill and supported the principle that the bill should go into operation on the 1st of January. But we know our Constitution, we know there is collective responsibility and we know that whatever the majority decision of the Executive Council is, that majority decision must be supported by every Member of the Executive Council when it comes upon the floor of the Legislative Assembly. This is our Constitution, it is what is called collective responsibility and to-day we see collective responsibility put into operation. We see it at its worst, because in May of 1991 I did not hear a single one of these three Government Members object to the Pension Law. I did not hear one of them speak a word in the Legislative Assembly against it. So I know they agreed and the action which they have committed today I fully forgive them for it; I sympathise with the coercion that has gone into compelling them to stand up here and support something which they did not believe in in May of this year.

MR. PRESIDENT: I think we have now reached 4.30 and it does not appear to me to be very likely that we shall manage to complete the business for this morning today, so unless it was the wish of the House that I should suggest otherwise, my proposal is that the First Official Member be invited to

MR. PRESIDENT (CONTINUING): move the adjournment and that we continue our business tomorrow morning.

HON. D.H. FOSTER: Before moving the adjournment, Sir, I would hope that we would be able to take all of the readings of the Bill tomorrow.

MR. PRESIDENT: We have done the First Reading, so that there will be no problem.

HON. D.H. FOSTER: Quite right, Sir.

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., THURSDAY, 11TH SEPTEMBER, 1984.

MR. PRESIDENT: Before I actually get up perhaps I could just say, in case by any mischance some Member did not receive a note from me, I do hope that any Members who are free to, may come with their wives or families to Government House this evening. We are entertaining Members of the Civil Service who can come at 6 o'clock and we would be delighted to see any Members of the Assembly too. I hope you all have a note of that - I think you probably should have done. Thank you.

SPECIAL MEETING OF THE LEGISLATIVE ASSEMBLY

THURSDAY, 13TH DECEMBER, 1984

SECOND DAY

PRESENT:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS M FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, QC, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O HANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CHARLES L KIRKCONNELL	MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION
HON VASSEL C JOHNSON	MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

ELECTED MEMBERS

MR W McKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS DAPHNE L ORRETT	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR LINFORD A PIERSON, JP	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT MARK S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN
MR D EZZARD MILLER	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR JOHN B McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END

ORDERS OF THE DAY

SPECIAL MEETING OF THE LEGISLATIVE ASSEMBLY

THURSDAY, 13TH DECEMBER, 1984

1. QUESTIONS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 79: WOULD THE MEMBER STATE WHAT, IF ANY, STEPS ARE BEING TAKEN TO RENEGOTIATE THE EXTRATERRITORIAL AGREEMENT PROVIDED FOR UNDER THE NARCOTIC DRUGS (EVIDENCE) (UNITED STATES OF AMERICA) LAW, 1984?

2. GOVERNMENT BUSINESS

BILLS:-

CONTINUATION OF SECOND READING DEBATE

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1984

COMMITTEE THEREON

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1984

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1984

REPORTS THEREON

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1984

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1984

THIRD READINGS

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1984

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1984

TABLE OF CONTENTS

	PAGE
Questions	1
The Parliamentary Pensions (Amendment) Bill, 1984 - Continuation of Second Reading Debate	3
Mr. G. Hale Godden	3
Mr. W. McKenna Bush	15
Mr. Linford A. Pierson	19
Mr. John B. McLean	25
Capt. Mabry S. Kirkconnell	27
Mr. James M. Godden	27
Hon. Charles L. Kirkconnell	32
Mrs. Dackis L. Orrett	34
Hon. W. Norman Godden	36
Hon. Benson C. Banks	37
Hon. Vassel C. Johnson	39
The Development and Planning (Amendment) Bill, 1984 - Committee Thereon	43
The Parliamentary Pensions (Amendment) Bill, 1984 - Committee Thereon	44
The Development and Planning (Amendment) Bill, 1984 - Report Thereon	79
The Parliamentary Pensions (Amendment) Bill, 1984 - Report Thereon	79
The Development and Planning (Amendment) Bill, 1984 - Third Reading	81
The Parliamentary Pensions (Amendment) Bill, 1984 - Third Reading	82
Adjournment	93

THURSDAY, 13th December, 1984

10 a.m.

MR.PRESIDENT: Please be seated.
Proceedings are resumed.
QUESTIONS. The Second Elected Member for George Town.

Q U E S T I O N S

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO.79: Would the Member state what, if any, steps have been taken to re-negotiate the Extraterritorial Agreement provided for under the Narcotics Drugs Evidence United States of America 1984?

ANSWER: In Paragraph 7.1 and 7.2 of the Narcotics Agreement, the Cayman Islands Government has agreed to enter into negotiations concerning a law enforcement treaty nine months after the agreement comes into operation. The matter is now under consideration.

SUPPLEMENTARIES:

MR.LINFORD A. PIERSON: Mr.President, while I agree that we have a period of nine months in which to look into this Agreement, I wonder if the Member would state the priority and the time-frame for dealing with this matter as a matter of urgency?

MR.PRESIDENT: I think the Member has stated the time-frame.

MR.LINFORD A.PIERSON: Mr.President, with respect, the total time allowed to look into this agreement is nine months, but I think the Member is aware that within two months, with the notice of a month, we can look into this agreement to re-negotiate it if we wish to.

MR.PRESIDENT: If you are really asking whether the Member will start negotiations earlier than the nine months, that would be an allowable supplementary. I say, if you would like to just rephrase your supplementary slightly I think you would be in order.

MR.LINFORD A.PIERSON: Thank you, Mr.President. Would the Member state whether he would be looking into this agreement within the nine months period or before the nine months period is up?

HON.T.C.JEFFERSON: Mr.President, the last sentence in the answer indicates that the matter is now under consideration and that consideration is basically what the Second Elected Member of George Town is requesting. We are looking at it, Mr.President.

MR.LINFORD A. PIERSON: Thank you. A further supplementary, Mr.President. Can the Member state if he has any knowledge whether a Committee, known as the Extraterritorial Committee has yet been set up to look into this Agreement?

HON.T.C.JEFFERSON: Mr.President, while it is the intention of Government to keep the Members of this Honourable House informed, I believe that it is not wise to indicate to the general public what steps Government is taking to re-negotiate this agreement at the present time.

I will, Mr.President, be willing to say to the Member, in my private capacity, what steps Government is taking.

MR.LINFORD A. PIERSON: Mr.President, while I can appreciate the delicate subject that we are dealing with, I believe it is true to say that it is a matter of public knowledge the position of the Extraterritorial Agreement and its content. My question is specifically whether a Committee has been set up to deal with this matter and not to go into the details of the terms of reference of the Committee.

HON.T.C.JEFFERSON: Mr.President, the matter is under consideration and if that statement is not satisfactory to the Member, I apologise. The Government is looking into it and obviously when you look into a matter, you need to have certain people Thank you, Mr.President.

MR.PRESIDENT: The Member for North Side caught my eye first.

MR.D.EZZARD MILLER: Supplementary, Mr.President. Would the Member state whether the consideration is to a law enforcement treaty of the Agreement or the consideration is to re-negotiate the treaty?

HON.T.C.JEFFERSON: The consideration mentioned in the answer, Mr.President, is comprehensive. We are looking at the present Narcotics Agreement and we are looking at the possible negotiation for a law enforcement treaty.

MR.LINFORD A. PIERSON: Mr.President, I can appreciate the guarded reply from the Member, because it is a delicate matter, but as I said, this is no longer a matter that will be held only in the precints of Executive Council. It is now a public matter and I hope that in due course this full House will know what is going on.

MR.PRESIDENT: The Member must not make statements. I hoped he was going to turn his statement into a supplementary; he did not, but I must ask him to assist me by avoiding statements under the guise of supplementaries, in the future.

If there is no further supplementary we can move on to Item 2 on today's Order Paper, Government Business, Bills, Continuation of the Second Reading Debate on the Parliamentary Pensions (Amendment) Bill, 1984; and the Second Elected Member for Boaden Town had just begun his speech when we adjourned yesterday evening. So I will call upon him.

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1984

CONTINUATION OF SECOND READING DEBATE

MR.G.HAIG BODDEN (CONTINUING):MR.President, I would like to re-affirm what I said yesterday in that my reference to the Government in dealing with the Bill before the House does not include the Government Members of Executive Council. I feel the full responsibility for this Bill must lie on the shoulders of the Elected Members of Executive Council.

In introducing the Bill yesterday the First Official Member mentioned that the reason for bringing this Bill was because they wanted time to study it, so as to look into some changes in it, and I said in a very modest manner that I did not believe that could be the reason. I do not think any intelligent person can be convinced that the Elected Members of Executive Council need time to study this Bill.

Three of the Members sitting there were Members of the House in May 1984, when the original Bill passed through all its stages in this House. The Fourth Member of Executive Council, who, although not a Member at that time, wrote a very comprehensive letter to the press giving an in depth analysis of the Pension Law and his objections to the contents of it. That letter appeared in the Compass; I think it was, and he himself is in the peculiar position of having been conversant with Government's other Pension Law for a long time in fact, like the ad for McArthur Milk says "He grew up with it", because he had been closely associated with that Pension Law for many years as Financial Secretary.

So the reason given by the First Official Member cannot be substantiated. They have had time, they have had six months and, in fact, they have the time that everybody else has, because time is the one resource in the world which is equally shared amongst all peoples: twenty-four hours a day sixty minutes an hour is given to every person upon the face of the earth, whether he be slave or king - so they have had time. They have had all the time and I do not know if his colleagues can help him find another reason for presenting this Bill today, but certainly the reason given yesterday does not hold water.

You know what they need. They do not need time, they need a catalytic converter to resolve the difference between bombastic campaign promises and a harsh reality of denying the pensioners their inherent rights, their vested rights under this Law. They need an elixir, a mollifying ointment to assuage the pangs of conscience which they must suffer when they intend by this Bill to deprive pensioners of the vested rights. I dealt with this yesterday and I hope I made it clear that the rights are vested, subject to the operation of the Law on the 1st of January. Every step is in place for their vested rights to go to the beneficiaries under this Law, and the Government in presenting the Bill yesterday attempted to say no and that is not difficult to say. There is only one way of saying yes but there are hundreds of ways of saying no. By bringing in this stupid little Bill yesterday, they were attempting and did de facto repeal the Parliamentary Pensions Law, because when they put it on cold storage, when they put it on ice, they will have in effect, repealed the Law until such time as it suits them to bring it back.

MR. G. HAIG BODDEN (CONTINUING): I want to deal this morning a little with the ways in which they have said no by the Bill they brought and in case there is any misunderstanding, I would like to explain the difference between yes and no.

Those of you who were young know that if you ask a girl for a date there is only one way to say yes; she had to go out on that date with you. She could say no in hundreds of different ways; she could tell you her family would object; she had to do her homework; she had to help with the work around the house; she had to go to a ballet class, or attend a concert. She could say no in many ways, but there is only way of saying yes.

So the Members of Executive Council have found a very devious route to say no to the pensions which were provided to the fourteen ex-Members of this House who, in my opinion, are entitled to those pensions and who will be denied those pensions by the Government, if it passes this Bill.

We are not talking today about dollars and cents. We are talking about the postponement of benefits under a Law that has passed through all its stages; a Law which has been assented to; a law which has received approval from London; a law which is on our statute books and its effect can not be measured. The effects of the Bill before the House today cannot be measured in dollars and cents, because it goes beyond a bed and a hot cup of coffee that it would provide for those old politicians who may be in need. It strikes at the heart of Democracy; it strikes at the integrity of those Members; and as they did a good job in presenting this Bill; but they did not fool me. They are not saying yes to the Bill, they are saying no as they have said no previously. Three of the Members, when they were in the House in May objected to this Bill; two of them perhaps objected; the other one on the outside objected. The one who did not object did not vote against it, spoke against it, as they have said no. They are saying no today, and if we are deceived into accepting the postponement of the operative day of this Law we will never hear about it again unless God helps this country to change the reign of terror which now exists in the Government.

This Bill says no in that it victimizes the fourteen beneficiaries under the Parliamentary Pensions Law. It victimizes them. Imagine that coming from a Government that was elected with the hope and aspirations of the country that there would be no victimization during the next four years! And they have victimized the fourteen beneficiaries under this Law, because the rights were vested subject to the operation, and they have killed the coming into effect of the Law. They have brought victimization and the sad part of it, they have brought it to people whom the whole country respects. The public elected those fourteen people, time and time again to represent them, because the public felt at the time of the elections that this man or this woman was the right person, and they gained the confidence. Like the two persecuted Bodden Town Members, whether a frustrated minority like those Members or not, they hold, as we hold, the confidence of the majority and they held it at one time. Our Government, which has been elected by telling people that they would end or they would not have any victimization, have started out this meeting by victimizing the Honourable ex-Members of this House.

They have said no to this Law by the introduction of that little pamphlet that was put in here yesterday morning, that little two clause Bill; they have said no to the Parliamentary Pensions law by destroying the dignity of the fourteen

MR.C.HAIG BODDEN (CONTINUING): beneficiaries under this Law. The benefits which they would have received were not alms that would be given to the poor; they were not hand-outs that would have been given to beggars, but honourable pay for honourable services to the Government and the people of the Cayman Islands. The Dignity Team which has been elected to this Hou.. which has sanctimoniously shouted from the house-tops that they would preserve the dignity of this Legislature, has today crucified it Because as Shakespare said "You take my life when you take the prop that doth sustain my life". This is what they have done to Miss Annie Huldah Bodden, Mr.Craddock Ebanks, Mr.Claude Hill and all those old Members who served; who gave of their best. In the sunset of their lives, when they could have enjoyed the pension provided by law, it has been taken away by the stroke of a pen, by a simple act of the combined might of the Dignity Team; the team elected with a promise that they would restore the dignity. But I say today the glory has departed from Israel.

One Member promised me when he dealt with another matter yesterday that that matter was only one of the surprises he had, and that his Government had more surprises for me. They have presented another one, but I do not take this as a surprise. This one goes deeper. I am totally embarrassed to be a part of a Government that is so insentitive to the needs and the aspirations of the people. I feel humiliated to be associated with Members who, by introducing such a Bill, have taken away the dignity of the people who earned the respect of the people of this colony over many decades.

Of course, Mr.President, I know that being honourable men, now that they have seen the error of their ways, they will be duty bound to withdraw this Bill. How can we forget the services rendered in this Legislature by people like Mr.Berkley Bush, Mr.Warren Conolly, Miss Annie Huldah Bodden and Mr.Craddock Ebanks? I remember sitting in that Town Hall in the sixties before I was a Member of the House and seeing Mr. Craddock Ebanks physically tear down the sheets of ply wood which had surrounded the Town Hall because the Administrator had the Town Hall nailed up because of security reasons, because they were about to pass a law against the wishes of the people of this country. I saw that man physically tear them down. How can people forget?

I am sorry to be quoting Shakespare but here again he says "Blow, blow thou winter wind for thou art not so unkind as man's ingratitude to man."

So this is a Bill which will put this Government to shame if it is passed. Will Executive Council be man enough to withdraw it? Or will my other seven colleagues have the courage to vote against it? My colleague from Bodden Town is not here yet but I assured him he need not be in any hurry coming today because the debate will not close soon.

In presenting this Bill to the House yesterday morning, the Members of Executive Council said no, not only to the parliamentary pensions but no to the job of being a Member of this Legislative Assembly. They said no; they said the job is not worth anything, when every messenger boy in Government is pensionable; when every little Secretary which knows which end of a ball-point pen to write with is pensionable; the Members of the Legislative Assembly have no dignity, have no respect. This is what they are saying, because the pension is only a part of the total pay package. That Bill

MR.G.HAIG BODDEN (CONTINUING): yesterday said no. If the Members really believe the job is worth nothing, why do they not cut their salaries? If the job is not worth being pensioned why is it worth receiving a salary each month? Is it because they are only concerned with today? Is it because they are limited to the exigencies of the money?

When they said no to the coming into operation of this Bill yesterday they were saying to the public "Your legislators are not worth anything", But why do they continue to draw their salaries?

I mentioned yesterday that if they want to say no or if they want to say yes, the cost will be small. The pension these fourteen people who served, some of them two decades, three decades, will cost $8,000 on the 31st of January. If you do not want to spend any of Government's money let us agree today that the twelve Elected Members will take a pay-cut. If each Member of the eight will give up $600 and each Member of the four will give up $1,000 we will have quite a sum of money towards the pension. So why say no to these people, when we know some of them might be in need; when we know that one of them has been disabled for many years; when we know that one of them has not earned a penny in the last six months? Why not give up our salaries and let them get their pension?

If the other eleven Members will agree I will agree to give up mine - half of it. Let the others give up half and let us pay these people their pension, because I did not come into this legislature to look money. When I was paid $50 a month here I was earning $50 a day on the outside. Let us be realistic. So not talk nonsense about postponing this Bill, because you want to amend it. Put the Bill into operation and amend it at will.

If you want to add or you want to detract or you want to modify - you know if they had come yesterday and said "Look, boys, we did not get time - we are going to study it and we are going to put it in before the 1st of January, I would have been happy.

I say to you, Mr.President, and it is in your discretion alone, adjourn this House now & give them one hour in the Committee room to study this Bill and if that is not sufficient time give them until next week Thursday,and if that is not sufficient time, then a couple of working days during the Christmas. We can come back here on Friday and finish this Bill, but do not give our pensioners the type of Christmas present that the Executive Council has prepared for them. Do not give them the type of slap in the face that they handed to them yesterday in the presentation of this Bill. Do not give these people, in their declining years, an earthquake.

I believe that politicians are somewhat like salesmen and one of the books that I read many years ago was called "The death of a Salesman". In that book Willy Loman's father had just died and a friend was trying to console Willy. He said to him,"Willy, remember your father was a salesman and a salesman is a man living out there in the blue and when the people do not smile back, it is an earthquake." Politicians, and ex-politicians are the same - they are living out there on a prayer and a show-shine and when the public does not smile back it is an earthquake. For these people, in the declining years of their lives, some of them are past seventy We have given them, or the Executive Council has given them an earthquake.

This is serious business and to think that it was done in this fashion. A special meeting of the Legislative Assembly called to deprive ex-Members of this

MR. G. HAIG BODDEN (CONTINUING): Honourable House. Some of them would have received Three Hundred Dollars per month - to deprive fourteen Members of this House of receiving a pension vested in them, subject only to the operation of the law on the 1st of January when there are so many important things that this country needs - that these men should be looking at - so many needs that this country has - and they are taking up their time and our time dealing with a matter like this! Simply to show - to show these fourteen Members that they were elected on campaign promises, to do away with benefits, pension benefits, to Parliamentarians.

In presenting this Bill yesterday, although they were silent on it, the Members of Executive Council were admitting to the public that they may not be capable of paying these pensions next year, and I can understand their fears because some of them have a history of turning surpluses into deficits.

We saw this country go bankrupt in 1978, and I expect it will not take four years to do it with the leadership it now has. I can understand the fear that they may not be able to pay this money on the 31st of January, 1985. I understand their fear, because the handwriting is on the wall. Mene, mene, tekel, upharsin is on the wall - they have been weighed in the balance and found wanting.

But why does such a fear exist and if the fear exists that they will be unable to pay, why do not they look at the recent history of these Islands and they will see that the fear cannot be justified today, although I expect it will be justified somewhere down the line.

It was brought out clearly here yesterday that a surplus left behind by the out-going Government has been reduced to a deficit of over Eight Hundred Thousand dollars. It was brought out here yesterday that Reserves of over 10 Million have been reduced to 9 Million and I can see if they continue to spend at the rate they have spent in the last four weeks that the Civil Servants themselves will not get a pension by the end of June.

Compare this with the Estimates of 1984 and you will see where that Bill, brought here yesterday was not necessary. Do you know that in the Estimates for 1984 the Civil Servants alone received a pay raise of One point five Million Dollars. In fact I think the pay-raise exceeded that figure, but that was the original figure in the Estimates. So the money can be found. One plan is for the Executive Council Members to give up their pay and for the other Members to give up their pay or a part of their pay. Money can be found.

We received notice yesterday that the Finance Committee had approved Fifty Thousand Dollars to pay the Commissioner of Police. Was it necessary when his contract would have ended in August - was it necessary to bring in another man and pay him.....

MR. W. McKEEVA BUSH: On a point of order, Mr. President, is this relevant to the debate here this morning?

MR. PRESIDENT: I think it can be regarded as relevant, yes.

MR. G.HAIG SODDEN (CONTINUING): Yes, you understand, Mr. President, for the benefit of the Member who spoke, I am dealing with the fact that the Members said no to the Parliamentary Pensions Law by introducing an amendment which would have postponed the operative date, and my contention is that one of the fears that they will be unable to pay that pension is because they may not have sufficient money.

So there was money well spent when it was given to the Commissioner but need not have been spent at this time, because he could have continued, but I can understand his reason for leaving, and I would leave too.

The fear exists that if we put in, (and this has been said, has been written in letters), that if we put in this pension it would break the Government. I wonder if the people who make these wild remarks would take a little time to examine the history of pension payments.

In 1981 in the Estimates there is a sum of Nine Hundred and Thirty-one Thousand Five Hundred and fifty-three Dollars set aside for retiring benefits. Statutory expenditure, that is, pension provided by law, there are Four Hundred and Two Thousand Five Hundred Dollars, making a total estimate in 1984 of One Million Three Hundred and Thirty-four Thousand and fifty-three Dollars.

In 1983 that figure was One Million Four hundred and Ten Thousand Dollars, plus the statutory expenditure. So there was actually a decrease in payments for gratuities and pensions in 1984 over 1983. So the Pension Bill is not likely to rise. In fact there was a decrease of Four Hundred and Seventy-Eight Thousand Four Hundred and Forty-Seven Dollars. If we go further back we will see that while other expenditure in Government has risen by astronomical amounts, the Pension Bill has not risen. I will only quote one example and take you back to the year 1977. In the Estimates for 1977 provided by law was a sum of One Hundred and Fifty-Three Thousand Four Hundred and Ninety-Four Dollars. Increase to pensioners was Twenty-Five Thousand Nine Hundred and Twenty-Six Dollars. Gratuity a. contracted officers was Five Hundred and Twenty-Five Thousand Three Hundred and Seventy-Four Dollars. Contributions to seconded officers were Three Thousand Five Hundred Dollars. Payments to Widows and Orphans were One Thousand Dollars, workmen's Compensation Ten Dollars. Compassionate Awards were one thousand dollars, making a total of Seven Hundred and Nine Thousand Three Hundred and Four Dollars.

If you follow already you will see that in the year 1977 we estimated for gratuities to Contracted Officers a sum of Five Hundred and Twenty-Five Thousand three Hundred and Seventy-Four Dollars, or the amount needed to pay our own Legislators over the next five years. These payments to contracted officers have been greatly reduced as the new Government in 1977 set a policy where the percentage would come down from twenty-five per cent to Fifteen per cent, but nobody argued against paying over half a million dollars to contracted officers - a sum of money required to pay the pensions to our ex-Legislature over the next five years.

HON.C.HAIG BODDEN (CONTINUING): So we really are straining at a gnat and swallowing a camel

But nevertheless, those Members said no and if time permitted, Sir, I would deal with one hundred ways in which they said no, because there are one hundred ways when you want to say no. If you don't want you try to borrow money from a man; if he wants to lend it to you he can only say yes in one way, he takes out his cheque-book and he writes a cheque. If he does not want to lend it to you, he will say "Come back tomorrow" then he hides from you. He says " I owe the bank myself, I need a loan myself; I have to go on a trip" - he can find one hundred reasons for not lending, but if he wants to lend, if he wants to say yes there is only one way of saying yes. If this Executive Council wants to pay this pension to the ex-Members of this House, there is only one way of saying yes and that is to pay, because it is due under the existing the Law; to pay on the 31st of January, 1985 and so relieve their consciences from the burden which it must bear.

You see, we were faced with the same problem years ago we tackled it in a different manner. These Members of Executive Council, faced with the same problem today, take away the pension vested by the operation of the Law from the ex-Members of the House. The Elected Members of Executive Council in 1977,refused to take a pay increase because we knew the Treasury could not stand it. Today when we still have a surplus of Nine Million Dollars they want to take away the vested rights, or the rights which will be vested if the Law is allowed to have its course and to come into effect on the 1st of January.

I mentioned that the Pension Bill does not rise significantly and there is no reason to believe that it will rise, because at the present moment fourteen people are the beneficiaries under this scheme and four years from now still only fourteen Members will be eligible. It is my firm belief that by the end of 1989 you might even have a reduction because some of those Members may be re-elected to the House and would not be eligible for a pension. Some of them, sad to say, might even die - we can never rule out death, because it is a part of life; and some of them may even do what the objectors to the bill did not have the courage to do. They might even sign that renunciation clause in the Pension Law and say "We do not want it" because one or two of the ex-Members are living above the poverty line and may not want to take the pension.

We had in this House in May when we dealt with the debate on the Parliamentary Pensions Law, we had objectors to the Bill and it was pointed out to them that if they felt a Member should not be pensioned, let them put their signatures on the renunciation form, and so revoke forever their right to the pension. So the small list of fourteen people who are now the beneficiaries and but for the dastardly act of the Government, would become the recipients of the pension, will forever remember this day, this week this season of peace and good-will as a day of infamy when this House lost all its respectability, and lost all of its honour, when we deny people who worked hard, who gave when the times were bad, who worked for nothing. It was only in 1972 that the salary of an Elected Member went up to the enormous sum of Fifty Dollars per month. These are the people we are dealing with.

MR.G.MAIG BODDEN (CONTINUING): I heard the remark has been made that this Bill has been brought to evict the Member from Bodden Town and me. I do not know about him, but I hope I will never be the recepient of a pension, because I am coming back to this Chamber as often as the swallows return to Capistrano. I am never going to quit, and even if I did quit I will give my parliamentary pensions to the people who need it, because I have an adequate pension provided from my job; a pension which not only provided for me but I have contributed five percent of my earnings over the last eighteen years. They have been quite substantial and I will not need it.

But this is not the point, the point is not whether the ex-Members of the House need the pension. The question is do they deserve it? Have they earned it? Does the public expect it to be paid to them?

I know I have had differences with Members of the House in the past; I have differed with many Members but once the Member is elected it is just like when Saul received oil on his head from the prophet Samuel - he became God's anointed - the chosen of the people. Although the Herald claims that Bodden Town has no representative, it does have and the majority of the people know it. Yet the Executive Council here today does not respect the position held by the ex-Members of this House, because they seek to postpone a benefit which they should have next month. They do not mind it when they are dead.

Under the Law as it exists the pension could be payable at age fifty-five and some of the recepients are now in their seventies. Is this not a disgrace?

Imagine the introduction of the Bill yesterday, with the Member getting up and speaking for less than five minutes, I believe on it. A Bill as important as this. He had nothing to say and I cannot fault him, because he had to do what he did - he was forced into it - he was coerced into it - he was bound into it by collective responsibility. He had was forced, everybody knows that the Elected Members have the majority in Executive Council, and he was forced to get up and do what he did.

MR.PRESIDENT: I do not think the Honourable Member is entitled to make statements of that kind because it is perfectly possible that the Mover of the Bill was forced earlier in the year when the original Bill was introduced by collective responsibility into doing something with which he did not personally agree, and I do not think it is proper to seek to enquire into his personal views on either occasion or to impute particular views to him.

MR.G. MAIG BODDEN: Mr.President, I do not understand what you have said, can you tell me the reasons why I cannot make the statement I have made?

MR.PRESIDENT: You are putting particular views to a Member which he has not himself expressed.

MR.G.MAIG BODDEN: Mr.President, this is the problem with this whole matter; the Member introducing the Bill was silent on it. He merely made an opening statement saying that they want to postpone the operative date to give them an opportunity to examine the Law more closely, and it is my

MR. G.HAIG BODDEN (CONTINUING): contention that for a Bill of this nature, which strikes at the integrity of not only the past Members of this House but the present and future Members, should have been presented with sound reasons for the postponement, in fact when there is no precedent for taking away the vested rights of an individual. But what is even more alarming about this Bill is that the Bill seeks to do something that should never be done unless it is absolutely necessary, and that is to give to the Executive branch of Government the rights of the Legislative Assembly.

My good friend here, the Second Elected Member from George Town throughout the campaign nearly tore his heart out preaching about the separation of powers. The doctrine of separation of powers simply means keeping separate the acts of the Legislative Assembly from the acts of the Executive branch of Government and the acts of the Judicial branch of Government. This Bill seeks to rescind an act of the Legislative Assembly - an act commited in May and assented to in July and approved by London in October of 1984 - and give that function to Executive Council. Because the Law as passed in May fixed the date of coming into operation of this Law, now the Executive Council has come to us with a bill which, if approved will rescind the action of the Legislative Assembly and allow the Executive Council, at will, to set a new date which, in my opinion, and from the reaction of the Executive Council, that date will never be set in the lifetime of this present House.

So while in the past the old Executive Council was accused to taking unto itself the role of the Legislative Assembly we see that the new Executive Council has even gone much further and actually rescinded an act of the Legislative Assembly. With their collective vote, put it in the hands of Executive Council.

My chief concern with this Bill before us is not that it simply takes away a right which would be vested in the ex-Members of the House, but might also be setting a precedent where the entire Civil service pension might be in jeopardy. Because if they do not understand that the pension to a Legislative Assembly Member is only a part of the total pay package to that person, how are they going to understand that the pension of a Civil Servant is only a part of the total pay package? So they are suffering under a very serious diffiulty because anyone understanding.....

HON. V.G.JOHNSON: On a point of order.....

MR.PRESIDENT: Are you rising on a point of order?....

MR.G.HAIG BODDEN: If he is rising on a point of ordar, I will give way but.....

HON.V.G.JOHNSON: Point of order, Mr.President. With due respect, Sir, the Bill before us seeks only to postpone the effective date of the Law, that is, the Parliamentary Pensions Law. It states nothing about.....

MR.G.HAIG BODDEN: With respect, Mr.President, this is not a point of order.....

MR.PRESIDENT: Let him make his point and I will tell you whether it is a point of order.

HON.V.G.JOHNSON(CONTINUING): It states nothing, Mr.President about the other provisions of the Law....

MR.G.HAIG BODDEN: I want to hear the point of order....

HON.V.G.JOHNSON: ...The Member is debating on his own speculation and supposition of something that may happen as a result of the postponement of the operative date of this Law.

MR.PRESIDENT: I think he is entitled to draw to the attention of the House the possible consequences, or what in his view are the possible consequences of the Bill. I myself have been feeling for sometime that he is in danger of repeating himself and that he might be, for that reason, out of order, or that I might, under Standing Order 41 (1) have to ask him not to repeat himself further; but I do not think he has been basically out of order.

MR.G.HAIG BODDEN: Thank you for your patience with the Member, Mr.President, but I must claim my rights here because he has no right to interrupt except on a point of order, and he has not given that point of order. He owes me an apology.

MR.PRESIDENT: Please sit down for a moment, then. He rose on a point of order. It was a perfect point of order, even though my decision was, having considered what he had raised, that you were in order. If I am never entitled to decide that somebody who has risen on a point of order is mistaken, then nobody is ever going to be able to rise on a point of order at all.....

HON.V.G.JOHNSON: Thank you, Sir...

MR.PRESIDENT: .....so it is quite wrong to suppose that somebody rises on a point of order, which in my view is a proper, but mistaken point, should subsequently have to apologise. If I think somebody has abused the Standing Orders and has risen on what he terms a point of order which plainly could not by any stretch of the imagination be so called, then I will myself bring that to the Member's notice.

MR.G.HAIG BODDEN: Mr.President, if I made a mistake in the debate I do not want to make it again - I would like to know what point of order the Honourable Member raised and I do not hear it. I cannot find it here...

MR.PRESIDENT: Let me tell you, He raised the point that it was, in his view, out of order for you to speculate about a range of matters which he did not think arose directly from the Bill, and that therefore in his view you were out of order. My ruling was that although I thought you were doing so at rather great length, and although I thought you were in danger of being ruled out of order because of tedious repetition, I thought that you were entitled to draw to the attention of the House, as long as you did not do so at too great length, the possible dangers of passing this Bill, and that is what I thought you were doing.

MR.G.HAIG BODDEN: Mr.President, I try to keep within the points of order, the rules for debate. Members cannot get up and make statements during my speech, if they wants to do that they must do that at the end. If they has a point of order they must raise it. A lot of things are going out besides the dignity of the ex-Members.

I will endeavour to conclude, but this conclusion will take a long time.

MR.PRESIDENT: Not I hope, so long that I have to rule you out of order for tedious repetition.

MR.G.HAIG BODDEN: Mr.President, the Bill which was brought to this House yesterday said no to many things. It said no to a certain type of person representing his constituency in this House. Everybody knows the history of the Cayman Islands and in the past the Members were usually only the wealthy people, the merchants who could afford to take time off. It never included professionals and technical people.

Without a pension, which it is my contention the Bill seeks to postpone and seeks to postpone indefinitely as no date has been fixed in the Bill for it to come back to the House; and if it does come back nothing has been fixed to pay those Members retroactively for the pension which they were entitled to under the original Law on the thirty-first of January, 1985. So the Bill says no to professional and technical people who cannot afford to give up their time to serve the country. They need the time to save for their old age,and this is the crux of the whole matter.

This is particularly more evident when we have much younger Members coming into the House because these younger Members naturally may have less savings than the older Members; they may have more need and younger families and they need to have some protection for them. So this Bill strikes at a principle which, if it is allowed to destroy that principle will wreck everything that our forefathers have worked for to develop; and the Bill before the House says no when it seeks to postpone the benefits which should go the young Members when they are old and to the ex-Members on the first of January, 1985.

The Bill says by postponing the date of operation that the Cayman Islands are not as good as the other Caribbean countries, their pensions are available to ex-Members, they are not as good as other Commonwealth countries and they are not as good as other developed and industrial countries. By seeking to postpone the date, it says that the ex-Members do not deserve the pension now.

It was refreshing at the Swearing-in Ceremony to hear one Member say nothing is politically right, if it is morally wrong, and I am wondering if she is going to live up to that statement, when the time comes to vote on this Bill.

I do not wait to go into the details of the original Pensions Law, which was passed in May, but yesterday you allowed the Member from North Side to raise many significant points on that Bill and I must claim the indulgence to reply to a few of them so that I can .....

MR.PRESIDENT: Are you rising on a point of order?

MRS. DAPHNE ORRETT: Yes, Mr.President. I think the Member here has gone a little astray in saying that I made a statement.

MRS. DAPHNE ORRETT (CONTINUING): I am the only "she" within the House at this time....

MR. PRESIDENT: I do not think that can be a point of order, that should be a point of personal explanation and if the Member is prepared to give way you are entitled to make an explanation now. If he refuses to give way, you may offer your explanation at the conclusion of his speech.

MR. G. HAIG BODDEN: Mr. President. I will change it to he if that satisfies her.

MR. PRESIDENT: Sorry?

MR. G. HAIG BODDEN: I will simply say that a Member said...

MR. PRESIDENT: Alright

MR. G. HAIG BODDEN: that nothing is politically right if it is morally wrong. I trust she accepts that.

MR. PRESIDENT: Well, I think so because by saying "she" you in effect identified her.

MR. G. HAIG BODDEN: The Member from North Side.....

MR. PRESIDENT: I wonder - could I just ask you, if you are likely to be much longer? I have been anticipating you were going to finish and thinking that we would postpone our customary morning break until you had finished; but if you are going to be some considerable further time, we might take the break now.

MR. G. HAIG BODDEN: If you let me deal with this one point Sir, I will finish for the day.

He mentioned that the period of eligibility for pension seemed short, I think it is six years in the original law, and I just want to say that while it appears short it is altogether different from the time a Civil Servant must put in, and it is quite in keeping with the practice in other countries. For example, in Guyana the period is six years, in Malaysia it is six years, in Barbados it is two terms, which I suppose will be six or eight years, Antigua it is two consecutive terms, Bermuda the period is eight years or three years in office; I could even go further than that and point out that sometimes a person can receive a pension in some countries even after three years. Quoting from the Parliamentarian, page 132 of April it says "The eligibility conditions in the other three countries are much less complex. In Malaysia a person who ceases to be a Member may be granted a pension on completion of thirty-six months or reckonable service.", and it goes on to say "The reckonable service in the case of a person who ceases to be a Member by either through death or dissolution of Parliament or through disqualification under a specified provision of the constitution, shall, where service is less than thirty-six months, be deemed to have serve thirty-six months". So in that instance it could even be less than three years. They are also entitled to receive it once they have attained the age of fifty years, in New Zealand.

MR.C.HAIG BODDEN (CONTINUING): In Singapore it says if a person does not even have the minimum period of reckonable service to be eligible for a pension he may be granted a gratuity to be computed in a prescribed manner. In Malaysia, after seventy-two months, which is six years, the pension can be paid. There are other examples which I will not bore the House with today.

Finally, Mr.President, I would like to say that I trust this Bill will be withdrawn. I see no alternative if we are to seek to regain the respect of the community at large.

MR.PRESIDENT: I will suspend proceedings for approximately fifteen minutes.

AT 11.27 A.M. THE HOUSE WAS SUSPENDED

at 11.47 A.M. THE HOUSE RESUMED.

MR.PRESIDENT: Proceedings are resumed. The Second Reading Debate on the Parliamentary Pensions (Amendment) Bill.

Does any other Honourable Member wish to speak? The Second Elected Member for West Bay.

MR.W.McKEVA BUSH: Mr.President, I have no problem supporting the Bill before the House. I do not know how often I will be able to agree with those who call themselves opposition, but I certainly can agree with them on that, though not in the same context; that is the Bill should never have had reason to be before this Honourable House, because there should never have been in the first place such a thing as pensions for Assembly Members.

If the Members of this Honourable House can remember when the Law was brought here last year, although not a Member of the House, I took it to my people in West Bay and to the people in George Town by way of public meetings, and as usual the people gave me good support. I knew then that the majority of the people in this country thought that the Pensions Law was selfish and unnecessary, an act of greediness on the part of the people they elected to serve them.

I told my people then that it was a law designed to rape the Treasury and my mind has not changed on that. It became a strong campaign issue and one of the reasons why the previous Government was soundly defeated at the polls.

The arguments, Mr.President, put forward in favour, in my estimation, are poor excuses for the exhorbitant pension which some people would get.

Using the Honourable Financial Secretary's figure which he gave in his debate on the Law, some Two Hundred and Fifty Thousand Dollars that was supposed to be straight pension. I wonder today if they had taken into consideration the fact that a lump sum figure could be asked for? I am of the opinion that any person who is eligible would be seeking a lump sum, and as I see it, that amount is quite unjustified in this country today, especially when there are so many social ills which need looking into and urgent attention.

The same people, Mr.President, who were voting this terrific pension failed miserably in the social aspect of this country. They did not propose any kind of retirement benefits for the people who gave them their honour of sitting here today.

MR. W. McKEEVA BUSH (CONTINUING): Mr. Member of the Council, no ordinary Member of the House had proposed any kind of plan for any serious social development.

We have heard that it is only a small amount and we hear of how things are so good in the country, but in a country boasting the affluence of which they boast, there are a lot of citizens who, for different reasons, are unable to live their full life free from pain and suffering, whether it is the unemployed, whether it is the neglected children, whether it is the elderly, whether it is the handicapped, whether it is those in need of housing - they are suffering and the money used for pensions on the second day of January, 1385 could be used to help them.

Mr. President, have we in this House forgotten that we have quite a growing number of young people under the age of twenty-one in this country? Where is the outlet for their pent-up emotions? Where are the sporting facilities that we need in this country? The money used on pensions could go a long way to help with that. Where is the stadium that we have been promised since 1976? The money used on pensions could go a long way to be used on that also.

In my constituency there is not even a football field that could be used; the money is very well needed to help with that. Our young people need these kind of facilities; our young people are our only real natural resource, citizens of the future. Yet, Mr. President, they have not these things, these facilities, and the Member is here talking about a pension for Assembly Members.

The real problem with these people is that they had no plans, they had no policy and they had no commitment for real social development; they had no real social conscience.

They say we should be ashamed of ourselves to take away this pension, I am not ashamed, I do not have anything to be ashamed of, because I am against pensions for Members of the Assembly. What I am ashamed about, Mr. President, is the fact that we have people in our communities who do not have proper toilet facilities in this day and age. What I am ashamed of is the many of our elder folk who are not getting a proper diet in this country today. If Members would take a walk in their constituency and see how the people were getting along, then just may be it might have touched their hearts and pushed them into action to do something before coming here to make noise about pensions for themselves.

But some people, Mr. President, cannot see the need in their constituencies, because they have left the constituencies and they have left the problems in the constituencies that were looking them in the face. I have stayed in my district that is why I am here today to look after their needs.

Mr. President, a developing country such as ours must have priorities, but a pension for Assembly Members is surely not a priority at this time in our history. I too have done some study on what most of the Commonwealth have offered their Members of Parliament and as far as I can see there is no country, not even the most affluent, like Bermuda, Canada, Barbados or the Bahamas, have given themselves a pension without the Members making a contribution from their salaries. Even in the Mother Country, England, where we here have fashioned our own Assembly on the Westminster system, the Members of the House of Commons make their contribution of a part of their salary for the pension scheme; and you can believe their salary is nowhere as good as ours here today.

MR.W.McKSEVA BUSH (CONTINUING): Members of Parliaments throughout the Commonwealth cannot get a pension until reaching the age of sixty-or sixty-five and to get the pension they have to serve, at least, two terms. Here in this country the law provides for one to get pension after only six years of service, not even two terms, according to our Constitution.

We have been told that the Law was based on what some of the other Commonwealth countries have, but they failed to tell us that the pension to Members in those countries were contributory. They also did not tell us that the Members of Parliaments in those countries did something for their people; they gave them some kind of a retirement benefit before attempting to pension themselves.

We as Legislators in this country, must have a social conscience - we are not masters of the people -- we are servants of the people. We need to think about those of our people who are now working well after the age of sixty-five or seventy years to keep their lives going in some sort of dignified manner, after being promised a social security system for years by some of the same people who would benefit most from the Pensions Law. A promise is only comfort to a fool,and our people are tired of promises and are tired of being fooled for too long; what they need is action. We need to give them some kind of pension retirement scheme, then we will be doing the right thing.

One of the sections of the Law, Mr. President, looking at it, that grieves me more than anything else is the section to make Elected Members of Executive Council eligible after serving only one year on that Council. The Members of Executive Council receive $1105 a month for just being an ordinary Member and another $1808 a month for serving on the Council - a total of $2,913 a month! They increased their salary from $24,792 a year in 1976 to $34,628 in 1980, an increase of 66.47%! It seems that that was not good enough for them so in 1984 they increased the $34,628 to $34,956 - an increase in 1984 of 44.95% - and an overall increase of 136.31% from 1980 to 1984. They have said that it was an ungrateful job. Mr.President, not many of our people get that sort of raise in one year.

When we consider that these same Members all operate a private business and boast of making a lot of money, how can they justify such an exhorbitant pension? No one could tell me that they knew they were coming back to this House so they would not get a pension.

Mr.President, one Member said it was an inherent right, a vested right to get this pension; I personally cannot subscribe to that. One Member even talked about the Lady Member from George Town in the previous Government; he even went as far as to say that we would not be able to look her in the face come next week. Well, Mr. President, I have the Hansards from that meeting last year and I just want to quote what the Lady Member said. She said, "I do not need your money; I have worked for myself before I was sixteen years old.". She said "I think the timing is wrong,Sir, because I feel that there are many, many more projects which deserve consideration.". She gone on to say, "But as for Annie Huldah Soddan I do not need, and I do not want it, because I feel that anything that we do for our country should be free of charge.". She said "I will oppose it because I do not think that anyone who serves this country for the love of serving their country, should want this pension". She was a brave woman, Mr.President.

MR.W.McKEEVA BUSH (CONTINUING): We also speak of Government by the people and for the people. How then can some Members be so selfish and now talk about pensions for themselves? Is this Government for the people?

While I agree, Sir, that there might be some people who served before 1958, or did not have in the prescribed amount of time, after 1960 according to the law, or perhaps their widows who might be in need and should be getting something from Government at this time - I will support that, because there are people like Mr.Hill, who served in this House and I believe, Sir, that mention was made of him this morning. But this Member will not be able to get anything from this Parliamentary Pension Law. I could support something like that, but I do not support the idea of pensions for Members of the Assembly who might have one truck, two cars, two to three homes - I never did support that sort of action and never will until such time something is provided for the people who called us to serve. Mr.President, that is an inherent right I have.

It was most presumptious of the Member yesterday who anticipated how we would vote or what kind of argument we would put up on this amendment. It was most presumptious, because I have never been in extension mood and I will do what I feel is right for the people of this country. I knew he said he had a crystal ball, but I did not know he could read minds too. Anyway, he was wrong that time.

Personally, as I said, I will not support giving anyone a parliamentary pension as it stands today in this country, I want to make that quite clear.

Mr.President, I do not know whether I will be called out of order, but mention was also made of some sort of reign of terror and victimization. I am a part of this Government and if they want to say I am a Dignity Term Member, they can say that, because I supported the Members who are in the majority and who have made up the Government. I supported them and I will continue to support them, until such time, Sir, that they go out of the way and then I will help kick them back in the right direction. When I became involved in politics, in forming of this reign of terror which is supposed to go on, and victimization) when I became involved in politics and especially when I took up the mantle of opposition to the Unity Government, all manner of evil was said against McKeeva Bush, even from the floor of this Honourable House, where I could not defend myself personally or my position politically. Now they dare talk about victimization. They sued me, my two young children have been threatened; my house has been threatened to be blown up, and now, Mr.President, I cannot even go and catch a squab because they have punished my boat too, after we sunk the Unity boat, after our Landslide victory in most Bye. That is victimization, Sir. That is a reign of terror, but all these kind of tactics will not deter me from the job I have been put here to do as a Legislator, and that job is certainly not voting myself a pension or agreeing to any Member passing a pension at this time.

When we come here to talk about pensions we must take into consideration where the money will come from, and the place where it will come from in the long run is from the very people who will not be obtaining in that pension.

Mention was made of young Members of the House. As a young Member, and as the youngest Member of the House I can take care of myself; I have been doing that since I was thirteen years of age. Hard work never killed

MR. W.McKEEVA BUSH (CONTINUING): anybody and that is how I have been taking care of myself, and that is how I intend to take care of my family - hard-work, not a pension from Government. Give our people their rights, Mr.President, not pension for people who have two, three houses, six-Lexus trucks, boats; these people do not need a pension.

Mr.President, I believe being an Elected Member of the Legislature and receiving the vote of confidence of the majority of the people is the highest honour that can be bestowed in this country on any individual. The majority of my people have bestowed upon me the high honour of representing them and I feel the job which they have given me to do is an honourable one and is worthy of responsible people - it requires honesty and integrity. It also requires in the man a commitment to duty, and that is what I will be doing here.

Finally, Mr.President, I know that there are many social and economic problems, some very serious, that must be addressed and there is urgent need for action and a great need for understanding and a display of responsibility by us all to the monumental task which lies ahead in the immediate future. Consensus and unity, Sir, these are the fundamental principles on which we can work together to build a Cayman dedicated to service, justice and genuine equality for all so that we can truly say that we are building together a country in which there are no second class Caymanians.

I thank you very much, Sir.

MR.PRESIDENT: Does any other Honourable Member wish to speak? The Second Elected Member for George Town.

MR.LINFORD A.PIERSON: Mr.President, I am somewhat confused as to the real purpose of the objects of this Bill before us here today. From some of the debates I have heard it would appear to me that the Bill should have read one that is seeking to repeal the Parliamentary Pensions Law, but as I have heard from the Mover of this Bill it is in fact seeking to postpone the operative day.

If the object of the Bill is to repeal the Parliamentary Pensions Law I would like to make it abundantly clear that I would not support such a move. If, on the other hand, it is with the intention of giving Members of Government more time to look into the details of this law, I will fully support it.

We are not, or I can speak for myself, I am not a party to de facto repealing the law as was stated by the Second Elected Member. I am not also a part of any form of victimization, as was stated by that Member. Mr. President, so far in this House I cannot say that I have seen any manifestation of such behaviour, but I am sure that the Second Elected Member for Bodden Town is better able to detect victimization than I am, because he has seen it in operation over the past eight years.

Mr.President, I do not doubt at all the Member's sincerity in the presentation or in his debate against this Bill; he was very sincere. For at times it sounded like he was conducting a crusade, at other times, a funeral service. If I did not know the Member's oratorial ability I would have looked for a halo around his head. It was really touching indeed for at times it almost brought tears to my eyes.

MR. LINFORD A. PIERSON (CONTINUING): I would also, Mr. President, take this opportunity to thank the Second Elected Member for Bodden Town for volunteering and pre-empting my position on this Bill. This Member appeared to have gotten so worked up yesterday that I was afraid that it might be necessary for us to get a resuscitation machine in this Chamber.

This is the first Sitting for many of us, where we have been able to participate in debates. Mr. President, I want it abundantly well known today that I am not an extension cord. I think most of you are aware of that. But I will deal with the issues as my conscience dictates.

Mr. President, with your permission, Sir, I will make my position again abundantly clear that my purpose here and my purpose alone is to represent my people, and indeed to give them the best representation that I possibly can.

Accordingly, Mr. President, I would include my support of the total House by giving the Executive Council all the support that I possibly can, and indeed, I will support any efforts made by other Members of this House which I consider to be in the best interest of our people and country. This will include the Members from Bodden Town and any other Members who may consider themselves to be a part of the opposition.

Mr. President, I think it is well known, because I have demonstrated in my lifestyle, in general, and particularly in the recent election campaign that I am not easily intimidated. So a lot of shouting and ranting will not intimidate me.

But, Mr. President, from the submissions made here today in the debate by the Second Elected Member for Bodden Town, I wonder whether he is considering early retirement. I wonder if may be he is thinking of resigning.

Mr. President, on the question of parliamentary pensions, this matter was a very big campaign issue. It should therefore not be surprising to any of us here that more time would be requested to study this Bill.

I will not lend my support to any legislation which, in my opinion, is not in the very best interest of all of our people. This Bill leaves a lot to be desired and I believe that if it had not been rushed through this Assembly, that today's debate in this Session of the Assembly would not have been necessary. So it would seem to me that the past Government, the past Members of the Executive Council have to blame themselves for the time that they claim we are wasting here today.

I think it is presumptious for them to feel that we will automatically ratify any law or action which they may have taken in the past. We require good, sound legislation – not legislation which, to use the Member's own words " would seem to satisfy a special interest group".

Much talk has been made about denying certain past Members their rightful pension. Reference was made to people like Mr. Craddock Banks, Miss Annie Bodden and others and I could not agree more that they should be given every consideration, but I feel that with a Law and with a matter as delicate and technical as this one, that we should not rush into it.

MR.LINDORO A. PIERSON (CONTINUING): To again use the Member's phrase, his implication that we would try to take away the rights of past Members of this Assembly, is less than the truth, because I would not, myself, be associated with denying my people of their rights.

I wonder, Mr.President, in listening to the debate yesterday, whether the Second Elected Member for Bodden Town was making an attempt or endeavouring to remain within the ambits of good debate, or whether he was using his oratory and rhetoric to talk to the gallery and whether he may have been launching his 1980 campaign.

Mr.President, over the past months I watched very carefully procedures in this House and I was somewhat surprised with the haste with this Law, the Parliamentary Pensions Law was rushed through the House. I feel that this Law was badly timed and that it was rushed through the Assembly, not allowing sufficient time for further study of the contents of the Bill at that time.

I wonder, Mr.President, why the past Executive Council did not introduce this Bill before 1984? The Second Elected Member for Bodden Town seems so interested in the past Legislators that I would have thought that his interest would have attended to looking after them a long time ago. Why 1984? For the past eight years they have been Members of the Executive Council. Why the big rush in the last few months of 1984?

I am also surprised to hear the Member refer to the present Executive Council operating under a system of collective responsibility when he is quite aware that this is the part of the constitution of this country and he, with his other colleagues, practised collective responsibility to its limit. Because when I questioned certain acts of the past Executive Council, Members of the Executive Council tried to make the public believe that I would wish to change this section of the constitution, thus bringing about independence for this country.

This is the type of misinformation and somewhat, in my opinion, abuse that has been allowed, not only in this Chamber, but on political platforms. But I am a different man, Mr.President.

While, as I said, that I will be prepared to work very closely with Executive Council, I am an individual who believes in efficiency, who believes that we must represent our constituents to the best of our ability.

Yesterday I asked the question if any plans are being made to introduce legislation in the near future to provide for contributory pension scheme for employees in the private sector and those not already covered within Government. The answer I received, Mr.President, was well accepted, because I know the position; I know that many of the portfolios are overloaded. So the Member responsible for Health, Education and Social Services answered me that he will do it as soon as it is humanly possible.

Unfortunately, Mr.President, I cannot put a time-frame on as soon as is humanly possible. I want to know a little closer; I want him to be a bit more specific. Can I go and tell my people that pensions for them, or housing, or whatever, will be looked into as soon as is humanly possible, when in fact this was a major issue of my political campaign. The reason, Mr.President, as I see it, for such a qualified answer from that Member was as I said earlier, due to the tremendous amount of work that he has within that Portfolio and this situation

MR. LINFORD A. PIERSON (CONTINUING): ...is not peculiar to the portfolio for Health, Education and Social Services; it is true about many of the portfolios - it is true about the Tourism portfolio....

MR. PRESIDENT: I think the Member is tending to stray a little from the Bill we are debating.

MR. LINFORD A. PIERSON: Mr. President, with respect, Sir, the point I am trying to make is that we would like to have this matter brought back before the House as quickly as possible, but I can understand why this matter might take longer than should be required under normal circumstances, because of the present position. This is why, when I got up, I mentioned that I was under mixed views and I also questioned the real objective of this Bill.

MR. PRESIDENT: I think that is a perfectly fair point, but I think if you go on to elaborate too far, all the different things that all the different portfolios have got to do that are to delay the return of the particular Bill, you may be straying a bit much.

MR. LINFORD A. PIERSON: Thank you, Mr. President.

I would like to point out that there is a question (and I would like to make this very brief on this point) of portfolios being overworked, overloaded then perhaps you with your Executive Council, Sir, should examine the possibility of splitting from some of the portfolios so that we can have more efficiency in some of these areas.

This is possible, Sir, under our constitution.

I believe, Mr. President, that even though I may have strayed a bit, that I have the experience over sixteen years in the Government service, three of which was spent as the Principal Secretary for the Health portfolio, to be able to say here without any doubt, what the position is with regards to the workload in these portfolios. I believe that I have remained within the ambit of section 35 of the Standing Orders, regarding the Contents of Speeches.

Mr. President, I may have diverted here a bit but it was intentional with a view of pointing out how important it is for key issues to be given prompt and efficient attention. I regard this Pension Bill as a key issue which requires urgent and prompt attention.

There is no question at all in my mind that some very good, upright representatives have passed through the portals of this House - no doubt it all and it is not my wish today to see these people, to see these past Legislators ignored. I do not think that this is exactly what the Executive Council has in mind. It is my wish that these individuals will be treated fairly and with the respect that they have earned over the years and which they rightly deserve.

The foundations of this great country of ours were built by men and women like Mr. Berkley Bush, Mr. Warren Conchy, Mr. Cruickook Ebanks, Miss Annie Huldah Bodden, Mr. Claude Hill, Mr. Allan Malaughlin and many many more; but Mr. President, what about the people before them? What about the westryman who served this country so faithfully? Why was not some consideration given to them. I know of certain of the Westrymen today who are living below the subsistence level.

MR. LINFORD A. PIERSON (CONTINUING): I know of some of the postmen today who are in dire need. Why did not this Parliamentary Pensions Law extend to those people and these are some of the areas I would wish to see examined by the Members of Government.

Mr. President, in case there is any doubt, I wish to make my position abundantly clear that I do not oppose the provisions made in the Parliamentary Pensions Law dealing basically with past Members receiving a pension. What I am opposed to is the contents of some of the sections of that Law and this is what I would wish to see brought back to this House within the next two months. At least by the next regular and scheduled sitting of this House in March of next year.

Mr. President, I feel that the past Legislators of this Assembly deserve very consideration possible. Accordingly, I am hereby submitting that whatever study is required to re-examine this Bill be done before our next regular sitting so that this Bill can be brought back to this House.

It is necessary, Mr. President, for us to fix a time, for us to have a time-frame when this matter would be brought back to this House. I will not be a party to indefinitely shelving this Law. I feel that like in many other Commonwealth countries that Legislators who have served this country well deserve recognition, be it financial recognition or otherwise, but at the same time, as I said earlier, I feel that it was badly timed, because Government should have, at that time, been looking into a more comprehensive pension scheme or similar system which would have benefitted the majority of the people in this country.

Mr. President, I realise that there are some pressing issues to be dealt with by our newly elected Executive Council, but with the exception of the Fourth Elected Member of Executive Council , I believe that the other Members should have a fairly broad over-view or insight into this Bill, because I believe that they were Members of the House when this Law was brought before the House. So, it should not, Mr. President, be an entirely new Bill for most of them. Accordingly it should not take an unduly long time for a decision to be made or for the Law to be studied.

Mr. President, I do not believe that it is the intention of the Executive Council, or indeed any other Member of this House to take away the rights of the people, as has been indicated here today. I do not also believe that the objective of this amendment Bill is to repeal the Law - I believe as the Mover of this Bill said that the full intent is to give the Executive Council Members more time to study the Law.

MR. PRESIDENT: Does the Member expect to be some substantial further time or are you almost to the end of your speech? It is a question of whether we take the lunch break now or whether you complete your speech first.

MR. LINFORD A. PIERSON: Mr. President, you can take the lunch break now.

MR. PRESIDENT: In that case I will suspend proceedings until 2:15 if that is convenient to the House.

AT 12.43 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 3:39 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
The Second Reading Debate on the Parliamentary Pensions (Amendment) Bill, 1986. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, now that we have all had our refreshments I hope that we will be in a position to really clearly deal with this amendment before us.

As I stated earlier I understand the object of this amendment Bill is to enable the Members of Government, that is the Executive Council Members to have more time to study this Bill thoroughly. It is not my understanding, Sir, and I want to make this abundantly clear, that this Bill is being shelved. I do not support this. I support a postponement of this Bill in order to enable further study but not the indefinite shelving of the Bill.

I believe, Sir, that some of the former speakers have been somewhat over dramatic and I believe that we have allowed in this debate rhetoric to take place where the realities and common sense should have prevailed. Be this as it may, Sir, I believe that this was all done in the interests of the people of this country and in a way to bring forcibly to the attention of this House the importance of the Parliamentary Pensions Law.

As I said earlier I feel that this matter is too important for any Member to attempt to play politics with it. My contribution today is most sincere, because I truly believe that the Parliamentary Pensions Law should eventually come into effect, but not until after it has been given very thorough consideration. As I said earlier, Sir, I wish also to see consideration given to our statesmen who have served this country so well over the past number of years. Also, I wish to see urgent attention given to a general scheme of pensions, or similar system which will benefit the people of this country generally.

Perhaps, Mr. President, a Committee of this House could be set up with certain terms of reference to treat this matter as an urgent one. to study this Bill in detail and to report back to this House within the next two to three months. Perhaps also, Sir, we could use some of the laws from our neighbouring Caribbean islands as a guide so that we will not be using our own ideas in isolation, but we we will be using a model of laws which have been tested and proven.

Mr. President, while I agree that the Members of Executive Council should be given more financial consideration than the other Members of the House, mainly because, if for no other reason, than they have had added responsibilities, Portfolio responsibilities and otherwise, we cannot lose sight of the fact, Sir, that they are provided for quite handsomely under the Law with their monthly salary. In other words, Sir, they are being compensated for the time and effort taken by them in carrying out their duties.

This is the reason, Sir, why I am saying that I do not agree to this present Law coming into effect in its present form. I do not agree, Sir, to Section 4 of this Law with regard to the rate of pension to be paid to the past Members of this House. Worse still, Sir, is Section 8 of this Law which gives an additional award to Members who have served on the Executive Council.

MR. LINFORD A. PIERSON (CONTINUING): It is not my intention, Sir, to gain the reputation of some of my colleagues of being too long winded. So I will conclude at this point as I realise that there are a number of other speakers who would wish to speak on this Bill.

In concluding my debate, Sir, I would again point out that I support the postponement of the coming into effect of this Law, but with the qualification and with the understanding that I am not supporting an indefinite shelving of this law. I feel that it would not be in the best interests of this country to do so. I feel, Sir, that it would indeed be denying some of our past legislators their rightful consideration under this Pension Law. That is why I suggested, Sir, that at the next sitting perhaps of this Assembly we should have a report made to this House of the progress made in the examination of this Bill. If the Law requires amendment then by all means let us consider this. I feel that the principle must be given the major consideration. We cannot start looking at individuals and treating this matter on a subjective level. We must give this our objective consideration.

Thank you very much, Mr. President.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The Elected Member for East End caught my eye first.

MR. JOHN B. MCLEAN: Mr. President, the Bill which is before us today, a Bill for a Law to amend the Parliamentary Pensions Law, 1994, Law 2 of 1994 is one which I consider should never have been brought here so early after a general election with the hope of being forgotten before 1998.

I feel, Mr. President, that the time spent here on this Bill at this crucial time could very well be spent on many other pressing issues now facing this country, especially when we should be planning for the future.

Mr. President, the Law which is now on the books to cover parliamentary pensions was carefully studied, was carefully put together by this Legislative Assembly last year. It was not just picked from the blue, Mr. President. It was taken from ideas which were collected from neighbouring countries; neighbouring islands with similar legislation. The information was circulated. Meetings were called and each Member of Government at that time was given an opportunity to have an input. It is very discouraging at this time to see such a Bill before this Honourable House.

Mr. President, the reason for my being in this Legislative Assembly has never been for self. It has always been with putting my people first. My first duty has always been to the people of the constituency of East End and this country in general. I have always been mindful that it took the support, the faith in me and the vote of my people to have me elected. When this Bill was originally put forward, I took the issue to my people and I cannot say that it was 100 per cent accepted but at least there was a fair cross section at my public meeting and I accepted their input. So, Mr. President, I did not support the Pension Law for self, because as has been mentioned here I do not intend to fall in line with certain qualifications which I would have to obtain a pension under this Law.

Mr. President, I have always endeavoured to be an honest person, and I feel today that any Member of this Legislative Assembly who considers himself an honest person cannot support the Bill before this House as is and continue to identify himself as an honest person. If this is done, Mr. President, we will be depriving honest, respectable people of a right which they have earned for themselves many years ago and in some cases of a

MR. JOHN R. McLEAN (CONTINUING): benefit which is needed by some of them today.

I heard mention made of fourteen Members, Mr. President, but I can think of many others. It was for this reason that I did not during the original Bill agree that we should have had a cut off period of the 1st October, 1959, because I felt then that many others should benefit under this Law. I can think, Mr. President, of old men from my District, men like Alan McLaughlin and Lincoln Bodden who have helped in the running of this country many years ago and have paved the way for us today. I felt, Mr. President, that they should have enjoyed,also their share.

I cannot see men who have been elected to this Legislative Assembly thinking the way they are, revealing a Law which will harm those who have led us to where we are today. It is my understanding, Mr. President, that in less than a week a dinner party will be hosted for the two remant retirees from this House. It leaves one to wonder how can certain Members sit around a table with those two retirees knowing well that they have presented such a Bill here which will deprive them of their rights. Yet they will be able to sit around a table and to eat and to drink and to know that they have betrayed them. Are they going to be like Judas with Christ? He ate and he drank and he betrayed him.

Mr. President, I can share no part in that and I will not. I can think of the two most recent Members none other than Miss Annie and Mr. Craddock about whom each Member in here who has served along with them can only say good. They have always stood up for their country. Today if such a thing happens we will be shelving a benefit which they have earned.

Mr. President, I must commend the Second Elected Member for George Town on his approach to this Bill, and I hope that when we go to Committee stage he will support an amendment which I intend to bring. I am aware, Mr. President, that the majority rules,and I will abide by that but I assure you I will go down trying. I have heard of many election issues but, Mr. President, I felt when I heard that this was one, that it was a retrograde step for anybody who took it to their platform knowing quite well the end result; because if a promise is made somebody has to try to fulfil,it or else one serves the consequence.

However, Mr. President, I suppose the surprise which is before us is not the first and will not be the last. I presume it will be like the great President Reagan said not too long ago, "You have not seen anything yet". My guess is that our next surprise will be to see the President of this Legislative Assembly replaced by a Speaker,who I understand has already been named.

Mr. President, I am aware that those opposing this Bill as I have said are in the minority, but I do hope and trust that before the conclusion of debate consideration will be given,and a period of study will be placed in this Bill so that each Member can be assured that this Law will not be shelved for ever and a day. These famous men and women have earned it. Why should it be taken away. My feeling, Mr. President, is that regardless of who the legislator might have been; regardless if he or she served as vestryman or a legislator they have contributed, and I can only say they could be comforted by the words of the Governor of the State of Florida when he said, "the knowledge that I did my part is one of the true riches of life".

Mr. President, I trust that this Bill will be withdrawn or amended correctly, and I hope that as we do so the good Lord will give us guidance to do what is right.

Thank you.

MR. PRESIDENT: Before I invite another Member to speak if I may I would like to make one point in case there should be any misunderstanding either on the part of Members or on the part of the public. The last speaker referred to a possible or supposed intention to appoint a speaker. I should perhaps say publicly what I have said to Members privately, both of the present Assembly, and of the last Assembly that I should be in no sense offended and would indeed think it entirely proper if the Assembly were to pass a motion for the appointment of a Speaker. Indeed I have even gone so far perhaps as to urge Members to do so although so far they have not accepted my invitation. This is the real point which I wish to make. If a motion that there shall be an office of Speaker were to be passed it would be I in my discretion who would appoint and select the Speaker, and I have made no selection whatever. So the rumour which is going round is totally false.

Does any other Member wish to speak? The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, the Bill now before this Honourable House is a Bill for a law to amend the Parliamentary Pensions Law, 1984, Law 8 of 1984. I have no problem in supporting this for I stood in this House in May and asked that the Pension Law include all Members who had served in the Assembly of Justices of the Peace and Vestrymen and all legislators, and that priority be given to those who actually needed assistance as early as possible. I felt had this been done then it would not have been necessary to have this suspension brought before the House today.

I respect every man and woman who has served in this Legislature or in the Justices and Vestry before that for I realise that it was their preservation of parliamentary democracy which enables me to stand here today. I feel that a Bill as important as this should be given very careful consideration so that it includes all, not just a chosen few. I feel it is our responsibility as legislators to provide for the people of our community first, and ourselves second. Therefore, Mr. President, I welcome the opportunity of going into this Bill again. It is my policy in debating an amendment to a Bill or to a law that I address my debate to the subject which is in the context of the Bill. Therefore, Mr. President, I shall not prolong this, but say that I support the Bill.

Thank you.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Before I address myself to this Bill, Mr. President, I would first pose a question. My question is what form of Government are we headed to? Are we headed to a Government which will be looked on like a banana republic or will we be headed to a Government of totalitarianism? I would have to wonder which.

This amendment today, in my opinion does not speak very highly of the Legislative Assembly of the Cayman Islands and of the Legislature which has been built on the back of many dedicated people in the past; men who have laboured under very trying conditions, who have worked with no recompense. I think at one time some of them got shillings a day to attend to the business of the Legislature. It may not have been as much work then as it is now, but at least they did their duty and they preserved the democratic system which we were allowed to have. I do feel very strongly about this amendment, because first of all in my opinion, the Members who brought this or who instigated that this be brought to the House have

MR. JAMES M. BODDEN (CONTINUING): not been frank with themselves; they have not been frank with the Members of this House; they have not been frank with the public. They have tried to do away with the Law and I call it a Law because it has been passed legitimately by this House, by proposing the operational date of this Law be left out, so that it will come into effect when it may suit the whims and fancies of some people. To come here with a disguise and say that they want time to study it is wrong. It is time that these Members are truthful. Someone has said about the playing of politics; I do not think that politics have ever been played as much as has been demonstrated since this new Government has been sworn in.

The Law which we are dealing with passed through this House in May of last year and there are seven Members of the Elected Government who are here today who were here then plus the three Official Members. I find it difficult to believe that if this Law was so bad, why in May of last year when the final vote was taken on the passing of this Law, and if I am wrong I think the records of the House can be brought out and they will show that when the final vote was taken on the Third Reading of the Bill there was only one Member who opposed it and voted no. That was the Honourable First Elected Member of Executive Council. There were other Members who objected to various sections of the Bill as it went along, but when it came to the final passage I think there was only one who really voted against it.

It is difficult to believe that the Official Members and particularly the Official Member who helped to draft this Bill could have found so much wrong with it from May, of this year until this date to get the other colleagues to agree to bring it back here today. It is not he who is doing it. He was satisfied with the Bill then. He should be satisfied with it now and it just goes to show the pressure, and I will deal with this, that is being put by these four Elected Members of Executive Council on the House to get things done as they see fit.

There has been much rhetoric in this House and aspersions may have been cast about rhetoric. I can talk and thank God I can, along with my colleague from Bodden Town. I am prepared to stand here until Christmas comes if I have to, to put across the feeling which is in my heart today in regard to this Bill.

This amendment represents pure greed and indifference; indifference to one's fellow human being; indifference to the welfare of the Cayman Islands. Yet these people in their holier than thou attitude would break down every church door in the country preaching and telling the people who are foolish enough to believe it and to follow them that they would do for them what Christ has not done for us.

It is time that we deal with the salient points and the points which are affecting this country today. They are forgetting entirely that they are their brother's keeper. The load may be heavy but as is said at Boys Town, "He is still my brother". As the Elected Member for East End voiced it a few minutes ago, how can these Judas's go and sit down at the table in a few days with Mr. Craddock wherever he is up there, and Miss Annie and me with them, and tell them what good friends they are. How much they appreciate being in their company. How much they enjoyed being with them in the Assembly, and at the same time as they are eating they have their knife in their ribs. Oh my God for such hypocrisy.

I fail to see it. I fail to understand what is so wrong with this other than the few things which have been dealt with before and which could have been handled in a just manner by leaving the Law to come into effect and bring amendments to take care of these things as has been done in the past with every other

MR. JAMES M. BODDEN (CONTINUING): Law that amendments have to be made to. Mr. President, suddenly the Cayman Islands have entered into a period when every vacant promise and every vacant idea that could have been posed to the electorate of this country is being fulfilled, and given official sanction to, in bringing it into this House. At this point I do not wish to bring up every point, because I will bring those out in the Budget Session or the next Session of this House detailing the things which have been dealt with and have been dealt with in my opinion wrongly since 14th November of this year.

We are going backward and going backward fast. It is like a train on the peak of Mount Everest, if it could get there, and you suddenly release the brakes and you find you are down in the valley. I hope to God I am around when they get it in the valley. We had to take it out of the valley once before. We would be ready to do it again.

One Member in his deliberation said that time should be given so that we could study the legislation which is in effect in neighbouring Caribbean islands. I would ask the Honourable Second Official Member to please allow this Member to read the many volumes which he has in his possession, from the neighbouring Caribbean islands, and other places in the Commonwealth which were the background of this Law which has been passed legitimately by the House of Assembly. We do not have to go back and study them. They have been studied before, and they have been studied by the Honourable Attorney-General, so how much more study can be put into them and how much more can be add to it. The amendment to this Law is victimisation pure and simple. Victimisation of fourteen people who have qualified by blood, sweat and tears for this right: fourteen people who are now being treated as if they were defectors in World War II, instead of being honoured for the service which they gave to this country. Is that what we want to go down in history for? To be noted as a little smack in the Caribbean which one Member said yesterday no-one knows anything about, because probably he has never travelled further than the end of his nose. Is that the way we want to go down in history, as treating the people who have represented the country? I think one Member has said that a Member who served in this House for seven years, Mr. Claude Hill, would not qualify. Those who qualified were prepared in a list and passed around to us when this Law was passed and Mr. Claude Hill served for seven years in the Legislative Assembly of this Island, and his pension under this Law would I understand be $4,420 per annum. I hope to God he lives to get at least some of it.

Mr. President, we cannot delude ourselves. We cannot delude the people. We cannot study this Bill much more thoroughly. If we do it will be studied out of existence. It is already a Law. It has been passed legitimately by the Legislative Assembly of this country, by a majority decision. It has been gazetted. The disallowance has come from the Foreign and Commonwealth office as far as I am aware, and the only thing left to be done with this Law is the operational date. This as far as I am concerned is what we have done; we have given people vested rights under this Law and I say again it is showing indifference to one's fellow human beings to put this on the shelf as they did with the Development Plan in 1976.

What alarms me is that it appears to me, and I have served eight years in Executive Council, and I will admit that I was forceful. However, I do not think that I can stand up to those who were there today. I think I will have to take a back seat because it appears to me that Executive Council has gone further than taking the role of the Legislative Assembly and Finance Committee.

MR. JAMES M. BODDEN (CONTINUING): It has taken a full dictatorial course and I feel and I will say so openly that either they are taking a very dictatorial course or the Members are handing very supply to them, because the things which are being done and have been done in the past couple of weeks should never have been done under the system of Government we worked under for eight years and were told we had to adhere to.

Yesterday we came in and we repealed a Law which had been beneficial to this country, and we were told many reasons. I know the reason. I knew the special interest groups. I got first hand information at lunch today, the first time I have been to lunch in years, as to one of the developers who was behind this. I am going to bring these things out. Now we are repealing the Parliamentary Pensions Law. We have gone so far as to break contracts very detrimental to this country and pay huge sums of money to do it, to get rid of high government officials. Appointments have been made to our Supreme Court without even the Law to back it up. We are fast approaching the stage of being noted as an African republic, and as far as nepotism, we were accused of it, but now I think anyone can note that nepotism rules supreme.

Here we are taking away a vested right from people. Yet they have not hesitated with their majority to force through motions to pay $50,000 to get rid and break contracts. They repealed the Law under which they could have so far got $600,000. In the years to come it may have brought in millions of dollars. They have thrown all of that away, and yet they will come in here and probably say we cannot afford to give those legislators who have qualified, I think about $6,000 a month. Will anyone open their eyes and see through this?

I heard one Member say in his debate that politics were being played with this amendment to this Law. Mr. President, please let the people look and see who is playing politics. We brought the Law. We stood in the kitchen and took the fire. We passed it, and now these people are coming back with an amendment or a repeal I would call it of the Law and then they accuse the three of us of playing politics. You do not have to say that, Mr. President, because the public know who is playing politics with it. If we were playing politics it would be a good thing. I love to play politics, but we are not playing politics with this. We are taking away a man's livelihood from him. People who are probably disabled would qualify under this. People may be on their death bed so that a couple of months means decades to them and while they study this Rome burns. Yes, there was an old saying, Mr. President, that Rome burned while Nero fiddled. The only thing is now, we have quite a few fiddlers. I do not know whether any of them would qualify to be Neros.

They have said that they are going back to study this, and they are going to study an overall pension scheme. The two things which we are discussing in this House are two entirely different things. No one would like to see a pension scheme come into effect more than myself or my colleagues. We have mentioned it for years, and when we mentioned it years ago we were crazy, we were stupid. We have studied a pension scheme in the last Government, a co-operative scheme let us call it; a contributory scheme. It is up in the Government Administration Building. It is not in the uranium vein which my colleague usually talks about. They can easily get it. Let me tell them this thing today. No one in this country would like to see that come into effect more than myself, but do not think it is an easy thing to implement, and I am going to have a lot of fun watching them implement it if they think they can do so as easily

MR. JAMES M. SODDEN (CONTINUING): ...are getting up in this Assembly or getting on the political platform and talking about it.

Why, Mr. Speaker, is so much attention being paid to this particular law if we were not playing politics. Everyone in this country has become fully aware of the liberal pension scheme which Government has. I would venture to say that there are very few places in the world today which treat their Civil Servants on a pension scheme any better than the Cayman Islands, and I am proud that we can do so. I am proud that the major benefits which the Civil Servants have received they got under the administration which was headed up by the three of us in the last eight years. Before that you had to beg them to wait to cash their cheques. The major benefits which have come to the Civil Servants have come in the last eight years and I really have to wonder how these people can come in here and say the things they do knowing the benefits which some of them have obtained under the generous pension scheme which Government has. We have people who have walked away with over $100,000 on retirement plus $18,000 to $20,000 a year for the rest of their life. Then poor old Mr. Craddock up there who probably had to ride a donkey from North Side to get down here many a day, they would not want to pay him $700 a month. Oh my God, and these people who break down the church steps in this country? I may never get a vote in this country again, but I am glad at least I am not a hypocrite of that kind.

They do not have to worry where the money is coming from to pay what would have to be paid out under this Law. The few thousand dollars a month that it is going to cost, our administration left them in reserves over $10 million. That can pay the pensions for many hundreds of years.

I wonder. I really have to wonder if whoever is head of the Commonwealth Parliamentary Branch in Grand Cayman will have any difficulty in getting reservations for the dinner party to honour Miss Annie and Mr. Craddock, because truthfully I feel there are only at this point three Members who could go and hold up their heads and with our blessings we could take three more. That would be it. Some of these people really learnt, and learnt well from Judas Iscariot. It is like the old saying of being at the feet of Gamaliel.

If some of these Members feel so strongly about this Law, the Law carries a section where they can renounce all of their rights. If they did not think that this was a fit and proper Law, I ask them one more time why have they not renounced their rights to it. I will tell you why, that old thing they call greed.

I would go along with one amendment to this, and that is that people who served prior to 1969, (I think there are a few of those still alive), should come in for a pension under this. Other than that there is not much more that can be done and I wonder what they expect to do. If that was the only thing bothering them why did they not bring a simple amendment at the next session of the House to correct that. I would say to the Members of this House let us adjourn this House until January 5th. Let us put a Committee together. Let us work Christmas Day, New Year's Day, whatever we have to do to put together an amendment which would include this and maybe if there is anything else simple we could also do it at that time. We could resume the House on January 5th and pass this and redeem their souls. I am having an altar call for them now.

I know some of them will maybe jump to their feet and say I am out of order on the next thing I am going to say, but it has been injected here today so I feel free

MR. JAMES M. RODDEN (CONTINUING): to stand up and continue to say what I am going to say about it. I personally stand against a Speaker being appointed for this House under this present Constitution. We have much more important changes which need to be made than that. I think this is one of your few contacts with the elected people of this country, and one chance to occasionally meet and see the rest of the people of the country. I stand against a Speaker being appointed. I know some of them have made political promises of this and I am going to see whether this one is going to be fulfilled also, whether we are going to hear on the grapevine, or by the mail road in the next few days that a Speaker of the House has been appointed.

Much is being done. It is just as though we were repudiating everything of the past. We must never repudiate the past. The past has brought us where we are today. They have to be thankful that they are in the position they are today and the country is in the position it is today for the work which has been done in the past eight years.

Mr. President, I hope that the Members who have spoken in favour of this will be able to let their conscience take over for a while. Let them look inward. Let them realise what they are doing to people who have served here before. More important than that let them look and think about what people abroad are going to think about this country if we repudiate everything that we have done and built up and start off on another course. We are doing that. They have started it. I hope they will take a lesson today and stop before they go too far with it. We are dealing with some very fragile things in regards to the economy of this country. The things which make this country prosperous cannot be done by sitting on one's haunches, and looking into space and hoping that it is going to drop down into one's face like manna from heaven. It is not going to come that easy. Regardless of what some of these may think it takes a lot of hard work and it takes a lot of dedication.

I hope, Mr. President, that when the vote is taken on this we will find that the Members in the minority will agree to adjourning this House until January 5th, putting together a Committee to study it during that time and come back and pass it at that date. Maybe, Mr. President, if they should have that change of heart, tonight they can get on their knees and thank their God and say, "Lord I redeem myself; now have mercy on me".

MR. PRESIDENT: Does any other Honourable Member wish to speak? The Honourable Third Elected Member of Executive Council.

HON. CHARLES L. KIRKCONNELL: Mr. President, the Bill before this House today is an honest effort to correct one of the most serious errors of the previous administration. It can in no way be considered a dastardly act or a disgrace to anyone. Neither, Mr. President, are we leading this country as a banana republic, nor are we headed towards totalitarianism. This country, Mr. President, was rescued from the brink of totalitarianism and destruction on the 14th November, 1984 and may God help us that this country never goes back to what it went through in the last four-year period we have just come through.

This Bill seeks to delay the coming into operation on 1st January, 1985, of a Law which was hastily introduced and passed in this Legislature earlier this year. I feel that the delay of the coming into effect of this Bill will give the Legislature the opportunity to study it, consult their constituents and make whatever amendments are necessary to make it fair and acceptable to the people who have put us here to represent and serve them.

HON. CHARLES L. KIRKCONNELL (CONTINUING): I opposed the Parliamentary Pensions Bill and voted against it when it was introduced. I did not condemn it then neither am I condemning it today but, Mr. President, important legislation such as the Parliamentary Pensions Law creates a burden on the country's finances should not have been hastily introduced and passed into Law before it was carefully thought out and the cost determined, by the previous administration. This regrettable, Mr. President, as you are aware was never done. It is not the intention of the present administration to deny anyone what they are justly due. However, Mr. President, it is the responsibility of the present administration and legislature to comply with the wishes of the people who placed their vote of confidence in them and who said no to the Parliamentary Pensions Law on 14th November, 1984.

I stated before in this House that there were, and are many more pressing needs in our Islands which should have been dealt with before legislators considered a Pension Bill for themselves. Mr. President, I have not changed my position in this regard. Mr. President, I speak my mind freely, and live by the dictates of my conscience. I have always tried to treat my fellow man regardless of colour, creed, religion or his financial standing as a human being, and have tried to uplift them whenever and wherever possible.

I would like to say to the past legislators who are eligible for a pension under this Law, that it is not the intention to take away the rights of past legislators, or to be unfair to them in any respect. Nevertheless, Mr. President, we must have time to study the Law and determine whether or not it should be amended or brought into operation as it now stands.

It is also necessary, Mr. President, for the Government to determine accurately if there are any funds left in the Treasury to pay them. That is, after we have met all Government obligations including the staggering debts owed by Cayman Airways up to the time when this Government took over on 13th November.

Mr. President, I support this Bill, and I hope that the other Members will see fit to support it as this is what should have been done in the initial stage. If they had not rail-roaded this Bill through the House as they did, we would not have had to rescind, or withhold the coming into effect of this Law today. I would ask other Members who are fair minded to support this Bill.

I thank you, Mr. President.

HE. PRESIDENT: I think it may be a convenient moment to take our customary afternoon break, so I will suspend proceedings for I suggest not more than fifteen minutes. I think it might be convenient for most Members to try and finish today, and I am hopeful that perhaps we will be able to do so if we do not take too long over our break.

HOUSE SUSPENDED AT 3:27 P.M.

HOUSE RESUMED AT 2:45 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. The Third Elected Member for West Bay caught my eye.

MRS. DAPHNE L. ORRETT: Mr. President, from the start I wish to state clearly that I make the following statements, not because of any pressure placed on me by any Member of this Honourable House, but solely to voice my own opinions on the matter of the Parliamentary Pensions Law, 1984.

From the time this Law was first introduced, I felt strongly then as I do now that it was an unfair Law in many respects. Firstly, I cannot agree that any Member of the Legislature should be eligible for a pension after serving for any shorter period of time than as a member of the Civil Service. I am aware that where a member of the Civil Service may continue to serve for as long as is mutually agreed as against a Member of the Legislature who serves only for as long as the people of the country choose for him to serve; but it would seem to me that a much more reasonable approach to this would be to treat pension benefits for our legislators the same as those provided for in the Civil Service.

It was mentioned in the House by one Member that many years were given by past Members of the House, and I am deeply grateful for those legislators and their service. Many of these, I feel, of the older retired past Members of the House are deserving of help at this time. I have been concerned about that and I still am. However, I wish to record here and now that during my time in the Civil Service, and even since I have left, I have been concerned that daily paid workers and others, some of whom have served for well over 20 years have not been adequately provided for upon retirement. I can think of quite a number who served long and well who came to the age of retirement with virtually nothing to look forward to.

It was stated by one Member that there was apparent fear by the present Government of not having sufficient funds. He mentioned a surplus turned into a deficit within the last month, but I would like to point out here, Mr. President, that one cannot honestly maintain a surplus when as my famous character Aunt Sookie might say, "He is head and years in debt". When you owe someone money how can you mention a surplus and maintain that surplus. The new Government has only been paying off the debts left by the former Government, and I wonder how much more they will have to pay off before the four years are over.

I can think now, Mr. President, of those Members who have served in the House of Assembly and we have some in the district of West Bay who are deserving of consideration. I do not necessarily disagree with a pension being paid to legislators. Such a pension is seen to be fair and reasonable in all respects. I disagree with the passage of the Bill in its present form, especially in light of the short tenure of service required before one is eligible for such pension. In particular I disagree with the time requirement in respect of those who serve in Executive Council.

Mr. President, I would also like to bring to the attention of this Honourable House Section 9, subsection(5) which reads, and I quote:

MRS. DAPHNE L. ORRETT (CONTINUING):

> "Not withstanding subsection (1), a female child who marries while under the age of eighteen years shall cease to be entitled to a children's pension."

I feel strongly that this Bill which seeks to postpone the coming into effect of this Law should be favourably entertained by Members of this Honourable House as I strongly object to this particular Section of the Law. Mr. President, in today's day and age, although the husband is normally termed the bread-winner of the family, in truth and in fact the wife in our country today, does in many cases contribute nearly as much and in some cases contributes equally as much. In a few cases she contributes more than does the husband to the upkeep of the home and family. Therefore, Mr. President, I would suggest that the effective date for the coming into effect of this Law be put forward until such time as it can be much more closely scrutinised and Section 8. (5) dealing with children's pensions be amended to include the same benefits for both male and female children eighteen years and younger.

Mr. President, I also feel strongly that Section 13 of the Parliamentary Pensions Law should also be deleted as no one knows what tomorrow may bring, and a Member who today feels that he will not need a pension might find himself very much in need of that pension some time in the future. For this reason I see a need for the coming into effect of the Law to be postponed until such time as it can be more carefully scrutinised by all Members of this House.

It was stated by a Member of this Honourable House that certain Members of the Legislature already have had sufficient time to study the Law, and that for this reason it was therefore not now necessary to postpone the coming into effect of the Law. However, Mr. President, I would also remind the Member concerned that with so controversial a Law as the Parliamentary Pensions Law proved to be when it was first introduced to this House and as well as it has proved to be since it was passed, consideration must also be given to the newer Members of this House having adequate opportunity to study the Law together with those Members who were serving in the House when the Law was introduced, so that a fair and satisfactory decision might be arrived at.

Had this Law not proved to be very unpopular with a wide cross-section of the voting public then perhaps such an argument might have been entertained. However, as I mentioned before, bearing in mind the controversy surrounding the Parliamentary Pensions Law, 1984, its coming into effect should be postponed, and I therefore support such postponement.

Going on a little further, Mr. President, I feel strongly that there are past Members who are presently in a financial position which renders them in need of immediate financial aid. Whether this aid is obtained through social services, or another arm of Government I feel that such persons should be adequately provided for. I must add, however, that it does seem somewhat late in such assistance being forthcoming, and for this reason amongst others, I have been made to question the timing of the passing of the Pensions Law and have often wondered whether the real reason behind this passing was primarily to assist those past Members who are in fact in need of such financial assistance, or were there perhaps other ulterior motives behind this passing.

Mr. President, mention was made of firing of high Government officials. Mention was made of

MRS. DAPHNE L. ORREST (CONTINUING): dictatorial policies. Mention was made of squandering of Government funds by the present Government, by the First Elected Member for Bodden Town. I should like to state here, Mr. President, that whether or not all the allegations were true, I would much rather be an obscure, lowly and honest servant than to sit here as a legislator and then to be labelled amongst other things with the stigma for dictatorship, victimisation and the waste of public funds as did the Government of the past eight years.

Mr. President, as the Honourable Third Elected Member of Executive Council mentioned yesterday, there are lots more surprises to come, and let me say here, now that if my voice in this Honourable House has anything to do in bringing it to bear, the people of this country will know what those surprises contain. Barring anything which might prove detrimental to this country our people must know who are indeed responsible for dictatorial practices, victimisation and the waste of public funds. If and when they do, perhaps then there will be a number who will be denoid of a pension even if a Pensions Law is put into effect.

Mr. President, I wish once again to state that I do not disagree with a Pensions Law for Legislators, but certainly I do not agree that the present law is fair and adequate and I therefore support the postponement of its coming into effect as the Bill before us now seeks to do.

Thank you, Mr. President.

MR. PRESIDING: The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I rise to support this Bill now before this Honourable House which is a Bill for a Law to amend the Parliamentary Pensions Law, 1984, Law 9 of 1984. There has been much discussion regarding the objects and reasons of this Bill, but surely to anyone it is clear what the intentions are. "On such day as the Governor may, by Proclamation published in the Gazette, appoint"; surely this is not an unusual term. It has been used before, and it has been accepted by this House many, many times before in other bills.

It seems to me, Mr. President, from past experiences that the shorter the bill the longer the debate, and the Bill before this House definitely will be no exception. Like the speakers before me, it seems necessary to deal somewhat with the merits and/or demerits of the Law in order to debate the necessity of delaying its effective date. However, in my usual fashion my contribution will be short and to the point.

Mr. President, when the Bill for this Law was being debated in the House in May of this year I opposed it at that time, and nothing has happened since then to cause me to change my mind; not even the fact that I was re-elected on 15th November. I opposed it because it conveyed the distinct impression that legislators were in fact paving the way for a financially healthy and secure retirement plan for themselves and their dependents before making some form of social security plan for the public who elected us to serve and protect their interests before our own. I believed then as I do now, that while we do not wish to create a welfare state, we need first of all to carefully examine the state of our welfare. If our priorities are to be placed in order, emphasis must be placed firstly on tackling in an effective manner our rapidly growing social needs and problems in this country.

Nevertheless, as is well known, in spite of strong opposition from some Members at the time, the Bill

HON. W. NORMAN BODDEN (CONTINUING): was passed and became law. However, there are undoubtedly sections of this law which are too lenient and generous, which in my opinion must eventually be amended such as eleven Elected Members to receive a pension after having served only two terms of office. Also such as the provision for Executive Council Members to receive a pension after having served one year and there are other sections requiring careful thought and consideration.

It is well known, Mr. President, that prior to 19th November, there was not any chance at all whatsoever, of passing any amendment to this law regardless of how strong a case was presented, just as it is also known that the Bill was hurriedly pushed through the House at a time when the 1962 elections were just around the corner.

Mr. President, it is true that in the past many parliamentarians have laid claim to the fact that their service to this country was rendered out of a sense of responsibility and loyalty with little or no expectation of financial reward. However, I do agree that assistance should be given to former Members of the Legislative Assembly who may be in need of help, and I believe that with proper amendments this can be achieved. However, having said that I really wonder, Mr. President, just how many of the cases mentioned, if truly examined, could be found to be at the poverty level.

I maintain, Mr. President, that if high priority and emphasis continues to be placed on generous pensions for Assembly Members that we are fast reaching the stage when financial reward will become the determining factor for seeking a seat in this Legislature, rather than a genuine willingness and unselfish desire to give a dedicated service to the public as before.

As regards the position of the three Official Members of Executive Council which was mentioned this morning by the Second Elected Member for Bodden Town, I would like to remind him that their position today is not unfamiliar to him as it is no different than it was in May of this year when the Law was first dealt with. I would also like to remind him that in mentioning the salaries which are now paid to Members, that those salaries were set by the Executive Council of which he was a Member until recently. His offer to give up pay to help Former Members is commendable, but I wonder why this offer was not made eight years ago if his sympathy for those Members was so strong and genuine. They probably needed help more then than they would today.

Mr. President, I support this Bill, as I believe that the effective date of the Law of 1st January, 1965, should be amended to read "such day as the Governor may, by Proclamation published in the Gazette, appoint". This is the object of this Bill, so that necessary amendments can be made which will make the Parliamentary Pensions Law, 1964, more reasonable and acceptable, and less controversial.

Thank you, Mr. President.

MR. PRESIDENT: Does any other Honourable Member wish to speak? The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, as has been said I did not imagine that so short a Bill could have caused so long a debate. The Bill before us is a very simple Bill, and in my opinion does not contain the sinister implications which have been ascribed to it by certain Members. The Bill seeks to delay the coming into operation of the Parliamentary Pensions Law, 1964, from the 1st January, 1965,

HON. BENSON O. FRANES (CONTINUING): to a date to be published by the Governor in the Gazette.

The intention, Mr. President, is not to deprive any particular or specific Members of benefits which may accrue from the Parliamentary Pensions Law, 1994. Rather, Mr. President, it is as I see it, because there are certain inequalities in the Law which is why we are seeking to delay its implementation.

Some Members have in their debate suggested that the Law could have come into effect and then have amendments passed but, Mr. President, I am not sure that that would have fitted the bill in this instance. As has been pointed out the Law makes provision for lump sum payments which could in fact be claimed on the 2nd January next, and there would be therefore no opportunity to correct those or any inequities or over generosity to persons who might have availed themselves of that.

I believe, Mr. President, that in some instances the law is too liberal. For example, Mr. President, it is difficult for me to conceive how one should be entitled to an Executive Councillor's pension after serving only one year in Executive Council.

I share the view too, Mr. President, that while parliamentarians may be entitled to a pension there are many on the outside who are in need, and in my opinion should have been taken care of simultaneously, or before parliamentarians sought to vote themselves a pension. Mr. President, as an example of why this Law needs careful consideration I would draw Members' attention to the fact that one of the fourteen persons, I do not know how fourteen Members was arrived at, but at least one of the persons named this morning and this afternoon who were supposedly beneficiaries under this Law could not in my opinion be so since to the best of my knowledge that individual served in this Legislature, first as a nominated Member and then for one term as an Elected Member. Under the Parliamentary Pensions Law, 1994, "Member" is defined to mean an Elected Member of the Legislative Assembly. Section 3 says that --

"any person who-

> (a) has since the 1st day of October, 1959 served as a member for two full parliamentary terms".

Therefore this would mean that the person would have to have served two full elected terms; not a nominated term. It is for this reason and others, Mr. President, that this Law has to be looked at, because in my opinion in many instances those persons who may be most in need are those who are excluded under the Law.

I am also, Mr. President, of the opinion and I expressed this in May, that provision should be made for those legislators who have not served the prescribed time since 1959, but who have given valuable and long service prior to that. In some instances, Mr. President, the Members are still alive and to my knowledge could very well use a pension. In other instances the widows, and I can think of at least one instance where there are children who could benefit if this was done. Mr. President, we are not talking about large numbers of people, but if we are in fact looking after the needy, then we should include those persons who are advanced in years and have not the ability to work at this time, but gave service to their country when they were able to do so.

Mr. President, the anomaly, or misconception which I referred to about the Member having served one term as a nominated Member and one as an Elected Member, only serves

HON. BENSON O. WHARTON (CONTINUING): to highlight the fact that even if this Bill was studied to death as the First Elected Member for Bodden Town has said, then certainly a lot was still overlooked.

It is not the intention as has been said to deprive Members of benefits accruing under the Law. We think the Law should be examined to ensure that it is fair to all concerned.

As regards the reference made to the finances of the country, Mr. President, moving from surplus to deficit in so quick a time, that should not be difficult for the Member to understand. I believe that it was in May of this year that we heard about surpluses of $11 million. By the 31st August, it was $7. something million; by the end of October it was less than $1 million; and as the Honourable Third Official Member pointed out yesterday the General Reserve had to be turned to pay bills which were pressing for Cayman Airways. I am not sure that even now the full extent of Cayman Airways' liabilities are known or fully understood. We may be in for more shocks with that than we had thought. However, I pointed out, Mr. President, during the session, and from May that it was no wonder that surpluses were greater in the first half of the year than they would be later on in the year, because most of Government's revenue is collected in the first half of the year. I pointed out during the session that it was my opinion that by the 31st December, there would be a deficit on this year's Current Account, barring a miracle, and I do not think that they happen too often these days.

I would further like to point out, Mr. President, that since the 30th November, when the new Government was sworn in, no financial commitments have to my knowledge been entered into so that any expenditure which has been incurred, except for the approved payment of the Cayman Airways debt has not been the result, as I said, of the work of the new Government. So this has been only on-going expenditure which must have been budgeted and approved.

I have no fear, Mr. President, of any repercussions of supporting this Bill. I believe that we need to look at the Parliamentary Pensions Law carefully to ensure as I said that it is equitable and fair to all concerned, and that a means be found to take care of those persons who have served for lesser terms than two, or lesser years than six since 1959; but nevertheless who gave of their services to the country subsequent or previous to that date. We are not talking about large numbers of people as I said, or large amounts of money. I would hope, Mr. President, that we can find a quick solution to the desire of Members and of the public of finding a way to introduce some form of retirement benefit for our people. I am heartened that there might be something to be found in the Government Administration Building on this but I understand from the Member who mentioned this that it is a monumental task to implement it. In fact I was given the impression that it was nigh impossible. I do not share that view, but I am left to wonder, Mr. President, if that is the case why in just about each successive Throne Speech since 1972, such a scheme was mentioned as being planned to be implemented in that year.

Time is running on, Mr. President, and I would close by saying that I give the Bill my full support.

MR. PRESIDENT: The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL C. JOHNSON: Mr. President and Honourable Members, I rise to support a Bill for a Law to Amend the Parliamentary Pensions Law, 1994. Others have referred to this Bill as a small Bill, and

HON. VASSEL O. JOHNSON (CONTINUING): wondered why it should take so long to debate. I would say, Mr. President, that good things come in small packages; and this is the attitude we have demonstrated in this small Bill. A mention was made, Mr. President, during the debate when Members opposed the introduction of the Bill, that I had perhaps indicated opposition to the Bill in writing letters to the Press, which I did, Mr. President. It is not that I opposed the Bill, and I will read to you the paragraph which preceded what I said in the Press. I said:

> "I am not writing because I condemn the proposal altogether, for I realise that the demand on Members' time today is far greater than any ten years ago. Secondly, while many Members are financially well off and able to work on a purely voluntary basis without remuneration, there are others who may not be in a similar fortunate position and therefore pension in such cases would not be unreasonable."

However, I also noted, Mr. President, that the Sun newspaper of the 9th May, 1984, came out in their editorial and said:

> "Legislature yesterday debated an unusual topic in the Legislative Assembly; in essence to pay themselves for services they took upon themselves to give to their country."

Mr. President, this is the whole purpose of the opposition which was raised in these Islands when the Bill was being introduced. Names were called this morning, Mr. President, and I am not in the habit of calling peoples names. However, if we look at those individuals who were named this morning and names were mentioned on their behalf, I would say that none of them are poor people. Some have declared in this House that they would refuse to accept a pension. We heard one speaker this morning reading from the Hansard of this House what one of the Members said. Some of them are Attorneys. Some of them are big drivers who made a lot of money out of this Government. I will admit, Mr. President, as the last speaker said that there are deserving cases which we should look at, not only the last speaker, Mr. President, but other speakers as well. I agree with that.

I see a number of things wrong with the Bill. This particular subject, Mr. President, on the platform along with that famous motion we have been talking about for a long time, drew more public reaction in this country than anything else during the election campaign. If you want to test the attitude of the public you just go out there and mention those two items. We have been given a mandate to come to this House and deal with those issues because they were very important issues in this election.

SUSPENSION OF STANDING ORDER 10(2)

HON. DENNIS H. FOSTER: Mr. President, if it is the desire of the House, Sir, and in accordance with Standing Order 82, Standing Order 10(2) I would like to move that we suspend Standing Order 10(2) to allow the House to go on and complete the business, Sir.

MR. PRESIDENT: The motion is that in accordance with the provisions of Standing Order 82, Standing Order 10(2) shall be suspended in order to enable the House to continue, and hopefully complete its business this evening. Does any Honourable Member wish to speak. I will put the question.

QUESTION PUT. AGREED. STANDING ORDER 82, STANDING ORDER 10(2) SUSPENDED

MR. PRESIDENT: In that case Standing Order 10(2) is suspended. The Member who was speaking the Honourable Fourth Elected Member of Executive Council may continue and we will continue business hopefully until we finish it this evening.

HON. VASSEL G. JOHNSON: Mr. President, stones are always being thrown at me. I do not know why. I do not know what I have done to anyone. However, reference was made to a Member who had retired and draws $100,000 in addition to his drawing $30,000 a year pension. Mr. President, I take it that that Member they were referring to, or the First Elected Member for Bodden Town was referring to was me. He said that during the eight years they had made conditions so attractive in the Civil Service for members of the service. Now the only thing that they could have made very attractive, Mr. President, was in January this year when they gave senior officers a very large increase in salary. I accept that, but if they are talking about what they did over the past eight years let me tell them that the attractive benefits which Civil Servants received over the years were ten years ago in 1974, when there was a complete re-structure of the salaries of the Civil Service.

MR. JAMES M. BODDEN: A point of order, Mr. President. That statement is entirely incorrect as the Member well knows because about five or six years ago, I think it was, the Civil Service came to the point to where we were faced with a date on which they would strike. That Member at the time along with the Chief Secretary was conducting the negotiations with the Civil Service Union and getting nowhere until a few Members of the House, I would say intervened and assisted with it. An immediate 10 per cent increase I think it was voted and agreed to by the Civil Service Union on the condition that someone be brought out from England to do a complete study. A complete study was done and the Civil Service received a certain amount of salary retroactive as well as better conditions.

The Member is quite aware of this so he is not telling the truth.

MR. PRESIDENT: I am not really sure that that was a point of order but I was waiting to see until the end since it is over.

HON. VASSEL G. JOHNSON: I was very generous, Mr. President, in not stopping him because I did not think it was a point of order either.

Anyway I was Financial Secretary of Government at the time and I am quite aware of what happened then. However, that did not contribute all that much to the pockets of Civil Servants. I am talking about real benefits in terms of cash and the benefit which Civil Servants received was ten years ago in 1974. That is what kept the Civil Service together. The five years-ago-situation was more or less a review of the Civil Service salary and adjustments because of certain points which they raised which the Government thought were unreasonable.

Mr. President, going back to the point which I was mentioning I am not aware of receiving $100,000 any time from the Government. That is number one. If the Member wanted to know what amount of money I received he could very well know too, just as he knows other things. The $30,000 a year which he said that I am drawing is not so at all because I am drawing a reduced pension. Mr. President, let say this. I am not drawing one penny more than any other Civil Servant who has retired from that Civil Service. I am not given any special favour in anything at all.

HON. VASSEL C. JOHNSON (CONTINUING):
When I was leaving I was given one year's pre-retirement leave and, Mr. President, that is a small portion of all the leave which I lost in that Civil Service. I did not take all my leave. I remained in the Civil Service, and I did things which were beneficial to the Government and the country. The Government on its own offered to give me that one year's pre-retirement leave, and it was not only me alone. Five officers were awarded the same thing. I do not know why they should single me out.

Mr. President, there is a pension scheme under a Pension Law which sets out the method in which pensions are calculated. So everything is done under the provision of the Law; not what somebody chooses to give someone.

Mr. President, we heard this afternoon talk about a Speaker of the House. The first time that I heard any mention made of Speaker of the House was in March, 1993, at a Meeting of the Legislative Assembly, the last one before my retirement. The same Member, the First Elected Member for Bodden Town was speaking and I must say that he threw bouquets at me. I thank him for that. You know what he said, Mr. President. He said that"Mr. Johnson is leaving. I understand that he is going to run in the 1994 election and if he does not win a seat", I have not got the words before me but something to the effect that if I lose my seat in 1994 he would be recommending that I be appointed Speaker of this House. It is the only time I heard about the Speaker of this House so where it came from today I do not know. Anyhow, events did not turn his way, Mr. President, and I am back in the House now so the question of Speaker is out.

Mr. President, I do not want to delay the Meeting of the Assembly, because we have some other business to conclude and I would like very much to leave this afternoon. I have a lot of other things to do tomorrow. So I would recommend, Mr. President, to the Members of this Assembly, even to those who oppose the Bill, because I think they themselves saw some merit of it. Of course you know opposition is opposition and they have to show their true colours over on the other side. I would ask all the Members, Mr.President, to give their support to the Bill because if an amendment comes back here I am sure that they are going to agree to it too.

Thank you very much.

MR. PRESIDENT:
Does the mover wish to exercise his right of reply? Oh, sorry does any other Member wish to speak? No. Does the mover wish to exercise his right of reply?

HON. DENNIS M. FOSTER:
Mr. President, in an effort to save time, Sir, I will forego that option. (LAUGHTER).

MR. PRESIDENT:
In that case the question is that a Bill entitled a Bill for a Law to Amend the Parliamentary Pensions Law, 1984, be given a Second Reading.

QUESTION PUT:

AYES AND NOES.

MR. C. HAIG BODDEN:
Mr. President, may we have a division please?

MR. PRESIDENT:
Yes.

DIVISION

AYES	NOES
Hon. O.H. Foster	Mr. James M. Bodden
Hon. Michael J. Bradley	Mr. G. Haig Bodden
Hon. Thomas C. Jefferson	Mr. John B. McLean
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Charles L. Kirkconnell	
Hon. V.G. Johnson	
Mr. W. McKeeva Bush	
Mrs. Daphne L. Ornett	
Mr. Linford A. Pierson	
Mr. D. Ezzard Miller	
Capt. Mabry S. Kirkconnell	
12	3

MR. PRESIDENT: I declare the motion carried, twelve votes to three.

BILL GIVEN A SECOND READING.

MR. PRESIDENT: The House will now go into Committee to study a Bill entitled the Development and Planning (Amendment) Bill, 1984, and other Bills.

HOUSE IN COMMITTEE

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1984

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. REPEAL OF SECTION 35(a) OF LAW 26 OF 1971.

MR. CHAIRMAN: The question is that Clause 2 stand part of the Bill. Unless any Member wishes to speak, I will put the question.

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

DIVISION

AYES	NOES
Hon. D.B. Foster	Mr. James M. Bodden
Hon. Michael J. Bradley	Mr. G. Haig Bodden
Hon. Thomas C. Jefferson	Mr. John B. McLean
Hon. Benson O. Eburne	
Hon. W. Norman Bodden	
Hon. Charles L. Kirkconnell	
Hon. V.G. Johnson	
Mr. W. McKeeva Bush	
Mrs. Daphne L. Ornett	
Mr. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
12	3

MR. CHAIRMAN: I declare the motion carried, twelve votes to three.

CLAUSE 2 PASSED BY MAJORITY.

CLERK: A BILL FOR A LAW TO AMEND THE DEVELOPMENT AND PLANNING LAW REVISED.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: A Bill for a Law to Amend the Parliamentary Pensions Law, 1984.

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1984

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - AMENDMENT OF SECTION 1 OF LAW 9 OF 1984

MR. CHAIRMAN: The question is that Clause 2 stand part of the Bill. The Elected Member for East End asked earlier if I would give permission under the appropriate Standing Order, Standing Order 52(2), for him to move an amendment without due notice having been given. I now give the necessary leave.

Have Members been given copies of the amendment yet?

MR. JOHN B. McLEAN: Yes, Mr. Chairman.

MR. CHAIRMAN: So perhaps you would just like to read it out then and speak to it.

MR. JOHN B. McLEAN: Mr. Chairman, I would like to move an amendment to the Bill before us, an amendment to Section 2. It will be an addition to the end of Section 2 reading "being a day not later than the 31st March, 1986".

My reason for this, Mr. Chairman, is that I feel that if we put a date rather than to leave it the way it is, other Members and myself would be assured that it will not just be put away for ever but it will be brought back within a period, which would give the Government time as they have requested to study the Law thoroughly.

MR. CHAIRMAN: The amendment proposed then is that the words "being a day not later than the 31st March, 1986" be added at the end of Clause 2 after the word "appoint".

MR. JAMES M. BODDEN: Mr. Chairman, I would like to propose another amdnment in addition to that one if I could have your permission.

MR. CHAIRMAN: I must just look up what the rules are about amendments to amendments. I can remember that there were complications about this. There seems no problem under Standing Order 27. An amendment to an amendment may be moved. So you are seeking leave in accordance with Standing Order 52(2) to move an amendment to the amendment?

MR. JAMES M. BODDEN: I would like to add to that "with benefits retroactive to 1st January, 1986, to those who have qualified".

MR. CHAIRMAN: The additional words would come in in the middle of the amendment after the word "1986" I would imagine. Would they? I think they would have to. Have you got the Member for East End's amendment in front of you? Would the words you are suggesting be inserted after the word "1986"? Is that right? Yes. Could I just have it again.

MR. JAMES M. BODDEN: "with benefits retroactive to 1st January, 1986, to those who have qualified".

MR. CHAIRMAN: Very well then. What is now moved is an amendment to the amendment such that the words "with benefits retroactive to 1st January, 1986, to those who have qualified" be added after the word "1986" in the amendment which was proposed by the Elected Member for East End.

MR. CHAIRMAN (CONTINUING): What we have first to discuss is solely the amendment to the amendment. We would later pass to discussing the amendment itself either as amended or not and eventually to discussing the Clause. So just so Members are quite clear the first subject for discussion is simply the proposed addition of the words "with benefits retroactive to 1st January, 1985, to those who have qualified". Does the mover wish to speak to his own amendment first?

MR. JAMES M. BODDEN: Well, there is very little I can say to this other than I feel that the intent is into the Law and I believe the intent is into the Members here to try to do something about this. I do not think that we should take away the benefits of those who have qualified and extend that down to March or to a time which we will never know. I feel that they should receive whatever benefits which they are going to get as the intent was in the original Law from 1st January. If anyone speaks against it I will say much more, Sir.

MR. CHAIRMAN: Does anyone else wish to speak?

MR. LINFORD A. PIERSON: Yes, Mr. Chairman, I fully support the motion which has been made by the Elected Member for East End because...

MR. CHAIRMAN: Only speak at the moment to what the First Elected Member for Bodden Town has proposed. You will get a chance on the Elected Member for East End's motion in a moment.

MR. LINFORD A. PIERSON: Which motion are we dealing with, Sir?

MR. CHAIRMAN: We are dealing with the suggestion that the words "with benefits retroactive to 1st January, 1985, to those who have qualified" be added and we are only dealing with that at the moment. If we do not deal with one bit at a time we get in a terrible tangle. We get in a bad enough tangle anyway. That is the one bit. All we ask you now to say is do you support that proposal or not.

MR. LINFORD A. PIERSON: Yes Sir, most certainly. I think that that is reasonable that the Members should not suffer, those who qualify at the 1st January, 1985, and I would support that motion.

MR. CHAIRMAN: Does anybody else wish to speak to this?

MR. G. HAIG BODDEN: Yes, Mr. Chairman. I support the amendment to the amendment which will make the benefits retroactive to 1st January, 1985. It is reasonable and so far there has been no objection or very little resistance to payments being made under the Bill. This was something which was not too clear at the introduction of the Bill, but now that I gather that all the Members of Executive Council are anxious to make the payments under the Bill, I would say that this is a timely amendment. It is reasonable to make it, because the beneficiaries under the Bill have built up an expectancy of receiving payments from the 1st January, since the Law had been in effect since May of 1984. I fully support the amendment to the amendment.

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

HON. BENSON O. BRAINES: Mr. Chairman, I think the Government Bench has made its position clear that the Law will be revised as speedily as possible and benefits would accrue. I am not sure from a strictly legal point of view that this would be the proper place to put any retroactivity into the Law. Furthermore, I do not see with the assurance which Government has given why this is necessary to the amendment. I can see that it gives a time frame. On the other hand...

MR. CHAIRMAN: If I can just interrupt you for a moment. We are only dealing at the moment with retroactivity. We are not dealing with the 31st March, 1985 proposal. That comes later.

HON. BENSON O. BRAINES: Mr. Chairman, certainly as to the legal aspect of that part of it going in I would question...

MR. JAMES M. RODDEN: Mr. Chairman, could we ask the Honourable Second Official Member whether this is his interpretation would be legal then and assure the Member whether we can clear his mind on that point.

HON. MICHAEL J. MADDEN: Mr. Chairman, Sir, I am thinking about the amendment to the amendment being passed and going in as part of Section 1 of the Law which is already enforced. I think that a proper place for such a back-dating of the benefits under the Law when it eventually comes into force, would be a separate section in the substantive Law itself and not in the Short Title and Commencement Section. If it was determined by Government that there should be a back-dating of the benefits under the Law whenever it is considered further, then I would be available to draft for the Government benches an appropriate Clause to add to the substantive Law which is already on the Statute Book. I do not think it should go in as an amendment to Section 1 of the Law. I am referring now to the amendment to the amendment.

MR. JAMES M. RODDEN: Mr. Chairman, 1st January, 1985 was in the original Law which was passed and it was vetted. I do not think we are really asking for anything out of the way here. I am quite prepared to hand that this be put in another section of the Law, but I am not prepared to let it just sit this evening. We are in the Committee stage now and I am prepared to have an amendment to the amendment. I am prepared to stand on my record on it and argue it out whichever way we go. I think, however, we should have it in some section of the Law, and I am quite prepared to hand to put it in another section. I am certainly not prepared to easily give up on the point of not having it inserted in it.

MR. CHAIRMAN: I think if I may suggest it, perhaps procedurally the best way of achieving your object in view of the Honourable Second Official Member's advice is to withdraw the amendment to the amendment, and when we have dealt with the Elected Member for East End's amendment and with Clause 2 then to propose the addition of a third Clause to the Bill. This would be a Clause dealing solely with your point and would be a new section of the substantive Law.

MR. JAMES M. RODDEN: I am quite willing to accept that provided that we can deal with it after we are through with this one.

MR. CHAIRMAN: The procedure is that there is no reason why we cannot and it does seem to me that it will...

HON. MICHAEL J. BRADLEY: If I may say so, Mr. Chairman, with respect. Even on the basis of that procedure I would not like to be a part of a rushed Committee Stage amendment. I can foresee complications. If for instance between the date of this amending Bill, if there were such being brought here and the Bill as amended coming into force; if between the 1st January and the date of the Bill coming into force, a person who was alive and eligible on the 1st January had died, we would have to make special provision for circumstances such as that. So a person would be entitled as if he had been alive, if you follow me. There are a number of matters which, if it is rushed, may be overlooked and may cause complications later on.

MR. JAMES M. BODDEN: Mr. Chairman, we have been rushing and complicating so many things in the last few weks that if we were to write this into the law and a person was lucky enough to live until the 31st January. If it was deemed that he qualified on the 1st then you would not owe him or somebody a month's pension. I cannot see that breaking the Government in view of the other expenditures that we are making. Also I cannot see where the few people who are qualified, every one of them is going to die, I hope not, by the time this would come into effect. So I really cannot fully accept that argument either.

MR. G. HAIG BODDEN: Mr. Chairman, it would seem that if we withdraw the amendment to the amendment which has been proposed and put it forward as an amendment to Section 3 of the original Law which is the Section dealing with the time when the payment is due, we would achieve what we want to achieve. My microphone seems to have gone.

MR. CHAIRMAN: Well it might be an amendment to section 3 of the original Law, or it might be an entirely new section. I would suspect that the Honourable Second Official Member would prefer an entirely new section.

HON. MICHAEL J. BRADLEY: Again I think that this is an example, Mr. Chairman, of the danger of rushing in, because Section 3 refers only to parliamentary pensions and not to Executive Council pensions. So you would be providing back-dating in respect of one type of pension under the Law but not for the other.

MR. JAMES M. BODDEN: Mr. Chairman, suppose we suspend the House for thirty minutes while we prepare an amendment for it.

MR. CHAIRMAN: I think the point being made by the Honourable Second Official Member is that any amendment which he had to draft whether it was in thirty seconds or thirty minutes this afternoon, he could not guarantee that it would be wholly satisfactory. On the other hand it is presumably possible to draft very quickly something which does cover most of the cases and does cover the general point being made.

MR. JAMES M. BODDEN: Mr. Chairman, if this would simplify matters I will withdraw my amendment, providing that we can get an agreement from the House to let the amendment pass which has been proposed by the Elected Member for East End and that the retroactivity would take effect as from the 1st January. If we can get that type of an agreement I would be willing to not complicate matters...

MR. CHAIRMAN: Are you suggesting that if the Government bench agreed that when the substantive Law is amended in the sort of sense which they will propose after they have had a chance to study it, that one of the amendments they then make will be to make payments retroactive to the 1st January. If they would give an undertaking that they would propose that...

MR. JAMES M. BODDEN: Yes Sir. If we can get that undertaking I am quite prepared to withdraw the amendment.

MR. D. EZZARD MILLER: Mr. Chairman, I cannot support the motion, Sir, as I am opposed to parliamentary remedies in principle, Sir.

HON. VASSEL G. JOHNSON: Mr. Chairman, I cannot support that motion either, and I understand from other Members of the Government bench that they are not going to support it.

MR. JAMES M. BODDEN: Well then in that sense, Mr. Chairman, I would ask that my amendment stand and that I be allowed to debate the amendment.

MR. CHAIRMAN: That is that your amendment to the amendment stands? Yes. Well in that case what we are discussing is the amendment to the amendment which is the retrospectivity. Does any Member wish to speak further on that? If not I will put that question. The question is that the amendment to the amendment stand.

MR. JAMES M. BODDEN: Mr. Chairman, I certainly have the right in view of the fact that Members are not willing to accept any compromise on this to debate my amendment.

MR. CHAIRMAN: I just asked if any Member wished to speak. So if you wish to speak you can.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, how can he debate something which has not yet been accepted?

MR. JAMES M. BODDEN: That is not right. You can...

HON. CAPT. CHARLES L. KIRKCONNELL: I am asking, Mr. Chairman, how can the Member demand time to debate something which has not been accepted?

MR. JAMES M. BODDEN: Mr. Chairman, I put an amendment and...

MR. CHAIRMAN: May I speak please? The First Elected Member for Bodden Town has proposed an amendment to the amendment put forward by the Elected Member for East End. He did say other Member is entitled to speak to his amendment. Now I am not quite sure what he meant by "debate it" but I take it he meant speak to it. He is certainly entitled to do that. (Pause). Sorry, were you going to speak to it?

MR. JAMES M. BODDEN: Yes Sir. Mr. Chairman, I fully support the amendment which was circulated by the Elected Member for East End. However, having seen the attitude of the House, Official as well as Elected, I think I rather by this time that not even that amendment stands a chance of being accepted, in which case we are left with a dead piece of legislation; because even to put out a compromise to see if they would accept it in the sense of arrears, if one Member or two Members are qualified during that

MR. JAMES M. BODDEN (CONTINUING): period that they would receive their rights retroactive from 31st March. 1st January, 1985 is no magic number in this Bill or in the amendment because it was originally passed to come into effect as of 1st January, 1985. I think that by this time the three Members who have stood in opposition to this can readily see as well as the people who are in the gallery, and the people who will eventually know about this on the outside: that there is not good intent in any of the Members of Government or in the other Elected Members to bring this into effect any time in the near future. The intent has strictly been to put this piece of legislation back on the shelf and we will never hear anything about it again. I think that this is showing complete disregard for everything that has ever been built up in this country. Mr. Chairman, the amendment to the amendment which I proposed was to bring this into effect, or agree to bring this back to the House by 31st March, 1985, and asking that it be retroactive to 1st January. Now I cannot see any difficulty at all there if a person was to die and if they had 30 days where they would have qualified, or that the Government could not afford to pay that to the widow or the child or whoever else it was.

I honestly at this point feel that the Members of this House except the three who have spoken in opposition of it have no good intent to do anything about this other than to just put it away on the shelf some place. It is only showing to me that what we have spoken about in regards to the indifference of the Members to the other Members who have served here before is quite prevalent, and that that is the intent. Also it shows that they have no idea of ever doing anything about this to help the Members who have already qualified and have served for a long time. We do have Members who were in the last House like Mr. Craddock Ebanks and Miss Annie Bodden who served this country for many, many years. In the case of Mr. Ebanks I think that he served the House for about 32 years. In the case of Miss Annie Bodden I think that she served for about 20 years. Now we have just with these two Members a combined time of service of over 50 years and that is a long time to have served in the House of Representatives in any country. I think that Winston Churchill probably had one of the longest records in the Commonwealth. We also had another Member who is now deceased who served, I think for about fifty years in the House. A combined service of over fifty years between two Members is definitely a very long time to have served one's country During the time that these Members served, in the case of Mr. Ebanks I think that he served back in the old days of the Vestry when there was little or no monetary payment at all. I think I have sat in the Committee room along with many other Members of this House and heard Mr. Ebanks explain and speak about the many hardships which he endured over those many years.

For us with good intent to have passed a Law which would have given him a pension and now when Mr. Ebanks has resigned or given up his seat in the last election voluntarily, did not stand for election with the expectancy which has built up that he would be eligible for a small pension. I have not really researched it to find out what amount Mr. Ebanks would qualify for but I am sure it would not exceed $700 a month. To think that

MR. JAMES M. BODDEN (CONTINUING) - this House would be willing to just sit here and hold a special session to keep that man out of a pension seems to me to be a bit ridiculous. The man served, I think 30 or 32 years as a Legislative Assembly Member. I think he was about five and a half years in the Royal Navy. Again, we cannot take that into consideration as far as a pension is concerned here. I am only speaking about what the man has done for his country. He served about one and a half years in the police force of this country, and generally has helped the country in many, many different ways. Now we have a man who is up in his seventies. The years of youth have gone from him at this point, and in his declining years for us to sit here in judgement which is literally what we are doing, and say that his service to the country is not recognised; he has not done anything other than we have seen fit to award him an M.B.E. which he can take to the store to see what he can buy with it. I really cannot figure out what the Members of the House are thinking about.

In the case of Miss Annie Bodden. I did not agree with Miss Annie all the time. In fact we had many differences of opinion, but that is what, in my opinion, makes up a good Legislative Assembly, to have two different opinions. I certainly would respect here. Here this lady has served for a very long time, be it as an Elected Member or be it as a nominated Member. I am sure that some of the Members will be quick to jump to the point that she did not serve all those years as an Elected Member, but that she did serve some years as a nominated Member. I do not think that there is anything in the Pensions Law which will cover her or anyone else as a nominated Member. However, after all the service was given to the country, and she gave it to the best of her ability. Now again, when the lady is approaching four score years instead of the biblical three score years and ten, we find that she, although she may wish at this point, that she had not stood in the election: at least with her good determination she did stand in the election. She did not win the election, so she is not back here in the House. For us again to sit here with her many, many years of service to the country, her dedication to everything which she believed in; her determination to fight for a cause, and to find out that some hypocrites have sat here and have seen fit to do her out of a pension which in my opinion is justifiably here, I think we do a disservice to the country.

One Member spoke a while ago in regards to the benefits to the Civil Service; the pension received by Civil Service members. To qualify for a pension in the Civil Service I think it takes ten years. That can be earned by probably five years one time: leave the Civil Service and go to work for someone else for ten years; come back in and serve another five years. Now where is the major difference between having served in the Civil Service and having served as a Member of the Legislative Assembly? The pay is a lot different. The other benefits are certainly a lot different. So there are other benefits which are accruing to the Civil Service, and the Civil Service has in the past few years received a lot of benefits which they did not get before.

Referring back to what one Member said a while ago when I had to correct him, he is well aware of the benefits which have accrued in the last few years. He knew quite well that the Civil Service of this country at that time had not to the point where he and his colleague could not deal with it any longer. They had got to a stalemate and we were headed for a strike for the first time in the history of the country, the first time a strike was ever considered by the Civil Service. We were right up to the point where within a few days we would have had it, if we had not agreed to give additional benefits. He has been the

MR. JAMES M. BODDEN (CONTINUING): recipient of those benefits as well as many others and I...

HON. VASSEL G. JOHNSON: Mr. Chairman, I do not see what those points have to do with this amendment before us.

MR. CHAIRMAN: I think we are straying a bit far from the amendment. We...

MR. JAMES M. BODDEN: Mr. Chairman...

MR. CHAIRMAN: We are in danger of turning this into another second reading debate. Committee stage procedure really is not intended to embrace long speeches of the kind which you are now making.

MR. JAMES M. BODDEN: Mr. Chairman, if I may refer to myself. I have been in this House for twelve years, and during that time I spent four years in opposition as well as four years on the Government bench. I am quite aware of the facts on amendments and we can go back and check the Hansards of this House. As far as I am concerned I do not believe that there is a rule in the Standing Orders of the House where a debate can be cut on an amendment. We can go back and search the records and find that on amendments and amendments to amendments there has been discussion sometimes for many hours. So I have my constitutional right to speak on this amendment as long as my tongue can hold me out to do so.

MR. D. EZZARD MILLER: Mr. Chairman, could I bring your attention to Standing Order 38(1). I am not sure if this applies to Committee Stage, but it does provide for closure of debate. If you would so allow I would move that the question be now put.

MR. G. RAIG BODDEN: Mr. Chairman, the question can now be put at any time, but I hope democracy is not departing from this House, and we are going into communistic rule.

MR. D. EZZARD MILLER: That is not my intention, Mr. Chairman, but I think that the speech is redundant, because we have heard most of the things already this morning in debate on the general Bill.

MR. JAMES M. BODDEN: Mr. Chairman, I do not believe that it is redundant at all. I think that we are dealing with a very important issue here and that we should see the intent. The intent by Law...

MR. CHAIRMAN: I think you have had a fair go. I think...

MR. JAMES M. BODDEN: Well I would say then, Mr. Chairman that if you use this section of the Standing Orders I agree with my colleague that democracy has not only fled from the Islands as a whole, it is now fleeing from the House.

HON. VASSEL G. JOHNSON: Debate in a Committee is controlled by the Chairman under parliamentary procedure, and you can call on the Member whenever you think he has gone too far, to come to the end of his debate.

MR. CHAIRMAN: Well that is what I was hinting to him that he should do. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. Chairman, since I had also mixed feelings about the ....

MR. CHAIRMAN: Are you speaking to the motion under Standing Order 38(1) or are you speaking to the amendment to the amendment?

MR. LINFORD A. PIERSON: Are we accepting the motion under Standing Order 38(1) now, Mr. Chairman?

MR. CHAIRMAN: Well, we are discussing it at the moment.

HON. MICHAEL J. BRADLEY: It has been moved, Sir, has it? I was not clear.

MR. CHAIRMAN: My understanding was that the Member concerned was asking whether he could move it. Frankly my concern is Standing Order 38(1) gives me a discretion as to whether to allow him to. That is my understanding of it, unless it appears to me that the motion is an abuse of the rules of the House or an infringement of the rights of the minority. Well, my concern had been that there are one or two Members who have not had an opportunity of speaking to the amendment to the amendment who might wish to do so. I do think that the mover has had a fair go. However, if there were others who wished to speak briefly to make their position clear then I should wish to allow them to do so.

MR. JAMES M. BODDEN: Mr. Chairman, I would like to claim my rights under Standing Order 38(1). If you should decide to call for a vote to put an end to my arguments for my amendment you are infringing on the rights of the minority in this House. In my opinion that should not be done. Democracy should have its way. We have a majority and we have a minority. I have been in the majority position and I am now in the minority as when I started out.

I claim my rights to speak as a Member of the minority group in this House of Representatives on behalf of my people. In this particular case with this amendment, I am speaking again for the rights of the people of my district and of the people of these Islands. In my own district there are several members who would qualify for the rights which we are attempting to take away from those people today. Mr. Chairman, I do not think that this House should be known as a House which has called for a closure of debate on such an important point as the amendment to the amendment which I propose.

I gave every opportunity to Members to be willing to agree to a sensible thing. However, I find that the intent, and this is the main argument which I am putting up, is not a good intent, and that the Members of this House who are in the majority position have no intention to ever bring this Law into effect. They have no intention to ever show thier respect for the Members of the House who have qualified under the Law which was brought into effect and which was passed by democratic rule in this House in May, 1984. It was gazetted and was due, only waiting to become operational, because of the operational date being 1st January, 1985. I claim my rights under that if I have to say it as an individual. I am not arguing for my own rights, because I have a little while yet to go before I am 55 to qualify. I do not intend to step down unless God takes me out of it, and I intend to be arguing for a long time. In fact in the next election I may go and stand in West Bay.

However, be that as it may, Mr. Chairman ....

MR. W. McKEEVA BUSH: You cannot win there.

MR. JAMES M. BODDEN: I am go there. Do not worry about that. Be that as it may, Mr. Chairman, I have a democratic right and I do claim it under Standing Orders 38(1) to defend my point of view in regard to the vested rights which the past legislators of this country have coming to them. I do not...

MR. CHAIRMAN: If I may interrupt you now for a moment. You do indeed have that democratic right, but I have the distasteful task of deciding in my discretion at what stage you have been given a full and proper opportunity to make your point. (Interruption). No let me finish. I think you have had quite a reasonable opportunity. You were able to speak at some length during the second reading debate. I allowed you to introduce without the normal notice having been given, an amendment, which you did not have the absolute entitlement to do. There should be two days' notice given. Also I have allowed you to speak at very much greater length than is customary during Committee Stage discussion in order to get your point across. It does now seem to me that you have had a proper, reasonable, democratic opportunity of getting it across and that to allow you in the course of Committee Stage discussions to go on indefinitely would be to open the way to filibusters in the House such that the House might never complete its business. I do not think that that would be right.

MR. JAMES M. BODDEN: Mr. Chairman, you spoke about me having my rights and that you did not do anything to bring my debate to a close on the second reading of the Bill. Now I would like to get one thing firmly established in this House today. This is our first formal sitting other than the Swearing In Ceremony and I hope that we are not going to have to stay here the next four years or however long you may remain here, or however long I may remain here with the sword of Damocles hanging over our head in regard to the second reading of any Bill.

I have been in this House for twelve years, and when the opposition of 1972 to 1976, my colleague and myself spoke here sometimes for days on a certain point. There has never been any closure brought on us. No closure has been brought on any other Member during the last eight years in regard to the second reading of a Bill, and I would hope that it is not the intent of this House from the Elected side to force you to bring a closure, or from your point to bring a closure on the second reading of a Bill. I also stand on my democratic rights again. I know the Standing Orders call for two days notice in regard to an amendment. However, it is difficult many times in discussing amendments here to think of things on the spur of the moment. You think of things on the spur of the moment that would be helpful rather than standing on the formal two days.

MR. CHAIRMAN: I accept that which is why I...

MR. JAMES M. BODDEN: We have never had a closure on debate. We have never had an amendment to an amendment rejected just because it did not come in during the two day period. I think, Mr. Chairman, you would not be fulfilling your democratic role in this country if you were to bring closure on my discussion on an amendment to an amendment to a very important Bill like this.

MR. CHAIRMAN: I understand your position, but I am not sure that other Members will necessarily agree.

MR. JAMES M. BODDEN: The other Members are not going to agree, because everybody is getting anxious now and wants to get out for supper. My point is that this is more important than supper, and we should stay here until midnight or longer if necessary, but get something substantial worked out. Every bit of our argument and discussion which we have put out in regard to this is to naught if we cannot get some assurance that the Government bench intends to do something, and to stand by what was originally the intent of this House in regard to Members who had served in the House of Representatives.

MR. CHAIRMAN: The Honourable Second Elected Member of Executive Council first caught my eye.

HON. W. NORMAN BODDEN: Mr. Chairman, I think in the debate of this Bill throughout this sitting it was borne out quite clearly that no one has any intention to deprive anyone who might have a legitimate claim to this session. I believe that the setting of dates can be restrictive and conflicting, and I feel that what is being put forward is a display of a lack of confidence and trust in the Government bench. In principle I cannot support the amendment.

MR. JAMES M. BODDEN: Well I think that is an important point.

MR. CHAIRMAN: The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Yes, Mr. Chairman, I basically was going to say the same thing. In fact the debate on the amendment to the amendment seems to surround people; be laced with phrases like "people sitting in judgement", "hypocrites sitting in this House" and what not. As far as I am concerned I have sat down and said nothing about it, but it is an infringement of Standing Order 35(3) and (4). I support the view just expressed by the Honourable Second Elected Member of Executive Council as to...

MR. G. HAIG BODDEN: Mr. Chairman, I thought that the debate was on the closure motion not on the amendment to the amendment.

HON. W. NORMAN BODDEN: Mine was directed to the amendment.

MR. D. EZZARD MILLER: Mr. Chairman, am I correct in saying that there is no motion? Because I cannot make a motion unless you allow it under that Section.

MR. CHAIRMAN: I think that is so, yes. I have not yet allowed it because my concern was that one or two other Members might have wished to speak. I did, however, think that the First Elected Member for Bodden Town had had a fair go.

HON. VASSEL G. JOHNSON: Mr. Chairman, on the question of whether...

MR. CHAIRMAN: Unless you have got a point of order the Honourable First Elected Member of Executive Council was in the middle of a speech when he got interrupted, or was speaking. Was yours a point of order? No.

HON. BENSON O. EBANKS: Mr. Chairman, I was finished. I was basically saying that my position was that my word is my bond and I am not a hypocrite so I do not need to be...

MR. CHAIRMAN: Well in that case the Second Elected Member for George Town caught my eye earlier. I think that he has not had an opportunity to contribute to this.

MR. LINFORD A. PIERSON: Mr. Chairman, my only contribution was that this morning I made it abundantly clear that my support would be conditional on some type of time frame being placed on the re-introduction of the Bill. Not because I distrust the Members of Executive Council because I do not. I have every confidence in them. However, I do know that because of many pressing commitments at this time the re-introduction may take quite a long time and this is why I think I was the first Member this morning to recommend a time frame. I feel that I could not in good conscience support the passage of this Bill without some type of time frame being placed on it.

MR. W. McKEEVA BUSH: Mr. Chairman, what are we discussing?

MR. CHAIRMAN: I think we are really supposed to be discussing the amendment to the amendment still. I am having a little difficulty in keeping control of the Committee but that is...

HON. BENSON O. EBANKS: Which his filibustering...

MR. CHAIRMAN. We are discussing the question of whether benefits should be retroactive to the 1st January, 1985. So I think unless any further...

MR. G. HAIG BODDEN: Well, Mr. Chairman, I do not think that I have made my contribution to that because...

HON. VASSEL G. JOHNSON: Mr. Chairman, I did ask for an opportunity to say a few words you know, and I have not been...

HON. BENSON O. EBANKS: I think we are getting into the filibustering stage now.

MR. JAMES M. BODDEN: Mr. Chairman...

HON. VASSEL G. JOHNSON: Mr. Chairman, I wanted to make this comment that the length of debate on what would be termed an important issue should not be deprived. However, the debate which I have heard on the amendment to the amendment is a repetition of what we have heard today. This repetition can go on for an exceedingly long time.

MR. CHAIRMAN: That is the point which I was making. You are quite right and that is why I was having to get to the point of putting the question of whether the amendment to the amendment would stand.

MR. JAMES M. BODDEN: Mr. Chairman, could I catch your eye?

MR. CHAIRMAN: As long as it is not another long speech.

MR. JAMES M. RODDEN: Well I assure you I will not be winking. One of the Members just spoke, I do not remember which one it was, and said something about lack of confidence and trust. Now, Mr. Chairman, let us face it we would not be in this House at this time of the evening if it was not for the lack of confidence and trust. We have two definite opposing views in this Assembly and this makes for good democratic government. We may even have three different opinions. I do not know. I am sure that we have not four if we included the feelings of the Honourable Official Members because I know that they agreed with what was done in May, 1984. They are only here now because under collective responsibility they have been forced to do something which they did not want to do. It would have been fair maybe if they had been allowed to vote as their conscience dictated on this. If you had released the three Honourable Official Members and let them vote their conscience, maybe we would not have been in the House this long this evening. So there definitely is an established pattern and argument for lack of confidence and trust because here the House has definitely taken away an inherent, established right which has been democratically bestowed on fourteen people, I think it is at the present time, under a Law which was justifiably passed in this House.

So if the Members when we gave them the opportunity had given us an assurance they would do so and so; as we in the last Government when we were called on by the opposition at that time had done. To save time we said, "Sure, we will give an assurance that we will do so and so". If these Members in Executive Council who really are the Government representatives at this point have good intent; now I know we always hear the old saying that the road to Hell is paved with good intentions, and that is true, we all have good intentions; but if these four gentlemen sitting over there have good intentions and feel that they can make their peace with their God that what they have proposed here and what they are doing is correct, and that they have nothing on their conscience, then for us to have confidence and trust built up in those four Members, why will they not give this House an assurance? When we pass the amendment which was originally proposed, I will drop this if they will give us an assurance that they will see that any Member who would have benefited by this on the 1st January, 1985, will not lose those rights between then and May, June, July or maybe December of next year when the Law might be finally passed. They will see that the Members whoever they may be who have qualified will get those rights back retroactively. To try to conclude: I am willing to give up on my fight at any time. I am not human yet but maybe they are. Mr. Chairman, we have to be sure that in this Parliament for today, tomorrow and for generations to come the right of the minority is never infringed upon.

That is the democratic principle. It is the cornerstone of democracy and I am appealing to you that the minority in this House will not have their rights infringed upon. I believe that you will stand behind that and I am asking once more: I am appealing to the four Honourable Elected Members of the Executive Council to give this House an assurance that they willing to protect the rights of the people who have qualified under the Law which has passed by this House.

Now if that Law, Mr. Chairman, had never been passed. If we were debating on something that was still a Bill I could see me giving up my point. But we have a Law which was brought to this House. It was circulated to the Members. They had an opportunity to voice fully on it when it came to the House.

MR. JAMES M. BODDEN (CONTINUING): They may not have fully agreed with it but at the end, I am sure the records will bear me out, there was only one Member of the House from the last Session who is here now who really opposed it to the end, the bitter end like I would do. Now I do not remember correctly whether he asked for a division at that point. Maybe he did not. I believe he did ask for a division.

MR. CHAIRMAN: I think perhaps you had better give them an opportunity to say whether they are going to meet you. If they are, well and good. This is on the retroactivity point. My understanding is so far that they have been reluctant to do so. We are not talking at the moment about whether the Law should be brought into effect not later than a certain date.

MR. W. McKEEVA BUSH: Throw it out of the door, Sir.

MR. JAMES M. BODDEN: You can see the intent there, Mr. Chairman. That is just what I am talking about. This is one of the Members who has led this group of elected representatives to the point where they have already made some very bad decisions. Now if that is his intent now and we see he has manifested it to the entire House, how can we have confidence and trust if we cannot get some assurance from some corner. I am glad that he jumped up and said that, because we see the intent at this point.

HON. VASSEL G. JOHNSON: Mr. Chairman, I can assure you that nobody is going to lead me in the wrong direction

MR. W. McKEEVA BUSH: Mr. Chairman, in the first place, Sir, my intention was very clear in my debate. I do not know what the Member is talking about, because my intention was very clear. I do not support parliamentary pensions, and have no intention of supporting parliamentary pensions unless and until such time...

MR. CHAIRMAN: I do not think the Member was here when you spoke...

MR. W. McKEEVA BUSH: Yes, well I am telling him, Sir, so let me tell him then. I do not intend to support it until such time as a pension scheme is brought before this Honourable House for our people. We have hundreds of people who need it.

MR. CHAIRMAN: I think I would see if...

MR. JAMES M. BODDEN: Mr. Chairman, you see this is just what I...

MR. CHAIRMAN: ...the Elected Member for North Side would wish to move Standing Order 30(1) now.

MR. JAMES M. BODDEN: Mr. Chairman, please...

MR. D. EZZARD MILLER: I so move.

MR. W. McKEEVA BUSH: If he needs a seconder I will second it.

MR. G. HAIG BODDEN: Mr. Chairman, before you agree.

MR. CHAIRMAN: No, I have agreed.

MR. G. HAIG BODDEN: I have not had a chance to make a contribution on the amendment to the amendment.

MR. CHAIRMAN: I am very sorry but...

MR. G. HAIG BODDEN: I must take this as an infringement of the rights of the minority, and what is even worse an abuse of the rules of the House. I have not had a chance to say anything at all.

MR. W. McKEEVA BUSH: Mr. Chairman, if everybody is going to talk, Sir, I had not finished. So either you take the Member's motion, Sir, and close the debate or let me finish what I was saying.

MR. CHAIRMAN: No, I am afraid I have accepted the Member's motion.

MR. W. McKEEVA BUSH: I will second it, Sir.

MR. CHAIRMAN: I think he has had a very full opportunity. The question now is...

MR. G. HAIG BODDEN: You mean that it is accepted and I have no chance to speak at all?

MR. CHAIRMAN: ... There will be plenty more chances in this same Clause. Do not worry, and I am sure you will minine to speak on all the points which you wish to cover.

The question now, and this is the only question in respect of which the closure has been put, is that the amendment to the amendment, the wording of which was "with benefits retroactive to 1st January, 1985, to those who have qualified", to be added after the word "1985" in the amendment to Section 2 proposed by the Elected Member for East End, stand.

HON. MICHAEL J. BRADLEY: Mr. Chairman, with respect the motion before the House is that the question be now put. If that is passed do you not then put those in favour of the amendment to the amendment?

MR. CHAIRMAN: You are quite right. I am very sorry. Yes, I am wrong.

MR. JAMES M. BODDEN: Mr. Chairman...

MR. CHAIRMAN: The question before the House then is that the question be now put.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: Mr. Chairman, can we have a division on that? Because I want posterity to know that communism has come to the House.

MR. CHAIRMAN: I do not rule that remark in order but you can have your division.

DIVISION

AYES	NOES
Hon. Michael J. Bradley	Mr. James M. Bodden
Hon. Thomas C. Jefferson	Mr. G. Haig Bodden
Hon. Benson O. Ebanks	
Hon. Norman W. Bodden	
Hon. Charles L. Kirkconnell	
Hon. Vassel C. Johnson	
Mr. W. Mckeeva Bush	
Mrs. Daphne L. Ornett	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
10	2

ABSTENTIONS: Mr. Linford A. Pierson
Mr. John B. Mclean

THE HON. FIRST OFFICIAL MEMBER WAS ABSENT FROM THE CHAMBER AT THE TIME OF VOTING.

MR. JAMES M. BODDEN: Mr. Chairman, you see how important it is to protect the minority position, because we have had a change of heart in at least one Member here where he has abstained. It is very important that we maintain this democratic principle, and therefore, Mr. Chairman.

MR. CHAIRMAN: Please allow the Clerk to announce the results.

CLERK: Ten ayes, two abstentions and two noes.

MR. CHAIRMAN: I declare the motion carried.

AGREED BY MAJORITY THAT THE QUESTION NOW BE PUT.

MR. CHAIRMAN: I take the Member's point that it is very important to protect the democratic principle. Maybe we shall get more abstentions later.

MR. JAMES M. BODDEN: Mr. Chairman, I would like to go on record as being very strongly against your closure of discussion on the amendment to the amendment. I am hoping that it will never happen in the House again. I would like that to be recorded in the Minutes of the House.

HON. CAPT. CHARLES KIRKCONNELL: Mr. Chairman, I would like to record that I support your decision 100 per cent.

MR. JAMES M. BODDEN: Well I would like it recorded that I do not agree with that.

MR. CHAIRMAN: I do not wish to start a debate on

MR. CHAIRMAN (CONTINUING): the division. The decisions which I take can only be questioned on a substantive motion and I think we will leave it at that.

The question now is that the amendment to the amendment stand. I will read it once again so that Members know what they are voting on. It is, that the amendment to Section 2 moved by the Elected Member for East End, be itself amended by the addition of the words "with benefits retroactive to 1st January, 1985, to those who have qualified", after the word "1985".

MR. JAMES M. BODDEN: Mr. Chairman, we are voting now for my amendment, right?

MR. CHAIRMAN: I have just read it all out to try and make it clear. It is for your amendment.

MR. JAMES M. BODDEN: You were not using the microphone close. I did not get all of it, Sir.

MR. CHAIRMAN: I am sorry. Let me read it again in case I was not. Can you hear now? The question now before the Committee is that the amendment to Clause 2 of the Bill moved by the Elected Member for East End shall itself be amended by adding the words "with benefits retroactive to 1st January, 1985, to those who have qualified", after the word "1985". That is the amendment to the amendment put by the First Elected Member for Bodden Town.

QUESTION PUT: AYES AND NOES.

MR. JAMES M. BODDEN: Could we have a division, Sir?

MR. CHAIRMAN: Yes.

DIVISION

AYES	NOES
Mr. James M. Bodden	Hon. D.H. Foster
Mr. G. Haig Bodden	Hon. Michael J. Bradley
	Hon. Thomas C. Jefferson
	Hon. Benson O. Ebanks
	Hon. W. Norman Bodden
	Hon. Charles L. Kirkconnell
	Hon. Vassel G. Johnson
	Mr. W. Mckeeva Bush
	Mrs. Daphne L. Orrett
	Capt. Mabry S. Kirkconnell
	Mr. D. Ezzard Miller
3	11

ABSTENTIONS: Mr. Linford A. Pierson
Mr. John B. McLean

MR. CHAIRMAN: I declare the amendment to the amendment lost.

We now revert to debating the amendment to Clause 2, and if the Second Elected Member for Bodden Town feels he has not had an opportunity to speak yet, he has an opportunity now. However, I must caution all Members that I shall be grateful for their help in ensuring that we conform to the normal practice of the Committee in not making long speeches, but in rather give and take and short discussions. That is the purpose of a Member being able to speak many times.

MR. G. HAIG BODDEN: Yes, Mr. Chairman, I will be brief. I support the amendment put forward by the Elected Member for East End. I am not happy with the way the Bill has gone so far but I realise that a good compromise might be useful. This amendment will, if passed, put an obligation on the House to conclude this matter before the 31st March, 1985. I would say that it is high time that this matter be concluded because ex-Members of the House not only have an expectancy under the Law, but some of them have waited a long time. For example, two of the beneficiaries have waited for nineteen years, and together have put in 456 months of waiting. Another four beneficiaries have waited 98 months each, nearly 100 months each, making a total of 838 months. I think it is time that this matter be resolved.

I would have preferred to see the matter concluded on the operational day of the Law which originally had been the 1st January, 1985, but if this cannot be done, and if the Members will show some leniency towards the amendment put forward by the Elected Member for East End, I will say that I accept the nobility of their actions. They too will benefit because this gives them what the Japanese call a face saving position. They erred a little and I did not want to castigate them for it, but they did err in delaying the operation of this Bill. If they will agree to its becoming operational on or before the 31st March, 1985, I would think that all parties concerned should be happy indeed.

This, Mr. Chairman, would give the Members on this side of the House a feeling that the rights of the minority are not being infringed upon, and would let us walk away with the feeling that there has been no abuse in the rules of the House. This conciliatory action if the amendment is accepted, would be indeed a generous one coming from the Executive Council which was actually portrayed in my mind as sinister a body as the old St. Hadrian of the Jewish faith was, when I saw the atrocious amendment which came before the House. However, now having listened to them I have understood that there is seemingly not too strong an objection to the payment, but they only want to, as it were, get their share of the glory for passing this Bill which some of them objected so strenuously to in May. If this amendment put by the Elected Member for East End can make it palatable enough to them so that they can ease their consciences, and can rest assured that they too have allowed themselves to take into consideration all the mitigating factors surrounding this piece of legislation. They can comprehend the entire reasons for the first introduction of the Law, and they can set what they seek to get in the Bill which they brought to the House, which is sufficient time to re-examine the finer points, and perhaps smooth out any anomalies which they may find, or which they may want to change. I believe that we can go forward in a spirit of peace and goodwill. Not...

MR. CHAIRMAN: Thank you.

HON. C. HAIG BODDEN: Mr. Chairman, were you asking me to continue?

MR. CHAIRMAN: Not really, no. I think you have had a fair go and I think that you are becoming a little repetitive quite honestly. The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. Chairman, I cannot support the amendment, Sir, because as in my debate I was against the principle of parliamentary pensions, I am against the motion.

MR. JAMES M. BODDEN: Mr. Chairman...

MR. CHAIRMAN: No, the Member who caught my eye next was the Second Elected Member for Georgetown.

MR. LINFORD A. PIERSON: Mr. Chairman, I think my comments will now be relevant. In my debate I made it quite clear that I could not support the amendment Bill if it meant that no time limit would be put on its re-introduction to this House or if it meant that it would be shelved indefinitely. I cannot change my position on this, Mr. Chairman, because I feel that the motion before us is a reasonable one: that the 31st March, 1985, gives three clear months within which the Members of Government can examine this Law and bring it back to the House.

My support, therefore, of this Bill will be conditional on the motion before us being accepted as a part of the Bill.

Thank you, Mr. Chairman.

MR. CHAIRMAN: The First Elected Member for Bodden Town. Earlier you caught my eye. Perhaps you no longer wish to speak?

MR. JAMES M. BODDEN: No I wish to speak but I would have given way to someone else so I could make a few more notes.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, we can talk over here occasionally too, Sir?

MR. CHAIRMAN: Sorry?

MR. JAMES M. BODDEN: Mr. Chairman, give him the right. He can take my place, Sir.

MR. CHAIRMAN: You get more than one go. It is Committee Stage. Except that I shall stop all of you before too long. The Honourable Third Elected Member of Executive Council then.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I think throughout the debate we expressed our good intent. However, I think that the other Members should also protect themselves and not find themselves boxed in by a time frame. By this I mean that they need to get the necessary information through the Clerk. They need to study this. They need to go back to their constituents, and I wonder if by 31st March if we do allow this, if this would be sufficient time for them. I would say that we would bring it back as early as possible, but we would like to do it together with their input. I do not think it is right to bring this Bill back to the House until we have all had sufficient time to discuss it among ourselves. I would like to think that the decision, if and when to bring it back, would be a decision by the Legislature and not Executive Council Members alone.

MR. CHAIRMAN: The Second Elected Member for West Bay did catch my eye earlier.

MR. W. McKEEVA BUSH: Mr. Chairman, I cannot support the amendment because as I said before, Sir, I do not support parliamentary pensions until such time that a pension scheme is brought for our people. How can Members of this House sit down here for the whole afternoon talking about who needs a pension when people like Mr. Bill will not qualify even though he was told he would qualify.

MR. CHAIRMAN: The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. Chairman, what I just heard does not surprise me a bit because I guess in his opinion nobody would qualify. We see that is evident. Anyway, Mr. Chairman, the Honourable Third Elected Member of Executive Council said that they should get a chance to speak too, and I would not want him to think that I feel otherwise, because I think everybody's input in this discussion is of great importance. Particularly when it comes from the Members of Executive Council, naturally we have to put more credence to it. It is their democratic right to speak and I would not like for the House to think in any way that there would be any infringement on that. So I go along fully with him speaking on this amendment.

The point which I wish to stress is the intent. It is manifested in this House today that there is no good intent towards the Law. I have to call it a Law, Sir, because it was passed in the proper manner by a majority decision of this House. What we are doing now is putting Laws aside which have been passed and this is not good. This is not good for our country. You are setting a precedent which is going to haunt us all in the future, because the intent is not to treat this Law in the manner which was intended by the previous House. If any House which succeeds another House is going to take this attitude against a Law which has been passed by a previous House then, Mr. Chairman, we are getting to the point where we are getting, I would call it again and this is not meant derogatively, but it is banana republic type rule, because that is what constantly happens there. One Government does something and the next Government repudiates it. This is something which I have long understood which was inherent under the English system. Now if we are departing from that I would like to know before we get much further along in this term. We see, Mr. Chairman, that we do have, and I am glad to see this now, a party rule. In 1976, to 1984 period we were heavily criticised, because we were in the majority and we were instituting a party rule.

Eventually a party system has to come to the Cayman Islands and it has come. It is manifest to myself, my colleagues, and to the people in general that we do have party rule in the House of Assembly. So, therefore, this is my main point, Mr. Chairman. I would not like you to get ready to interrupt me because the intent...

MR. CHAIRMAN: I am getting nearly ready.

MR. JAMES M. BODDEN: Well, I would ask you to remember the minority situation in this House.

MR. CHAIRMAN: You are not using it...

MR. JAMES M. BODDEN: I am asking you to remember the great importance of this Bill...

MR. CHAIRMAN: I do not think that you are really addressing the amendment to Clause 2. You are talking much more at large.

MR. JAMES M. BODDEN: Well, Mr. Chairman, I will preface it by saying that I am discussing the amendment to this proposed Bill and that we have no good intent. We have seen it manifested by the Elected Member for North Side who is a part of the party which is now in power in this country, and he has made it quite plain that he cannot support the Bill. We have heard it from the Second Elected Member for West Bay...

MR. W. McKEEVA BUSH: On a point of order, Mr. Chairman, which party is he talking about; which party system, the Unity Team? That is the only party we have.

MR. CHAIRMAN: I think really the First Elected Member for Bodden Town is arguing against himself, Because on the one hand he suggests that it is a party system,and then on the other he says that half the Members of what I assume is the party are going to vote against it.

MR. JAMES M. BODDEN: No, no that was not what I said. I said that we have seen the intent with the amendment which was put forward by the Elected Member for East End. His intent was good. He is trying to preserve what was already passed by law. Now we have Members of the party, not our party, their party, speaking in opposition and saying that they have no intention to ever see this Law come into effect. In essence that is what we are being told. So that we see that the party system is quite manifest in the operations of the House. We have seen it from the first sitting. We cannot get away from the fact that it exists. It may not have a name at this point. We had a group which was called the Unity Team. We were very proud of it. We are still proud of it. However, the original introduction of this Bill which I am debating here now: I am debating the amendment to the Bill; the idea of the Government introducing that Bill was to do away with a Law which had been passed by the past House in this country. It had been democratically passed. There is no intention: we would not have this introduction if there had been an intention to ever bring that into effect.

My colleague from East End has proposed an amendment which would preserve the inherent rights which are vested in the people who have qualified under the law,and this is the point which we have to bear in mind. This was done by Law. The rights are there. It is an inherent right and we are now taking it away. This Session at which we are present should not be treated as something which we are going to rush away from, to get to a dinner party,or this or that or the other, because this is our last chance to oppose the shelving, the repudiation of a Law which has been democratically passed. The only thing which kept this from being operational was the magical date of 1st January, 1985. Therefore, Mr. Chairman, you should not in any way move for a closure of this until we have exhausted every means of getting some type of assurance, some little ray of hope from the Members on the other side of the House that they are going to bring this back within a certain stated time frame. This is important. If this amendment is passed now we have nothing else to debate on it. We have an automatic closure of everything and the Law is just put on the shelf for ever.

MR. JAMES M. BODDEN (CONTINUING): This is wrong. This is very wrong. We should be allowed to speak fully on this. Maybe someone will change their mind. The present Government have manifested what they think about the overall law. They have shown it: they have disclosed it sufficiently to this House to know that once this is finished today that is the end of it, at least for the next four years. The only ray of hope is that God willing in 1998, we can have twelve Members of the Unity Team back here who can do something with these people, but...

HON. VASSEL G. JOHNSON: Mr. Chairman, I would like under Standing Order 38(1) that you put the question.

MR. JAMES M. BODDEN: Mr. Chairman, that has been tried before...

MR. C. RAIG BODDEN: Mr. Chairman, freedom of speech has disappeared from the Chamber. I would like the records to show that we have entered the era of communism in this country.

MR. JAMES M. BODDEN: I second that, Mr. Chairman.

MR. CHAIRMAN: I think that there has been...

MR. JAMES M. BODDEN: Mr. Chairman, I...

MR. CHAIRMAN: I am speaking. I think that there has been a fair opportunity now to debate the amendment. Is the microphone working? Can you hear me?

MR. D. RICARD MILLER: Fairly, Sir.

MR. CHAIRMAN: I think that there has now been a fair opportunity to debate this particular amendment and I am prepared again to put the question that the question be now put.

MR. JAMES M. BODDEN: Mr. Chairman, I as a Member of this House wish to request of you that you do not call for a closure on this, because if you do you are taking away a democratic right from the minority Members of this House on a very important piece of legislation which has been democratically passed.

MR. CHAIRMAN: I have been reading Erskine May while you have been talking and the rights of Members of the House of Commons are very much more restricted than I have been restricting yours. So I think the danger of communism is relatively limited.

MR. JAMES M. BODDEN: Well I will...

MR. CHAIRMAN: I think that the minority here has not done too badly.

MR. C. RAIG BODDEN: Mr. Chairman, communism was the watch-word of the Unity Team. So once the public put them in they knew what they were getting.

MR. JAMES M. BODDEN: Mr. Chairman, I am a bit familiar with Erskine May too and also Robert's Rules in order. The next sitting of the House, God willing, I will have both of them with me, and I will be ready for any point of order which you may wish to take up. But I still stand on my position that regardless of what is done in

MR. JAMES M. BODDEN (CONTINUING): the House of Commons, Sir, that this is a small country. We have had a very good form of democratic rule. We have been looked at very kindly by the outside world...

MR. W.McKEEVA BUSH: Mr. Chairman, did you put the question?

MR. CHAIRMAN: Sorry?

MR. W. McKEEVA BUSH: Did you put the question?

MR. CHAIRMAN: No what we are debating now is that the question be now put. That is the motion.

HON. MICHAEL J. BRADLEY: With respect, Sir, I'm I am sure it shall be put forthwith.

MR. G. HAIG BODDEN: It shall be put forthwith only if the Chairman is satisfied that the rights of the minority have not been infringed upon, and that the rules of the House have not been abused.

MR. CHAIRMAN: That is right. I am giving them a chance to tell me how badly I am infringing the rights of the minority. I think that it is fair that they should have their chance to say that, because then it is on record.

MR. D. EZZARD MILLER: I think the real minority in here exists between me and the Second Elected Member for West Bay who are the only two Members who are opposed to this thing in principle. We do not think our rights are being infringed on.

MR. CHAIRMAN: Well, both of you have had a chance to record your opposition in principle, so I think your minority rights have been protected too. Now everybody has had a right to record...

MR. G. HAIG BODDEN: Just one word, Mr. Chairman...

MR. CHAIRMAN: No you have all had a chance now...

MR. G. HAIG BODDEN: There is one question...

MR. CHAIRMAN: No.

MR. G. HAIG BODDEN: ...posed by the Honourable Third Elected Member of Executive Council which remains unanswered and I would just like to touch on that.

MR. CHAIRMAN: No, we will be coming back to Clause 2 in a minute. You can touch on it then. We are now going to first put the question that the question be now put.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: May we have a division, Sir?

MR. CHAIRMAN: Yes.

DIVISION

AYES	NOES
Hon. D.H. Foster	Mr. James M. Bodden
Hon. Michael J. Bradley	Mr. G. Haig Bodden
Hon. Thomas C. Jefferson	
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Charles L. Kirkconnell	
Hon. Vassel G. Johnson	
Mr. W. McKeeva Bush	
Mrs. Daphne L. Ornett	
Capt. Mabry S. Kirkconnell	
Mr. D. Lennard Miller	
11	2

ABSTENTIONS: Mr. Linford A. Pierson
Mr. John B. McLean

MR. W. McKEEVA BUSH: The unity seems to be fading.

MR. JAMES M. BODDEN: Never fear .....

MR. G. HAIG BODDEN: Freedom of speech has gone in this Chamber.

MR. W. McKEEVA BUSH: I had so many law suits, it is pitiful.

MR. JAMES M. BODDEN: Mr. Chairman, could I...

MR. CHAIRMAN: I declare the motion carried.

AGREED BY MAJORITY THAT THE QUESTION BE NOW PUT.

MR. CHAIRMAN: I will now put the amendment of the Elected Member for East End and I will read that amendment. It is an amendment to section or to Clause 2 of the Bill that the words "being a day not later than the 31st March, 1985" be added at the end thereof after the word "appoint".

QUESTION PUT: AYES AND NOES.

MR. G. HAIG BODDEN: A division please, Mr. Chairman.

MR. CHAIRMAN: You want a division coin. Yes.

DIVISION

AYES	NOES
Mr. Linford A. Pierson	Hon. D.H. Foster
Mr. James M. Bodden	Hon. Michael J. Bradley
Mr. G. Haig Bodden	Hon. Thomas C. Jefferson
Mr. John B. McLean	Hon. Benson C. Ebanks
	Hon. W. Norman Bodden
	Hon. Charles L. Kirkconnell
	Hon. Vassel G. Johnson
	Mr. M. Malcolm Bush
	Mrs. Daphne L. Ornatt
	Capt. Mabry S. Kirkconnell
	Mr. D. Ezzard Miller
4	11

MR. CHAIRMAN: I declare the amendment lost.

AMENDMENT TO CLAUSE 2 DEFEATED BY MAJORITY.

MR. CHAIRMAN: If I can just clear the groundwork, that means that we are coming back to debating the original Clause 2 of the Bill.

MR. JAMES M. BODDEN: Now, Mr. Chairman, that vote really shows that there is a lack of good intentions on the part of this Government. They fought bitterly the amendment to the amendment and have now fought bitterly the amendment, so there is no good intention by these Members at all. The only thing I would say here is that we should declare this a one party State.

It is evident today that there is the practising party system in the country. The party system has upheld itself today completely and democratic rule has, I think, faded from this country completely. When the right of free speech and free debate is precluded in an Assembly of the House of Representatives of a country, you are headed then, to a Communist type of Government and I hope that it will never happen in Cayman, although I believe strongly that it has started.

We now know what to expect from this Elected House for the next four years, and I think that all we can do in a minority situation as we are is, to be ready to fight tooth and nail everything which comes up in this House. That is what we will be doing. God willing, we will be having some very late sessions.

I am shocked to think that we have an Elected Government which views the democratic principles of a law, a Law which was passed in the manner in which this Law was passed, in this way. It might not have been popular to a few of the people but it was a Law of the land. Now we know what we are headed for. We say the repeal of a Law yesterday. We see one put on the shelf indefinitely today. We have rumours now that there is going to be a bunch of amendments to the Misuse of Drugs Law to where everybody

MR. JAMES M. BODDEN (CONTINUING): will automatically be pardoned. When we get to that stage, and when we get to the stage where our people can dismiss of high officials in the manner which has been done in the past few weeks...

MR. CHAIRMAN: I must bring you back to order because you are not at the moment discussing Clause 2 of the Bill at all it seems to me. Unless you are going to discuss that Clause I shall have to stop you.

MR. JAMES M. BODDEN: Well, that is quite right, Sir, but I mean after all we have to state our view on what is happening and the view is quite evident that this Elected House at this point has no good intentions of anything for the country.

HON. VASSEL G. JOHNSON: Mr. Chairman, there have been quite a number of insinuations here of intentions and I want to assure you, Sir, and the Honourable Members of this House that my intentions are good towards the beneficiaries under the Parliamentary Pensions Law.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I think this is as good a time as any to let the First and Second Elected Members for Bodden Town realise that they have lost the election, and that they are no longer calling the shots in this Government. The sooner they accept that position the better off all of us will be. Thank you, Sir.

MR. JAMES M. BODDEN: It was quite evident, Mr. Chairman, when you read the paper yesterday to find out the number of things that the same Member has told the Press that are being done when there has been no Finance Committee approval of it. So we know where the rule is coming from. We not only have maybe a dictatorial rule we are going to have something else. We know...

HON. CAPT. CHARLES L. KIRKCONNELL: We have had dictatorial rule, Mr. Chairman. We are out from under that, Sir. We have freedom again.

MR. JAMES M. BODDEN: If this is freedom then God help all of us.

MR. CHAIRMAN: Order, order in here. We are all in danger of getting far away from the Clause, and I would ask for the assistance of all Members to return to the very limited question of whether Clause 2 of a Bill for a Law to amend the Parliamentary Pensions Law, 1984, should stand part of that Bill.

The wider questions which are now being raised might, some of them at least, have found their place in the second reading debate. Some of them indeed did, but really they are not relevant, and I shall be rather more strict now in applying the rules of relevancy when discussing whether this particular Clause should stand part of the Bill.

MRS. DAPHNE L. ORRETT: Mr. Chairman, my experience has been during the recent campaign that the majority of our constituents were very much opposed to this Law as it now stands in the books.

I am sure that all Members here are aware that I am here to represent my people and not necessarily myself. The First Elected Member for Bodden Town mentioned that

MRS. DAPHNE L. ORNETT (CONTINUING): the Law perhaps did not meet with the approval of a few of the people. That might have been the situation in his constituency, I am not sure, but in the district of West Bay this was not the case. Most of our people are opposed to this Law as it stands. One of the main reasons why they are opposed to it is the fact that it was put through rather hurriedly in the House, and they felt that insufficient time, and I have got this impression otherwise, was given to all Members of the House to study it sufficiently. It would seem to me that the present Government should be given sufficient time to study the Law and to make its amendments accordingly. I feel that setting a date of the 31st March is perhaps not the best thing to do right now, after considering the way that my constituents feel about it. They feel that it is a Law which should be dealt with carefully. I can assure you that they are not by any means happy that such a Law has been passed by the previous Government when no provision at all has been made for pensions for our people otherwise. For this reason I cannot support the amendment.

MR. CHAIRMAN: I am afraid that we are not talking about the amendment. We have disposed of that. We are talking about the Substantive Clause.

HON. DENNIS M. FOSTER: Clause 2. Put the question, Sir, enough is enough...

MR. G. HAIG BODDEN: Mr. Chairman, I cannot support Clause 2 of the Bill because Clause 2 of the Bill would take away the operational day for the Law and would in effect virtually repeal the Law. The Clause would also allow the Governor later on in his tenure to publish a date for the coming into effect of this Law. I am afraid that the Governor will never be given the advice by his Executive Council to proclaim a start up date for the Law. This is quite evident, not only from the debate in the Chamber but from the attitude of the Members and their satellites as well. Although there is a wall around a brightly shining man...

HON. VASSEL G. JOHNSON: Mr. Chairman.

MR. W. McKEEVA BUSH: Mr. Chairman.

MR. G. HAIG BODDEN: ...they do not seem. Mr. Chairman, I do not wish to be interrupted.

MR. W. McKEEVA BUSH: I just...

MR. G. HAIG BODDEN: If this Member cannot behave why does the Sergeant-at-Arms not put him out.

MR. W. McKEEVA BUSH: Which Member are you talking about?

HON. VASSEL G. JOHNSON: I was going to speak, Mr. Chairman.

MR. G. HAIG BODDEN: Mr. Chairman, I am speaking and I have a right to speak without interruption.

MR. CHAIRMAN: I was trying to see who else it is and whether they had not a point of order.

HON. VASSEL G. JOHNSON: I was going to say that the Member sounds like a run down gramophone, Sir. Probably he has run out of things to say.

MR. G. HAIG BODDEN: Mr. Chairman, do I have the right to continue?

MR. CHAIRMAN: Yes, but...

HON. PENSON O. EBANKS: The question should be put.

MR. CHAIRMAN: I am bound to say that I think that you are repeating yourself and I caution you in accordance with Standing Order 41(1) that if you continue repeating yourself I shall have to ask you to discontinue your speech.

MR. G. HAIG BODDEN: Mr. Chairman, I am not even able to speak for the first time. My right to speak has been curtailed. Somebody is sabotaging the microphone as well.

MR. CHAIRMAN: Even the microphone has risen up on you.

MR. G. HAIG BODDEN: Mr. Chairman, before I started to speak the Honourable Third Elected Member for Executive Council said something about making a motion to close the debate. The Clause which we are considering is the most insidious Clause I have seen in any Bill and believe me, Sir, in my twelve years in this House, particularly between 1972 and 1976 I saw many bad Laws with many bad Clauses. However, Clause 2 of the Bill before the House is the worse one which has ever come to my knowledge. This Clause reminds me of Hitler who said he did not want war, all he wanted was peace: a little piece of Poland, a little piece of England and a little piece of France. This is a bad Clause.

HON. VASSEL G. JOHNSON: Mr. Chairman...

MR. G. HAIG BODDEN: Mr. Chairman, will you tell the Member that I am speaking and perhaps...

HON. VASSEL G. JOHNSON We have heard that all day, Sir...

MR. G. HAIG BODDEN: He is not only a wound up gramophone, he has run down batteries as well.

HON. VASSEL G. JOHNSON: I have a point of order...

MR. CHAIRMAN: Will you please both stop talking. Now, first the Honourable Fourth Elected Member of Executive Council, Were you raising a point of order?

HON. VASSEL G. JOHNSON: Yes, Sir, the point which I am raising is that I want to exercise the provision of Standing Order 38(1) to ask you to put the question.

MR. CHAIRMAN: I think it is a little premature to do that yet because the only Member who has had an opportunity of speaking at all on the Substantive Clause is the Second Elected Member for Bodden Town. He is, I am bound to say, nearing the end of the time which I proposed to allow him,because he is repeating himself, but I would not wish to exclude all other Members from the possibility of contributing.

MR. G. HAIG BODDEN: Mr. Chairman, you are so correct. Imagine what is happening in this Chamber. Not even one Member is allowed to speak on a motion. What has happened to the rights of all the other Members?

MR. C. HAIG BODDEN (CONTINUING): Mr. Chairman, the Clause which we are considering must be either removed from the Bill before we or amended. If it remains in the hands of the Executive Council to proclaim the day for the coming into effect of this Law, that day will never come, and the Law will be obsolete. It will be impotent and disgrace will be brought upon this Legislature. Furthermore, the Members on this side of the House, those who are attached to the Executive Council by the unseen subterranian cables, cannot get out of their responsibility to the public by putting the onus for the operation of this Law upon the Executive Council. We want to have clearly defined separation of powers where the Legislative Assembly legislate Laws and also put them into effect.

We know that there have been rare cases, Mr. Chairman where the Executive Council has been given permission in the Law to appoint the day for the coming into effect but this is only done when the special circumstances warrant it. There are no special circumstances in this Law to encourage or to ask the Executive Council to take on the burden of publishing the appointed day and for issuing the proclamation in the Gazette. The special circumstances in which the Executive Council are given the authority to announce the day for the coming into effect of the Law would be special cases like one we encountered during the construction of the prison when we did not know precisely when it would be finished, and we did not know precisely when we would be able to bring back from Jamica the prisoners which we had there. So the Executive Council was left to put portions of that Law into effect at the appropriate time. Such special circumstances do not appear in this Bill. Furthermore, what even makes it worse, this is not the start up of the Law because the Law is in effect and is only awaiting 1st January, 1985.

Here we are giving to the Executive Council, not the power to appoint the day but rather the power to take away from the Law the day of its first operation. This Clause is bad because it upsets the whole system. It upsets the whole legislative process. We want to keep the powers of Parliament supreme. We want to keep the powers of this Legislative Assembly distinct and separate from the Executive Council and separate also from the judicial process.

We know that the Executive Council Member is in a strange position where he sits here as the Member of one arm of Government and must also sit in the Executive Council and advise peoole in their executive duties on a day to day basis.

MR. CHAIRMAN: I think the Member is again repeating himself. We have had this argument at some length so I must ask him to discontinue and if there is another Member who wishes to speak...

MR. C. HAIG BODDEN: I would only like to say, Mr. Chairman, that it is difficult not to repeat when it seems that it is so hard to get across to those Members.

MR. CHAIRMAN: Well, I can understand that.
Does any other Member wish to speak?

MR. JAMES M. BODDEN: Yes, Sir.

MR. CHAIRMAN: Yes.

MR. JAMES M. BODDEN: Mr. Chairman, when we read the Memorandum of Objects and Reasons which says that the object of this Bill is to amend the Parliamentary Pensions Law, 1964,

MR. JAMES M. BODDEN (CONTINUING): When we go to Section 8, we see where this Bill is really an innocuous piece of legislation. If this Bill is passed today I think we will go down in history for the infamy of this. It will be remembered as Pearl Harbour was remembered in World War II. Caymanians as a whole may not associate themselves with that, but we will have our own Pearl Harbour in the month of December.

Mr. Chairman, if we buy a car, that car does not have momentum of its own and is of no use to us unless we provide that car with the fuel to make it so. So, therefore, we have to drive it to a serving station to purchase the fuel to get that car to move. Now that is the same thing in relation to this Bill which is before us.

The House of Assembly in May of last year provided the car and the intent was to provide the fuel to make that car gain momentum. Therefore, the operational date was to be 1st January, 1985. Now what we are doing now with the Bill which is before the House is that we are discarding the car; we are discarding the fuel, and we are giving it no momentum at all. We are putting it in the garage and we are putting the cover over it. Because there is no doubt in my mind that when the vote is taken this evening on this, that this will never be heard from again, not under the present party system in power in the Cayman Islands. This will become a part of history.

It is not exactly the Bill. It is the intention of the Bill. It goes to show, Mr. Chairman, that the Members of the present party in power, the present party Government have no intentions to respect laws which have been passed by a majority of the Elected Members of any previous House. Because it was the Law yesterday. It is this one today and the next session of the House unless we are so debating other things, we will have them living in fill after Bill to keep amending not just the last administration, but many more administrations. It is showing a lack of respect for a Law which has been passed.

I have said it before and I may be repetitious or considered repetitious in saying it, but what we are doing here is the same thing which is done in the republics in Central America, and South America which are commonly referred to as the banana republics.

MR. CHAIRMAN: You are quite right. You did say it before so I must caution you not to be repetitious.

MR. JAMES M. BODDEN: Yes, Sir. Well it is hard not to say it, Sir.

MR. CHAIRMAN: I know, because you have been talking so long it is hard not to be repetitive. I think you are in your code's position and I must...

MR. JAMES M. BODDEN: Mr. Chairman, in these countries similar things to this happen. It happens also in some of the newly emerging dictatorships in Africa where a previous Government has done something, they depose that Government. Thankfully this one did not use guns like they do there. They then repudiate completely what has been done by the previous administration. They try to get around the debt of a country in many cases by doing that.

MR. CHAIRMAN: I must interrupt the Member. I do not think he will object to this because I am told that the tape has run out and I do not suppose...

MR. JAMES M. BODDEN: No I will take an intermission on that, Sir. (Laughter).

MR. CHAIRMAN: I was hoping that when the present Member had finished which I hoped would not be very long, that within another five minutes we should have finished everything.

MR. C. HAIG BODDEN: Mr. Chairman, I agree with the First Elected Member for Bodden Town. We should come back because I have a few things which I may want to raise on the adjournment motion.

MR. JAMES M. BODDEN: And I do too, Sir, so tomorrow would suit me fine.

MR. D. EZZARD MILLER: Mr. Chairman, I think the original motion was that we continue until we had completed.

MR. M. McKEEVA BUSH: That is right.

MR. CHAIRMAN: It was indeed.

MR. D. EZZARD MILLER: So I do not think we can adjourn at this stage.

MR. C. HAIG BODDEN: I think, Mr. Chairman, any motion before the House can be superseded by another one.

MR. JAMES M. BODDEN: They are doing that with the Law here now.

MR. CHAIRMAN: If somebody puts a substantive motion that...

MR. McKEEVA BUSH: Let us finish what we are doing here now.

MR. CHAIRMAN: Sorry?

HON. MICHAEL J. BRADLEY: I am happy to stay as long as the House wishes, Sir.

MR. CHAIRMAN: Sorry?

HON. MICHAEL J. BRADLEY: I will stay as late as the House wishes, Sir.

MR. C. HAIG BODDEN: I am good until the sun rises, Sir.

MR. CHAIRMAN: Well I think really it is a question of if the First Official Member wants to put a question proposing the adjournment, the Members can vote on it.

HON. CAPT. CHARLES L. KIRKCONNELL: Put the thing to a vote, Sir.

MR. JAMES M. BODDEN: No, we would have had to had discussion and he is putting the motion.

HON. CAPT. CHARLES L. KIRKCONNELL: I do not mean the motion. I mean the motion which is now before the House, what they are discussing. I think it is time now to call a halt to this under 38(1) and to call the vote forthwith.

MR. JAMES M. BODDEN: Wait, Mr. Chairman...

MR. CHAIRMAN: Yes, well we cannot do that at the moment because we do not have a tape. I was hoping that quite soon once we have it...I take it that they are changing the tape. Tell them to change it now.

MR. JAMES M. BODDEN: Could we have a short adjournment, Sir. There are some of us who smoke and I would not mind having a smoke right now.

HON. W. McKEEVA BUSH: No adjournments. Let us finish, let us finish, Sir.

MR. CHAIRMAN: We have got no tape.

HON. MICHAEL J. BRADLEY: There is nothing in Standing Orders of the House which say that our motions or procedures are dependent upon the mechanics of recording.

MR. JAMES M. BODDEN: Yes, but this must be maintained for posterity's sake.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, all you have to do, Sir, is get the tape and play it over because that is all we are hearing, the same thing over and over.

MR. JAMES M. BODDEN: No, Sir, you are going to hear more than that.

MR. W. McKEEVA BUSH: Let us close up.

MR. CHAIRMAN: Sorry? It is done. Is it finished? The new one is on. We are back on tape so you can continue but not for very long.

MR. W. McKEEVA BUSH: How long?

MR. JAMES M. BODDEN: No closure that was, please. We have been through this on several occasions this afternoon, Sir.

MR. CHAIRMAN: It will not be the closure this time, it will be "had up for tedious repetition". We will see but you may carry on for the moment.

MR. JAMES M. BODDEN: Well, I am getting more worried all the time, Sir, about the dictatorial manner of the House and the number of closures we have had called for this evening. Therefore, I would seek your permission, Mr. Chairman, to move an amendment. That is that we change the date proposed here in the original Law where it was 1st January, 1995, so that the operational date would become the 31st March, 1995, and I seek your permission to place that amendment. I think it is...

MR. CHAIRMAN: No, we have had an amendment which in substance was very similar to that so I am afraid that I am not going to grant leave for another.

MR. JAMES M. BODDEN: But, Mr. Chairman, the amendment which was proposed before was "being a day not later than the 31st March, 1995". That was that we would have a report back here and something

MR. JAMES M. SODDEN (CONTINUING): to be done. What I am moving is substantially different than that. I am asking that the operational date which was set in the old Law as the 31st January, be changed to the 31st March, 1965.

MR. CHAIRMAN: I do not regard it as substantially different I am afraid.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I move that under 34(1) you call the vote here forthwith, Sir.

MR. CHAIRMAN: I think now we have gone far enough. So I will put the question that the question be now put.

QUESTION PUT: AYES AND NOES

MR. G. PAIG SODDEN: Mr. Chairman, I would like a division please.

DIVISION

AYES	NOES
Hon. D.H. Foster	Mr. James M. Sodden
Hon. Michael J. Bradley	Mr. G. Paig Sodden
Hon. Truman O. Ebanks	
Hon. H. Norman Bodden	
Hon. Charles L. Kirkconnell	
Hon. V.G. Johnson	
Mr. W. Watson Bush	
Mrs. Dashna L. Ornett	
Capt. John C. Kirkconnell	
Mr. D. Ezzard Miller	
10	2

ABSTENTIONS: Second Elected Member for George Town
Elected Member for East End

THE HONOURABLE THIRD OFFICIAL MEMBER WAS ABSENT FROM THE CHAMBER AT THE TIME OF VOTING.

MR. CHAIRMAN: I declare the motion carried.

AGREED BY MAJORITY THAT THE QUESTION BE NOW PUT.

MR. CHAIRMAN: I therefore now put the question that Clause 2 stand part of the Bill.

QUESTION PUT: AYES AND NOES.

MR. CHAIRMAN: Do you want a division again?

MR. G. PAIG SODDEN: Yes, Mr. Chairman please.

DIVISION

AYES	NOES
Hon. D.F. Foster	Mr. James M. Bodden
Hon. Michael J. Bradley	Mr. C. Dale Banker
Hon. Thomas C. Jefferson	
Hon. Tonsom O. Thomas	
Hon. V. Newton Bodden	
Hon. Charles L. Kirkconnell	
Hon. V.S. Johnson	
Mr. W. McKeeva Bush	
Mrs. Pearlie E. Arnett	
Capt. Mabry H. Kirkconnell	
Mr. D. Ezzard Miller	
11	2

ABSTENTIONS: Second Elected Member for George Town
Elected Member for East End

MR. CHAIRMAN: I declare the motion carried.

CLAUSE 2 PASSED BY MAJORITY.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled a Bill for a Law to amend the Parliamentary Pensions Law, 1984, and other Bills. The House will now resume.
I am very sorry. No I am quite wrong. We have not done the Title and Enacting Clause. My regrets.
The House is again in Committee.

CLERK: A BILL FOR A LAW TO AMEND THE PARLIAMENTARY PENSIONS LAW, 1984.

MR. CHAIRMAN: The question is that the Title and Enacting Clause stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That does conclude proceedings in Committee on a Bill entitled a Bill for a Law to amend the Development and Planning Law (Revised) and other Bills.
The House will now resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.
Reports.
A Bill for a Law to amend the Development and Planning Law, Revised.

REPORTS ON BILLS

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1984

HON. VASSEL G. JOHNSON: Mr. President and Honourable Members, I have to report that a Bill entitled a Law to amend the Development and Planning Law (Revised) was considered Clause by Clause by a Committee of the whole House and passed without amendment.

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

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1984

HON. DENNIS E. FOSTER: Mr. President, I beg to report that a Bill for a Law to amend the Parliamentary Pensions Law, 1984, Law 9 of 1984, was considered by a Committee of this whole House and passed without amendment.

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

STANDING ORDER 55(1)

MR. G. HAIG BODDEN: Mr. President, under Standing Order 55(1) I would move a motion that a Bill entitled a Bill for a Law to amend the Parliamentary Pensions Law, 1984, Law 9 of 1984, be recommitted so that Clause 2 of the Bill can be amended.

MR. PRESIDENT: I will put the question that the Bill be recommitted under Standing Order 55(1).

QUESTION PUT: AYES AND NOES.

MR. JAMES M. BODDEN: Mr. President, Standing Order 55(1) would not preclude debate. There should be debate on the motion, Sir.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I think 55(1) is in relation to a Bill as reported from a Committee of the whole House where there has been any amendment in Committee Stage. My understanding is that this Bill has been reported from Committee unaltered from its second reading stage, and therefore a motion to recommit the Bill under 55(1) would be merely to go over the same ground as was done before in Committee Stage.

MR. PRESIDENT: I am bound to say I am not sure what 55(1) is intended to do because it does seem purely to repeat something.

MR. G. HAIG BODDEN: Mr. President, if I can help you. 55(1) is purely a Standing Order under which a Member if he desires to have any provision of the Bill amended, makes a motion and that motion, if carried, would allow the Bill to be recommitted.

MR. PRESIDENT: If the Bill has just been considered by Committee Clause by Clause, that merely means that you are going to do the whole thing all over again. I shall put the question straight away without debate. I will do that.

QUESTION PUT: AYES AND NOES.

MR. JAMES M. BODDEN: Mr. President, I think we got mixed up on that vote. I was saying aye and my colleague was saying no. Do you want to ask for the vote again please?

HON. VASSEL G. JOHNSON: I was doing the same thing over here.

MR. G. HAIG BODDEN: Mr. President, a division will satisfy us.

MR. PRESIDENT: All right, we will have a division. The question is that the Bill be recommitted in accordance with the provisions of Standing Order 55(1). If you are in favour of having it recommitted you vote aye. If you are against you vote no. I will ask the Clerk to...

MR. JAMES M. BODDEN: Mr. President, could I catch your eye for a point here, Sir? 55(1) of the Standing Orders is, I think, intended so that debate on a Bill would not be precluded. I am of the very strong opinion, although...

MR. D. EZZARD MILLER: With respect, Mr. President, I think you just asked for a division.

MR. PRESIDENT: I have just asked for a division and I think that the division must go ahead.

DIVISION

AYES	NOES
Mr. James M. Bodden	Hon. D.F. Foster
Mr. G. Haig Bodden	Hon. Michael J. Bradley
	Hon. Thomas C. Jefferson
	Hon. Ronnie O. Banks
	Hon. W. Truman Bodden
	Hon. Charles L. Kirkconnell
	Hon. V.G. Johnson
	Mr. T. McKeeva Bush
	Mrs. Denbigh G. Arnett
	Capt. Malcolm P. Kirkconnell
	Mr. D. Ezzard Miller
8	12

ABSTENTION: Elected Member for East End

MR. PRESIDENT: I declare the motion defeated.

MOTION DEFEATED BY MAJORITY

HON. MICHAEL J. BRADLEY: I am sorry, Mr. President, but my count on that vote sixteen people having voted.

MR. PRESIDENT: Perhaps the Sergeant-at-Arms would bring me the ballot paper.

CLERK: Can I read it again, Sir. Two ayes, twelve noes and one abstention.

MR. PRESIDENT: That is correct. If I could have the ballot paper through.

I declare the motion defeated. Third Reading.

MR. JAMES M. BODDEN: Could we have the numbers on that, Sir?

MR. PRESIDENT: Yes, it was twelve noes, two ayes and one abstention.

Third Readings. The Development and Planning (Amendment) Bill, 1984.

THIRD READING

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1984

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1984.

HON. VASSEL G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled a Law to amend the Development and Planning Law (Revised) be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled a Bill to amend the Development and Planning Law (Revised) be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES.

MR. G. PAIG BODDEN: May I have a Division, Mr. President, please?

MR. PRESIDENT: Yes.

DIVISION

AYES	NOES
Hon. D.F. Foster	Mr. James M. Bodden
Hon. Michael J. Bradley	Mr. G. Paig Bodden
Hon. Thomas C. Jefferson	
Hon. Benson O. Banks	
Hon. M. Norman Bodden	
Hon. Charles L. Kirkconnell	
Hon. V.G. Johnson	
Mr. W. McKeeva Bush	
Mrs. Daphne L. Orrett	
Mr. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	
Mr. D. Pasard Miller	
12	2

ABSTENTION: Elected Member for East End.

MR. PRESIDENT: I declare the motion carried and the Bill passed.

BILL GIVEN A THIRD READING AND PASSED BY MAJORITY.

MR. PRESIDENT: Third Reading of the Parliamentary Pensions (Amendment) Bill, 1994.

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1994

THIRD READING

CLERK: THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1994

HON. DENNIS F. FOSTER: Mr. President, I move that a Bill for a Law to amend the Parliamentary Pensions Law, 1994, be given a Third Reading and passed.

MR. PRESIDENT: The question before the House is that a Bill entitled a Bill for a Law to amend the Parliamentary Pensions Law, 1994, be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES.

MR. G. HAIG PODDEN: Mr. President, may I have a division, please?

MR. PRESIDENT: Yes.

DIVISION

AYES	NOES
Hon. D.F. Foster	Mr. James M. Bodden
Hon. Michael J. Gradlan	Mr. G. Haig Bodden
Hon. Thomas C. Jefferson	
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Charles L. Kirkconnell	
Hon. V.G. Johnson	
Mr. M. McKeeva Bush	
Mrs. Dapline L. Orrett	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
11	2

ABSTENTIONS: Second Elected Member for Georgetown
Elected Member for East End

MR. PRESIDENT: I declare the motion carried and the Bill to amend the Parliamentary Pensions Law, 1994, has passed its Third Reading.

BILL GIVEN A THIRD READING AND PASSED BY MAJORITY

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I would like to move the adjournment of this House sine die.

MR. PRESIDENT: I think it would be possible to move it... Oh, yes sine die because it will be a new session will it not when we start again.

The motion is that this House do adjourn sine die.

QUESTION PUT:

MR. G. HAIG BODDEN: Mr. President, I just wanted an opportunity...

MR. PRESIDENT: No, I am sorry. No matter may be raised because I have not been given notice of any.

MR. G. HAIG BODDEN: I was going to wish you a merry Christmas, Sir.

MR. PRESIDENT: I apologise.

MR. G. HAIG BODDEN: This right has never been denied us and...

MR. PRESIDENT: No, no anybody who wants...

MR. G. HAIG BODDEN: ...and I may as well say that I am shocked at the procedure in the House today where the minority has been denied on many occasions the right to speak.

MR. PRESIDENT: Order, order. Christmas greetings are in order.

MR. G. HAIG BODDEN: Freedom of speech has disappeared from this House.

MR. JAMES M. BODDEN: Mr. President, this is the only time to my memory in twelve years in this House where on the adjournment, or vote for the adjournment a Member, if he had a point to raise was not allowed to raise it.

MR. PRESIDENT: The Standing Orders are quite clear on the point, if you read Standing Order 11(8) and (7). My sense this evening is that most Members consider the time for adjournment overdue. So I am intending to construe those Sections strictly, with the single exception that I should like to offer all Members every good wish for Christmas and the New Year. I should like to ask them for their assistance in helping me with the interpretation of Standing Orders and with the use of discretionary powers.

I should like now to allow them all to go for Christmas. We have the vote to take though.

QUESTION PUT: AGREED. AT 7:11 P.M. THE HOUSE ADJOURNED SINE DIE.