STATE OPENING AND FIRST MEETING OF THE (1986) SESSION OF THE LEGISLATIVE ASSEMBLY

FRIDAY
28TH FEBRUARY, 1986
(FIRST DAY)

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, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, OBE, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

1986 STATE OPENING
FRIDAY
28TH FEBRUARY, 1986
(FIRST DAY)

1. PRAYERS

TO BE DELIVERED BY REV. EDGAR OGSTON (see programme).

2. THRONE SPEECH

TO BE DELIVERED BY HIS EXCELLENCY THE GOVERNOR (see programme).

3. PRESENTATION OF PAPERS AND REPORTS

REPORT OF FINANCE COMMITTEE

(Meeting held 20th February, 1986)

TO BE LAID ON THE TABLE BY THE HONOURABLE THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY AND CHAIRMAN OF FINANCE COMMITTEE.

4. STATEMENTS BY MEMBERS OF THE GOVERNMENT

STATEMENT BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL ON THE PROGRESS OF A CONTRIBUTORY PENSION SCHEME (IN ACCORDANCE WITH PRIVATE MEMBER'S MOTION NO. 14/85, PASSED BY THE LEGISLATIVE ASSEMBLY ON THE 10TH SEPTEMBER, 1985).

5. GOVERNMENT BUSINESS

MOTIONS:

(i) GOVERNMENT MOTION NO. 1/86 - CINEMATOGRAPHIC AUTHORITY

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS.

(ii) GOVERNMENT MOTION NO. 2/86 - ALTERING THE DEVELOPMENT PLAN 1977

TO BE MOVED BY THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL.

6. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:

PRIVATE MEMBER'S MOTION NO. 1/86
DRAFT REGULATIONS TO THE PARTNERSHIP LAW, 1983

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY AND SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

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STATE OPENING OF THE CAYMAN ISLANDS

LEGISLATIVE ASSEMBLY

BY HIS EXCELLENCY THE GOVERNOR, MR. G.P. LLOYD, CMG, CVO

FRIDAY 28TH FEBRUARY, 1986 - 10.00 A.M.

PROCESSION

SERJEANT-AT-ARMS: His Excellency the Governor.

The Clerk, Mrs. E. Gay Jackson, followed by the Deputy Clerk, Mrs. Wendy Ebanks, the Serjeant-at-Arms, His Excellency the Governor, Mrs. Lloyd and A.D.C.

H.E. THE GOVERNOR, on reaching the dais bows to the right and to the left and says:

I invite the Rev. Edgar Ogston to say Prayers for us.

PRAYERS

REV. EDGAR OGSTON: Let us pray.

Jesus said 'But the Counsellor, the Holy Spirit, whom the Father will send in my name, will teach you all things and will remind you of everything I have said to you'.

Heavenly Father, we thank you for this promise, that through your Holy Spirit, you would lead us into all truth. Prepare our hearts and minds for the business of this day, that we may behave with true courtesy and honour.

Compel us to be just and honest in our dealings. Let our motives be above suspicion. Let our word be our bond. Save us from the fallacy of depending upon our personality, or ingenuity, or position to solve our problems.

Since you have all the answers, make us willing to listen to you that we might vote on your side and that your will may be done through us, for the glory of your name and for the advancement of your Kingdom in these Islands.

We pray for the Queen and the members of the Royal Family. Grant them strength and wisdom for the tasks which you lay upon their shoulders. We pray too for the Governor and the Members of the Legislative Assembly. Grant them the wisdom that comes from you alone, for we know that so many problems are beyond the measure of our best wisdom. May you faithfully enable them to perform the responsible duties of their high office.

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.

H.E. THE GOVERNOR: Pray be seated.

THE CLERK: "PROCLAMATION NO. 3 OF 1986

BY HIS EXCELLENCY GEORGE PETER LLOYD COMPANION OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE COMMANDER OF THE VICTORIAN ORDER, GOVERNOR OF THE CAYMAN ISLANDS

Whereas, by sub-section (1) of section 40 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 afore-said order I, GEORGE PETER LLOYD, Companion of the Most Distinguished Order of Saint Michael and Saint 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 a.m. on Friday twenty eighth February, One Thousand Nine Hundred and Eighty-six.

Given under my hand and the Public Seal of the Cayman Islands at George Town in the Island of Grand Cayman, this seventh day of February in the year of our Lord One Thousand Nine Hundred and Eighty-six in the Thirty-fifth year of the Reign of Her Majesty Queen Elizabeth II.

God Save The Queen.".

HIS EXCELLENCY THE GOVERNOR: Honourable Members of the Legislative Assembly -

As is customary, the Throne Speech marks the opening of a new Session and in it I shall outline the Government's principal plans for the coming year.

Steps to strengthen the police by improving standards continue. The extensive in-Force Training programme is now at its peak. In addition to daily on the job training a whole range of local courses have taken place and are continuing in general and specialist subjects. This part of the programme will change in mid year when the contracts of some of the UK officers come to an end but by that time local officers will be qualified and able to take over certain training roles. The establishment of the Force is full and in the past year all those recruited were Caymanian and the number included a university graduate.

High priority will continue to be given to road safety, with increased attention to those who drive dangerously and also in the area of drug abuse. Steps are presently under consideration to strengthen the drug squad by redistribution of existing resources.

HIS EXCELLENCY THE GOVERNOR (CONTINUING): The Prison Administration will continue to explore new ways by which the talents and skills of staff and prisoners can be developed and more effectively utilised. Attention will be focussed especially on reduction of wastage and control of expenditure. The work attendance scheme for staff and daily operational routines for prisoners will be reviewed.

The administration remains committed to the development of programmes such as agriculture and woodwork which contribute positively to the treatment and training of prisoners.

Following the introduction of the new Caymanian Protection Law in 1985 measures are being introduced to widen eligibility for permanent residence. By so doing it is hoped to provide for some security of tenure to suitable people who have become well established in the Cayman Islands over a reasonable period and, at the same time, to provide an alternative to Caymanian status.

Last December, on Radio Cayman's Ninth Anniversary a separate FM Broadcast System was inaugurated, making it possible for the station to offer two different programmes simultaneously. The FM service will be gradually extended from week-end broadcasts to cover the whole broadcast day. A number of new programmes will be introduced this year, to keep the people of the Cayman Islands better informed about local, regional and international events and to provide cultural, religious and educational material as well as general information and entertainment.

A Management Workshop for senior managers in the Public Service will be conducted by UNDP during the year. Once a new Director of Training has been recruited, other supervisory and middle management courses will also be introduced.

The entering of the Personnel Records in the computer should also be completed in 1986. It is not expected that the present number of serving officers will grow appreciably during the year.

Government expects to undertake significant developments in all major areas of Health, Education and Social Services.

A National Health Plan will be published. Plant requirements are to be reviewed so that medium and long term plans for health care can be made. The administration of the Islands' health services will be strengthened. Improvements may include the establishment of a Board of Management. The casualty section of the George Town Hospital is shortly to be staffed by a duty doctor 24 hours daily. Legislation to regulate food handling will be introduced. Measures to deal with mental illness and drug and alcohol abuse are under active consideration.

The school building programme will be completed during the next two years. Plans will be made for the further expansion of the Community College and accommodation for its future needs will be considered. The conversion of the former Teacher's Cottage at the John A. Cumber School in West Bay will soon enable a much needed sheltered workshop to be opened. Particular attention will be paid to appropriate counselling of students and responding to specific adolescent difficulties.

The main tasks of the Department of Social Services will continue to be the provision of professional and reliable help to its growing client population. The Juvenile Law, 1975 will be suitably up-dated so it has the necessary scope and strength. Priority will be given to the promotion of more leisure-time activities for youth.

HIS EXCELLENCY THE GOVERNOR (CONTINUING): A National Contributory Pension Scheme to provide social security for the Islands seems feasible. Subject to its acceptance the necessary enabling legislation will be introduced and steps will be taken to plan its administration.

Renovations and restoration work will be undertaken to make the Old Court House Building a museum in which the Ira Thompson collection can as soon as possible be removed from storage and put on proper display.

The Cayman National Theatre will be opened during this year having been built with funds from a generous benefactor.

Work will continue on the remaining phase of the Sports Complex and a Sports Co-ordinator should be appointed during the year.

Over 500 new hotel rooms in the Cayman Islands will be available to the travelling public before the end of 1986.

This obviously means a major increase in tourist traffic in late 1986 and 1987 and the present year will be a transition period preparing for these increases. New marketing methods will be employed, including the use of spot television advertising for the first time. Advertising will be used to support traditional markets as well as new gateways such as Tampa and Atlanta opened by Cayman Airways. Standards at existing hotels are being upgraded by renovation and refurbishing programmes to improve our tourism product. A 30% increase in air arrivals during 1986 is forecast and a further 45% increase over that in 1987 as a result of the new hotel accommodation. New and more aggressive marketing tools must be used to achieve these goals. There will be more co-operative sales efforts between the Department of Tourism, Cayman Airways and private sector tourism interests in an attempt to stretch marketing dollars through joint advertising and promotion.

Cayman Airways plans to meet the challenge of keeping up with the growth of the hotel capacity in the Cayman Islands.

In 1986 it hopes to consolidate its charter programme to Tampa (from both Grand Cayman and Cayman Brac), making this all year round and in the future expanding frequency from the current two per week. It also intends to start this year summer charters to Atlanta, twice a week.

Cayman Express propose next winter to continue their programme to New York, Chicago and Detroit and perhaps to expand to one more city.

Cayman Airways Board of Directors has authorised negotiations to seek a third aircraft to be used on a short term lease (seasonal) basis, beginning with the winter of 1987.

Every effort will continue to be made to increase the airline's operating profit so its net loss is reduced to a minimum.

Work continues to increase the safety areas adjacent to both airport runways. It is expected that by the end of 1986, they will meet the requirements of the International Civil Aviation Organisation. The private aircraft parking apron at the Owen Roberts Airport is also being upgraded to accommodate the expected increase in general aviation traffic.

Legislation will be introduced to provide for a statutory airport authority charged with operating the Islands' two international airports on the lines on which the Port Authority operates the ports.

HIS EXCELLENCY THE GOVERNOR (CONTINUING): A major building programme for the Fire Service will start this year, to provide badly needed new accommodation at Owen Roberts International Airport and to add a sub-station in the densely populated West Bay district. A new station is also included in the development plan for Gerrard Smith Airport, Cayman Brac. These new facilities will undoubtedly enhance the morale and efficiency of the fully-Caymanian staffed Department.

Legislation will be introduced during the year to replace the present Labour Law, with the intention of covering more adequately matters which now give rise to complaint.

There is a continuing need for the private sector and Government to offer training and opportunities for career advancement to Caymanians. This is especially true in the tourism industry, as the requirements for hotel staff will increase dramatically with the completion of two large hotels by the end of this year. While some professionals have to be brought to the Islands to assure a profitable and efficient industry, training and promotions are essential if the young Caymanian labour force is to be motivated.

To improve service to the public, the hours of business at the Sub-Post Offices in Savannah and Bodden Town will during 1986 be increased so they are the same as those at the General Post Office in Georgetown.

It is intended to introduce an Express Mail Service (Datapost) from Grand Cayman to the United Kingdom during 1986, to reintroduce the Service which was introduced from the United Kingdom to Grand Cayman in January 1985.

A new Definitive Issue of postage stamps, depicting undersea life, will be released in 1986, replacing the 1980 Definitive Issue.

A Bill amending the Motor Vehicle Insurance Law will be introduced, to ensure that the public is adequately protected.

In Cayman Brac, construction of the new Gerrard Smith Airport Terminal Building is scheduled to begin during the second half of 1986. Other work in the Sister Islands will include the second phase of the east-west Bluff Road, a community playing field in Cayman Brac and the improvement of the road from the airport to the dock in Little Cayman.

The Port Authority plans to install permanent mooring buoys for cruise ships in Grand Cayman shortly. Together with Government, it will also deepen, mark and renew the small craft channels around the Islands during 1986.

The Public Works Department was the subject of a comprehensive review by an overseas consultant last year. His recommendations were intended to make what is considered essentially a good organisation function still better. They have been generally accepted and are being implemented. This will mean more detailed design and specification of work to be done, and more forward planning.

The roads on Grand Cayman are therefore to be the subject of a Master Ground Transportation Plan. Government gave approval for one to be prepared, under the direction of the Department, last October. Work on it will continue.

A Building Code, the final draft of which has now been accepted by the Building Code Committee, is scheduled for introduction after public scrutiny.

HIS EXCELLENCY THE GOVERNOR (CONTINUING): The report from the agricultural consultants engaged in November, 1985 has recently been received. It is being studied by the Agricultural Development Committee with a view to implementing approved recommendations. At present action is being taken to establish the Farmers' market and abattoir facility which were given budgetary approval last December.

Necessary amendments to the Animals Law will be introduced, partly in order to implement the dog control programme now being given priority because of the danger to public well-being and safety posed by wild dogs, particularly in the Seven Mile Beach area.

Marine Parks are to be created in Grand Cayman next month, with parks for Cayman Brac and Little Cayman to follow.

The system of dykes and canals at the west end of the Island is largely complete, permanently reducing the amount of mosquito breeding in western districts. Further refinement of the system using gate culverts to control water flow is being tested with promising results.

The main mosquito problem is now in the Central and Northern districts. Here combined rain and high tides in the latter part of 1985 produced some very large broods of mosquitos and in the next few years it is planned to give a lot more attention to these areas. The first step will be to improve access into the large areas of swamp between Bodden Town and North Side so that mosquito breeding can be more closely monitored there. The feasibility of large scale treatment with biological larvicide will then be determined. A preliminary large-scale trial with this material on the West Bay Peninsula at the beginning of the 1985 rains was very successful.

1986 sees the Department of Lands and Survey established in its new permanent accommodation in the Tower Building. The level of activity in the real estate economy is high and after a moderate start 1985 proved to be a record year in terms of dollar value of transactions registered. The situation for the year ahead looks promising and it is anticipated that certain key developments now being undertaken will attract more international investment for the Islands.

Topographic mapping of the West Bay peninsula will be completed this year and will provide excellent additional reference in the progress and development of the Islands.

With the recent recruitment of a Planning Officer and two Planning Assistants the Planning Department is back up to the full strength needed in order to be able to exercise properly its administrative functions and to assist the Central Planning Authority in evaluating the increasingly complex development applications which come before it.

The Department and the CPA have reviewed and revised code enforcement procedures recently, and these will be implemented as soon as practicable.

If the quantity of development activity during the first month of 1986 is indicative of a trend, 1986 should be an excellent year for new construction projects on Grand Cayman.

Farmers are continuing to work towards self-sufficiency for the Islands in certain fruit and vegetable crops, such as tomatoes and bananas. It is predicted that the level of banana production will reach self-sufficiency within the next two years, while a new hydroponics unit, privately owned, and funded through the AIDB is expected to be able to produce 150,000 lbs of tomatoes for the local market once it comes on stream.

HIS EXCELLENCY THE GOVERNOR (CONTINUING): Foreign investors continue to show interest in establishing agri-business ventures on the Islands.

Subject to final approval by the Liverpool University Authorities, arrangements will be completed for successful students at the Cayman Islands Law School to be eligible for the award of external law degrees from that University.

The Economic Plan for which a Resolution of this Honourable Assembly called will be presented for consideration.

Subject to the satisfactory outcome of the present negotiations with the United Kingdom and the United States a Mutual Assistance Treaty will be concluded, as contemplated by the Narcotics Agreement made in mid-1984.

During this speech I have concentrated, as is proper, on looking forward. May I nevertheless, before concluding it, gratefully acknowledge the invaluable contributions which so many members of the community made during 1985. The territory's continued prosperity and well-being depends upon these. Upon dedicated public officers and people in the private sector. Upon selfless work by the Churches, by Service Clubs, and by other voluntary organisations. Upon the efforts of all who serve on Government Boards and Committees. And not least upon the public-spirited manner in which Members of this Honourable House have given more of their time to attend to its business with longer sittings and an increasing number of Select Committees. May I pay tribute to all concerned.

I pray that Almighty God will continue to bless and guide the Government and people of the Islands.

HON. DENNIS H. FOSTER: BE IT RESOLVED that debate on the Address delivered by His Excellency be deferred until Monday the third of March.

HIS EXCELLENCY THE GOVERNOR: The motion before the House is BE IT RESOLVED that debate on the Address delivered by His Excellency be deferred until Monday the third of March.

QUESTION PUT: AGREED. DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY THE GOVERNOR DEFERRED UNTIL MONDAY, 3RD MARCH, 1986.

PROCESSION DEPARTS

The Clerk, the Deputy Clerk, the Serjeant-at-Arms, His Excellency the Governor, Mrs. Lloud, A.D.C.

The Clerk returns to the Chamber.

CLERK: The House will now suspend for half an hour.

AT 10.29 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.10 A.M.

MR. PRESIDENT: Please be seated.
The Assembly is in Session.
Presentation of Papers and Reports.
The Honourable Third Official Member.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF FINANCE COMMITTEE

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Finance Committee Report of a Meeting held on Thursday, 20th February, 1986.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, that Meeting dealt with a request from the Port Authority for a guarantee of a loan by Government for the Port Authority in the sum of US$160,000.

These funds are to be utilized, Mr. President, for the construction of buoys to be used by cruise ships in West Bay, George Town and Spotts for mooring. Initially, when the bid was made by Lander and Associates of the United States, it was for four buoys. However, during Government considering the entire matter it was agreed to increase it to six buoys, which will enable cruise ships to be moored at West Bay, George Town and Spotts.

The total sum of US$160,000 provides a small miscellaneous sum which may be utilized in the construction management of the additional two buoys. The four buoys construction management was estimated to cost $5,500, so the additional sum is approved with the view that it may cost a bit more to manufacture six.

Thank you, Mr. President.

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

Item 4. Statements by Members of the Government. The Honourable First Elected Member of Executive Council.

STATEMENT BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL

CONTRIBUTORY PENSION SCHEME

HON. BENSON O. EBANKS: Mr. President, in accordance with the provisions of Private Member's Motion No.14/85 the following statement is made.

My statement at the last Meeting on this matter advised that it was anticipated that Mr. F. Gordon Smith, CBE, MA, Fellow of the Institute of Actuaries, would arrive in Grand Cayman to commence work on the study of a feasibility of a national pension scheme for the Cayman Islands, and if found feasible, to make recommendations regarding legislation and administration for such a scheme.

HON. BENSON O. FRANKS (CONTINUING): I can now confirm that Mr. Smith did arrive on the 22nd January as anticipated, and has been busy with his assignment. His preliminary conclusion is that a social security type scheme is very possible and he is continuing the gathering of data and information to allow him to present details to Government for final decision.

MR. PRESIDENT: Government Business. Motions. Government Motion No.1/86. The Honourable First Official Member.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO.1/86

CINEMATOGRAPHIC AUTHORITY

HON. DENNIS H. FOSTER: Mr. President, I beg to move Government Motion No.1/86 standing in my name which reads as follows:-

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

"BE IT RESOLVED THAT the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 28th of February, 1986.

Mr. Linford A. Pierson, JP, MLA
Mr. D. Errand Miller, MLA
Mr. W.McKeeva Bush, MLA."

MR. PRESIDENT: The motion before the House is Government motion No.1/86, the terms of which have just been read by the Honourable First Official Member. The motion is open for debate. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 1/86 PASSED.

MR. PRESIDENT: Government Motion No.2/86. The Honourable Fourth Elected Member of Executive Council.

GOVERNMENT MOTION NO.2/86

ALTERING THE DEVELOPMENT PLAN, 1977

HON. VASSEL G. JOHNSON: Mr. President, I beg to move Government Motion No.2/86 for altering the Development Plan, 1977. The resolve of that motion reads:-

"BE IT RESOLVED by the Legislative Assembly, pursuant to the powers conferred on it by subsection (3) of section 7 and by subsection (1) of section 8 of the Development and Planning Law (Revised), that the Development Plan 1977

HON. VASSEL G. JOHNSON (CONTINUING):

(being the plan referred to in subsection (5) of section 6 of the Law) be this day altered by re-zoning from "low density residential" to "hotels/tourism" the area edged blue on the plan annexed to this Resolution."

MR. PRESIDENT: The motion before the House is Government Motion No. 2/86, the terms of which have just been read out by the Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, this motion is brought in order to satisfy applications made by developers of the two parcels of land, that is to say parcel 17A 3, containing approximately 100 acres of land and parcel 17A 10, containing approximately 800 acres of land in the swamp area along the Seven Mile Beach on the North Sound side of the road.

Mr. President, parcel 17A 3 is privately owned. The other parcel, 17A 10 is owned by the Crown, which parcel of land was originally leased to one Benson Greenall and has been subleased down the line. Now the last owner of that sub-lease has applied to the Central Planning Authority for the rezoning along with the other property owner adjoining him.

Mr. President, at the time that the Development Plan was being formulated in 1977, apparently it was overlooked that the lease document for that particular parcel of Crown land had certain stipulations in it regarding the zoning of that area. I will read from a copy of the lease document what it says about the swamp lands contained in the lease of which parcel 17A 10 forms a part. This is from page 4 of the Head Lease, subparagraph (c):-

"The Lessee shall have the right but shall not be obliged to build and maintain upon the demised lands, in addition to the said hotel, houses, shops, cafe, cabanas, offices, banking and commercial houses, shipping and airline agencies, theatres, night clubs, country club, bathing establishment, golf courses, polo ground, racecourses, sports grounds, etcetera. Provided, however, that the consent of the Lessor in writing to such other erections shall be first had and obtained, such consent shall not be unreasonably withheld."

In the Schedule it stipulates the same thing that the property would be used to build a hotel on and develop the demised land as a holiday resort.

The applications which were made regarding these two parcels of land were to change the zoning from what it is at present, and that is that it is zoned as a low density area. The applicants are requesting that it be rezoned as a hotel resort development area.

Mr. President, the prime sites of the Seven Mile Beach and the seaside are developed at the present time. So, new development is moving across the road to the North Sound side of the peninsula. Thus the reason for these requests. It seems to be reasonable. Mr. President, it is not the first parcel of swamp land in that area which had to be rezoned from low density. These are just following that particular trend.

I would therefore support the motion and ask Members to do likewise. The development, Mr. President, along the Seven Mile Beach is really in support of the tourist industry, as are all these developments because they mentioned hotels, condominiums and so on.

HON. VASSEL G. JOHNSON (CONTINUING): It seems that if the Government's policy is to promote tourism within specific guidelines and control that it is necessary that we give consideration to requests of this nature. The Central Planning Authority has recommended these requests. The rezoning has to be confirmed by the Legislative Assembly by motion. So, we are submitting to Honourable Members this request for rezoning of the two parcels of land mentioned, 17A 3 and 17A 10, and ask for your kind consideration.

Thank you very much.

MR. PRESIDENT: The motion is open for debate. Does any Member wish to speak? The Second Elected Member for Bodden Town.

DEBATE ON GOVERNMENT MOTION NO. 2/86

MR. G. HAIG BODDEN: Mr. President, I am greatly alarmed by the opening statement of the Member who introduced this Government Motion. He said that the motion has been brought to satisfy an application by a developer. This is a sad state of affairs. I recall quite recently when in this same area of the West Bay Beach North, our Development Plan had been changed to satisfy the developers of the Hyatt Hotel. It appears to me that any developer can now apply to change the zoning in our Planning Law and the application can be brought and passed through this House without any notice at all being given to the Members.

This motion appears on Business Paper No. 2 which is dated 25th February, only a couple of days ago. We are asked to approve today something which is sensitive and has always been controversial, without having received notice. The architects of the Planning Law put in certain safeguards into that Law whereby changes to Development Plans would not be taken lightly. Although in an exceptional case changes can be made, I feel that piecemeal changes should not be brought to this House every time it meets, because we will definitely defeat the purpose of planning.

The Development Plan, 1977 changed from a previous Plan which came to notice in 1976. The Plan and Law under which we now work came into effect in 1977. The Law has in it a provision whereby after a number of years, which I think was five, the plan should be reviewed by the Central Planning Authority and presented to the House for changes. This means that the Plan should have been reviewed in 1982. It is my understanding that the Central Planning Authority did start some work on a revision to the Plan around that time. It is also my understanding that a revision of that Plan was about complete around the time of the November, 1984 Election, and was a matter which should have had priority after November, 1984, because the most important ingredient in our Island economy is the proper development of land. If the investor is unsure what will happen, he will not want to put his money in a long term development.

We know that the Plan needs changes because it was produced in 1977 and the effluxion of time has worn thin many areas of the Plan. There certainly is a need to make certain changes in certain areas. The Government is at fault for bringing this motion today. This matter of planning should have been the first item on their agenda. Instead of doing the things which have been done since November, 1984, instead of concentrating on areas which suited only certain special interest groups, the Development Plan should have had priority. This is why we find that the Government now has to come, not only recently for the Hyatt Hotel, but today for another development. I suspect that at our next Meeting in May it will come again.

MR. G. HAIG BODDEN (CONTINUING): My contention is that if the Government is to serve the interests of the people of the Cayman Islands as a whole they must deal with the most important items first, not spending their time writing letters to the newspaper, trying to look good in the eyes of the public, not spending their time doing little jobs here and there to perpetuate their existence at the next Election. This is not Government. The Development Plan and the Law sets out specific guidelines for any change in that plan. The Central Planning Authority must review it. They must present it to the Governor. It must be published for public scrutiny. The Government has failed in its responsibility to carry out the necessary review which was so urgent and so necessary in November, 1984. Now, almost two years later nothing has been done.

In the Cayman Islands, like many other countries, real estate is the key to development. Either one has good arable land for agriculture and good beaches for tourism, and good land for office buildings and residential areas or one does not. If one does have it as we have the tourist industry and other areas of economic activity, we must make proper use of it and we must do so in a manner which does not seem to serve special interest groups. We must keep our legislation on a level where it serves the community as a whole, not like the nonsense we see with the regulations under the Marine Conservation Law where we read in the newspaper one day that a certain man objected that the Law had prevented him from throwing out his seine. The next day we see in the newspaper that somebody had taken it back to the Marine Conservation Board so that their supporter could throw out his seine. This is not Government. This is an alarming thing.

Nevertheless, the motion before the House seems to be a reasonable one which will encourage development in this area. I can only hope that after this has been brought to the attention of the Members of Government, that they will bring to this House as quickly as possible an honest and intelligent review of the zoning plans for these Islands, so that developers will know where they stand. If the Government goes around doing as it has done twice already in its short existence, changing the zoning regulations, developers will not know where they are. They will not know where they stand, because if a developer had bought this same piece of land last month and at that time it had been planned for hotel development, and some smart person had come along last week and asked that it be changed to low density housing or residential areas, that motion would be before the House today and the developer could not put up his hotel.

So, I feel that these matters should not be treated lightly. I would like to ask what is the secrecy? Why is it that we could not have received this much earlier so that we could discuss this matter publicly? Why the secrecy? Why the short notice? Is it to prevent Members of the House from doing the necessary investigations which are needed in order to speak even for a few minutes on such a change? The Government must stop its present trend. It must give priority and deal with the matters which are important rather than with the matters which are urgent.

MR. PRESIDENT: Does any other Member wish to speak? The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I would have thought, Sir, that this motion would have not been controversial. However, as I said in another place it appears to me, Sir, that many Members of this House and the public either have short memories, or alternatively a great distaste for facts.

It was not this Government, Mr. President, who amended the zoning for the Hyatt Hotel. It was the last Government of which the last speaker was a Member. It was his colleague in front who presented the motion. This is the first time that this Government has brought forward a motion to amend the Development Plan. The Member was at pains, Mr. President, to point out that under the Planning Law a revision of the 1977 plan should in fact have been brought to the House for revision or for acceptance. That was during 1982 and the Government of which he was a Member did not see fit to do so. Now he is complaining that after 15 months in office this Government has not been able to bring the revision which they had a whole eight years to do.

How ridiculous can one get, Mr. President? Not only did they fail to bring the revision. What they did was when I was in the Opposition and called it to their attention that it should be done, they amended the law to remove the mandatory provision for bringing that revision to the House. Now he is getting up and crying about what should have been done for planning. Mr. President, it is a most ridiculous contribution I have ever heard. We agree that the plan needs changing. As far as I know the matter has been commenced and it will follow the requirements of the Law and come before the House in due course. However, the Member should not try to mislead the public, Mr. President. It was his Government which brought the amendment to the plan to the zoning for the Hyatt Hotel, not this Government. It was his Government which failed in its duty to bring a revision of the Development Plan, 1977 to the House when it should have been brought in 1982. I agree that their neglect of their duty and responsibility has brought uncertainty in the development field in this area. However, thank God, Mr. President, that since the 20th November, 1984 the country is seen to have a Government which will do what it has to do and is doing the right things, and development is on the increase.

The revised plan - if the public decides that they want a revision to that plan after the assessment has been made by the Planning Authority, then this Government will carry out the wishes of the people and change that plan accordingly.

I support this motion, Mr. President, and it should be noted that the area being sought to be rezoned is part of the original lease, or one of the areas is part of the original lease which stipulates that the land will be used for tourism related development. Much of this area already, Mr. President, has condominiums built in it within the immediate vicinity. Sir, the real use of the land is not being dramatically altered and it is important to note that the blue line as I see it falls behind the stormbelt, except and I would like to make it clear where it goes to the coast which is ironshore not mangroves. That is on the North Sound side going down. That is from what is commonly known in the Cayman Islands as the Head of Mashaula with some high ironshore. So, I do not know, Mr. President, how many more crocodile tales we will hear today, but I want to give my assurance that this is not an unreasonable request. It is the first one which we have brought. The other one was brought by the Second Elected Member for Bodden Town's Government. Furthermore, it was they who failed to bring an assessment or revision, whatever was required within the five year period in 1983, and not this Government.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, I am convinced ... that this whole question of planning, because land is so valuable and such a controversial issue, will be used again to try to stir up the people and get all sorts of emotions aroused. If that Member was really concerned about planned development, why did he not between 1977 and 1982 at the appropriate time have the plan revised and brought to the House? If it was important in October, 1984 he left it that way. He was, in my opinion, negligent in his duty if he felt that it was important not to have brought it. However, Mr. President, some people will challenge other people to do what they themselves are afraid to do. That Government was afraid to bring the planning revision to the people before a General Election. That did not help them though. People still kicked them out, the majority of them.

I am satisfied, Mr. President, on the question of planning that the Caymanian public is now sufficiently awake and aware of the need for planned development that any assault on any proposed plan in the future will not meet with the success which it met with in 1975 and 1976, because at that time and even subsequently I have heard the last Member who spoke deliberately misquote and misrepresent things which were proposed in the 1975 Development Plan.

MR. G. HAIG BODDEN: The Member is not telling the truth. Can he give examples?

HON. BENSON O. EBANKS: I have given enough examples of where the Member was not telling the truth a while ago. So, I do not know why he wants me to give him more.

Mr. President, I support this motion. I support planned development but we cannot stop the wheels of progress because some people would like to take this and carry it all over the place. I am not sure why the motion is dated the 25th February. I only know that when I had knowledge that the motion was coming, that is before I saw the actual motion, there was ample time that it could have been circulated. I have a feeling that this is probably some clerical error. It was no fear on Government's part to put it out for public scrutiny. In fact everybody knows that area is going to be developed. This is only to conform to the Law. Everybody knows the type of development which is proposed for the two areas. So, this is not going to come as any shock to the public. What we are doing, Mr. President, is conforming to the Law, and I support the motion.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak? The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, we have repeatedly in the past heard the previous Government abused because of the short notices which were sometimes given on business which came before this House. Yet, when my colleague brought up the point this morning about the short notice which had been given on this particular proposal, he was bitterly abused and castigated in the manner for which the Member who last spoke is well known.

I have in my hand a copy of this proposal and it happens to be dated 25th February. So, if that is not short notice then I would like to know what short notice is.

MR. JAMES M. BODDEN (CONTINUING): You, Mr. President, allowed the previous Member to drift into distant waters. I hope and trust that you will see fit as I drift, to leave me alone with my speech.

This is only another example of crisis management. We see it every day. We have seen it recently with the proposed amendment to the Tourism Tax. They put it out as a trial balloon one day and they pull it down the next. We have seen Government drift and drift as a boat without a rudder. We can thank God that there has been no major storm developing.

I view this, Mr. President, as another case of the special interest groups. We seem to be getting too much of this. We saw it shortly after the 1984 Election. Since that time this Government has had to grope at every penny which they thought could be found from the purse strings of the population of this country. Every little tax which could be increased 500 to 1,000 per cent has been increased. I noticed this morning where the last untapped source of revenue is being tapped. That is the fines which are imposed in our courts. Where are we headed after this? Is it in the direction of direct taxation? I bring this up to support what I said a while ago in regard to the special interest groups. After the Election of 1984 there was probably somewhere in the neighbourhood of $600,000 which could have been collected by the Treasury on the condominium tax. I ask the people of this country who benefited by the removal of that tax and who got hurt. The people who got hurt were the little men who these people do not see, the little men on the street who could ill afford to pay the high taxes which have been levelled on them during this administration. Therefore, we have grounds to speak out on subjects such as this. Immediately after the Election the condominium tax was revealed, plush jobs were given out in some areas to people who had never had them before, and the people who could afford to pay Government the $600,000 escaped tax free.

I am all for development of this country and have always stood for it. However, please let us go about it in the correct manner. This property, I understand, was sold to a group of people some time ago. The people at that time who bought it must have seen a value in it or they would not have bought it. Why is there this rush when I understand that the present Government has shelved the proposals which were proposed by the 1984 Government to change the overall Development Plan and which had been recommended and prepared, and were to be submitted to the House? They have seen fit to change all of that. I understand that just recently a few weeks ago they put together another Committee within a Committee within a Committee, to study the Development and Planning Law.

I take the words which were mentioned by the previous speaker very seriously because I know what he and the Honourable Fourth Elected Member of Executive Council were responsible for trying to do to the people of this country in the years 1971 to 1976 in regard to the Development Plan. He may think that people's memories are short lived. However, I can assure him that they are not as short lived as he may think. In the years 1971 to 1976 he and the Members of his group, ably assisted by the Honourable Fourth Elected Member of Executive Council who was then a Government Member, prepared to cram down the throats of the people of this country a Development Plan which would have ruined it. We would never have had the prosperity which we now enjoy if they had implemented a one hundredth of the part of that plan which they had proposed. How could this country have developed when areas east of George Town, for instance, Bodden Town, Frank Sound, East End, North Side, and Prospect one would have had to have five acres to build a home?

MR. JAMES M. BODDEN (CONTINUING): We have not forgotten the ridiculous plan which was proposed for this country at that time and that plan was being proposed and it had been accepted by the Executive Council of the day, because again there were special interest groups standing in the wings who would have been able to buy up the heritage which the Caymanians have, which is land. That is the only money they have and special interest groups would have been able to buy it up cheaply and then in a few years we would have heard like we are hearing now a revision of the plan. Where we could build only on five acres before, we would have been able to build a hotel maybe on 5,000 square feet if it was possible to get the ground floor laid. Yes, we have legitimate reasons to grive about this and so does the public, Mr. President.

That Member spoke about the crocodile tears. I can assure him that the crocodile tears are not being shed by the three members of the Unity Team on this side. They are being shed by the entire people of this country. They are being shed because there is no present direction in Government. No one knows where we are headed. The only thing which the population as a whole can see is increased taxation. Every newspaper which we pick up which has in it the controlled news of Government as well as the news which is broadcast by the radio is telling the population of this country that there is a new tax. Now they are hiding behind the word "regulations" and there is a new regulation now which has increased the fees a thousandfold. I can assure him that these crocodile tears are probably going to be shed by him and his present administration before the 1988 Election rolls around.

He said that Government since 1984 is doing the things which have to be done, and the things which they are not afraid to do. Yes, Mr. President, if I may enlarge on that, some of that is correct. I can assure him that the 1984 administration had no fear at all in putting forward the things which were necessary for the good of this country. However, he and his crew have proved to the people of this country that what they have been able to do for them is break every promise which they ever made to them in the Election. All the people are receiving are increased taxes and an increase in the national debt to the point where if it continues it can be very detrimental to the long term economic stability of this country. When it comes to indecision there appears to be nothing lacking in that area. Indecision has become rampant. Yes, Mr. President, the people have not forgotten and they will not forget.

The 1984 Government had spent quite some time in the new preparation of a Development Plan which should have been presented to the people in early 1985. I ask the Member who just spoke why did they not submit that, or is it following the old precept which they have been following since the Election in 1984, destroy everything which was done by the previous Government, and in doing so destroy the country.

We have heard a lot in the past about dignity. We see how far dignity can go. I am pleased to see that the Member did lash out and try to correct my colleague in one respect. That was in regard to the rezoning change for the Hyatt Hotel. They have been so ready to accept praise for everything which was previously done and they have tried to accept praise for the Hyatt Hotel as only being done during this administration. At Least he put his foot into his mouth and he has admitted that the approvals were given in the 1984 Government and not this one.

HON. BENSON O. EBANKS: They changed the zoning but they did not get the hotel started.

MR. JAMES M. BODDEN: Well, they could never have got it started and got all the approvals as quickly as it was done, even with the Member's administration where he may be a genius at getting things done.

No, Mr. President, we can see where we touch. They have claimed credit for everything. This is one mistake which the Member made in trying to bear the blame in another area this morning.

I notice on this proposal, Mr. President that it appears that they are attempting to keep the stormbelt. Yet, the Member who spoke on it argued against it himself, because he may think that he is the only one who is familiar with the coastal lands of the Cayman Islands. I am glad that he spoke out and said that the majority of land in that area is ironshore. So, it will not really matter much whether we keep the stormbelt or not because we have the coral shore in that area and people will clear away from that. They may not build within the 500 feet of the shore but it will be there and not really as a stormbelt. So the Member should not try to confuse the House by telling us that we are going to leave a stormbelt in that area.

Mr. President, if I am reading this plan correctly again, we have an area off the West Bay Road going in. I think it is either 400 or 800 feet, one or the other, which is zoned commercially. The rest of it is zoned I think low density residential. However, they are coming to us today and asking us to zone probably 200 acres as hotel, resort areas. Mr. President, nowhere in our lifetime can we expect that we will need to have in one particular area 200 acres approximately for a hotel. Under our existing Law that would give us a hotel of approximately 10,000 rooms. Where are we going to get the tourists from? How is our infrastructure going to deal with that. No, Mr. President, there is more to this than meets the eye and I hope that it will surface. It is time that we stopped catering to special interest groups. It is time that we start taking Government in the direction which it should go. It is time that we become a Government which can stand on its decisions because the decisions are good for the country. It is time that we do away with the heavy taxation. It is time to do away with crisis management.

MR. PRESIDENT: Does any other Member wish to speak? The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I wish to support this motion before the House. I have sat here in the last 15 months and listened with awe, anticipation, interest and sometimes alarm to the debate which takes place in this Assembly.

This morning we should be debating a motion to change the zoning of the Development Plan, 1977 and we have run the gambit from court fines to the whole spectrum of Government's performance, evaluation, taxes and everything else. Mr. President, as to what triggers an amendment to the Development and Planning Law, and there have been several in the past, Sir. There was one in 1977, 1978, 1980, 1981, 1983, 1984 and 1985, a combination of amendments to the Planning Law and the regulations.

Mr. President, I believe that in most instances what triggers an amendment to the Planning Law is some developer who owns a piece of land which he wants to develop but does not presently fall within the zoning as it exists in the plan. So, he has to apply for Government's approval and Government has to follow the Law and seek a change in the regulations or the Planning Law, rezoning as necessary to allow that development to take place once Government agrees and the development conforms with other laws in the country.

MR. D. EZZARD MILLER (CONTINUING): So, when the mover of this motion said that he was bringing it on behalf of an application, he was being honest and straightforward. However, Sir, I have only been at this level on the Floor of the Assembly for 15 months but I have been in the gallery of this Assembly for several years listening to debates. I have seen Members of Government pull yellow pieces of paper with handwritten notes concerning changes needed to the Development and Planning Law, and the broomsticks on the other side, Sir, vote for those changes probably without even knowing what lot numbers or anything else they were voting for, much less being presented with a plan as we have been this morning showing exactly what is going to be done.

Mr. President, the Government of this country must run the country. It must stimulate development and when a developer comes forward with a proposal which is good for the economy, is good for the country, conforms with all of the Laws of the country, it meets all of the other planning requirements, it is within Government's programme for the development of the country and it is necessary for an amendment for rezoning, what has to be done has to be done, Sir.

I support the amendment to the Development Plan.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, it was not my intention to speak on this Government Motion. However, in view of the discussion which has gone on on what I see as a relatively simple matter, I feel somewhat constrained to express some of my views on the procedures and on this motion.

Mr. President, it was in November I believe that you directed Members of this House that they should abide by procedures and I know that at that time certain Members were not allowed any latitude in straying from the Bill or matter before the House. I see this, Sir, as a precedent which is allowed in this House where Members initiating a motion or Bill are allowed a lot of latitude, but then this is cut off as the debate warms up in this House. Without wanting to be critical, Sir, I believe that more discipline is required in this House and that stronger guidelines should be enforced by you, Sir. I do not feel that it is doing this House or this country any good when Members are allowed to get up in this House and talk about a lot of irrelevant rubbish. I feel, Sir, that we should be dealing with the matters as they are presented to this House.

Regardless of the way in which this motion came about I believe that we all here would agree that it is necessary. I know and I agree with the previous speakers that perhaps it was unfortunate that the Member moving this motion said that it was brought in order to satisfy an application brought by developers. However, as stated by the Elected Member for North Side many such similar motions have been brought to the House because of similar requests. This does not mean, Sir, that a comprehensive study should not be made at this time for a Development and Planning Law and these areas should be properly mapped out. I too do not believe in management by crisis but I do not believe that this is a case where this particular management by crisis term could be applied.

MR. LINFORD A. PIERSON (CONTINUING): I do not believe, Sir, that it does this House any good to hear remarks made as this is the most ridiculous contribution I have ever heard. All such remarks will do is cause other Members to reply in similar terms. We have a very dignified House here, Sir. I too believe that it is up to the President as Speaker of this House to maintain the proper decorum. Otherwise we are going to be deteriorating in our levels of debate. We are going to be deteriorating in our decorum in this House.

I agree, Sir, that it is the right and the privilege of the Government Bench to protect themselves, as it is the right and the privilege of the back-benchers to do the same. However, this can be done in a very dignified manner. Whether there are crocodile tears now or whether they will be shed in 1988, will remain to be seen.

We are now in 1986. We are not back in 1977. We are within a period when this country is moving from strength to strength. Let us try to confine our recommendations. Let us try to confine our ideas and our plans to the present and future development of this country.

Mr. President, I think that it is well known to all Caymanians and indeed all residents of this country that the Seven Mile Beach is somewhat saturated. So, it is important indeed that other areas for development will have to be sought. Perhaps the most logical step is across the road on the North Sound area. I also note, Sir, that the rezoning proposed from low density residential to hotel, tourism could give the impression that this is strictly for hotels and that we are expecting that hotels which will supply or cater to about 500 acres of that area will be built in the near future. I do not think that this is a correct assessment. I believe that this is meant to be a hotel and tourism related development which would include other forms of tourist accommodation areas.

Mr. President, I am totally opposed to any form of piecemeal legislation. I do not believe that it is fair to Members of this House to be given two or three days notice on matters of this magnitude and importance. However, I do know that this happens from time to time. None the less, Mr. President, I feel that a concerted effort should be made by the Members of the Government Bench to allow enough time so that notices, Bills, matters of this magnitude and importance may be given thorough study.

Mr. President, I feel that this motion will assist in the development of this country and the development of perhaps one of our most treasured resources and resources, our tourism industry. I have no hesitation, Mr. President, in giving this motion my full support.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I rise to support the motion now before the House, a motion which will alter the zoning of a property located adjacent to the West Bay Beach from low density residential to hotel, tourism development. I am quite familiar with this and I would like to state, Mr. President, that this is not a crisis decision. This has been very carefully gone over by the Planning Department. We have a very capable Director of Planning and also the Portfolio has very carefully studied this. In addition, the Central Planning Authority has looked into this. The law says that it must come before the Legislative Assembly to be ratified. We are not here to make a decision. We are following recommendations which have been laid down to us.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): This will enable an area of Grand Cayman which today is useless, to become productive. Millions of dollars will be spent and be injected into our economy in developing this land to a use which will be beneficial. With other areas which are submerged similar to this we spend hundreds of thousands of dollars through the Mosquito Research and Control Unit to control the mosquito population. This is going to be done by a private developer and he will develop it into a lovely area. This will be done over many years. It is not something which will happen overnight. With something of this magnitude we are probably looking down the line ten or fifteen years before we will have all of this developed. I am sure that we will have condominiums. We will have townhouses, hotels and residential areas.

I feel that we as legislators must look to the future and not dwell entirely on the past. We must try to develop the Cayman Islands to suit the population and the needs of the future. We have school leavers each year coming out of school. They need employment. If we do not tend to develop our country where is the money coming from, and where are the jobs coming from to supply the needs? Let us not dwell in the past, Mr. President, but let us try to shoulder our responsibilities as Representatives of our people. In my District now we have serious problems. However, we cannot like a turtle pull our head into our shell and think that they are going to solve themselves. We have to work to solve them. I wish today that a developer would come to Cayman Brac and try something like this. We would certainly see that he was encouraged in every way possible. I feel that it is incumbent upon all Honourable Members of this House that we support foreign investors when they are coming here with genuine investments which will benefit these Islands and will develop them beyond our own ability to develop.

With these few words, Mr. President, I support the motion.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Mr. President, I rise in support of the motion before us. I recall very clearly that some years ago there was quite a controversy in these Islands regarding a Development Plan. I would like to remind Members of this House that when that plan was made, it was not set down as a Law of the Medes and Persians which could not be changed. It was intended at that time that after a certain period of time it would be reviewed and any changes which needed to be made would be done at that time if necessary.

I think here we have a case where this occasion has arisen and it is a simple matter of having to rezone this area in accordance with the original intention of the Government when they made the original plan. So, I do not see why there should be so much controversy over this particular area and I support the motion.

However, Mr. President, at the outset of this Session I would like to voice some concern here, since the matter was raised, that as far as responsibilities of the Members to the Chair, or the Chair to Members are concerned, for the short time that I have sat in this House the problem seems to arise, Sir, not so much from a lack of your carrying out your responsibility towards the Members but rather from a lack of Members respecting the Chair. I would like at this point in time to voice my concern that all Members of this House recognise the Chair; recognise the Speaker and what he has to say. It is said that you can take the man out of the country but you cannot take the country out of the man. I believe that the demeanour and actions of Members in this House clearly portray the type of individual that he or she is.

MRS. DAPHNE L. ORRETT (CONTINUING): I would hope that during this Session we would behave ourselves in a respectful manner and that at no time it be inferred that the problem in this House is as a result of a lack of enforcement of discipline on the part of the Chair. Quite to the contrary I think it is a lack of discipline on the part of Members in respecting the Chair. Mr. President, I would hope that we have a very sensible and worthwhile Session and that it be recognised that some people get tired of listening to repetition and rhetoric on the radio.

With that, Sir, I would like to again state that I support the motion and I trust that other Members will see fit to do likewise. Thank you.

MR. W. McKEEVA BUSH: Mr. President, I will be very brief. I would just like to call attention to the Members here one item seen in this map. I am trusting that in rezoning this area they will remember that a new road has to be built from George Town to West Bay. I am hoping that the relevant authorities will take this into consideration in rezoning this area. This area is in my constituency and you can believe that anything which is going to make us harmy in West Bay I am going to support no matter what kind of crying we hear.

I hope that the authorities here, and I see several of them here this morning, will take what I say into consideration. I feel that it is a valid point. We have to build a new road between West Bay and George Town and I think that something was brought up in the debate about the 1976 Development Plan. I did not support that plan in its entirety but I know one thing, and reading the plan there, there was a road planned for West Bay. Why in the world it has not been done yet I do not know. However, you can believe that they had better take it into consideration because we have serious problems travelling from West Bay to George Town on that highway. So, I trust that the relevant authorities....

MR. PRESIDENT: If the Member would pause for a moment, I am told that the tape is about to run out. If he is going to finish within half a minute or so, alright. However, if he is going to continue for some minutes we might do best to break.

MR. W. McKEEVA BUSH: I am just saying, Sir, that I trust that the relevant authorities will take it into consideration. I am giving my support to the motion.

MR. PRESIDENT: I think that in view of the fact that the tape is about to run out, this will be a convenient moment to suspend proceedings for lunch. I suggest that we resume at 2.15 p.m.

AT 12.37 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.95 P.M.

MR. PRESIDENT: Please be seated.
Government Business. Government Motion No. 2/86. The debate is resumed. Does any other Honourable Member wish to speak? The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I have always heard the expression of making a mountain out of a molehill, which I believe translated in other words is the same as much ado about nothing. It has never ceased to amaze me the wide ranging debate which can develop in this House from a straightforward, proper and necessary motion such as the one, Government Motion No. 2/86, which is presently before this Honourable House.

This Government has consistently been accused of doing nothing to stimulate the economy or encourage development. Yet, when a motion of this nature is brought which is vital to the continued development of the country, nothing but nit picking develops and it is severely criticised from every possible angle, even the manner in which it was introduced from the Member's opening remarks.

The Hutt project was even brought in to the debate and also in a recent letter to the press Government was accused of taking the glory for this project, or the praise and credit for it. It is my view, Sir, that it is not important who started it because I feel that this Government in its own way has contributed to this project being completed. It should always be borne in mind that it is not he who starts the race who wins it, but he who completes it.

Mr. President, much has been said about this motion and I will not prolong it. In my usual fashion I too will be brief. I support Government Motion No. 2/86 which deals with the rezoning from low density residential to hotel and tourism the area of land which has been described in the plan which has been attached. To my mind it is a normal and required procedure which has been used time and time again as has been pointed out previously. It is not in the least bit unusual. It is in keeping with the terms of the Head Lease. Most of all, Sir, it is of utmost importance to the continued development of tourism and the future prosperity of this country. This is what should be of paramount importance to all of us in this House.

I am sure, Sir, that with investor confidence remaining at the height at which it is at the present time, there is no doubt that there will be other similar motions before this House. I can only hope that they will be treated with care and due consideration, and given the sort of support by Members which the motion is due.

With those words, Mr. President, I support Government Motion No. 2/86 and I thank you.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. VASSEL G. JOHNSON: Thank you, Mr. President, very much, Sir. Mr. President, first of all I want to apologize to Honourable Members for this matter being put on the Agenda today. It was forwarded to the Clerk of the Legislative Assembly on the 25th February, and there was really no urgency for it to be on the Agenda today. I am surprised that it really did appear today. For that matter it could have remained to the last day to be presented for debate. However, be that as it may, it is now here. Even those who have appeared to have criticised the motion at the start of the debate, apparently supported it in the end.

I have no doubt, Mr. President, as to why this should be so. We have heard quite a lot said about this motion and who did what in the case of rezoning along that Seven Mile Beach. Mr. President, the 1977 Development Plan, or planning statement I should say as it resembles more a statement than a development plan, was introduced in 1977. Because no thought was given to that Seven Mile Beach peninsula as far as zoning was concerned, it was placed on the statement as a low density residential zone. This in my opinion, was not really very wise of those who looked at the zoning of that Seven Mile Beach area. That is the reason why every developer who owns or leases or otherwise land in that area wants Government to consider rezoning the area, because no type of development along that area can be classified as low density residential. So, from 1977, Mr. President, resolutions have been coming to this Legislative Assembly for permission to vary the plan in that particular area. Certainly, some of those who come to mind for rezoning are the Hyatt Hotel project. That was done by the previous Administration. The motion was presented here by a Member of that past Government. The Yacht Club project which was being talked about was also presented here by the previous Administration. The Cable and Wireless Eastern Avenue development was rezoned as well. You know, Mr. President, it is said that people who live in glass houses should never throw stones. That applies in this case.

Why there was all that barrage of opposition this morning to this motion is beyond me. The people seem to have poor memories and are not really putting facts together before they speak.

MR. G. HAIG BODDEN: How can we put them together when we get the motion as we are coming here? The Government does not give us time.

HON. VASSEL G. JOHNSON: Mr. President, will you please discipline that Member?

MR. PRESIDENT: Order, order. Members know that they should not interrupt.

HON. VASSEL G. JOHNSON: I know, Mr. President, that the minute you start to step on their toes they want to talk back at you. That is about all you get from them.

Mr. President, a lot was said about the 1977 planning statement and that the matter of the revision of that statement was dealt with in 1984, and was left for this Government to deal with, and this is 1986 and we have not touched it yet. Well, Mr. President, let me say this. We have pulled a lot of skeletons out of our drawers and cabinets and that was one of them. When we examined it we found that that revision was done in some hasty manner and completed around the summer of 1984. It was reverted to Executive Council and it was decided to defer the matter.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, why defer the matter is again beyond me. Now we are being blamed for not putting forward the revision which was done by the previous administration. We pulled a lot of skeletons, Mr. President, out of those closets. We have put flesh on some of them and we have dressed them. We did not deal with them ourselves. We did with them what we told the people in our campaign that we would do. That is that they would be put forward for their comments and that any major issues arising in Government would be put forward for public input. That is exactly what we are doing. If they did a revision of that statement, regardless of what it is, we as a Government will not accept it and put it forward here. We are going to put it to the people and we are going to ask the people whether they wish to have a revision, and if so, what sort of revision they will wish. It will be done by Districts and each District will have the opportunity of making its own input into that revision.

However, I agree, Mr. President, that a revision of that plan or statement is necessary. Otherwise we would not be coming here so often to ask permission of this Legislative Assembly to vary the zoning of particular areas of these Islands.

Mr. President, one of the Members, the Second Elected Member for Bodden Town said that developers are confused when they come here. Well, of course they are. I am confused at times myself because when I think that a development can be given planning approval and take off I am told, "No, it has to now go to the Legislative Assembly for zoning approval for a change of zoning". So, it is not only confusing to developers who come here when they ask for planning permission. It also becomes confusing to us. So, I agree that a revision of that plan is necessary.

Now, Mr. President, I am sure that that same past Administration might use the occasion for the revision of that planning statement in the same way that they did the proposed Development Plan of 1975 and 1976. Mr. President, I heard the First Elected Member for Bodden Town even accusing me of doing things contrary to the will of the public. I want to remind Members here that I was an Official Member until 1982 and that I was always told that although I held Portfolio responsibility in Government, that my voice in here was not on behalf of the people but on behalf of Government. I accepted that position. So, I do not know really what benefit the Member will obtain at this particular time from blaming me as an Official Member then for the then Development Plan. One might as well start blaming the person who is now in that position for anything which is done today. However, I notice that the Member conveniently strays away from doing such a thing.

Mr. President, mention was also made here that indecision is becoming very rampant. That in my opinion, Mr. President, is an irresponsible statement. We certainly can make decisions. There is no question about this at all. We are not afraid of decisions and we are always cautious that decisions are in the best interests of the public.

Another irresponsible statement was that we were involved in management by crisis. We did find a crisis in this Government when we took over in November, 1984 and we endeavoured as a group of very cautious Administrators to deal with that crisis position. One was that the airline was on the verge of collapse within a few days. That was a crisis position, but we dealt with it. Praise be, the airline is still flying.

HON. VASSEL G. JOHNSON (CONTINUING): We had other crisis positions. We found no Reserves there, for instance. We had to resolve the position in one way or another and the country is still solvent. These are crisis positions, Mr. President, which we had to deal with. However, by no means do we operate by crisis.

Mr. President, the development along that peninsula of West Bay Road has many advantages to it. One which I omitted to mention this morning in opening the debate on this motion was that that particular area is looked upon as a prime tourist area. It is an area which we endeavoured to place under control from mosquito and sandfly pests. We had to do that otherwise the hotels would not retain tourists. We remember in the days when mosquitos were prevalent down there tourists would come in one evening and leave the next morning. They could not take another night of it. So, we always have to be watching the programme of control along that area. One of the advantages of development in the area is that those particular areas will rid themselves of mosquitos as they develop. So, we should not miss that point either.

Another point about that Seven Mile Beach area, Mr. President, is one made by the Second Elected Member for West Bay, reminding Government of the proposed by-pass road between George Town and West Bay. I can give the Member the assurance that that is foremost in the minds of Government whenever we deal with development in that area. I am sure that all potential developers in the area are quite aware of this. In fact, the Government is just about to mount a study for that particular roadway development. As soon as the study is completed the matter will be dealt with in the appropriate manner by the Planning Department and then by Government. However, the Member can be assured that that is not going to be forgotten.

The last thing I would mention, Mr. President, is the fact that a Member from the Opposition speaking this morning made mention that the Government was introducing high court fines. This is another attempt to deceive the public. They are probably deceiving themselves too. What the Member might be referring to and the only thing which I can put it to, is in the proposed Criminal Procedure (Amendment) Bill there is a stimulation in section 5 dealing with increased court fines. Well, that reminded me of the full tax issue which they call income tax, because an increase of a fine is really not an increase of revenue. That means an increase in the sentencing of an accused.

Mr. President, there are many things which were hurled at Government from across the way. However, I am sure that other Members with more consideration for the welfare of this country have already spoken and have clarified many of the points, and have really expressed concern that we on this side are also concerned about the manner in which these debates take place, and the fact, Mr President, that much of it is just political rhetoric and is an attempt to deceive the public. When the previous Government was in charge nobody went around and interfered with them. When they brought their proposals here there was a peaceful atmosphere in here. Very rarely was there any strong opposition against their measures. Anyway, we can take what opposition comes to us. Our shoulders are broad enough. However again, Mr. President, I will join the other speakers who expressed concern about this attitude in here.

Mr. President, a colleague has just drawn my attention to the fact that where the Opposition might have got the idea that we were increasing revenue by court fines is from the article published on the front page of today's issue of the Caymanian Compass which says, "Proposed amendment is to raise court fines". That is perhaps the same mentality which we heard about

HON. VASSEL G. JOHNSON (CONTINUING): this morning. However, if we read the amendment Bill we will see that it is not a matter of raising revenue. It is a matter of increasing fines. I said that already but the measure in the Law is to increase the power of the court where fines are concerned. It is not really increasing revenue because we might never earn any revenue from those fines.

Mr. President, I would ask Members to give this motion their kind support. I am sorry that this has turned into such a long debate. However, I know at the beginning of a new Session people come here fresh and with a lot of energy and enthusiasm to speak, and they have to find something to talk about.

So, Mr. President, I support the motion.

MR. PRESIDENT: The motion before the House is Government Motion No. 2/86 altering the Development Plan, 1977. I will not read its full terms because Members have heard them and have the text before them.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 2/86 PASSED.

MR. PRESIDENT: Other business. Private Members' Motions. Private Member's Motion No. 1/86. The Second Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 1/86

DRAFT REGULATIONS TO THE PARTNERSHIP LAW, 1983

MR. W. McKEEVA BUSH: Mr. President, I beg to move Private Member's Motion No. 1/86 standing in my name which reads:-

"WHEREAS the Partnership Law has been in force since 1983,

BE IT RESOLVED that Government make regulations providing for registration and annual fees to be paid under this Law."

MR. D. EZZARD MILLER: Mr. President, I second the motion.

MR. PRESIDENT: The motion before the House is Private Member's Motion No. 1/86 dealing with draft regulations to the Partnership Law, the terms of which have just been read out by the mover. Does the mover wish to speak to his motion?

MR. W. McKEEVA BUSH: Thank you, Mr. President. I am concerned and have been concerned about alternative and/or additional revenue earners to better serve our people. Mr. President, from my constituency, to name a few things, I have a list for roads as long as my arm. I am also hoping for a park and a community library. Although these are already in the planning stage and will not be Government sponsored, who knows, I may have to make a submission to Government for some aid for these projects too. So, if we can get additional revenue from this source we must take it. I am concerned that people have and can continue to pool their resources as a partnership rather than a company to avoid paying Government fees.

MR. W. McKEEVA BUSH (CONTINUING): I respectfully submit, Sir, that Government overhaul the Partnership Law and draft regulations so as to allow fees to be paid. I trust that all Members will be able to support this motion.

Thank you, Sir.

MR. PRESIDENT: The motion is open for debate. Does any Member wish to speak? The Honourable Third Official Member.

DEBATE ON PRIVATE MEMBER'S MOTION NO. 1/86

HON. THOMAS C. JEFFERSON: Mr. President, as you know, Sir, I have meetings with members of the private sector on many occasions who are serving on a consultative committee of which I am Chairman. During a meeting, the subject of the Partnership Law was briefly discussed. It was thought then that the Law needed amendment, as it was to some members not as an attractive piece of legislation as we had earlier thought. Noting that some well known business areas were changing their partnership legislation I agreed that the Member should put forward an amendment after consultation with the legal sources in, for example, Delaware, United States, and London.

It has taken quite some time, Mr. President, but a draft version of that amendment is now with me and it is for the entire consultative committee to consider prior to recommending it formally to Government. Because the amendment was taking quite some time, Government did examine the possibility of charging annual fees during the consideration of the 1986 Budget. Our estimate at that time was that the revenue to be earned from charging fees on limited partnerships was somewhere in the range of $15,000 to $20,000. While it is not a small sum, Mr. President, we thought at the time, since we were passing or putting forward so many different increases in other legislation, that it was not at that time timely.

However, as I mentioned earlier, Mr. President, we now have a draft amendment so it is very likely that before the close of 1986 the amendment will be in place and the fee charging limited partnerships.

Thank you, Mr. President.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, here again I must take strong objection to the procedure followed in the House today. Under Standing Order 14(2) we find that on all days other than Thursdays, Government business shall have precedence over Private Members' business. I cannot see how this Private Member's Motion should have come on the Agenda for today. In fact, it cannot legally come here because no attempt has been made to suspend the Standing Order in question.

MR. PRESIDENT: Perhaps I had better just deal with that point myself, since it appears to be a point addressed to me. My understanding is that it can legally come here unless there is Government business which has precedence over it. If there is not any such Government business, there is no need to suspend Standing Orders.

MR. PRESIDENT (CONTINUING): My understanding further is that no Government business is yet ready because not sufficient notice was given of the various Government Bills and so on to enable them to come today unless Standing Orders were suspended, and that in deference to the known wishes of many Members it is thought preferable to avoid bringing in Government measures which could only be brought in by suspending Standing Orders.

So, I think that that is the explanation.

MR. G. HAIG BODDEN: Mr. President, while I can accept your explanation, the fact is that we did not expect to debate this Private Member's Motion until next week Thursday. If the Business Committee were putting it on this morning's Order Paper they should have had the courtesy to let the Members know that a Private Member's Motion would be on today's Order Paper. If they were putting on a Private Member's Motion why did they not see fit to put my motions on as well? Is it because they control the Business Committee and they control the Order Paper that they can put us at this great disadvantage in our debates?

We had this happen some time ago when Private Member's Motions were put down for a Tuesday morning, when there was definitely Government business which could have gone on the Agenda, just because one Member of Executive Council was leaving the Islands and wanted to lend his support to the Private Member's Motion.

MR. W. McKEEVA BUSH: Which one was that?

MR. G. HAIG BODDEN: This is not good enough.

MR. W. McKEEVA BUSH: Which motion was that?

MR. G. HAIG BODDEN: We have Standing Orders and Members expect to follow them. When there is this type of deviation, certainly the Members should be advised beforehand. We should receive a telephone call or some notice before we step in the Chamber.

HON. BENSON O. EBANKS: The Member did not get a notice which the Chairman sent to him?

MR. G. HAIG BODDEN: The Member knows when the notice was received.

Also, Mr. President, I see no urgency for the motion before the House. I think that we already have enough taxes on the people of these Islands. Is the policy of Government to tax and kill the individuals, the Caymanian people? Why this rush? Certainly I too had been called on this very subject on more than one occasion quite recently. It had been suggested to me that this could be put forward as an alternative to Government's taxes which fall much harder than this one will on the little man.

However, I know that any tax measure offered to this House would never be taken as an alternative. It would be an additional tax as this one certainly will be. The Member presenting the motion has mentioned that he has undertaken a review of the Partnership Law. When he presents that Bill to the House I am prepared at that time, if the partnership fee was reasonable, to support it.

MR. G. HAIG BODDEN (CONTINUING): Today I cannot support this motion because firstly it has come at a time when I have been unable to study it for the reasons stated. Secondly, at this time it will be an additional tax and not an alternative to existing taxes.

So, Mr. President, I will have to disagree with the motion, but more so with the manner in which it has come to us, without any time to realise that it would be dealt with on a day different from the day set down for Private Members' Motions. Again I question why does this motion have precedence, or an advantage over the other Private Members' Motions? Is it because it is to be debated today, being the opening day, when they are sure to have a few people in the gallery?

I am alarmed at what is happening to business coming before the House and certainly I cannot agree with this motion.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply? Oh, I am so sorry, you did not get up. The Honourable First Official Member.

HON. DENNIS F. FOSTER: Mr. President, as Chairman of the Business Committee I think that I should answer the Second Elected Member for Bodden Town.

When we were looking at all the business papers we discovered that there was no other Government business which we could put on the Agenda for today, and we did not want to lose a big portion of the day. So, we just put that motion there. We were contemplating putting the other two but we did not figure that we would have enough time to do all of them. That is the reason, Mr. President. There was no other motive behind it. We could not do any questions and so on, and it was put on the Agenda in good faith.

MR. PRESIDENT: Does any other Member wish to speak? Now does the mover wish to exercise his right of reply?

MR. W. McKEVA BUSH: Yes, Mr. President, briefly. Can anyone honestly say that this tax, or these fees which I am asking the Government to draw up regulations for, will hurt the people whom we seem to care most for in this House, the little man on the street?

The Second Elected Member for Bodden Town who spoke on it said that he could not support the motion. Mr. President, I like the way that Member tries to rationalise his opposition to the motion. He says that he cannot support it now, but will support it when the Honourable Financial Secretary brings a Bill. I do not know how the Honourable Financial Secretary is going to bring a Bill, because this is asking for draft regulations, unless the Government is planning to kick this motion out.

When the Honourable Financial Secretary brings a Bill, or any of the Members on the Official side bring a Bill which he does not like, he gets up and says that he is not supporting it because it was the Elected side who drafted it and they are bringing it. Now he will support any of the things which the Honourable Financial Secretary might bring.

Mr. President, I will just be wasting the time of the House if I reply to the Member because he has not made an intelligent debate. I will not care to stand here and waste time to answer him. I ask the Members for their full support on this motion and trust that they will find it possible to give it.

MR. PRESIDENT: The motion before the House is Private Member's Motion No. 1/86 about draft regulations to the Partnership Law,, 1983. The terms of this have been read out and Members have them before them. I will put the question.

QUESTION PUT: AYES AND NOES.

MR. W. McKEEVA BUSH: May I have a division, Mr. President?

MR. PRESIDENT: Certainly.

DIVISION
NO. 1/86

AYES	NOES
Hon. Dennis H. Foster	Mr. G. Haig Bodden
Hon. Michael J. Bradley	
Hon. Thomas C. Jefferson	
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Hon. Vassel G. Johnson	
Mr. W. McKeeva Bush	
Mrs. Danlme L. Orrett	
Mr. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
12	1

PRIVATE MEMBER'S MOTION NO. 1/86
PASSED BY MAJORITY.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. on Monday, 3rd March, 1986.

MR. PRESIDENT: The motion is that this House do now adjourn until 10.00 a.m. on Monday, 3rd March, 1986.

QUESTION PUT: AGREED. AT 3.16 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., MONDAY, 3RD MARCH, 1986.

STATE OPENING AND FIRST MEETING OF THE (1986) SESSION
OF THE LEGISLATIVE ASSEMBLY
HELD ON MONDAY, 3RD MARCH, 1986
(SECOND DAY)

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, LL.B	*SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION*
HON THOMAS C JEFFERSON, OBE, JP	*THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT*
HON BENSON O EBANKS	*MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES*
HON W NORMAN BODDEN, MBE	*MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE*
HON CAPT 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 MABRY S KIRKCONNELL	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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*

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

1986 STATE OPENING

MONDAY
3RD MARCH, 1986
(SECOND DAY)

1. PRAYERS

TO BE READ BY THE THIRD ELECTED MEMBER FOR WEST BAY.

2. PRESENTATION OF PETITIONS

(i) PETITION NO.1/86
REPORT OF THE SELECT COMMITTEE ON THE ELECTIONS LAW

TO BE PRESENTED BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

(ii) PETITION NO.2/86
1986 BUDGET AND REVENUE MEASURES

TO BE PRESENTED BY THE ELECTED MEMBER FOR EAST END.

3. QUESTIONS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 1: WOULD THE HONOURABLE MEMBER STATE WHAT IS THE OPERATIVE DATE OF THE NEW OR RENEWED FRANCHISE BETWEEN GOVERNMENT AND CARIBBEAN UTILITIES CO LTD?

NO. 2: WOULD THE HONOURABLE MEMBER STATE WHAT ARE THE SPECIFIC CHANGES MADE BY THE NEW OR RENEWED FRANCHISE BETWEEN GOVERNMENT AND CARIBBEAN UTILITIES CO LTD?

NO. 3: WOULD THE HONOURABLE MEMBER STATE HOW THESE CHANGES AFFECT THE ELECTRICITY RATES PAYABLE BY CONSUMERS?

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

NO. 4: WOULD THE HONOURABLE MEMBER STATE WHAT THE PRESENT RATIO OF NON-CAYMANIANS TO CAYMANIANS IS IN THE CIVIL SERVICE, INCLUDING TEMPORARY APPOINTMENTS?

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

NO. 5: CAN THE HONOURABLE MEMBER STATE WHEN THE TWENTY-FOUR-HOUR-DOCTOR-SERVICE ON THE COMPOUND WILL COMMENCE AT THE CAYMAN ISLANDS HOSPITAL?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 6: WOULD THE HONOURABLE MEMBER STATE HOW MANY FOREIGN PILOTS ARE NOW EMPLOYED BY CAYMAN AIRWAYS AND IN WHAT POSITIONS?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 7: WOULD THE HONOURABLE MEMBER STATE HOW MANY POLICE OFFICERS ARE NOW EMPLOYED IN EACH DEPARTMENT OF THE ROYAL CAYMAN ISLANDS POLICE AND HOW MANY OF THOSE ARE NOT CAYMANIAN, AND WHAT ARE THEIR RANKS?

NO. 8: WOULD THE HONOURABLE MEMBER STATE WHAT QUALIFICATIONS ARE REQUIRED FOR APPOINTMENT TO THE POST OF ATTORNEY-GENERAL AND HAVE PLANS BEEN MADE TO APPOINT A CAYMANIAN?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 9: WOULD THE HONOURABLE MEMBER STATE WHAT DUTY WAS PAID ON EACH SPECIFIC PIECE OF EQUIPMENT BROUGHT INTO THE ISLAND IN CONNECTION WITH THE CAYMAN ISLANDS YACHT CLUB PROJECT?

4. GOVERNMENT BUSINESS

(i) MOTION:-

THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS TO MOVE -

"BE IT RESOLVED THAT THIS HONOURABLE LEGISLATIVE ASSEMBLY RECORDS ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE GRACIOUS ADDRESS DELIVERED ON FRIDAY, 28TH FEBRUARY, 1986.".

(ii) COMMENCEMENT OF DEBATE ON THE THRONE SPEECH

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MONDAY

3RD MARCH, 1986

10:13 A.M.

MR. PRESIDENT: Prayers, the Third Elected Member for West Bay.

MRS. DAPHINE L. ORRETT: 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.

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

The Lord bless us and keep us; The Lord make his face shine upon us and be gracious unto us; The Lord lift up his countenance upon us, and give us peace now and always. Amen.

MR. PRESIDENT: Please be seated.

Presentation of Petitions, the Second Elected Member for George Town.

PRESENTATION OF PETITIONS

PETITION NO. 1/86

REPORT OF THE SELECT COMMITTEE ON THE ELECTIONS LAW

MR. LINFORD A. PIERSON: Mr. President, in accordance with Standing Order 15(2) in the Presentation of Petition No.1/86, I shall confine myself to a brief statement of the Petitioners and to the reading of the prayer of the petition.

Mr. President, at the last meeting of this House, the Select Committee of the whole House appointed to study certain recommendations, with a view to preparing an amending Bill, submitted their Report which among other matters, recommended that Section 4. of the Elections Law 1983 be revised to have the effect of introducing Single Member Constituencies. The recommended changes to Section 4. of the Election Law are as follows:

MR. LINFORD A. PIERSON (CONTINUING):

'The Electoral Districts in Grand Cayman which have multiple representation, be sub-divided into Single Member Constituencies to correspond with the number of representatives, but that Electoral Districts boundaries remain the same, and further that due to the particular circumstances no change be made to the District of the Lesser Islands.'

Following the debate on the Select Committee's Report, it was agreed by the House that Members should take this matter back to their constituents, and report back to this House on their findings, hence Mr. President the reason for this Petition.

Mr. President, the Petition of the undersigned, Alfred Lawrence Thompson Senior and 383 other persons is supported by a further 353 signatures which I did not have time to check against the Voters Registration List. As will be noted from the Petition, the 384 signatures including the main petitioner are those which were verified from the Voters Registration List. Of the total number including those not verified is 737 signatures.

Mr. President the establishment of constituency boundaries is one of the most fundamental elements of the electoral system in a Parliamentary democracy. Much care must therefore be exercised in any contemplated changes to introduce Single Member Constituencies within those Electoral Districts with multiple representation.

Mr. President, one of the major factors to be considered in the introduction of the Single Member Constituencies is the danger of gerrymandering. Mr. President, as I am confined in accordance with Standing Orders to make only a brief statement on this Petition, I will now read the prayer of this Petition.

'WHEREFORE YOUR PETITIONER PRAYS THAT YOUR HONOURABLE ASSEMBLY will reject the proposed amendment to Section 4. of the Election Law 1983, as contained in the Committee's Report in question, which was presented to this Honourable House on the 6th December, 1985. Provided that in the event your Honourable Assembly questions the authenticity of the signatures, or whether a majority may be represented in this Petition, we will resolve to seek the views of each registered voter of each Electoral District in the form of an official referendum, or poling of the registered voters, AND YOUR PETITIONER, AS IN DUTY BOUND WILL EVER PRAY, and this is signed by Mr. Alfred Lawrence Thomson Senior.'

Mr. President, from the Report of the Select Committee presented by the Honourable Second Official Member, I gather that eventually, the Committee would be reappointed to consider the input of Members, and I take this opportunity to move for the reappointment of the Committee in accordance with Standing Orders, Section 15(4) to consider this Petition together with the input of other Members.

Thank you Mr. President.

MR. PRESIDENT: Firstly, may I order that the Petition lie upon the Table.

Secondly, if I have understood the Member correctly, his purpose is to move for it to be referred, for the Petition to be referred to a Select Committee, but for the Select Committee also to be enpowered to review any input from other Members and to review the whole of the recommendations and report, which that Select Committee earlier submitted

MR. PRESIDENT (CONTINUING): I think in that case, it would probably be helpful to the House if I say, that hopefully it will be possible for me to accept the Motion, although it may stray a little beyond the terms of Standing Order 15(4), but if the Member can, in the course of the day, frame the Motion and let me have it through the Clerk, then I will ask the Business Committee to make arrangements for it to be put down for debate later in the week.

My understanding is that it is a Motion which under Standing Order 24. 9(2), it can be made without notice, and therefore there will be no problem on that score. So I will wait to hear from you.

Petition No.2./1986, the Elected Member for East End.

PETITION NO.2./86

1986 BUDGET AND REVENUE MEASURES

MR. JOHN B. McLEAN: Mr. President, under Standing Order 15., I rise to present a Petition to this Honourable House, being Petition No.2. of 1986, on behalf of Orren Merren, and by my count 610 signatories. However, a further 110 signatures have been circulated. In addition too, there has been circulated to Honourable Members copies of signatures totalling 1,371, on a Petition started by Kenneth Christian, reference to which is made in paragraph three of the Petition which is now before you. These signatures represent a broad cross-section of each of the Electoral Districts in the Cayman Islands.

I shall now deal with the material allegations contained in this Petition. I shall confine myself to as brief a statement as is possible, to properly present these allegations. However, I should be grateful for the normal latitude afforded to other Members in their statements.

This Petition reflects the sentiments of most of the people of this Country, that the 1986 Budget and revenue measures have in fact raised too quickly too many taxes, which are now too high and are hurting too many people.

Mr. President, I am pleased to present this Petition, as it also represents what my constituents want and need, and I will venture to say that this is true for just about all the registered voters in this Country, with a few exceptions, being mainly staunch supporters of the Government and those who are well-off financially. In other words, it is the little people, the little man who gets pinched. These are the taxes which take away from our people, money which they need to spend on lifes necessities, therefore these taxes are heavy and burdensome.

Again, let me remind elected representatives who still remain insensitive to these harsh measures, that we must not violate the people's rights, as it is quite clear that most of our people do not think having the taxes imposed is in their best interest.

Mr. President, in this Petition our people are saying to the Government and their back-bench supporters that they do not want to pay the heavy taxes, and are asking that they go back to the Finance Committee, and find alternative measures to maintain the central services, which do not hurt them.

MR. JOHN B. McLEAN (CONTINUING): We must remember the Fourth Elected Member of Executive Council's words in his debate in December. He referred to it as 'the People's Budget', therefore I feel that their wishes should be adhered to.

This Petition is a responsible one, which is clearly in the best interests of the Country and our people. and I trust the Members will deal with the issue rather than resorting to the usual slander and attack on personalities, as this is not only for Orren Merren but our people as a whole.

I believe that I have summarised the intent of the Petition fully, and the prayer reads as follows:

'WHEREFORE YOUR PETITIONER PRAYS THAT YOUR HONOURABLE ASSEMBLY will resolve to refer Government's 1986 budget and revenue measures to Finance Committee to develop and recommend to your Honourable Assembly during the March 1986 sitting thereof reasonable alternatives that are more in line with the wishes and interests of a majority of the electorate of the Cayman Islands, in particular -

(a) clearly defining and precisely identifying "essential services";
(b) totally eliminating all non-essential expenditures and deferring all necessary expenditures that can be postponed;
(c) exhaustively searching for sources of funds other than new or increased taxes (for example, soft development loans, bank overdraft, local bond issue, et cetera), both for Government's present and long-term cash flow needs;
(d) accurately assessing the livelihood of increased revenues from an economic boom occurring in 1986;
(e) revising projected expenditures and projected revenues in line with (a), (b), (c) and (d) above;
(f) if after revising projected expenditures and projected revenues in accordance with (e) above there still remains a deficit of projected revenues to cover projected expenditures, then seeking appropriate input from civil servants, local businessmen, local professionals and the public-at-large and exhaustively searching for new and increased revenue measures that will not so severely hurt local residents, tourists and investors (for example, registration and annual fees for partnerships and trusts); and
(g) after completing (f) above, repealing all revenue measures enacted in 1985 that are not necessary to fund a 1986 budget as so revised;

PROVIDED that, in the event your Honourable Assembly questions **whether a majority** of the electorate of the Cayman Islands favours the aims and objectives of this petition, you will resolve to put the question to registered voters of each electoral district in the form of a properly authorised and organised referendum.

MR. PRESIDENT: In accordance with the provisions of Standing Order 15(4), the Petition is ordered to lie upon the Table.

MR. PRESIDENT (CONTINUING): Questions, the Second Elected Member for Bodden Town.

QUESTIONS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION.

NO. 1: Would the Honourable Member state what is the operative date of the new or renewed franchise between Government and Caribbean Utilities Co. Ltd?

ANSWER: The operative date of the new license or franchise was 17th January, 1986.

MR. PRESIDENT: If there is no supplementary, First Elected Member for Bodden Town.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: For what period of time does this new franchise run?

HON. CAPT. CHARLES L. KIRKCONNELL: 25 years Mr. President, the answer is 25 years.

MR. G. HAIG BODDEN: Is it subject to any review, after so many years?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, after 20 years it is subject to a review.

MR. PRESIDENT: If there is no further supplementary. I invite the Second Elected Member for Bodden to ask the next question.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION.

NO. 2: Would the Honourable Member state what are the specific changes made by the new or renewed franchise between Government and Caribbean Utilities Co. Ltd.

ANSWER: The specific changes to the new license or franchise are as follows:

(1) CUC is now subject to import at such rates as are from time to time prescribed by Government for diesel fuel in terms of the Customs Law (as amended). That is, they have to pay the same rate as is paid by other oil importers, who are liable to pay Import Duty.

(2) The Company also has to pay ten per cent (10%) Import Duty for the first twenty (20) years on all machinery, materials, equipment, lubricating oil, lubricants and transformer oil which it will use exclusively in the generation, transportation, distribution and sale of electric power. The three generators and power house which were on order prior to the signing of the new agreement on 17th. January, 1986, will not be subject to Import Duty. Upon the expiration of the twenty (20) years and for a further five years, CUC shall have to pay Import Duty at the rate of not more than 15 per cent.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING):

(3) CUC shall pay to Governmnet an annual licence fee at the rate of five-eighths of one per cent (5/8 of 1%) of the total revenue from billings for electricity consumed by its customers.

(4) The licence shall be for a term of 25 years from 17th January, 1986 and there is no automatic right for CUC to renew it. However, they have the right to enter into negotiations with Government after twenty years (in 2006) for the renewal of their licence after the twenty-five year period which ends in 2011.

(5) The fuel adjustment formula has been revised and lubricating oil has been excluded, also provision has been made to cover heavier grades of fuel that the company may use to generate electricity in the future.

(6) In the event of the Government or CUC having a grievance in relation to the financial affairs of the Company, the aggrieved party may request a consultation meeting with the other party by giving notice in writing. At such a meeting, Government will be represented by two Members of Executive Council and the Company by no less than two Directors, one of whom shall be the Managing Director.

(7) The Auditors of CUC are no longer described as Financial Advisors in relation to the aspects of this licence.

(8) Reserve generating capacity of the Company's plant shall be not less than the capacity of the largest generator installed, plus ten per cent of the most recent annual peak hour demand and the reserve generating capacity shall not exceed 55 per cent of such annual peak power demand unless approved by Government.

(9) The old licence made no provision for interest to be paid on consumer deposits. Commencing April 1986, all deposits over CI$200 that have been held by the Company for one full year will be credited with interest at the rate of five per cent per annum. Such credits will be applied against the consumer's account annually.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, just for clarification, paragraph 5. reads:

'The fuel adjustment formula has been revised and lubricating oil has been excluded, also provision has been made to cover heavier grades of fuel that the Company may use to generate electricity in the future.'

May I ask if this means that the other oils which the Company may use such as Bunker C will be treated in the same manner as DC fuel, that is, will be subject to the same Import Duty and subject to the same treatment under the franchise.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the exclusion of lubricating oil was made because we considered it to be a consumerable product, and we took it out of the fuel adjustment formula.

On the heavier oil which we anticipate Caribbean Utilities will be using, there is provision in the new formula to add this together with the diesel formula which we have now. In other words, it will be a combination of both, in the event and when Caribbean Utilities start to use generators that use heavier types of fuel.

MR. PRESIDENT: I am not sure whether that is an answer, because I think the question was whether that heavier type of fuel will be dutiable. Am I right about the question?

MR. G. HAIG BODDEN: I think I have got it from his answer, that it will be more or less dutiable, the same as the diesel is dutiable.

HON. CAPT CHARLES L. KIRKCONNELL: Yes Mr. President, it will be dutiable.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: On the reply to the question on three, page one, I would like to know whether this five-eights of one per cent would appear as a billing on each customer's bill monthly, as has been done with the fuel surcharge, or is this something which the Company will pay at the end of the year, on the last years billings?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, this will be at the end of the year, and not monthly.

MR. JAMES M. BODDEN: Now, the Company will pay it from its gross earnings, and will not expect to recoup it as part of future billings, is that correct?

HON. CAPT. CHARLES L. KIRKCONNELL: That is correct.

MR. PRESIDENT: If there is no further supplementary. The Member for North Side.

MR. D. EZZARD MILLER: Mr. President, under nine the Member states that the licence provides for an interest to be paid on deposits, is this deposit by the consumer confined to that paid for a meter, or does it include a deposit which is paid for a line extension, and items like that?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the deposit is worked out on bedrooms, not the meter, the bedrooms of the house, at $100.00 for each bedroom. For instance, if there is a two-bedroomed house it would be $200.00. Condominiums will be worked out per condominium, and any other commercial properties, they will be assessed monthly.

MR. D. EZZARD MILLER: With respect Mr. President, what I am asking is, presently if one wants a line extension from the Company, the consumer has to pay for it, even if it is along a public road. Is interest going to be paid from that deposit which is paid to the Company for line extensions as well as that paid for a normal hook-up.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am not clear on this point myself, Sir, but I imagine it will be.

MR. PRESIDENT: Perhaps you would be kind enough to undertake to get information for the Member and pass it on.

HON. CAPT. CHARLES L. KIRKCONNELL: Yes Mr. President.

MR. PRESIDENT: If there is no further supplementary, I will invite the Second Elected Member for Bodden Town to ask his next question.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION.

NO. 3: Would the Honourable Member state how these changes affect the electricity rates payable by consumers?

ANSWER: The effect of Import Duties on items other than fuel and licence fees will raise basic billing rates by 1½%. Caribbean Utilities Co. Ltd. was granted permission to put this into effect on 24th January, 1986.

This increase, in the case of the small consumer consuming 250KWH per month, amounts to an additional CI$ 0.59¢ per month.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if, in addition to the 1½ per cent increase for Import Duties on items other than fuel, there will also be an additional increase under the fuel adjustment clause by the Import Duty on the fuel?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the answer is no. Since the signing of the agreement, the price of diesel fuel has dropped dramatically, and at this time, despite the 13 cents per gallon duty imposed, the Caribbean Utility Company is paying less per gallon for fuel than it was paying prior to January 17th 1986. This reduction will be passed on Sir, to the consummer commencing in April.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if this 13 cents has not been added to the cost of the fuel, would the reduction not have been much greater to the consumer?

HON. CAPT. CHARLES L. KIRKCONNELL: Yes Mr. President, it would have, but the fuel, it will be somewhat greater but not that much greater. To get the benefit of the reduction on fuel, the fuel factor has to come into play, and it usually takes about two months for this to come into play, so that is why Sir, in April the billings to the consumer will reflect this decrease.

MR. G. HAIG BODDEN: Is it correct Mr. President, may I ask the Member, is it correct that although the billing will reflect the reduction in the price of fuel, it will also reflect the increase in the price of the Import Duty, although there may be a net reduction. The fact is that the exercise shows an increase of 13 cents for the duty less the drop in the price.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think he is quite correct Sir, there would be a minus instead of an addition. Naturally, the 13 cents had to be calculated into it, but as I have said before the fuel price has dropped below that. I think it has actually dropped five cents below that, since the 17th January.

MR. G. HAIG BODDEN: Then it follows Mr. President, that when the fluctuating price of oil causes the price to rise again to say, todays present level, we will be faced with an increased cost because the Government has put on the 13 cents per gallon.

MR. PRESIDENT: That seemed to me to be a statement not a question, but perhaps you intended it to be a question.

MR. G. HAIG BODDEN: I intended to ask the Member if my reasoning was correct.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think his reasoning is correct, but it has to first come back to where it was on January 17th, which is a long way down the line.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Based on the question which has been asked by my colleague from Bodden Town, should not this question have been answered, computing what the rate increase would be on the fuel factor as well as the licence fee. Now, if my information is correct, that is assuming that one imperial gallon of fuel will generate apprx mately 15 kW hours, and if we take the increase of 13 cents on the gallon, to the small consumer using 250kW hours, on the fuel increase which I have worked out, it would be close to two dollars a month. So would it not be safe to assume that if we consider the other effects, we consider the fuel increase and the licence fee, that the cost to the small consumer will be closer to three dollars a month, than the 59cents which has been stated in the question?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, he has remembered that correctly Sir, but we had the oilgram as he is aware, and we have been watching it very closely, and indications were when we signed the agreement that the oil price was coming down all the time. Had we not received a reduction, or had the oil price not decreased, then there would have been in the monthly total an increase to consumers, not a decrease as they will now be getting.

MR. JAMES M. BODDEN: Mr. President, my main point here is that I would not like our good press to come out with the statement that the increase is only costing the small consumer 59 cents a month, because it is costing him close to the three dollars out of his savings, which is the main point of my question, and I agree with what the Honourable Member has said with regard to the fuel grams.

MR. PRESIDENT: I think that was an explanation rather than a question actually.

MR. JAMES M. BODDEN: Yes Sir, I would just like it recorded that the increase in total.....

MR. PRESIDENT: ...I think the Member.....

MR. JAMES M. BODDEN: ....the three dollars per month to a small consumer, rather than 59 cents.

MR. PRESIDENT: If there is no further supplementary. I invite the Elected 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. 4: Would the Honourable Member state what the present ratio of non-Caymanians to Caymanians is in the Civil Service, including temporary appointments?

ANSWER: 64.91% - Caymanians

36.09% - Non-Caymanians

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Could the Member state how this percentage compares with the percentage as of November 1984, whether there has been an increase or a decrease?

HON. DENNIS H. FOSTER: Mr. President, I really could not say Sir, I do not have the figures for that specific time.

MR. JAMES M. BODDEN: Would the Member undertake to give us that information, by a note sometime during this session?

HON. DENNIS H. FOSTER: Yes Sir, I will.

MR. PRESIDENT: During the session or during the meeting? I think perhaps during the meeting, do you. The session goes on for a year.

MR. JAMES M. BODDEN: Well yes, what I am referring to, well, I consider this a session the way it is here, but during the term of this particular meeting.

MR. PRESIDENT: I did not want there to be any doubt, but that you wanted it reasonably quickly. 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 FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 5: Can the Honourable Member state when the twenty-four-hour Doctor-Service on the compound will commence at the Cayman Islands Hospital?

ANSWER: It is expected to commence on the 1st of April, 1986.

MR. PRESIDENT: If there is no supplementary, I 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 TOURISM AVIATION AND TRADE

NO. 6: Would the Honourable Member state how many foreign pilots are now employed by Cayman Airways and in what positions?

ANSWER: Ten foreign pilots are employed by Cayman Airways as follows:-

Captains on B-727	- 2
First Officer on B-727	- 3
Flight Engineer on B-727	- 4
Trislander	- 1
TOTAL	10

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member how many Caymanian Pilots are employed by Cayman Airways?

HON. W. NORMAN BODDEN: Mr. President, the answer to that is that we have 18 Caymanians employed as crew members with Cayman Airways, plus the ten foreign pilots, makes the total of 28.

MR. JOHN B. McLEAN: Supplementary Mr. President. Will the Member say whether it is anticipated to replace the foreign pilots with Caymanians, once they are qualified?

HON. W. NORMAN BODDEN: Mr. President, I cannot state that as anticipated, but to give the Member some idea, I can state that there is a training programme in place, and as soon as we have Caymanians who are qualified to fill some of those positions, the foreign crew members now employed by Cayman Airways will be replaced by those Caymanians as they become available. For example, we have two local persons as trainees at the present time, and they are due to take a simulater check sometime in April or May of this year. If they are successful in passing those tests, then two of the Flight Engineers on the 727 for example, will be eventually replaced by those two Caymanians if they are successful.

MR. JOHN B. McLEAN: A further supplementary Mr. President. I wonder if the Member could say whether it is correct, that some of the local pilots are more qualified than the foreign ones?

HON. W. NORMAN BODDEN: Mr. President, I really could not confirm that. It would depend on what areas of responsibility they have as crew members. I suppose that those who are in place are fully qualified, or they would not be holding the positions they are. I really could not respond to that, Sir.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: In the past, the Trislander was used as a sort of training base for the new Cayman trainees, because when they come back to the Cayman Islands with their commercial licences, they have only accumulated about 250 hours. Under the CAA Rules they would require 700 hours, so they were given a chance to build up those hours serving as co-pilots on the Trislander.

MR. JAMES M. BODDEN (CONTINUING): Would the Member use his good offices to try to ensure that a policy similar to this will continue in the future, thus enabling the young Caymanians who have qualified under the United States rule to be able to qualify under the CAA rules.

HON W. NORMAN BODDEN: Mr. President, something similar to this was brought up I think at the last meeting, and it is a matter which I can take up again with Cayman Airways. It is a matter of the Companies policy, and it can be pursued further with the Company to see what their position is.

MR. JAMES M. BODDEN: Mr. President, I raised the point because these young fellows were paid I think it was $500.00 a month to add these additional hours to enable them to qualify, and at the present time I think we have two who have qualified under the United States standard who are now being used as ticket agents at the Airport. So I am bringing this up, and I would like something done about it because this is where we will get our pool of new pilots from, if they are trained and able to get their hours in on the Trislander. So I hope something will be done about it.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Yes Mr. President, I wonder if the Member could state whether there are any immediate plans to replace the foreign pilot on the simple aircraft, the Trislander which does not need a co-pilot, seeing as there are six fully qualified SAA commercially rated Caymanians employed at this time?

HON. W. NORMAN BODDEN: Mr. President, I am certain that it is the intention of the Company to replace the foreign pilot now employed on the Trislander just as soon as we have somebody locally who is qualified to go as pilot in command of the Trislander aircraft.

MR. PRESIDENT: If there is no further supplementary, I think it is about one minute to eleven and we clearly will not get through the remaining three questions. We did start about ten minutes late, which was because I was delayed. I wonder whether any Member would care to move that we suspend Standing Orders to enable the remaining three questions to be asked. I think that would be fair...

SUSPENSION OF STANDING ORDER 23(7)

HON. DENNIS H. FOSTER: Yes Sir, I would like to move that Sir.

MR. PRESIDENT: I take it that the mover has moved in accordance with the provisions of Standing Order 83, that Standing Order... Any Member help me, by directing my attention to the appropriate one.

HON. THOMAS C. JEFFERSON: I think it is 23(7) Sir.

MR. PRESIDENT: 23(7). Thank you very much. That Standing Order 23(7) shall be suspended for the purpose of enabling the Elected Member for East End to ask the questions which are standing in his name. I must just take a vote on that, before you ask.

QUESTION PUT: AGREED. STANDING ORDER 23(7) SUSPENDED TO ENABLE THE REMAINDER OF QUESTIONS ON THE ORDER PAPER TO BE ASKED.

MR. PRESIDENT: The Ayes have it, you may ask your questions.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

NO. 7: Would the Honourable Member state how many Police Officers are now employed in each Department of the Royal Cayman Islands Police and how many of those are not Caymanian, and what are their ranks?

ANSWER: There are four main Departments in the Police Force and the numbers employed in each Department as at 28th February, 1986 was as follows:-

Headquarters Administration	6
Training Branch	4
Uniform Branch	136
Plain Clothes	40
	186

The numbers who are not Caymanian are as follows:-

Headquarters Administration - 5

1 Commissioner	(UK)
1 Chief Inspector	(UK)
3 Constables	(2 Belize, 1 Jamaica: Tailors and Storemen).

Training Branch - 3

1 Superintendent	(UK)
2 Sergeants	(1 Jamaica, 1 UK)

Uniform Branch - 40

1 Chief Superintendent	(UK)
2 Inspectors	(1 UK, 1 Barbados)
8 Sergeants	(3 Barbados, 1 Jamaica, 4 UK)
29 Constables	(5 Belize, 18 Jamaica, 1 Canada, 2 UK, 1 Guyana, 1 Barbados, 1 USA)

C.I.D. - 15

1 Chief Superintendent	(UK)
1 Superintendent	(UK)
2 Chief Inspectors	(UK)
2 Inspectors	(UK)
2 Sergeants	(UK)
7 Constables	(2 Belize, 1 USA, 4 Jamaica)

Summary of Non-Caymanians

UK	19
Belize	9
Barbados	5
Jamaica	26
USA	2
Canada	1
Guyana	1
	63

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: In giving the nationalities of the people employed in the Police Force who are not considered Caymanian, would it mean that the original place of birth was Barbados, Jamaica or Belize, or would some of these have qualified for Caymanian status, or just what are you referring to, because in the case of the number of Sergeants, who are listed as Barbadians, I wonder whether they are new recruits, or what?

HON. DENNIS H. FOSTER: Mr. President, those from Barbados, Guyana and Jamaica do not have status, Sir.

MR. JAMES M. BODDEN: Well, are they new recruits or have they been promoted up through the ranks, after having served a certain time, or what?

HON. DENNIS H. FOSTER: Yes Mr. President, they are old-timers who have not been granted status as yet, but have probably been serving six or seven years, but they still retain their original nationality.

MR. JAMES M. BODDEN: Can we have assurance that we will not be recruiting Sergeants from other areas, but will try to promote from within the ranks of the present Cayman Police Force, to fill those positions.

HON. DENNIS H. FOSTER: Mr. President, this is our policy. I would just like to say one more thing, which might enlighten Members, which is that 67 per cent of the force are Caymanians and 33 per cent non-Caymanians Sir, which is not a bad average.

MR. W. McKEEVA BUSH: Mr. President, supplementary Sir. With regard to each nationality given here, can the Member say when these Officers came to these Islands?

HON. DENNIS H. FOSTER: No Sir, I do not have that information with me.

MR. W. McKEEVA BUSH: Mr. President, could the Honourable Member give an assurance to the House that he will obtain it?

HON. DENNIS H. FOSTER: Mr. President, if the Member is referring to a special United Kingdom answer, I gave an answer at the last meeting.

MR. W. McKEEVA BUSH: No Sir, all of them I said, every one, 63.

HON. DENNIS H. FOSTER: I will get the information. Mr. President, perhaps you could clarify this, meaning came to the Islands, or at the time of joining the force?

MR. W. McKEEVA BUSH: Maybe it could be for both.

HON. DENNIS H. FOSTER: I will undertake to obtain it at the time when they joined the force.

MR. PRESIDENT: Question number eight.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

NO. 8: Would the Honourable Member state what qualifications are required for appointment to the post of Attorney-General and have plans been made to appoint a Caymanian?

ANSWER: The qualifications required are, an Attorney, Solicitor or Barrister, qualified in an English Common-Law jurisdiction with at least 10 years experience, preferably in Public Service.

Caymanians with these qualifications will certainly be considered for appointment when next there is a vacancy.

SUPPLEMENTARIES:

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, can the Member say when the present Attorney-General came here Sir?

HON. DENNIS H. FOSTER: Mr. President, the 28th June 1982.

MR. JAMES M. BODDEN: Is it not correct that the appointment to this post is usually handled directly through the United Kingdom Government?

HON. DENNIS H. FOSTER: Through the United Kingdom Government yes Sir, but it is not an appointment which, for instance, goes through our Public Service Commission, it is one of those which is reserved by the Governor.

MR. JAMES M. BODDEN: What chance would there be for a Caymanian to be considered in the United Kingdom, for this position?

HON. DENNIS H. FOSTER: On the recommendation of the Government.

MR. JAMES M. BODDEN: Could we have assurances that this will be forthcoming if a qualified Caymanian was to apply for that post?

HON. DENNIS H. FOSTER: Mr. President, I said Sir in my answer, that Caymanians with these qualifications will certainly be considered for appointment when next there is a vacancy. But perhaps I had better explain a little further to the Member, that the appointment was made by the Governor with the prior approval of the United Kingdom. Normally these posts are advertised, and if a Caymanian applies and he fills the requirements here, I am sure he will be considered.

MR. PRESIDENT: Question number nine.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO. 9: Would the Honourable Member state what duty was paid on each specific piece of equipment brought into the Island in connection with the Cayman Islands Yacht Club project?

ANSWER: Duty paid on each specific piece of equipment brought into the Island in connection with the Cayman Islands Yacht Club project is as follows:-

5 Suzuke Motorcycles	Duty Paid 20%		$ 345.94
	Duty at 27.5%		
1 1981 Toyota Land Cruiser	MOD #KBJ60V		2,153.80
1 1983 Toyota M/Car Chaser	MOD #EGX61		2,182.48
1 1982 Izuzu Dump Truck	MOD #KSSZ452D		6,605.46
1 1983 Izuzu Dump Truck	MOD #KSSZ451D		8,089.07
1 1984 Isuzu Cargo Truck/W/ Crane	MOD #PEAH12J		3,803.83
1 Used Komatsu Payloader	MOD #540		16,374.45
1 Used Mitsubishi Backhoe	MOD #MS180		20,933.04
1 New Mitsubishi Excavator	MOD #MS180-3		21,067.92
1 New Mitsubishi Excavator	MOD #MS180-2		21,067.92
1 New Hitachi Marshy Backhoe	MOD #MS125U		23,973.84
1 Used Komatsu Crawler Dump Truck	MOD #CD60		9,112.63
1 Used Komatsu Bulldozer	MOD #D80D		18,786.66
	TOTAL:		$154,497.04

SUPPLEMENTARIES:

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, I know that the figures with regard to the duty sound good, and I know that the present elected Government need that money, but I wonder if any attempt has been made in view of the large amount of equipment which is available locally, to try to get this Company to use some of that equipment, thus giving local employment, rather than allowing this additional equipment to be brought in?

HON. THOMAS C. JEFFERSON: Mr. President, I am not absolutely sure of the answer to that question. My understanding is that some contact was made with persons locally who had equipment, but I guess the results were that they were not used.

MR. JAMES M. BODDEN: This question is straying a bit, but if we could have an answer to it, it would be highly enlightening. In view of the amount of equipment which has been brought in by this Company, instead of using local equipment, could the Member tell us whether any attempt has been made to persuade the Company that a certain stated percentage of their employees should be Caymanians, or will they be allowed to bring in a large majority of their employees from abroad?

HON. THOMAS C. JEFFERSON: Mr. President, my understanding is that we intend to employ up to possibly 100 Caymanians, and that would be the majority of the people used on the site. In addition to the answer which I vaguely gave earlier, the results of my understanding too, is that some of the people who own equipment in the Cayman Islands did not wish to use it on this project, because this project is going to be mainly in the marshy areas, and subject to heavy salinity content, and therefore their equipment would deteriorate at a much faster rate than normally.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Could the Member state Sir whether this Company is a Caymanian owned Company, or a foreign owned Company who brought this equipment in?

HON. THOMAS C. JEFFERSON: Mr. President, it is my understanding that it is a Caymanian owned Company.

MR. W. McKEEVA BUSH: Supplementary Mr. President. With regard to the number of Caymanians being employed, I think the Member said it was 100, can he say how many are permanent employees working on this project, estimated at least?

HON. THOMAS C. JEFFERSON: Mr. President, in order to answer that question intelligently, I think I need to have an overall assessment of the entire project. What I did say earlier was that it is my understanding that they intend to employ a 100 Caymanians. When this will come about I am uncertain, so if the Member wishes to have an undertaking in relation to the number of people who will be employed in the percentages of Caymanians versus non-Caymanians, I will be happy to do so.

MR. W. McKEEVA BUSH: Yes Mr. President, I would like that assurance from the Member.

MR. JAMES M. BODDEN: As this touches two Portfolios Mr. President, I wonder whether the Member responsible for labour, could inform us whether through that Portfolio, any attempt was made to ensure that Caymanians would be employed on this project?

MR. PRESIDENT: If the Member is...

HON. W. NORMAN BODDEN: Mr. President, this is a policy of the Caymanian Protection Board, to give Caymanians preference over any foreign employment, and I work in very close contact with the Protection Board, through the Labour Officer.

MR. PRESIDENT: I have allowed all the supplementaries, but we have strayed a bit far. If you will remember, the original question was about duty paid. If Members had an interest in determining things like, how much labour was going to be put down on the project, I think it would have been helpful to the House, had they put specific questions down. But if there is no further supplementary.

HON DENNIS H. FOSTER: I think this would be a suitable time to adjourn.

MR. PRESIDENT: I think it would, not to adjourn (LAUGHTER) I think, that might be slightly premature, but I would be quite prepared to suspend proceedings for approximately fifteen minutes.

AT 11:19 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:46 A.M.

MR. PRESIDENT: Please be seated.
Motions, the First Official Member.

GOVERNMENT BUSINESS

MOTION

HON. DENNIS H. FOSTER:

"Be it resolved that this Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for the gracious Address delivered on Friday, 28th February, 1986."

MR. JAMES M. BODDEN: On a point of information Mr. President, I am just asking for some clarification here, because I would not want Members to think that because this task should normally have fallen to my colleague from Bodden Town or myself, I have been in the House since 1972 continuously, and it has always been the Senior Elected Member who undertakes to do this. I wonder if it is because of the distaste that the present elected Members may have for the Members of the Unity Team, or could it have come from some other source, why this has been changed, like so many other things have been changed since the 1984 election. I really would appreciate having the point clarified.

MR. PRESIDENT: Perhaps it would help if I clarify the point.

An enquiry was made of the Clerks of the Table in the House of Commons by the previous Clerk, about two years ago, to establish what practice was followed in the House of Commons, and the reply was received in mid 1984. I suspect that last year no change was made in previous practice, because last year there was a Throne Speech and the Budget Speech on the same day, which rather confused the issue. But the Clerk to the Table in the House of Commons had been consulted about two points.

Firstly, that it had come to notice that the practice we followed in previous years had been slightly unusual, in that immediately after the Throne Speech the Father of the House used to get up and to move a Resolution of Thanks for the Speech, and simultaneously as one and the same motion, move that the Debate on the motion be postponed until whatever date has been agreed, usually for two or three days. The question was then put, and customarily agreed to without any debate, but the effect of that was that when we came to debate the Speech, there was in fact, no motion before the House at all, because the question, the Resolution of Thanks, had been put at the same time as the Resolution about postponing the debate. So this year, we split the two things, and if you will notice, the motion which the First Elected Member moved immediately after the Throne Speech simply was a motion asking that the debate on the Speech be deferred. That was one of the points which was put to the Overseas Clerk in the House of Commons.

The other point was, who normally moved the Resolution of Thanks. The point put to the House of Commons was that if the practice ordinarily followed here in the past, that is that the practice of the Father of the House moving the vote of thanks continued to be followed, it could happen sometime that the Father of the House would be somebody who would wish to vote against the motion, and it would be putting him in an uncomfortable and ostensibly a false position, if he had to move the motion.

MR. PRESIDENT (CONTINUING): The reply was, that in the United Kingdom in the House of Commons, it is always back-bench supporters of the Government who are chosen to move the vote of thanks, and it may be any particular back-bencher whom the Government of the day may choose in a particular year. Now that practice has not been followed precisely here, but it was the conclusion that it could put you or your colleague from Bodden Town in a false position, if you were expected to move a motion against which you might wish to speak, and against which you might wish to vote, because customarily, both here and in Westminster, the Members of the Opposition speak against and vote against the Queens Speech, which is simply a list of proposals of the Government for the coming year.

MR. JAMES M. BODDEN: Well Mr. President, I am quite sure that most of the Members would have known that I would have been speaking against it. But in looking at the words which are used here, I do not think I would have compromised my position in any way, or that my colleague would have compromised his, in the deliverance of them, but I am thankful that you did think of us in that respect. I believe that what prompted it more than anything else was, because it would have been moved by my colleague or myself, and probably you were afraid that because it would have been moved by the members of the Unity Team, that your Government members might not have supported it then, and have voted against it.

MR. PRESIDENT: Well, having got that explanation out of the way, the motion has been moved, the motion is that:

> "Be it resolved that this Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for the gracious Address delivered on Friday, 28th February, 1986."

The motion is now open to debate, Does any Member wish to speak? The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: No Sir, I am just leaving the Chamber.

MR. PRESIDENT: (LAUGHTER) That was the shortest speech on record I should think.

MR. W. McKEEVA BUSH: I am sorry Mr. President, I am just leaving the Chamber, and I was doing the courtesy.

MR. LINFORD A. PIERSON: Mr. President, it is just a point, it seems that in moving around during the break, that most Members are really not prepared to make their contributions on the Throne Speech. I wondered whether perhaps we could take the suggestion of the First Official Member in adjourning at this time, so that tomorrow we could come back and debate the Throne Speech.

MR. PRESIDENT: Let us see whether anybody is in fact, ready to speak. If not, then I suppose it would be perfectly in order for somebody to move a motion that we adjourn the debate on the Throne Speech until tomorrow.

MR. JAMES M. BODDEN: Mr. President I would make that motion because I do agree with what the Member for George Town has said. I believe that most Members thought it would have been some other Government Business which would have been put on the Agenda today, and they are not quite prepared to go into the debate on the Throne Speech.

MR. JAMES M. BODDEN (CONTINUING): So I would move the motion that we adjourn until tomorrow at ten o'clock, in order to give Members a little bit more time to be able to intelligently debate the Throne Speech.

MR. LINFORD A PIERSON: Mr. President I second the motion.

MR. PRESIDENT: I was just going to seek advice from the Second Official Member. It seems to me a perfectly reasonable motion, I do not think there is any difficulty about doing it, I am just wondering about the precise terms.

HON. DENNIS H. FOSTER: While he is looking Sir.....

MR. PRESIDENT: Would a simple motion for the adjournment suffice, or?

HON DENNIS H. FOSTER: We had planned a Business Committee tomorrow evening Sir, and if we had debated the Throne Speech today and tomorrow, it would have given us a better idea of how the other Government Business could be arranged.

HON. MICHAEL J. BRADLEY: Mr. President Sir, with respect, I think that we are caught by Standing Order 12(1), which says that a motion for the adjournment of the House may not be made until Other Business has been entered upon, unless it is made by a Member of the Government, or unless a Member rise in his place at the end of Questions and asks leave to m ve the adjournment of the House for the purpose of discussing a definite matter of urgent public importance.

MR. PRESIDENT: What is 'Other Business'?

HON. MICHAEL J. BRADLEY: Item (k) in Standing Order 14(1).

MR. PRESIDENT: Ah, yes. Well in order to put it beyond doubt that what we are doing is proper, perhaps it is wise to suspend Standing Orders, and somebody might, yes.

HON. BENSON O. EBANKS: Mr. President, I just wanted to call to your attention and that of the House, that notice was given on Friday that the Debate on the Throne Speech would be put down on the Order.....

MR. PRESIDENT: That I understood, but the fact is that no Member appears to be ready to speak yet. If there is a Member who is ready to speak, let him or her stand up. If there is not, I cannot believe it is the wish of the House that we should put the motion to the vote, and the sensible course does appear to be to adjourn for 24 hours, to give Members more time to prepare. I did pause for at least 30 seconds, and nobody stood up, apart from the Second Elected Member for West Bay, who moved out. So, if you would care to more the suspension of Standing Orders, then I think we could proceed with your earlier motion.

SUSPENSION OF STANDING ORDER 12.

MR. JAMES M. BODDEN: Mr. President, I move the suspension of Standing Orders to allow a motion to be made, to adjourn the House until ten o'clock tomorrow morning.

MR. PRESIDENT: So the motion first before us is that in accordance with the provisions of Standing Order 83, Standing Order 12(1) be suspended to enable a motion to be moved for the adjournment of the House until ten tomorrow morning. Unless anybody.....

HON. MICHAEL J. BRADLEY: 12(1) and (2) and (3) I think, the whole of 12.

MR. PRESIDENT: Thank you, 12(1), Standing Order 12 let us say. Unless anybody wishes to speak, I will put that motion. This is the motion for the suspension only.

QUESTION PROPOSED:

MR. PRESIDENT: If the First Elected Member for Bodden Town would like again, just formally, to move his motion about the adjournment.

MOTION FOR ADJOURNMENT

MR. JAMES M. BODDEN: Mr. President, I would move a motion that in view of the fact that most Members did not know what would be on their Order Paper for today, and thinking that with the new changes which have been made, a lot of other Government Business would have been forthcoming, rather than the debate on the Throne Speech, that the House adjourn until ten o'clock tomorrow morning, to give the Members additional time to prepare their submissions.

MR. PRESIDENT: The motion is that the House be adjourned until ten o'clock tomorrow morning, to give Members more time to prepare themselves for the debate on the Throne Speech.

HON. MICHAEL J. BRADLEY: I think Mr. President Sir, technically it needs a seconder, being a motion by a non-Government Member.

MR. PRESIDENT: Yes, it probably does. I think though that the Second Elected Member for George Town did earlier indicate he wished to second it, if he could confirm that now.

MR. LINFORD A. PIERSON: That is right Sir.

MR. PRESIDENT: The motion is seconded by the Second Elected Member for George Town. First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Is the motion open for debate now Sir?

MR. PRESIDENT: Yes it is.

HON. BENSON O. EBANKS: Mr. President, if the motion is as proposed by you Sir, and it is what will be recorded in the Hansard, I would have no problem supporting it. But I cannot support a motion as put by the First Elected Member for Bodden Town, being that Members did not have knowledge of what was going to be on the Order Paper today. Because, on Friday notice was given that the Throne Speech would be debated today, and I think if the motion is put in the fashion which you have suggested, I would have no problem in supporting it.

HON. BENSON O. EBANKS (CONTINUING): But I could not vote for the motion as put by the Member, thank you.

MR. JAMES M. BODDEN: Mr. President, could I help my bewildered colleague out. It is a fact that with the new Business Committee of this House, and the manner in which it is composed, that we on this side of the House know very little of what is planned to be put on the Order Paper. We have been through this before, where it has caused quite a few problems, and we were not aware really, that the debate on the Speech would have come in this manner. We thought it would have been additional Government material which would have been before this, and then the debate on the Throne Speech would have been at the end.

I am not a bit worried about the Member who spoke not supporting it, because I fully felt that if it came from this side of the House, from the Unity Team, that he would not have accepted the adjournment. It is similar to what I said about thanking you for your Speech, so this is no news to me, and it is no news to the public at large. But to help him out of his confused situation, I would be very glad to withdraw the motion and let the Honourable First Official Member phrase it in the language which may assist him a little bit better in understanding it.

HON. BENSON O. EBANKS: I have no problem with understanding it Mr. President.

MR. PRESIDENT: Order, order. Standing Order 25(6) does seem to contain provisions of the kind which cover what the First Elected Member for Bodden Town has now sought leave to do. Any, oh no sorry, that is any amendment may be withdrawn, I beg your pardon. Standing Order 24(14), a motion may be withdrawn with leave of the House. I am not quite sure whether that means there has to be a vote, I do not think so probably, unless any Member wishes to urge otherwise, I propose to grant the leave for which the First Elected Member for Bodden Town has sought permission, in order to enable us to adjourn without any undue delay.

MR. JAMES M. BODDEN: Mr. President, thank you very much for doing that, and I hope that the public will take notice of the attitude of the elected Government bench.

HON. BENSON O. EBANKS: Mr. President, the question which you put to the House was substantially different from the motion which the Member moved.

MR. G. HAIG BODDEN: On a Point of Order Mr. President....

HON. BENSON O. EBANKS: I would like to know on what motion to vote.....

MR. G. HAIG BODDEN: The Member should not speak more than once in the debate.

MR. PRESIDENT: I think several Members have been speaking more than once, but I have been taking it that we have been trying to sort our procedures out, and that we have not been speaking to the substantive motion. As to the question of the substantive motion, the wording of the substantive motion now withdrawn, that the First Elected Member for Bodden Town had proposed, I am bound to admit, I was not absolutely clear whether it included the whole of what amounted to his speech, or whether the motion was intended to be on the lines that I phrased it, and that the rest of what he said was intended to explain the reasons why he wished to move the motion, and I put it in the shortened form.

MR. PRESIDENT (CONTINUING): But since it has now been withdrawn, I think we can let it rest. Either side have made their points.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN WITHDRAW THE MOTION IN ACCORDANCE WITH STANDING ORDER 25(6).

Let me invite the First Official Member to move a simple motion of adjournment.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10:00 a.m. tomorrow.

MR. PRESIDENT: The question is, that this House do now adjourn until 10:00 a.m. tomorrow morning.

QUESTION PUT: AGREED. AT 12:05 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. TUESDAY, 4TH MARCH, 1986.

STATE OPENING AND FIRST MEETING OF THE (1986) SESSION
OF THE LEGISLATIVE ASSEMBLY
HELD ON TUESDAY, 4TH MARCH, 1986
(THIRD DAY)

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, LL.B	*SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION*
HON THOMAS C JEFFERSON, OBE, JP	*THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT*
HON DENSON O EBANKS	*MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES*
HON W NORMAN BODDEN, MBE	*MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE*
HON CAPT 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 MABRY S KIRKCONNELL	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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*

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

1986 STATE OPENING

TUESDAY

4TH MARCH, 1986

(THIRD DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE THIRD OFFICIAL MEMBER.

2. QUESTIONS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 10: WOULD THE HONOURABLE MEMBER STATE HOW MANY PILOTS, PRESENTLY EMPLOYED BY CAYMAN AIRWAYS, HAVE THE SENIOR COMMERCIAL LICENCE AND/OR THE AIR TRANSPORT LICENCE?

NO. 11: CAN THE HONOURABLE MEMBER STATE WHAT THE COST IS OF OPERATING THE AIR SERVICE TO CAYMAN BRAC IN THE FOLLOWING CATEGORIES:

(i) 727
(ii) TRILANDER

INCLUDING FUEL, MAINTENANCE, STAFF AND ALSO THE REVENUE DERIVED FROM THIS SERVICE BY EACH OF THE AIRCRAFT?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 12: CAN THE HONOURABLE MEMBER STATE HOW MUCH WATER WAS SOLD TO TRUCKERS FROM THE LOWER VALLEY WORKS DURING THE MONTHS OF NOVEMBER, DECEMBER OF 1986 AND JANUARY 1986, AND HOW MUCH WAS SOLD FROM THE EAST END WELL FIELD FOR THE SAME PERIOD.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 13: WOULD THE HONOURABLE MEMBER STATE WHAT IMPORT OR STAMP DUTY EXEMPTIONS OR OTHER INCENTIVES HAVE BEEN OFFERED OR GRANTED SINCE NOVEMBER 1984, IN ORDER TO ATTRACT FOREIGN INVESTORS?

NO. 14: WOULD THE HONOURABLE MEMBER STATE WHAT GOVERNMENT PAID TO NON-CAYMANIAN FIRMS AND PERSONS IN 1985 AND TO DATE THIS YEAR FOR LEGAL, PUBLIC RELATIONS AND SIMILAR EXPERT ADVICE OR ASSISTANCE AND WHAT WAS ACCOMPLISHED FOR SUCH EXPENDITURE?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 16: *WOULD THE HONOURABLE MEMBER STATE HOW MUCH GOVERNMENT COLLECTED IN THE MONTH OF JANUARY 1984, 1985 AND 1986 FOR GARBAGE COLLECTION FEES, TRADE AND BUSINESS LICENCE FEES AND VEHICLE REGISTRATION FEES?*

3. *GOVERNMENT BUSINESS*

COMMENCEMENT OF DEBATE ON THE THRONE SPEECH.

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TUESDAY

4TH MARCH, 1986

10:00 A.M.

MR. PRESIDENT: Prayers. The Honourable Third Official Member.

HON. THOMAS C. JEFFERSON: 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, Phillip 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.

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. Lead us not into temptation; but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

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

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

QUESTIONS

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 11: Can the Honourable Member state what the cost is of operating the air service to Cayman Brac in the following categories:

(i) 727
(ii) Trislander

Including fuel, maintenance, staff and also the revenue derived from this service by each of the aircraft?

ANSWER: The cost of operating the inter-island air service for the six months ended December 31st 1985 was as follows:

(i)	Boeing 727	-	US$354,860
(ii)	Trislander	-	US$307,588
			US$662,448

The revenue derived from this service for the same period was:

(i)	Boeing 727	-	US$231,210
(ii)	Trislander	-	US$203,680
			US$434,890

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

SUPPLEMENTARY:

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Could the Honourable Member state, in calculating the revenue, if the revenue shown for the 727 is the entire ticket like from Miami or Houston to Cayman Brac or is it just the portion between Grand Cayman and Cayman Brac?

HON. W. NORMAN BODDEN: Mr. President, it relates to the portion between Grand Cayman and Cayman Brac on a pro rata basis.

MR. PRESIDENT: If there is no further supplementary let us pass to Question No. 12.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 12. Can the Honourable Member state how much water was sold to truckers from the Lower Valley works during the months of November and December of 1985 and January 1986, and how much was sold from the East End wellfield for the same period?

ANSWER: Lower Valley sales were:

November 1985	-	910,108 US gallons
December 1985	-	889,149 US gallons
January 1986	-	1,234,736 US gallons

East End sales were:

November 1985	-	8,989 US gallons
December 1985	-	12,659 US gallons
January 1986	-	12,791 US gallons

In East End 18,234 US gallons were also drawn from the public stand pipe over the same period. This, of course, was at no cost and generally used by the residents of the district.

MR. PRESIDENT: -If there is no supplementary we can pass on to Question No. 13. The Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 13: Would the Honourable Member state what import or stamp duty exemptions or other incentives have been offered or granted since November 1984, in order to attract foreign investors?

ANSWER: Import or stamp duty exemptions or other incentives which have been offered or granted since November 1984 are as follows:

(1) CAYMAN ISLANDS YACHT CLUB OR NORTH SHORE DEVELOPMENT

A. Council gave approval to allow for a dredge or dredging equipment to be allowed into the island without attracting duty, providing such equipment is exported within 30 days of completing the dredging. Dredge related equipment includes:-
Various lengths and sizes of pipes, rubber packing and rubber sleeves et cetera and

B. The duty free importation of prefabricated structures for office use only by the dredging contractors, Daito Koyao Limited, with the stipulation that -
(a) The structures should not be used for living accommodation
(b) The structures should be re-exported within two months of Daito Koyao's completing their dredging contract with the Cayman Islands Yacht Club.

(2) HYATT BRITANNIA HOTEL

In mid-1985, approval was granted under Section 4 and 5 of the Hotels Aid Law for materials imported for use in the construction of the above project to be allowed into the island by attracting a reduction in duty from 20% to 5%.

In May 1985, approval was also granted for two caravans to be imported into the island for use a mobile offices by the contractors, Hadsphaltic Ltd., on condition that they be re-exported from the island upon completion of the project.

(3) SUB AQUATICS DEVELOPMENT CORPORATION

In August 1985, Executive Council considered and gave approval to an application from the above company to allow for the duty-free entry into the Cayman Islands of a submersible vessel intended to be used as a tourist attraction.

As Honourable Members are aware, this vessel has since been commissioned and is constantly being viewed as one of the island's most prominent tourist attractions.

(4) PARADISE MANOR/TREASURE ISLES LTD.

At a meeting of Executive Council held in October, 1984, as part of the concessions granted in respect of the above, the Financial Secretary was authorised to obtain a debenture for a sum equivalent to the stamp duty payable on the purchase price and mortgages charged against the above property. Failing this, the Financial Secretary was authorised to negotiate the best possible compromise which would provide Government with some form of security for and interest on the value of stamp duty. The Financial Secretary was also instructed to vary the terms slightly, if necessary, during negotiation, to get the best possible obtainable deal.

Consequent upon the preceding, Government, in November 1985, accepted a debenture in lieu of cash amounting to $592,768.30 which will become payable on December 31st 1991.

This is considered as an extending of incentives to foreign investors as the majority interest in this complex is owned by foreign nationals.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: A supplementary, Mr. President. I wonder if the Member could say if there has been any similar incentives offered to Caymanians generally.

HON. THOMAS C. JEFFERSON: Mr. President, I am afraid I cannot answer that question off the top of my head.

MR. JAMES M. BODDEN: The approval for dredging which has been given to this company, how far out from the coastline does it extend?

MR. PRESIDENT: I do not really think that that is a supplementary which arises out of the answer. Unless the Member can explain to me how it does.

MR. JAMES M. BODDEN: Yes, Sir. The answer says Council gave approval to allow for a dredge and dredging equipment to be allowed into the island without attracting duty. We are dealing with dredging in one particular dredge in a particular area so I think the question is quite relevant to the point.

MR. PRESIDENT: My understanding is what we are dealing with is whether a duty was payable on a dredge not on where the dredging operation is going to be done or what sort of restrictions are placed on the operation. If the Member's point is that under certain circumstances it would be reasonable to waive duty but under other circumstances not, perhaps the Member can explain.

MR. JAMES M. BODDEN: Well, Mr. President, certainly you would not give an incentive to a dredge to come into the island and lay idle and then not attract stamp duty if that dredge was not going to work. I think the question, although you may deem it other-

MR. JAMES M. BODDEN (CONTINUING): wise, is quite relevant to the point. We should be able to know exactly what type of franchise has been given to these people. It seems to me that it could have been circulated to Members of the House but if not let us ask it in public.

MR. JOHN B. McLEAN: Mr. President, in lieu of what the Third Official Member said in answer to my supplementary, I wonder if the Member would undertake to have it circulated to me at a later date.

HON. THOMAS C. JEFFERSON: I am not quite sure I heard the question Mr. President could .....

MR. PRESIDENT: The question about whether similar incentives have been offered and made available to Caymanians. I think that is the question and you are now asked whether you will circulate such information or provide it for the Member.

HON. THOMAS C. JEFFERSON: Yes.

MR. JAMES M. BODDEN: Did the Planning Authority give the permits here or were the permits given by the Executive Council?

MR. PRESIDENT: This is the permit for waiving duty?

MR. JAMES M. BODDEN: No, Sir. I happen to know that the waiving of duty would have to be done by Executive Council. I am talking about the planning permit for the work to be done on this particular piece of land.

MR. PRESIDENT: There again I think you need to put down a specific question about it because this question is all about duty waiving.

MR. JAMES M. BODDEN: I will get it out on the debate on the Throne Speech, Sir. Another question. In reply to Answer B, the duty-free importation of prefabricated structures for office use. There has generally been a ban imposed by Government over a period of many years in regard to the importation of prefabricated units and I am wondering why or what special reason was given that could change the minds of Executive Council to allow a prefabricated unit to be imported and particularly without the payment of duty. Could we be advised whether this is going to be like some of the other trailers and prefabricated units where they come in for agricultural use and never saw an area where any agriculture was carried on. What was the reason for it?

HON. THOMAS C. JEFFERSON: Mr. President, during my short time dealing with such matters, each particular case has to be considered on its merit. In this particular case, Mr. President, one needs only to reflect on the employment situation in the Cayman Islands in mid-1985 and the need to get the Hyatt Project off the ground quickly. I think these are some of the reasons why Council agreed that two prefabricated structures could be used as site office for the contractors in dealing with that.

In relation to Item B, Cayman Islands Yacht Club and north shore development, it was a similar situation Mr. President, which the company location of its

HON. THOMAS C. JEFFERSON (CONTINUING): operation needed to have an office structure for their workmen who will be conducting services on the dredge. It seemed to me that the request for a prefabricated structure in this case seemed reasonable otherwise the project would be some time getting off the ground as well.

MR. JAMES M. BODDEN: Mr. President, according to the answer, can we assume, again we may have personal interest and just who one knows in order to be able to bring in prefabricated units or caravans?

HON. THOMAS C. JEFFERSON: Mr. President, I have no personal interest in any of these projects. . . .

MR. JAMES M. BODDEN: I know that. I trust you implicitly. Under Answer 2, the two caravans were allowed to be imported into the island for use as mobile offices by the contractors.

Mr. President, my question here is going to be somewhat controversial I know. I have driven by that site a few times and it appears that the temporary buildings there are being used to house employees. Could the Member advise us whether this is a fact or whether anyone has checked into it?

HON. THOMAS C. JEFFERSON: Mr. President, I personally drive by that area every day. I am not aware of it and others who are responsible for looking after the project have told me that they have no knowledge of anyone living in those caravans.

HON. BENSON O. EBANKS: A supplementary, Mr. President. Would the Member state whether it is not customary that trailers and containers are used as office sites on most building projects on the island, is and has been for the last several years?

HON. THOMAS C. JEFFERSON: I am aware of a few, yes, Mr. President.

MR. JAMES M. BODDEN: Those you are aware of, were those trailers or caravans already on the island and were not imported at that particular time?

HON. THOMAS C. JEFFERSON: Mr. President, I am uncertain of the time of importation of the containers that I remember seeing on a job site so I am unable to answer very firmly on that, Sir.

MR. JAMES M. BODDEN: Mr. President, going back to my previous question and statement, there are several temporary buildings on the road leading to Britannia Yacht Club and it does appear, I have never been into them but it appears that workers are either using them to live in or to be fed from or something of that nature. If these people were going to be allowed to bring in a lot of employees they should have been made to find housing for them in an area other than to put up this temporary type of housing. I would like this Government who boasts of being on their toes at all times, to check out something that is so relevant as this.

MR. PRESIDENT: I think that is a statement not a question. I was waiting for the question at the end but it never came. Unless there is any further supplementary we can pass on to Question No. 14. The Member for East End.

MR. JAMES M. BODDEN: Mr. President, with respect I was not really finished. I was only dealing with them as I went down the list. We have 3 and 4 which I have not touched on yet.

MR. PRESIDENT: So well, if you have a further supplementary but you did not ask a question last time. If you have a question for supplementary you may ask it now.

MR. JAMES M. BODDEN: In giving approval for the submarine to be brought into the island duty-free, has any consideration been given to setting a policy of safety standards to ensure that this does not become an embarrassment to us as well as the tourist industry.

HON. THOMAS C. JEFFERSON: My understanding is, Mr. President, that the vessel is fully classed by Lloyds of London and the U.S. Authority. I think the Executive Council was convinced on the safety in that regard.

MR. JAMES M. BODDEN: Does Government monitor the safety factors of all and has consideration been taken that if this vessel should encounter a problem say a couple of hundred feet down with fifteen or twenty people aboard, what are we going to do? Just leave them there?

HON. THOMAS C. JEFFERSON: My understanding, Mr. President, is that the vessel generally goes down to not more than fifty feet and if difficulties arise at that stage they have tanks that they can pump into it and float it up.

MR. JAMES M. BODDEN: Mr. President, it is true the vessel might only be going down fifty feet but it could be going down fifty feet in an area with a thousand feet of water too. What is going to happen when it gets into trouble there?

It is a sad state of affairs if our tourism figures have sunk so low that we have to get something of this nature to boast them up.

MR. PRESIDENT: Order, Order. The Member must not make statements. Does the Member have another ....oh, Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if any other incentive has been given to Sub Aquatics Development Corporation? I am referring mainly to berthing place for the submarine in Hog Sty Bay.

MR. PRESIDENT: Do you see the question in the business paper about the birthing place?

MR. G. HAIG BODDEN: That may be so, Sir, but this question asked about not only import duties but other incentives. I just wanted to find out if any concessions had been given in regard to that.

MR. PRESIDENT: I was just trying to see if there was a specific question dom about that or whether the question is ..... No the other details of the coastal work licence and planning permission so it is a different question. Your supplementary is perfectly in order.

HON. THOMAS C. JEFFERSON: Mr. President, my understanding is that the docking area which is presently being used by the vessel Government gave permission for the sea wall to be straightened or concreted but the property itself is privately owned.

MR. JAMES M. BODDEN: Mr. President, getting back to that question. In the past there was quite a lot of objection raised by the Planning Board, and if I recollect, it even went to the Grand Court for a hearing in regard to another small building being erected in that area which would be used by a local. Now I wonder who overruled the Planning Authority in this case or whether the Planning Authority voiced dissent in regard to something of this nature being done right beside the building that had caused such a public turmoil in the past. Do we have special interest groups again in this or what was the reason that the permit was given?

MR. PRESIDENT: I think that if you are talking about the Atlantis submarine project you are anticipating a question which is down because there is a question down later that seeks details of the coastal work licence and planning permission and I think you will have an opportunity to ask your question when that is asked. Your colleague was asking about incentives, you are asking about planning permission and when the question about planning permission comes up then you can persue the matter.

Does any Member have any further supplementary? (pause) In that case the Elected Member for East End may ask Question No. 14.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 14: Would the Honourable Member state what Government paid to Non-Caymanian firms and persons in 1985 and to date this year for legal, public relations and similar expert advice or assistance and what was accomplised for such expenditure?

ANSWER:

NAME	PROJECT	DATE	AMOUNT
SIR IAN PERCIVAL	LET AGREEMENT	1985	27,189.38
SIR IAN PERCIVAL	LET AGREEMENT	1986	23,646.00
STEPHEN BOYNTON	CAYMAN TURTLE FARM	1985	80,804.28
ROBERT BARCLAY	BUILDING CODE	1985/6	10,634.94
MARGARITA McCOY	MARINE PARKS	1985/6	6,604.20
MARGARITA McCOY	DEV. PLAN REVIEW	1985/6	3,400.00
SCOTLAND YARD	B.I.L.	1985	70,905.54
ANTHONY TEAL	COMPUTER ADVISOR	1985/6	49,780.62
FREDRIC G. SMITH	PENSION ADVISOR	1986	2,642.00
DAVID M. SCOTT	ECONOMIC ADVISOR	1985/6	42,979.03
DENNIS WHITTY	CUSTOMS ADVISOR	1985	9,352.78
GORDON LYTH	FINANCE & AUDIT LAW & FINANCIAL & STORES REGULATIONS	1985	22,341.21
JOHN ALLGROVE	ADVISOR - PWD	1985	13,018.04
JOHN BRADBURY	CUC FRANCHISE	1985	4,345.48
GRAY & COMPANY	NARCOTICS AGREEMENT	1986	95,656.23
JOHN CANTWELL	PUBLIC RECORDS	1985	382.80
PETER CURRY	COUNSEL ON BNS INJUNCTION	1986	21,735.00
THOMPSON ZEDER	COUNSEL ON BNS	1985	742,009.74
			$1,227,427.27

NOTES:

(a) Figures have been drawn from Vote Control Registers and Treasury's Ledgers as no one department of Government deals with all the external expert advisors, assistance, legal counsel et cetera. Therefore there is no claim that the list is 100% complete.

(b) The sums for Scotland Yard ($70,905.54) and Thompson Zeder ($742,009.74) were incurred prior to 1985 on Advance Accounts which were charged to Recurrent Expenditure in 1985.

Accomplishment: The accomplishment for the individual items of expenditure as given can only be viewed subjectively rather than objectively. However, I am of the view that these expenditures accrued benefits which assisted in enhancing the administrative functions of Government: For example, to have avoided the incurrence of these expenditures at an international level such as made to Sir Ian Percival in connection with the L.P.T. Agreement, Scotland Yard in connection with Bank Intercontinental, Gray and Company in connection with the Narcotics Agreement, Thompson Zeder and Peter Curry in connection with B.N.S. could be interpreted as failing to recognise the consequences resulting from international incident which could severely infringe upon the offshore financial operations which are the main supporting pillar of our economy.

With regard to the consultants whose services were used for assisting and dealing with issues within the Island again, while remaining subjective, I would venture to say that Government has benefitted significantly especially in the following areas:

(a) Computerization. The stream lining and proper assessment in the implementation of the computer system and the right selection of staff.

(b) The Building Code
(c) The National Pension Plan
(d) Finance and Audit Law
(e) Public Works Restructuring
(f) Marine Parks
(g) Museum Development, and
(h) C.U.C. Franchise Agreement.

As to what was accomplished by the expert engaged to assist with the Turtle Farm negotiations, perhaps the first reaction is to say that although a programme was put together and carried out through lobbying representatives of countries of the CITES Convention to assess the removal of the ban by the United States on turtle products. As Honourable Members are aware, this has not yet yielded successful results.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: In the answer in regards to Margarita McCoy, she appears to have been employed to give advice on the Marine Parks then it appears that she is also giving advice on the Development and Planning Review. Could we be advised as to her qualifications and why she was considered to do these two particular jobs?

HON. THOMAS C. JEFFERSON: Sorry for taking so long Mr. President. My understanding is that Miss McCoy is a qualified lawyer, she has worked in the Town and Country Planning in Seattle. She has dealt with the Greater Seattle development plan, and she has also been involved in legislation work.

MR. JAMES M. BODDEN: With regard to Gray and Company, could we be advised as to exactly what assistance the public relations firm gave to us during the Narcotics Agreement?

HON. THOMAS C. JEFFERSON: Gray and Company Mr. President, gave assistance in relation to public relations. They have tracked all the articles written on the Cayman Islands, most of them negatively, and they have put together various responses to these negative pieces of publicity, and I think they have done a reasonably good job in that respect.

MR. JAMES M. BODDEN: But certainly, if that is all they did, track the adverse publicity given to the Cayman Islands. This is a job which is usually done by ones advertising firm. I wonder why we had to pay $95,000.00 to get the articles which were adversely written about us, collected?

HON. THOMAS C. JEFFERSON: Mr. President, I was only trying to highlight the public relations part of the exercise. It is not that alone Mr. President, the team from the Cayman Islands as the Honourable Member will recall did visit Washington, did meet with the Chairman of the Sub-Committee on Narcotics and Drugs, one Mr. Larry Smith. We also met Senator Paula Hawkins, we met many others who do not come to mind just now, Senator Decon Chainey from Arizona and many others. What I am saying Mr. President, is that the public relations firm not only tracked the negative publicity and put together answers which appeared to me to be reasonable, but they also assisted this Government in making contacts throughout, not only the Washington area but also in New York, dealing with narcotics matters and the need to tell the Cayman Islands side of that good story.

MR. W. McKEEVA BUSH: Mr. President, supplementary Sir.

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: With regard to the answer given by the Honourable Member. For the sake of confirmation, am I to understand that the total of $812,915.00 was incurred during 1984, and had to be paid in 1985. Am I right, would he confirm that Sir?

HON. THOMAS C. JEFFERSON: Mr. President, I can confirm that $70,905.54 was incurred prior to 1985, and it was paid prior to 1985, placed on an advance account and charged off during 1985. If we put that total together with the sum for Thompson Zeder which is $742,000.00 I think this is how the Member from West Bay gets his $812,915.00. My recollection is that Thompson Zeder was employed for more than one year, but as the end result of it was not absolutely certain, the sum was carried in an advance account for some time, with the understanding of Government.

MR. W. McKEEVA BUSH: I did not understand that Sir, maybe the Member needs to make it a little more plain. Was it done in 1984, and has it to be paid in 1985? I remember specifically a Finance Committee meeting being held, and we being asked to pay for this sum. I want that answer on the floor of this House.

HON. THOMAS C. JEFFERSON: Mr. President, I thought I gave the answer, perhaps I gave too much information.

MR. W. McKEEVA BUSH: That is right. Just answer whether the work was done in 1984 and we had to pay for it in 1985.

HON. THOMAS C. JEFFERSON: What I was trying to indicate Mr. President, was that it was charged off in 1985. The total sum dealing with Thompson Zeder was spent over a period of time, more than 12 months. But the sum totalling $812,905.54 was charged off in 1985 as the written answer states.

MR. W. McKEEVA BUSH: Well, a supplementary Mr. President: Was the work done prior to 1985?

MR. PRESIDENT: I think that has been answered.

MR. JAMES M. BODDEN: Mr. President, I am sure that the entire House should be aware that it is not unusual for indebtedness to be carried over on certain things from one year to the next, because one may not have a billing on them. But this money as I understand, it was due to be repaid to the Government by the Bank of Nova Scotia. Could be we informed as to why we have failed to collect from the Bank of Nova Scotia?

MR. PRESIDENT: I do not think that arises out of the original question. If the Member wishes to ask, he would need to put down a specific question about it. I think the Elected.....

SUSPENSION OF STANDING ORDER 23(7)

MR. JOHN B. McLEAN: Yes, Mr. President, I was going to move the suspension of Standing Order 23(7), in order to get the other question answered today.

MR. PRESIDENT: This is a matter for the House. In fact, today we went straight into Question Time, unlike yesterday when we started late, and occupied a good deal of time on other matters. So in effect, if we suspended Standing Orders today we should simply be allowing more time than is usual, and we might come to a habit of suspending Standing Orders virtually every day. But it is a matter for the House, if Standing Orders are not suspended, you may wish to move that your question be put down another day. However, you have moved that Standing Orders be suspended in order to enable the last questi n to be asked. Is there a seconder? The motion is moved and seconded. Does any Member wish to speak?

QUESTION PUT: AGREED. THAT STANDING ORDER 23(7) BE SUSPENDED TO ENABLE THE ELECTED MEMBER FOR EAST END TO ASK THE REMAINING QUESTION No.15. ON THE ORDER PAPER.

MR. PRESIDENT (CONTINUING): Standing Orders are suspended to enable you to ask the remaining question. First I think we can finish supplementaries on the previous question. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, with regard to the $812,000.00, can the Member say whether this is in Cayman Islands dollars or United States dollars?

HON. THOMAS C. JEFFERSON: Mr. President, the answer is Cayman Islands dollars. It is Government accounting to keep it in Cayman Islands dollars.

MR. W. McKEEVA BUSH: Supplementary Mr. President. Is it not correct to say that when we as Members, were informed of these two bills, we were told that the Government had previously made arrangements with BNS for these people and so we had to pay the bill. Is this correct to say Mr. President?

MR. PRESIDENT: I am not quite clear what your question is.

MR. W. McKEEVA BUSH: Mr. President, the question is for clarification, is it not correct to say that when the Members of the Finance Committee were being asked to vote the sum of some $812,000.00. were we not told when questioned as to why we were paying it, were we not told that we had to pay it because there was an agreement between the previous Government and BNS to pay this bill. For clarification, were we not told that Sir?

MR. JAMES M. BODDEN: Mr. President, in a democratic country one Government picks up the bills.....

MR. W McKEEVA BUSH: Mr. President, the Honourable Third Official Member is being asked a question, I would like it answered.

MR. PRESIDENT: I am just looking to see if the question is in order. It seems to me that if the Finance Committee was told something there must be a record in the Minutes of the Finance Committee. In which case, the answer can be found by reference to those Minutes and the question is out of order, ruled out by Standing Order 22(1) (f)(x).

MR. W. McKEEVA BUSH: Mr. President, we all know in this House that not every word in Finance Committee is recorded, but I believe it is going to be if I can get a motion in here, if this sort of thing is going to happen.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: With regard to the reply on Gray and Company, could we be told how long they were employed for in 1985, and whether they are still employed by the Government?

HON. THOMAS C. JEFFERSON: The answer Mr. President, is that they were retained in March 1985, and they are still retained.

MR. JAMES M. BODDEN: What are they doing for us at the present time?

HON. THOMAS C. JEFFERSON: Mr. President, they are carrying out the same function as I earlier explained, that of public relations.

MR. JAMES M. BODDEN: With regard to the reply on Sir Ian Percival and the LET Agreement, is it not a fact that Sir Ian Percival is also involved in a local company doing business with Government?

HON. THOMAS C. JEFFERSON: Mr. President, I think the answer which I can give is that he is involved with a local company. He is also a member of the Privy Council in the United Kingdom. He is also a member of Parliament in the United Kingdom, so I think he is well suited as a legal person to carry out the function.

In addition Mr. President, I am not aware that this company is dealing with Government.

MR. W. McKEEVA BUSH: Mr. President with respect Sir, I put forward a question just now and you ruled it out of order, but you have allowed these other questions to come in, under this question Sir? With respect Sir, this is not right, and I feel very affronted about it. I wanted the Honourable Financial Secretary to know my questions. This is not a reflection on his ability or his job, but it is because of the answer which I am trying to obtain from this question. I want to let my people know that I am doing what they put me here to do.

MR. PRESIDENT: I think the Member has asked several supplementaries, most of which were fully answered, although he may have been confused by the answers. The one which I ruled out of order was a specific one, which sought information about what had gone on in a Finance Committee Meeting, and I was obliged by Standing Orders to rule that out of order, because I believed that the answer should be available in Finance Committee's Report. If the Member can find some other way of phrasing his question which would make it admissible, he may ask it.

HON. BENSON O. EBANKS: Mr. President, maybe the Members point could be made if the question was asked whether the payment of $812,000.00 to which he was referring, which was made in 1985 was a budgeted item, or whether it was an item brought forward from 1984, which had to me met as an extra item of expenditure in 1985, and not budgeted for in the 1985 Budget.

MR. PRESIDENT: I think that would be admissible. If you are asking that question instead of suggesting to the Second Elected Member or West Bay....

HON. BENSON O. EBANKS: No. I am asking the question Mr. President, because it is part of **their reserves** and the money went in 1985 which this Government is accused of squandering.

MR. PRESIDENT: Order. The question is in order but the statement which followed it is not. The Question, in other words, was the $812,000.00 a budgeted 1985 expenditure.

HON. THOMAS C. JEFFERSON: Mr. President, my recollection is that it was not a budgeted item.

MR. G. HAIG BODDEN: Mr. President, can I ask how it would be possible for it to have been brought forward from 1984, and not budgeted for in 1985?

HON. THOMAS C. JEFFERSON: Mr. President, there are many items on advance accounts, as any member of the public can see if they obtain a copy of the Annual Accounts, or they get a copy of the Budget. When Government enters into contractual obligations where we are uncertain ourselves as to how long the contract will last, especially dealing with matters affecting the legal process and the possibility of appeals. It is always better to leave it on the advance account until we are certain of the proper amount to charge off to expenditure, that is what was done in this particular case.

MR. G. HAIG BODDEN: But Mr. President, can I ask the Member if it was brought over on an advance account from 1984, why was it not budgeted for in 1985?

MR. PRESIDENT: I think that has just been explained....

MR. G. HAIG BODDEN: No Sir, the answer he gave was to a different question. The question was 'why was it not budgeted for', and he said because it came over as an advance account. Now I am asking if it was an advance account, why was it not budgeted for?

MR. PRESIDENT: I do not think you can have listened to his, well, I will let him repeat the answer, but I think he answered it.

HON. THOMAS C. JEFFERSON: Let me try to explain it in a different way Mr. President. One can have a matter of this sort and charge off the advance account every year, but for the amount of paper work which is involved it seems to me, a better way of doing it is to leave the matter on the advance account until the final bill is sent to this Government, and at that time it goes to Finance Committee for approval to be written off against expenditure.

MR. G. HAIG BODDEN: Mr. President, can I ask if the affect of leaving it on an advance account helped to balance the budget for 1985?

HON. THOMAS C. JEFFERSON: Well, there are two answers to that Mr. President, one is that the funds have already been used, so the cashflow is affected negatively, and the other is, that when one charges it off to expenses one either creates a reduced surplus or a deficit, depending on what it was before one charged it in.

MR. G. HAIG BODDEN: So Mr. President, the real purpose for not budgeting for it was to let the 1985 Estimates look good.

HON. THOMAS C. JEFFERSON: Mr. President....

MR. PRESIDENT: I think that calls for an expression of opinion, and is not admissible as a question.....

HON. THOMAS C. JEFFERSON: Well I would like to answer it Mr. President if I may.

MR. PRESIDENT: Well I am sorry, but I do not think the question is in order. It is asking for an expression of opinion and 22(1)(g) precludes it.

HON. BENSON O. EBANKS: Mr. President, I have a question on a matter of fact Sir, and that is whether the 1985 Budget in that regard was not in fact prepared by the Government of which, the Second Elected Member of Executive Council is a Member. In other words, the Budget was well prepared by the 20th November, and the incoming Government had political input into it, but not the details as would have been known about these amounts. Could this be answered Sir?

MR. JAMES M. BODDEN: Mr. President the elected....

MR. PRESIDENT: Order, order. Unless you are rising on a point of order, this question must be answered first, and then you may ask one.

HON. THOMAS C. JEFFERSON: Mr. President, there seem to be so many variations, I am not sure what I am answering on this occasion. Could I ask the Member to repeat it.

HON. BENSON O. EBANKS: The question is whether in fact the 1985 Budget was not virtually complete when the Government of today took over on the 20th November 1984, and that these particular amounts if they were not budgeted for it, was not the decision of this Government.

HON. THOMAS C. JEFFERSON: It is true Mr. President, that when the present Administration took up responsibilities to budget at that stage it was in its final form.

MR. JAMES M. BODDEN: Mr. President, I would like now to ask a question of the Third Official Member. This Government is trying to put blame on us for their 1985 Budget before this. The 1985 Budget from the political side was never prepared, and had nothing done to it on that side. The input which was.....

MR. PRESIDENT: The Member must not make a statement, he must ask a question.

MR. JAMES M. BODDEN: Alright, the input which was put into the 1985 Budget was put on the Civil Service side and it is not for the Honourable Third Official Member to advise this House as to whether I am correct or not, as to whether there was any political input with regard to the Budget which was in his hands, or the material which was in his hands for the Budget in November, 1984.

HON. THOMAS C. JEFFERSON: Mr. President that is a difficult one to answer, because the procedure is laid down in dealing with the Budget, in which each department forwards to the Portfolio its respective estimate of what it needs for 1985. My understanding is that all Heads of Department do send their information through the Portfolio to the Principal Secretary of the respective Portfolio. Whether the Member sees it or not, I am unaware. I do not recall having a particular meeting with the Members of Executive Council, to decide the 1985 Budget.

HON. MICHAEL J. BRADLEY: Mr. President Sir, with respect, are we not straying slightly from the original question as asked.

MR. PRESIDENT: I think we have strayed some way, but they did all arise out of the question and out of one another. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President I will promise not to stray, but I just want a clarification on the answer from the Member, that is the answer he gave before the last one. The Member said that the 1985 Estimates were in a final form in November. Can he tell us the reason why it was not presented to the House until March, four months later, if it was in a final form in November?

MR. PRESIDENT: I really think we are straying a bit far, and I think the Member knows what the proceedure and what the answer is. The Elected Member for North Side, caught my eye first.

MR. D. EZZARD MILLER: Thank you Mr. President. Since we have heard so much about advance accounts Sir, can the Member state whether the Public Accounts Committee has not in fact recommended the reduction in use of advance accounts, and the Government Minute tabled in November accepted that recommendation?

HON. THOMAS C. JEFFERSON: That is correct Mr. President, but we are talking about advance accounts in 1984.

MR. JAMES M. BODDEN: Mr. President, the 1984 Government has been very unfairly treated here this morning.

MR. PRESIDENT: Order, order if you are going to make a statement you can sit down.

MR. JAMES M. BODDEN: Alright, you can rule me out of order, I am going to get my question in too.

MR. PRESIDENT: If you ask your question you may proceed...

MR. JAMES M. BODDEN: I am going to get that, I am going to get that.

MR. PRESIDENT: Straight away.

MR. JAMES M. BODDEN: I happen to have been a Member of the Government as well as my other colleagues, and we had had no political....

MR. PRESIDENT: Sit down please.

MR. JAMES M. BODDEN: And we had had no political input.....

MR. PRESIDENT: Please be seated. I am standing, you must be seated.

MR. JAMES M. BODDEN: It is only respect for the chair.....

MR. PRESIDENT: I shall pass on to the next question. The Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO. 15: Would the Honourable Member state how much Government collected in the month of January 1984, 1985 and 1986 for Garbage collection fees, Trade and Business Licence fees and Vehicle Registration fees?

ANSWER: In the month of January 1984, 1985 and 1986, Garbage collection fees, Trade and Business Licence fees and Vehicle Registration fees collected by Government were as follows:

	1984	1985	1986
Garbage Collection Fees	$18,887.50	61,333.00	116,153.33
Trade & Business Licence Fees	$23,644.81	23,022.49	92,060.66
Vehicle Registration Fees	$38,622.00	51,059.00	116,558.79

MR. PRESIDENT: There is no supplementary. I will suspend proceedings. Another supplementary?

MOTIONS

STANDING ORDER 24(9)(ii)

RE: PETITION NO.2/86

MR. G. HAIG BODDEN: No, just before you suspend Sir, I would like to move under Standing Order 24(9)(ii) that Petition NO.2/86 be referred to a Select Committee, namely to the Finance Committee, as a Standing Select Committee.

MR. JOHN B. McLEAN: I would second that Mr. President.

MR. PRESIDENT: I did explain I thought, yesterday to the Elected Member for East End that I should not be able to accept such a motion, as it is ruled out of order in my view, by Standing Order 24(8), which says "No motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved", and the Petition in question seeks to reopen the Budget which has been resolved during the last six months. Therefore.....

MR. G. HAIG BODDEN: Yes Sir, I understand your view on it, but before you put the vote on this motion.....

MR. PRESIDENT: I am not putting a vote. I have ruled the motion out of order.

MR. G. HAIG BODDEN: Alright, well before you finalise your ruling, I would ask you to look at page 379 of Erskine May, because my contention is that what we dealt with in December was the Appropriation Bill, and this is a motion, and that particular paragraph makes it clear that the Bill and the motion are not the same. Even if they were, I would then want to move for the suspension of the Standing Order to allow us to deal with something which we dealt with six months ago.

If you still feel that we have dealt with it. But it is clear that we did not deal with the same thing because the Bill and the motion are entirely different, and if you will give me a few minutes I will explain it Sir. But first, please look at paragraph two on page 379 of Erskine May.

MR. PRESIDENT: What I will do is to suspend proceedings for a coffee break now, and I will have a look at Erskine May.

HON. BENSON O. FRANKS: Mr. President....

MR. PRESIDENT: No, I have suspended proceedings now. If any other Members have representations to make to me about the matter or wish to bring other parts of Erskine May to my notice, I will be happy to see them.

AT 11:27 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:54 A.M.

MR. PRESIDENT: Please be seated.

I promised before we suspended proceedings for a coffee break, to look at the particular passage in Erskine May to which the Second Elected Member for Bodden Town had drawn my attention. I have read it with interest and with care, but it has not persuaded me to change the view I earlier expressed. That the motion which that Member had thought to introduce in accordance with the terms of Standing Order 24(9)(ii), was precluded by Standing Order 24(8). In other words therefore, my ruling is that unless Standing Orders were to be suspended, it would not be possible for the motion to be moved.

SUSPENSION OF STANDING ORDER 24(8)

MR. G. HAIG BODDEN: Mr. President, I beg to move the suspension of Standing Order 24(8), so as to allow us to deal with the matter which is before the House.

MR. PRESIDENT: I am not quite sure that the matter is before the House, but if your motion.....

MR. G. HAIG BODDEN: Maybe I will rephrase it Sir.

MR. PRESIDENT: Yes.

MR. G. HAIG BODDEN: I beg to move the suspension under 83 of Standing Order 24(8) which reads "No motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved".

MR. PRESIDENT: But, the specific purpose for which you are moving it is to enable you to introduce the motion you mentioned earlier, moving that Petition NO. 2. I think, the Petition laid yesterday by the Member for East End should be referred to the Finance Committee. Am I correct?

MR. G. HAIG BODDEN: Mr. President, so that we will not be accused here today of any undemocratic activities, I will put the motion in full.

I beg to move under Standing Order 83 the suspension of Standing Order 24(8) so as to allow Petition NO.2 of 1998 to be referred to a Select Committee, or the Finance Committee.

MR. PRESIDENT: So the motion we would seek to move is that that petition should be referred to a Select Committee or to Finance Committee, leaving it uncertain as to which it would be referred to. Very well. Is there a seconder for the motion suspending.....

MR. JOHN B. McLEAN: Mr. President, I bea to second the motion.

MR. PRESIDENT: The motion is that Standing Order 24(8) be suspended for the purpose of enabling a motion in the terms explained by the Second Elected Member for Bodden Town, to be moved.

MR. G. HAIG BODDEN: Mr. President, I must say that this request has been made simply because the matter to which the motion refers, is a matter of great importance. While I will not attempt to dedl with the substance of the Petition, the fact is that this House received yesterday and tabled Petition No. 2. of 1986. The Petition which carried many signatures, the signatories to the Petition were all registered voters representing a broad cross-section of these Islands, every district being represented. While the Petition did not have as many signatures as there are registered voters, it had a significant number which showed that there is public interest in the matter which is the substance of the Petition. The act of tabling that Petition yesterday, will not in itself result in any action by the Government unless the Government seeks to take it further. If the Government chooses today not to take the Petition any further, the Government could well be accused of ignoring the pleas which have come up from the Caymanian people. So this.....

MR. PRESIDENT: Really, the Member is starting to make the speech that he would make if he was allowed to move his motion. All I am prepared to entertain is simply a representation that Standing Orders be suspended.

MR. G. HAIG BODDEN: I will finish with this. The Members here have an opportunity to listen to the public. If they choose to ignore it by denying this motion, well, they cannot blame me.

MR. PRESIDENT: The First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I rise to oppose the motion to allow Standing Order 83 to be suspended, in order to receive a motion to suspend Standing Order 24(8).

The purpose of the motion Mr. President is an attempt to, in my opinion, correct a deficiency which was made yesterday when Petition No. 2. of 1986 was presented. Namely, if it was sought to debate the petition, a Member should have moved at that time, or if it was sought to send it to a Committee, a Member should have made the motion at that time, that it be referred to a Select Committee, as in the case of Petition No. 1. where the Member gave notice of that motion. In fact, he formulated a motion, and I think you requested that he put it in writing. Mr. President, if the House refers to Standing Order 15 sub-order (3) it is clear that where it is intended that a petition be sent to a Committee, then the motion should be made immediately following the presentation thereof. The petition was ordered to be laid on the Table yesterday, and as far as I am concerned, the action has to flow from that act, and not any attempt today to correct deficiencies in the presentation of the petition yesterday.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, I support the motion before the House, because I consider it to be a necessary one, and a very important one. I hope Sir that you will give me a little latitude to rebut something which has been said by the previous speaker.

I happen to have been the Member who presented the Petition here yesterday, and you will recall in your capacity as Governor, that I had a short meeting with you in the morning,...

MR. PRESIDENT: As President, I think.

MR. JOHN B. McLEAN: As President, and we discussed the matter which I was about to put before the House, and you will recall that at the bottom of the Prayer, was a section which would have caused this Petition, or for the opportunity to bring it before the Finance Committee, and I would like an opportunity to read it. It said:

> "Mr President, I now beg to move that this Petition be adopted by referring it to Finance Committee, as the appropriate Standing Select Committee of this House, for consideration in accordance with the terms of this Petition".

The reason why this portion was not read along with my Prayer was because you had made a previous ruling that I should not do so. So, Sir I would like to make it abundantly clear to the Member, that there was no omission on our behalf. It was all prepared and ready to go, and after my meeting with you it was decided that it was useless for me to bring it before this House because it would have been knocked down.

MR. PRESIDENT: It may be helpful for the information of the House, if I confirm that it is perfectly true that you had sought to end your speech, in effect with a motion that the Petition should be referred to Finance Committee, on the basis you have just read out. That I explained to you that that would not be admissible, and that all you could do was to move for it to be referred to a Select Committee, in terms of Standing Order 15(4). But I did I think, also explain to you that if you so moved, I should have to say as I have said today to the Second Elected Member for Bodden Town, that I thought that Standing Order 24(8) would preclude such action.

MR. JAMES M. BODDEN: Mr. President, as President of this House did you not act then in a manner which would have tried to have kept this subject from even going to the House,..or even us having a chance to debate it. Is it not a foregone conclusion that you made up your mind on this matter and what should happen to it before it could ever get to the people. How are we going to have a chance with Government to get this matter approved to be debated, when you as the leader of the House, had made up your mind that anything we did on it, we would have been found at fault. I think this is a serious situation for this Country to get to, when the wishes of the people, the wishes of a lot of registered voters are being completely ignored, in a manner such as this by falling back on certain rules and regulations which you have in your Standing Orders.

A Bill and a motion are two entirely different subjects.....

MR. PRESIDENT: Order, order. The Member must not debate the ruling which I gave about the effect of Standing Order 24(8)...

MR. JAMES BODDEN: Well, Mr. President....

THE PRESIDENT: ...All he is entitled at this stage to do is to support, if he does support, the motion for the suspension of Standing Orders.

MR. JAMES M. BODDEN: Well I support the motion Sir, but I will only say this; that in this House it is like appealing from Caesar unto Caesar, and getting worse.

MR. PRESIDENT: Does any further Member wish to speak? The Member, yes, the Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I rise to oppose the motion to suspend Standing Order 83, to allow for Standing Order 24(8) to be suspended. I concur with the Honourable First Elected Member of Executive Council. In fact Sir, as a member of the Business Committee we brought it to the attention of the Chairman of that Committee, the relevant Standing Orders which we thought applied. It is no fault of ours Sir that the people on the outside have been misled or misdirected because of lack of knowledge of Standing Order 24(8).

I am against the motion Sir.

MR. PRESIDENT: Let me just give other Members a moment longer if they wish. No, I think the mover may reply if he wishes.

MR. G. HAIG BODDEN: Mr. President, from time to time, many papers are laid on the Table of this House, documents including reports, petitions etcetera. To give just one example, the Police Report is regularly laid on the Table of this House. When that Report is laid, there is nothing in our Standing Orders that would prevent a Member from moving the next day, or the next week or the next sitting of the House that that Report be referred to a Committee, or be debated. The same would apply with any other report, it might be a census, or whatever it might be. It is ordered to be laid on the Table, and usually when the Report is laid on the Table Members do not have time to study it on that particular day. But having studied the Report or the Petition or whatever it is, a Member may feel at a later date that there is something important in it, which ought to be debated. I maintain that there is nothing in our Standing Orders to prevent a Member from making a motion at a later date to debate any particular Report, Petition or other paper which has been laid on the Table.

The two Members who collaborated together in November last year, in using the closure motion to prevent or to curtail my speeches, are again, working together against this motion. I refer to the Member from North Side and the First Elected Member of Executive Council from West Bay. One of those Members seemed to say that it was a lack of knowledge of Standing Order 24(8) as to why we did not move this motion yesterday. I am quite familiar with Standing Order 24(8). The Petition had been moved by another Member, and personally, I wanted to get another bite at the cherry, and I know full well that there is nothing in our Standing Orders to prevent me from making a motion today that this matter be referred to a Select Committee. The Member from West Bay said that it was an attempt to correct a deficiency made yesterday. He is a member of Executive Council, and if he believes his own words, he should stand up in support of this motion today, because he is a responsible Member of Government, and if he feels that a deficiency had been made, he has a duty to correct that deficiency.

MR. G. HAIG BODDEN (CONTINUING): It is my opinion however, that there was no deficiency. The Petition was laid on the Table yesterday and the motion to send it to the Select Committee is made now. Where is the deficiency? All that Standing Order 15(4) says is that other petitions shall be ordered without question put to lie upon the Table, unless a Member moves for it to be referred to a Select Committee. In other words, what the Standing Order suggests is that yesterday the Member had the right to make a motion for it to be referred to a Select Committee. But it does not take away his right to make that identical motion today. Since there is nothing in the Standing Orders, nor in any other parliamentary authorities which I could find. I therefore make this motion today that we suspend Standing Order 24(8) so that this matter, this important public matter can be examined by the Government.

Of course, I realise Sir that getting this into a Committee will need the majority of votes in this House, and Members are free to vote as they feel. If the Petition is allowed to go to a Select Committee, I believe that the public will be happy to know that their Government is willing to listen to the Petitioner. If on the other hand, the matter is precluded from going to the Committee, the public may well feel that they are in the position that the Israelites were in when they tried to appeal to Pharoah. It is no doubt that the cries of the people have come up to the Government, and further more, as a Parliament which has always had the semblance of democracy, we should not today let ourselves be accused of being undemocratic, by a failure to support this motion.

MR. PRESIDENT: I think the Member is starting to get back to the speech he would have made if he had won this particular vote. So I will put the question, and just to remind Members, the question is that in accordance with the provisions of Standing Order 88, Standing Order 24(8) should be suspended in order to enable the Second Elected Member for Bodden Town to move a motion to the effect that Petition No. 2. of 1986 should be referred either to a Select Committee or to Finance Committee. I think that is correct.

MR. G. HAIG BODDEN: I think I should make it specific. I beg leave to amend it, to say that it should go to the Finance Committee, if you will accept that amendment.

MR. PRESIDENT: Well, it is a little bit late to accept the amendment. If we get the Standing Order suspended, I will consider allowing....

MR. G. HAIG BODDEN: That is fine Sir.

MR. PRESIDENT: I do not think we can amend the motion we have just finished debating.

QUESTION PUT: AYES AND NOES

MR. JAMES M. BODDEN: Could we have a division Sir?

MR. PRESIDENT: Certainly.

DIVISION
NO2/1986

AYES	NOES	ABSTENTIONS
Mr. Linford A. Pierson	Hon. Dennis H. Foster	Mr. W. McKeeva Bush
Mr. James M. Bodden	Hon. Michael J. Bradley	
Mr. G. Haig Bodden	Hon. Thomas C. Jefferson	
Mr. John D. McLean	Hon. Benson O. Thanks	
	Hon. W. Norman Bodden	
	Hon. Capt. Charles Kirkconnell	
	Hon. Vassell G. Johnson	
	Mrs. Daphne L. Orrett	
	Capt. Mabry S. Kirkconnell	
	Mr. D. Ezzard Miller	
4	10	1

MR. JAMES M. BODDEN: The people of this Country will hear.....

MR. PRESIDENT: I declare the motion lost.

MOTION THAT STANDING ORDER 24(8) BE SUSPENDED TO ALLOW PETITION NO.2/86 TO BE REFERRED TO FINANCE COMMITTEE - DEFEATID BY MAJORITY.

GOVERNMENT BUSINESS

COMMENCEMENT OF DEBATE ON THE THRONE SPEECH

MR. PRESIDENT: Item 3. Government Business. Commencement of debate on the Throne Speech.

To remind Members, in case any of them may have forgotten, the motion before the House which was moved yesterday is: 'Be it resolved that this Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for the gracious Address delivered on Friday, 28th February 1986'.

That motion is open for debate. Does any Member wish to speak? The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT" Thank you Mr. President.

Mr. President and Members of the Legislative Assembly, I would like to offer my sincere congratulations on the very fine Throne Speech which was delivered to us last Friday, and to say that I consider it a very forward looking and optimistic Throne Speech. I feel that there is much to be thankful for, and although not wishing to appear as if I am blowing my own trumpet, I feel that I form part of a Government which has led you to make the speech such as the one which you delivered.

In the Holy Scriptures it is said "If my people which are called by my name shall humble themselves and pray, and turn from their wicked ways, then will I hear from heaven. I will forgive their sins and I will heal their land".

Mr. President, I feel that one of the main purposes, one of the main tasks of this present Government is to assist in that healing, and to be used as instruments to bring it about.

MRS. DAPHNE L. ORRETT: Your Throne Speech outlined Sir, Government's principle plans for the coming year. There were lots of things which could not be put in writing, but certainly, as I have gone over it, I feel that this present Government can live up to its commitments.

It was mentioned Sir, that steps would be taken to strengthen the police, by improving standards, and that this would continue. I am very pleased to note that there has been definitely an improvement in the Police Department. Not least of which is the confidence which the public has regained in that Department over the last year or so. I feel that they are to be congratulated for their hard work. Because, after noting certain areas within this Speech Sir, it was found that perhaps even the present staff of the Police Department could do with additional members. There were certain restrictions, I guess, as far as not having funds to hire new recruits, as had been recommended. But I would hope that this will be done in the very near future, because any Country without adequate staff to carry out the laws of the Country, is in trouble. We can sit here meeting after meeting, and make new laws, but unless we have an efficient Police Force who will carry out those laws, or see that they are carried out then we will be in trouble after all.

It is noted that great interest has been taken in job-training for the Police Department. A number of times questions have been raised in this Honourable House Mr. President, about Contracted Officers and how long they would be here, and how many Caymanians would be employed and promoted etcetera. I want to make it abundantly clear that I am for a well-trained Police Department. Any effort which is made to bring Contracted Officers in here to train our Police Force, so that they would be better equipped and qualified to carry out their important role, has my support, and I do not have time to quibble here about how many of them are Caymanian, and how many are not. The idea is that we are training our Caymanians to take over responsible positions. In order to do this we are alowing them to work with those men who can assist them in reaching the standards which we feel are suitable. It was noted that during this past year most of those who were recruited to the force were Caymanian, or with status, and we had one who was a university graduate. Mr. President, I am very happy to see that this is the case. I feel that often our people tend to get the idea that the Police Department is a Department where one can have people who perhaps take education as something not too important. I am not in any way insinuating here Sir, that many of our Police have gone up throught the ranks of the Police Department and have done exceptionally well, and have became well qualified over the years, through experience. But it should not be under estimated how important it is that in this pleasant time when the sophisticated areas of a Drug Enforcement Agency, and international law and all these things come into play. That it is very, very important that we encourage the Police Department's young men and women who have tried to further their education as far as is possible. I feel that this is a step in the right direction, and I trust that it will be the beginning of many other young men and women going overseas and getting proper training, and coming back to our Islands and taking positions in the Police Department and Law Enforcement Agencies.

High priority will continue to be given to road safety, with increased attention to those who drive dangerously, and also in the area of drug abuse.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, it cannot be under estimated, the dangers of driving on the roads of the Cayman Islands today. The Police Department has a very difficult job, and I feel that in this Honourable House, we are going to have to pay close attention to this area of law enforcement, and to see whether or not, the punishment for breaking the law as far as using our roads is concerned, is strict enough or whether we need to perhaps institute somewhat harsher measures to bring the message home to our people, about the fact that it is a privilege and not a right to use the roads on Grand Cayman.

Mr. President, the consideration to strengthen the Drug Squad is definitely something which is greatly needed here. As you know, and other Members of this House know, one of our greatest fears in the Cayman Islands today is that somehow, someway, there are those amongst us, through whatever dishonest means possible, are using drug trafficking in order to get rich quick. In the process, our young people are being destroyed. It touches just about almost every household in the country today. There are a few who in one way or another do not know the effects of it, whether it is a cousin, or an uncle or a child. Somehow in this small community of ours, all Caymanians are aware of the dangers of drug abuse. I hope that within the New Year, every effort will be made to encourage our Police Department in carrying out their responsibilities, in helping to curtail the drug traffic on these Islands. I feel that a great effort has been made in this direction, but Mr. President, I would hope that we would never become complacent and feel that we have arrived, because sometimes I am made to wonder whether we might just be seeing the tip of the iceberg, as to what drugs are really doing in our Country today.

The Prison Administration will continue to explore new ways by which the talents and skills of staff and prisoners can be brought about, and more effectively utilised. Mr. President, I am sure that if we were to investigate those inmates at the prison today, it would be found that many of them are repeat offenders. It is most important that steps be taken not only for punishment, but for increased efforts, so as to rehabilitate these offenders. I would like to voice my pleasure and to offer my congratulations to the Prison Ministry which has just been set up amongst the churches of our Islands, working closely hand in hand in order to assist in the areas of rehabilitating our prisoners. There is one thing which we need to recognise, and that is if a prisoner leaves that facility, and once again turns to society feeling that he is no better than when he went there. The only thing we have on our hands is a repeat offender, and he will continue to cause problems amongst the people of our society. Usually we find that every incident becomes a little bit worse than the one in which he was involved prior to that. The areas of finding suitable recreational facilities for the Prison Department, I know they are not put there to spend a vacation, but what I would like to get across to this Honourable House Mr. President, is that every area in which we can help to rehabilitate an offender, especially young people who are going in, many of them for the first time. It is a means of giving him some self respect, letting him know that he is not placed there and forgotten about, and that it is this Government's intention not only to punish him, but to make him a better man when he gets out of there.

MRS. DAPHNE L. ORRETT (CONTINUING): I was very pleased Mr. President at the last Agricultural Show, to see the fine display of woodwork which had been produced by the inmates at the Northward Prison. It was a beautiful display of work, and it goes to show just how skillful many of these young men are, and the areas in which they can be employed outside once they return to society. The Director of the Prison and his staff are to be congratulated. I feel Sir that there might be some areas where improvements still need to be made, because complaints are often voiced to us as representatives, about certain things which it is felt are perhaps not in the best interests of prisoners, and these things are noted by family relatives who go there to visit, and one will hear certain complaints brought to the attention of Members of the Legislative Assembly by our constituents. I trust that as time goes on, we will see improvements in these areas. There have been many times when we have had complaints about inmates not getting items which were left for them, and their mail has been shelved and has not reached the person to whom it was sent, and a few minor things. But I think on the whole, the Director and his staff are doing a very fine job at that facility. Certainly, the waiting area of that Prison cannot be renovated and refurbished quick enough. It is certainly something which requires urgent attention, and I am sure that Government will see that this is done within the coming year.

It is noted that the Administration remains committed to the development of programmes such as agriculture and woodwork. I feel that here is an area, as there are only certain things which prisoners are allowed to be involved in for more reasons than one, and certainly this is an area which is beginning to get a lot of attention. The Member responsible for this Portfolio and the Agricultural Department I am sure, will work hand in hand with the Prison Department to see that as much as possible is done to encourage prisoners to get involved in this area.

As I mentioned earlier Mr. President, we must never loose sight of the fact that the rehabilitation of the offender is of upmost importance.

Following the introduction of the new Caymanian Protection Law in 1985, measures are being introduced to widen eligibility for permanent residence. By so doing, it is hoped to provide for some security of tenure to suitable people who have become well established in the Cayman Islands over a reasonable period, and at the same time, provide an alternative to Caymanian status. Mr. President, as you are aware, and the other Members of the Legislative Assembly are also aware, there is great concern being voiced about the number of people who are receiving Caymanian status. I feel that this is a step in the right direction. We have people here who have contributed well to the Cayman Islands, but there has to be a limit on the number of people who we can be allowed to gain Caymanian status. Mr. President, I would like to note the word 'suitable' in your speech. Suitable Mr. President, does not necessarily mean a person who has a lot of money. Suitable does not necessarily mean a person who has visited the Islands for the last ten to fifteen years. There are many things which need to be considered when we are thinking of allowing a person to enjoy permanent residence in these Islands. We are allowing him to have a privilege, a say in this Country, and that word 'suitable' is of utmost importance. Mr. President, well established in the Cayman Islands does not necessarily mean that one has ones teeth into certain areas of business. Well established, Mr. President, I feel indicates that any applicant is proving to the Caymanian public that he is well established, in that he is willing to work with us and to live by our standards, and not to come into this Country to dictate, not even to suggest what happens on our Islands.

MRS. DAPHNE L. ORRETT (CONTINUING): Over a reasonable period, Mr. President, there are people in this Country who have received status almost by the snap of the finger. One has to ask the reason why. Their contribution, positive contribution to this Country is almost nil, and yet all of a sudden we hear that they have Caymanian status. Mr. President, I am aware that there are certain people in these Islands who are here merely for what they can get for themselves. There are some, who because of some political affiliation, or because of their ties to someone in Government may think that they are able to get into this Country, to run it along the lines they see fit. Mr. President, there are people in this Country who because of the mere fact that they own a condominium, or a dwelling house, believe that they can look upon Caymanians as second class citizens. This is something which I happen to know. Mr. President we have individuals who are seeking status in this Country, who would work a Caymanian for a mere pittance, and yet, would come forward to expect to be a part of our society.

Mr. President, there has to be an alternative provided to Caymanian status, and even when this is done, those persons who are allowed to come and live here must understand that they are our guests, and not our masters. Because, there are certain individuals in this Country Mr. President, who could not care less about the image of the Cayman Islands, and who could not care less about Caymanians in general. They are only here for what they can get for themselves, and the fact that they have money, and the fact that they can push something into one hand or another, will not work with this present Government. I can assure you Mr. President, that any foreign national who wishes to become a part of this society, must understand that he has to live by our standards. Which is why, Mr. President, when it comes to certain items which are going to be brought to this House, I do not feel that the stand we take on any new laws, or the revision of any laws in this Country must be done because we are considering the visitor to these Islands, over and above the needs of the local Caymanians. We live here, this is our home, and when someone visits a home, he is a guest and he has to live by the rules of the house. In this Country we accept suggestions, constructive criticism yes, but we do not expect to have people who are going to come here and dictate to us what laws we make, or what laws we do not make in order to suit persons who are only guests in this Country. It is important that when we consider Caymanian status, it be to those who are genuinely connected with us in one way or another. But not necessarily because here is a place that they would like to have a winter home, or here is a place that they would like to spend six months out of the year. We welcome the people who come here to live with us, and not over and above us, and to look down on Caymanians as something of substandard.

Mr. President, I might as well confess to you that I have lived abroad for sometime, but never in my life, have I expected to go to someone elseb country and to ask them to change their ways or their customs or their laws to suit me. We maybe a small Island in comparison with the United States, or other larger countries, but what has worked well for us over the years must continue to be looked upon as what our Caymanian people want. There are certain people visiting these Islands, fortunately for us they are in the minority, but they wish to get their teeth and their claws into certain areas where they can actually manoeuvre Caymanians to suit themselves. Even in the political arena, Mr. President, one will find that some of these people would like to be able to get entrenched in order to undo what this present Government is trying to do.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, we are here, as I mentioned in the opening sentences of my speech, for a healing in this Country. We are instruments of God, to bring about this healing Mr. President, and there are many ways in which it must be done. Any factions or groups out there who expect to come in at this time and undermine and to bring about contention, by causing our people to believe that this present Government does not have their best interests at heart, Mr. President, we in this Government must make sure that such people are not allowed to possess any strong ties with this Country. In and out, if they cannot live the way that we think they ought to live amongst us, then tell them to pack their bags and leave, because there are many more who want to come here Mr. President, who have no ulterior motives for doing so.

Mr. President, when we deal with the permanent residence situation, it is a very serious matter indeed, and I trust that this present Government is going to be most careful. I have utmost confidence in the Caymanian Protection Board, and I trust that all the members of our society will recognise that what we have is something to treasure, and we must not allow a bribe or some involvement in a company to cause us to throw out everything in to the hands of those who can only be detrimental to our society.

Mr. President, I am not sure what the time is.

MR. PRESIDENT: I was waiting until you came to the end of a particular subject. Perhaps if you have done, it would be a convenient moment now to break, and I will therefore suspend proceedings until approximately two fifteen.

AT 12:52 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:23 P.M.

MR. PRESIDENT: Please be seated.
Debate on the Throne Speech. The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Mr. President.
When we took the lunch break, I was dealing with the subject of the new Caymanian Protection Law, or new measures and I feel Sir that this is of utmost importance. I do not think this is something which should be delayed or postponed, but it is happening in ample time.

We are pleased to see the fine service which Radio Cayman is offering to the general public, and the FM Service which was introduced a short while ago; being gradually expanded to cover a full day of broadcasting, which is certainly in order.

As I have mentioned in an earlier meeting of the House, I, in addition to keeping the Caymanian people well informed on news and other areas, still do not feel it would be too much to ask with the new FM facility becoming available, that the Hour of Faith broadcast and the religious broadcasts in the morning, might possibly be extended to the time period when most people are either getting dressed to go to work or are on their way to work. Certainly Mr. President, this type of broadcast would seem quite in order and appropriate and a fine way to begin ones day.

MRS. DAPHNE L. ORFETT (CONTINUING): I think in our society today, one needs to do as much as possible to encourage the calm and patient spirit which one needs to have in order to get ahead, and do a job well. Many times our Caymanian public leave home in the morning and go to work, and anything which can be done to inspire our people and to have them think, and look in the right direction, I feel should be encouraged. So I would suggest, and hope that those responsible would see that this particular aspect of the radio broadcast is looked into.

Of course, the cultural and educational material is of utmost importance, and I am pleased to see that Radio Cayman is expanding their services in this manner. It is a very fine Government entity, and I believe that it has done us proud, for us to be able to have our own Radio Station under the leadership of some very fine people.

It is noted that during this year, under the United Nations Development Programme there is going to be a Management Workshop. Again Mr. President, I see Government's effort in trying to promote within the Civil Service those people whom it is felt will be good candidates for management and senior posts within the Service. I think this is one of the ways in which we are saying to our people that we want to see Caymanians get ahead. I am pleased to see that a new Director of Training has been recruited, and that other supervisory and middle management level courses will be introduced. I feel that we in Caymanian society today should recognise the Civil Service as being one of the most important bodies in this Country. Without it we are in serious trouble, and without a efficient Civil Service we are still in serious trouble. So I welcome these new steps which have been taken. It is another reason for the Caymanian public to have faith in this Government, that it is our intention to move Caymanians up within the Civil Service.

It is noted that the present number of serving officers are unlikely to be expanded appreciably during this year, and it is good to note that there are several areas Mr. President, in which those young Caymanians graduating from school this year, will be able to find employment. Further on in the Throne Speech, it is noted that there are other areas of development which are now in progress and we should have no difficulty in being able to place our young Caymanians, many of whom would otherwise perhaps have been looking to the Civil Service for a career opportunity. If this is not available, they will find it elsewhere.

In the areas of Health, Education and Social Services, it is heartening to note that the Member responsible, and those working with him have seen fit to have a National Health Plan published in the not too distant future. Plant requirements are to be reviewed, and I feel Mr. President that this Government should support any effort which might be made in the near future, to build or to provide bigger and better medical facilities for the people of these Islands. While perhaps we think we have arrived, we will find that we are a continually growing population and even now, the hospital often finds itself filled to over flowing, and with little or no room to accept new patients, and with patients having to leave within a day or two, because of insufficient space to cope with the number of people needing attention. I would hope Mr. President, that this Government will see fit to support any decision which might be made to provide a bigger or better hospital facility. Or if deemed to be necessary, a complete new plant facility for the hospital. While on this particular subject, I would wish to state here, that if any name, a particular or special name, and this might sound to be a little bit off the subject, but I would like to get it in while I remember it and before anything else might come up which might prevent this being considered.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, unaware as you might be of this, because of when you arrived here, and even those who are sitting in the House right now might not know, but there was a fine doctor who resided in West Bay some years ago, Dr. Horter, who gave, Mr. President. If there was anything, such as sacrificial giving, this gentleman did it. Here we had a doctor Mr. President, when in those days mosquitoes were like the sand on West Bay Beach, and the roads were just a mud puddle when it rained. There were just little footpaths into the deepest areas of West Bay, and other areas in the Islands as well. Here was a doctor who left his home in the United Kingdom and came to this Country, and Mr. President, he gave his life for the health, the good health of the people of these Islands. Until today there has not been anything really significant to even remind the Caymanian people of his presence here, and the sacrifices he made to serve our people. But I doubt whether in our life time, we will ever be able to witness one human being giving as much to a people, as the late Dr. Horber did for the people of Grand Cayman, and West Bay in particular. I feel that some fitting reminder of his sacrificial giving should be given to us. I have a feeling, that in all the years that this man spent here, he left family and friends and home, and gave himself to this Country, I do not know, but maybe he returned home once or twice in all the years he was here. But when we speak of doctors and giving time at a hospital, it should not even be questioned, when I consider the effort and the time spent on the health of the people of this Country by that one man. I would hope that if a new facility is planned, it be named after Dr. Horter, who gave so much to the people of this Country.

On the educational level Mr. President, as is well known to all Members of this House, we cannot over emphasise top educational facilities, and every child deserves a chance.

I am pleased to note that in West Bay the sheltered workshop is becoming a reality, and that it soon will be in operation. Mr. President, it proves once again that this present Government has at heart, every aspect of society, and every level of society. There is also an ongoing effort not only to try to educate as best we can, the handicapped child, but to make his life seem worthwhile through providing for him, something which he can cope with. Something which he feels he can contribute positively to society and become involved in, and I feel that the sheltered workshop is a step in the right direction for the handicapped in our society today.

On the Social Services level, certainly Mr. President I cannot give enough praise to the houseparents and the others involved in the Francis Bodden's Girls Home and the Boys Home. It can be seen that both these facilities are making a positive impact on the less fortunate of our young boys and girls in the Cayman Islands today. I am pleased, and I pray for God's wisdom and strength and patience, because I am of the firm opinion that where we might have a few extra at Northward Prison, we instead are going to have young men and women who are going to leave those homes and go out into society Mr. President, and be worthwhile citizens of our community. I commend the clubs involved, the Rotary and those involved, and Mr. President I am thankful that in this area we are making positive inroads.

There are many other areas which need attention. Mr. President, this Government is committed to working with the Social Services Department in this Country. It is no longer going to be pushed aside and ignored unduly, but we intend to work with the Social Services Department hand in hand. Mr. President, we can be as rich, we can have as many banks and hotels along Seven Mile Beach as we wish, but unless we touch those areas of our society which will help to stamp out crime, we are not really making progress at all.

MRS. DAPHNE L. ORRETT (CONTINUING): It is of utmost importance that the Social Services Department of this Country is given a top priority. We have children Mr. President, who as it were, were born into social problems. They really cannot be blamed for what has come about, because they were born into it, and it is a fact. We could throw up our hands and say well it is not really my responsibility if parents have failed their children, but this is not the attitude we have to take as a Government. It is our business to offer that child or those children and young people, every opportunity to get back into society and feel that they are worthwhile citizens of this Country. We owe it to them, and every area in which we can assist in making this become a reality, we have to do so. This Government must see to it that money is spent wisely and well in the Social Services Department.

Mr. President, it is not our intention to encourage these young people to do things which they ought not to do. I think right now Mr. President, of many young women whom I know in this Country who are faced with a situation of having to live in an environment, not conducive to good social living. Not conducive to raising a child, and yet I know of these certain young women Mr. President who were born into the situation, and unfortunate circumstances find them still there. They have a child to raise, and that child in turn falls into the same pattern, and it goes on and on in a vicious circle. I would hope to see Mr. President, some facility whereby these unfortunate young women are able to at least get a good start in raising those children, and pointing them in the right direction.

In the United States they are now providing such facilities. They are finding that young mothers are then able to cope. They learn how to manage a young child, they learn how to cook, how to manage a home, and how best to budget a small amount of money. These are areas in which they are finding that a bond between mother and child becomes much more tight and solid, and that mother learns how to love her child, how to care for her child and in turn, the child has an early start in the right direction. We have some unfortunate situations in the Cayman Islands today, and so one finds that they are not so much responsible for the situation, but they were born into it. It is something which they have almost become used to, a way of life. In the Social Services Department these are areas where we need to work closely in our society today. We are fortunate, because in other big countries Mr. President many, many things happen, in many areas, many situations get overlooked because people live in a large community and one is not aware of these situations, but we are fortunate in that in the Cayman Islands, we are a small area. One neighbour usually knows what the other is doing, and the difficulties that neighbour might be having. These are areas which can be brought to the attention of the Social Services Department, and we can do something about it. Mr. President, this representative is committed to work with this Government in this area because when we prevent crime, we have done a lot more than trying to cure it. This is the area in which the Social Services Department can make a positive contribution.

Mr. President, it is noted here that the Government is committed to strengthen the health services, and I do not want to go back on that subject, but I did want to mention that Caymanians are eagerly awaiting such a service being strengthened, because there are areas in which many questions are asked. I know that there are some people we will never be able to satisfy, but I also realise that there are areas, and I am thankful that something positive is being done about them, as I believe me, the Health Care in this Country is something which is of utmost importance, and the time has come when anyone involved in that Health Care, be he a doctor, a nurse, a nurses attendant, whoever, has to be someone who is proving that they are earning their money.

MRS. DAPHNE L. ORRETT (CONTINUING): Because, it has been going on for far too long, the present situation in these Islands, whereby the people do not have faith in the Health Care Services which are offered to our people. I know in certain areas Mr. President, it is unjustified, but there are other areas where questions certainly need to be asked, and I feel that the Member responsible is not in any way going to fail this Government in seeing that every stringent measure is taken to ensure that our people get the best in Health Care in these Islands.

The 24 hour service, I am not going to go into, because it is almost like a record in this House now, but I will say that I was pleased to learn that it is soon going to become a reality, and I think that any doctor on duty would be unwise to send in any excuse about attending cocktail parties or anything else, and cannot be there.

The legislation to regulate food handling I think is a step in the right direction Mr. President. The food at the hospital is good, but I do not think that one can over emphasise how important it is to take such measures.

Mr. President, we have a situation in the Cayman Islands today for which there is no ready remedy at the moment. We have people walking our streets, and actually in your Throne Speech you mentioned that measures to deal with mental illness and drug and alcohol abuse are under active consideration. It is my opinion Mr. President, that a lot of the mental illness we have in the Cayman Islands today is a direct result of drug and alcohol abuse. I know of a number in the district of West Bay, and some years ago before they became so involved in drugs, or the consumption of alcohol they were totally different individuals. Today, some of them are walking the streets of West Bay, and one has to ask oneself, if this is the same individual I knew ten years ago, or sometimes less. We need a facility to deal with this type of individual. The hospital is not the answer, nor is the Prison, and I would like to urge upon this Government that early steps be taken to see if we can provide such a facility to cope with this type of individual. We have them in all age brackets. We have them amongst the female population as well as the male population, and they go on, and on and on until they reach a stage where it is almost impossible to help them. I am pleased to see that these measures are in hand, and I look forward Mr. President to the day when such a facility can be provided.

As mentioned earlier Mr. President, the growing client population in Social Services causes much concern. It is definitely a situation which can no longer be put on the shelf, and the Juveniles Law being updated to keep the hands of this Government tied in many areas, has to be looked in to, and I hope that this revision of the Law will take place before too long, and we will find that it provides us with what we need in the area of juvenile delinquency in this Country.

The National Contributory Pension Scheme brought about as a result of a motion by my colleague from West Bay, is certainly one which the people have welcomed, and I feel again, it proves to the people of these Islands that this Government is committed to helping not only themselves, but everyone else in these Islands. Mr. President it is not an easy matter, getting all these schemes in place automatically, as soon as we decide they are needed, but I feel sure that the people of these Islands can expect that it will not be unduely delayed, and that there will be steps taken to get it on the move in order that our people can contribute to it. I hope that we will not hear too many people complaining because there is a tendency among a certain faction of our people, to think that everything one gets should be free. But I am glad that the majority of our people are those who are willing to work and contribute to whatever maybe handed down to them.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, I look forward to seeing the National Contributory Pension Scheme in motion before too long.

I am for the preservation of 'Things Caymanian', and I welcome the steps taken to restore the Old Courthouse Building for a Museum. Not only will it be an added tourist attraction Mr. President, but it will certainly preserve for our children, a lot of work which made the Cayman Islands special. History is very, very important and it cannot be over emphasised how a building such as this helps to enhance our appreciation of what we have inherited from our forefathers. It will provide for our people a keen memento of the hard work which it took for us to make a livelihood, and the Caymanians have, down through the years been a sterling and a hardy people who worked for what they got. It is good to preserve what is ours.

The National Theatre, which will be opened during this year is certainly something which is welcomed. Mr. President I think here is an area where it is proven that not everyone who comes to the Cayman Islands is here for what he or she can get out of it, and not necessarily for what they can give. Mrs. Harquail is to be congratulated. I realise the more one has the more one can give, but there are many people who have a lot and give nothing. Mr. President, I feel that this kind lady is to be conaratulated for the amount of money and the amount of time which she has spent in the area of the Cayman National Theatre. While on this particular subject, I would hope Mr. President that we will see our local people become involved in the area of the arts. That we will see them supporting the arts, because it is a very important part of any modern society. I think that often our people tend to complain. There is a tendency among some of our people to make remarks that everything which is done, is done by an expatriate. But again, when the invitation is given for people to participate, and for people to come forward and volunteer to act or to be a part of anything in the arts, they seem to hold back and do nothing about it. Then one hears of people complaining how little the Caymanians are involved. I think that these are areas in which we have to go forward. We have to make ourselves available, and I am hoping that this building will not be sitting there being used mainly by a non-Caymanian group. But that Caymanians will realise that we have a lot which we can contribute to the arts in this Country.

A Sports Complex and a Sports Co-ordinator, Mr. President we discussed this in an earlier meeting, and as you can tell, the Member responsible was not just sitting down and doing nothing about it. These people are to be appointed during the year. The Sports Complex is on the move and I would hope Mr. President that in the not too distant future, from these Islands some of the finest athletes to participate in world sporting events will be forthcoming. I believe that the provision of this Sports Complex is a step in that direction, providing for our young people, a facility where they can be trained properly up to international standards. I am grateful, because these are facilities Mr. President which will provide for our young people another avenue in which to use their resources and their strengths. Instead of going into the backwoods or getting into some car in some hideaway using drugs. We are to do everything possible to encourage them to channel their resources in the right direction, because young people, their strengths have to be used, and if they are not used in doing the things which will enhance society it is going to go in the opposite direction.

MRS. DAPHNE E. ORRETT (CONTINUING): 500 new hotel rooms Mr. President are going to be on the market shortly. Believe it or not, even if the taxes went up, this Government is providing a means of making money to pay those taxes.

The restoration of investors confidence in this Government is providing for our people, employment which will help them meet those added responsibilities to Government. Whatever Government does with the money which the people are required to pay into the Treasury of this Country, in turn is going to be used for the many facilities mentioned in your Throne Speech Mr. President. Without those added funds, we would not be able to provide for our people the things which are outlined in this Throne Speech, and they are not luxuries Mr. President. Each and every thing which is mentioned here is a necessity. In fact, it is a dire necessity, in fact some of these are long overdue. I feel badly that efforts are being made to deceive our people into thinking that this Government is taking actions to their detriment, and doing things which will hurt them. Mr. President, all these new facilities, and all these steps which Government is taking to provide for our people these necessities, cannot be done by talking about them, or promising them to the people. One has to have money to provide these facilities. It is not a matter of saying that they will just have to do without them for a few more years. We cannot in the area of Social Services, in the area of Education and Health put these things aside and sit them on a shelf. They have to be provided for the people, and there is only one way of providing them, and this Government has taken steps to do so. The thing about it Mr. President, the steps which this Government has taken in raising new taxes, ask the population out there, and ask how many of them are hurting that badly because of these new measures. They are making money and they are finding employment. If this Government had instituted new tax measures and in turn, had not provided new areas of employment for this Country then I could have seen all this hullabaloo which is going on. But Mr. President, what I am saying here is that it is going to be a difficult task for anyone to convince the majority of Caymanians today that this present Government does not have at heart the good of every citizen of this Country. It is going to be a difficult task, because our people are a lot better informed, they are a lot more educated, they are much more involved in the political process of this Country, than they were a few years ago. Mr. President, it is going to be a monumental task to convince a population with good common sence, that this Government does not have the ability to move in the right direction for this Country.

Mr. President, if Caymanians can be assured of anything, it is that this Government is not going to be cajoled, bribed, bought or anything else when it comes to preserving a good and stable Government for this Country. We are committed to providing what we promised, when we campaigned for this Office. At least I know I am, and I feel that the majority of people here are not here to hold a high and an honourable position because it is only honourable Mr. President, when one represents ones people as they ought to be represented. Anything less than that is not honourable, and Mr. President we are committed to providing for these people stability and security, and for the foreign investor, a place where his money is in good hands.

Mr. President, tourism in this Country is very important, and the image we portray must be a good one. There must be harmony, there must be cooperation and it is just as well for those people out there, that small minority, and am I ever glad that they started when they did, because that balloon can soon pop and blow away before one knows it.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, the people in West Bay, I do not know too much about the other districts, but the majority of the people in West Bay are a happy bunch. I happen to know it, because they are not afraid to walk up to any representative and tell them exactly what they feel about anything. I happen to know Mr. President that there are a few who are still disgruntled. Some who have been misled, some who have been almost blinded, but when they hear the other side of the coin, they have enough sense to know that this Government is doing all possible to help them, and the three representatives from West Bay are going to see that we get a piece of the cake in these four years.

Mr. President, I notice that an effort is going to be made for new marketing methods because of the increased traffic in tourism. Other areas are being tapped, and at least a 20 per cent increase in air arrivals is anticipated for this year, and a further 45 per cent for next year. Now I know Mr. President, that certain things can happen, but at least according to the economic trends as they are in the United States and elsewhere at the present time, we would think that it is a fairly good estimate of what we can expect. Cooperative sales efforts between the Department of Tourism, Government and those private sector tourism interests, I hope that Government will find that it is getting all the support it can from these other areas.

On the matter of Cayman Airways, if it is possible for this Airline to make a go of it, then I feel confident that it can take place under the present Board of Directors, and its able Chairman. Mr. President, I have every confidence that if there is any area in which they can assist to keep this Airline on the move, to help it at least to break even, it will be done. I am also certain if they see where it would drag this Country down to bankruptcy, they are man enough to say that we cannot make it work. Mr. President, I look forward to good and better things happening in Cayman Airways with this new Board of Directors, providing for our Caymanian people who have given their time and who have trained for work in this particular area, a chance of making a livelihood, and a chance of having faith in the future of Cayman Airways.

Cayman Express is to be congratulated Mr. President. I think they are doing what seems to be a fine job, and from the reports I have heard, that particular charter programme is doing well in keeping our hotel rooms filled here in the Cayman Islands.

I notice that Cayman Airways is now looking for another aircraft to supplement the services which they have during the peak season, and I feel Mr. President, this is in order because I happen to know from first hand, that often there are people who have difficulty in getting an airline seat to get to the Islands, and I believe that this will be a fine added service to the tourism industry of this Country. I believe them Mr. President, when it is said that every effort will continue to be made to increase the Airline's operating profit. I believe that. Do you know why I believe it, because they have proven over the last year that they could make a difference to the finances of Cayman Airways.

I think it is also a step in the right direction Mr. President, for the two international Airports here and on Cayman Brac to be operated on the same lines as that of the Port Authority. I believe that when these are administered as separate bodies, separate entities, I think it makes for a better facility, and it takes it out of the hands of a Civil Servant. Government will not get the blame for everything, and when somebody knows that they have to produce and show Government that they are able to run such a body, I think it is a lot better than sitting there as a part of Government in general. Then, everything that happens the Treasury has to pour money into it, and all one can hear is that there is a loss here and a loss there.

MRS. DAPHNE L. ORRETT (CONTINUING): I believe that this is a fine idea and I hope that this will be able to be put in motion before too long.

Providing a Fire Station at the Airport is long past due. We have a fine body of young men there, and the Director of this particular service has worked well under the current situation. I also feel Mr. President, that it is not out of order at all for a Fire Service Station to be placed in the district of West Bay. As you are probably aware, the Barkers area is becoming developed at a fast pace. The district of West Bay is a very large district, and often by the time a fire truck is sent from the Airport, the damage has already been done in that area. We feel that the Seven Mile Beach area is becoming extremely populated, and a Fire Station centred in the area where it is proposed to be built, is an ideal location for one at this time. We would hope Mr. President, that this Government will see fit to have this in motion, and have this provided before too long.

Work in Cayman Brac, I welcome that almost as much as if it had been going on in West Bay. Because, those people deserve all the help we can give them. I would like to see their facilities brought up to date, so that not only the morale but the efficiency of the people working at the Airport and the Fire Service there will be enhanced. The other areas of development in Cayman Brac Mr. President are extremely urgent. In talking with the representatives of that constituency, we understand that things are not as rosey there as they are on Grand Cayman. I believe that this Government is committed to work in every way possible to see that adequate employment, adequate facilities are provided for the people of Cayman Brac. Because, this Government does not look upon them as being any less deserving of these facilities than we are here on Grand Cayman. They are simply separated by a body of water. We would like to see them have the same privileges and the same necessities provided as we have here on Grand Cayman.

The Labour Law is being looked into Mr. President, it is being studied. It is a pity that we have members who should be on that Labour Legislation Committee, absent for so much of the time. I suppose Mr. President, when it is finally drafted and put together it will be torn to pieces in this House. But I would like to extend once again, an invitation to every Member of this Government to sit in on every one of those meetings, and make their contribution. because, this is a piece of legislation which is going to touch every phase, every aspect of our society. It is also important that we have positive and good input when this Law is being put together. It is necessary, there are a lot of complaints and it has to be carefully weighed as to what goes into it. Mr. President, I feel strongly that no one should stand in this House and criticise what is done in Committees, when a certain Member does not even attend a meeting of that Committee, and make his contribution. We are elected to this House to serve the people of this Country, and there may be times Mr. President, once or twice a year, when a person is unable to attend a meeting. But the reason that one is not sitting with the majority in the House, does not constitute his right to be absent from these Committee Meetings. He is there to represent his constituency, and when such important legislation is being drafted and discussed, Members of this House, each and every one, should be at those meetings. Time and time again, I have heard criticisms from this House when Members do not even show their faces at a Committee Meeting to contribute positively or otherwise to what is going on. These Select Committees are an important part of this Government, and it is a very important part of this Government. I feel that Members should realise their responsibility and be present when these Committees are called.

MRS. DAPHNE L. ORRETT (CONTINUING): There is a continued need for the private sector and Government to offer training and opportunities for career advancement to Caymanians, especially in the tourism industry. With 500 new hotel rooms coming on the market, the hotel staff are going to increase dramatically, and you mentioned in your speech Sir, that while some professional help will of necessity have to be brought in, yet training and promotions are essential if the young Caymanian labour force is to be motivated. This is important Mr. President, because I happen to know, and all of us know it that often the best efforts are not made to train young Caymanians. They work there, they have a job, but before one knows it, one leaves and another one replaces him, and yet a young Caymanian is not trained to be placed in a position, a managerial position. Nobody can tell me that Caymanians cannot do it. All they need is an opportunity to do it, and in order to be able to they have to be trained. I think this Government in what ever way, will have to see to it. We will have to ensure that this is done. Do not get me wrong, anyone who is here, anyone who is in the Cayman Islands in a managerial position or otherwise, as long as they are there holding that position, as long as it can be seen that a young Caymanian or Caymanians are being trained, they will not have any problems with me. They are to live here in peace and harmony and enjoy our Islandsas if they were born here. What I am saying is, that it cannot be left, that time after time after time one will find that a replacement is put in certain managerial levels in the tourism industry, and young Caymanians are still there in the second, third or fourth positions, when many of our graduates are able to do so if only they would be encouraged. We are going to have to encourage our young graduates to enter this field and have it in mind to strive for the top. Because, Mr. President, I feel that nobody can represent these Islands better than our own Caymanian people.

I was pleased to see that the new definitive Stamp Issue is going to be depicting undersea life. I felt that that was very appropriate, especially now that the new Marine Conservation Law is getting into play. I hope it will be another step to encourage the local and visitor alike, to help preserve what is probably one of our greatest assets, which is the marine life around these Islands.

The Motor Vehicle Insurance Law, is certainly necessary. There are many loopholes there, and there are many areas which need to be looked after. I am glad to see that this Bill is to be introduced shortly.

Permanent mooring buoys for cruise ships are going to be installed Mr. President. I am pleased to note that consideration is being given for one, and hopefully more than one, possibly two to go into the West Bay area. It is one of the finest facilities on these Islands for mooring ships, and this is not just today, but years ago. When one has weather problems on Grand Cayman, it was a safe haven, at least when the wind was coming from certain directions and one could not touch George Town, but one could still be in West Bay. We are hoping to see these buoyes inatalled, because we feel that it will bring a spin-off in business terms to the district of West Bay. There is certainly not a more attractive district in the Islands, and none more deserving than West Bay. So I feel Mr. President, that this area must be developed, and there are many facilities which will come about if these large cruise ships are permitted to land their passengers in West Bay. We are prepared to do our best there to cope with it, and perhaps to make it as attractive as the George Town area. Just give us a little bit of time.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, the roads in Grand Cayman were mentioned by my colleague from West Bay the other day. We need something done about an alternative road between West Bay and George Town. This is not a matter to be looked at lightly. We have a serious problem with that road to West Bay. With all those facilities on Seven Mile Beach, Mr. President sometimes one is not sure when to move out on to the main highway. It has become a real hazard, and we are going to look forward to that master Ground Transportation Plan, because it is a necessity. Mr. President, I am also of the opinion that this Government must look into those black spot areas along our roads. There are certain areas on our highways Mr. President, and within the districts where it is noted that most accidents occur, blind corners. I have taken my time and have driven around West Bay, and even driving along the road between West Bay and George Town, there is hardly one spot where people have not either been killed or the majority of accidents have occured. If Government starts a proper road programme they could straighten some of those corners, so that many of the accidents could be avoided. One can drive along the West Bay Road and one can pinpoint areas where one, two, three and sometimes four people have been killed, rounding a bad corner. This matter cannot be postponed, these areas must be straightened because the next life could be one of us or one of our own. We have to look at these areas, There is no reason why one, two, three, four, five six or more accidents must occur in a certain location, before something is done to aleviate the problem. I feel that Government must treat this as an urgent matter.

The Building Code is definitely in order, and Mr. President I would hope.....

MR. PRESIDENT: I had not quite caught up with the Me ber, but if the Member is switching from one point to another, and since we have slightly passed the time at which we customarily suspend proceedings for a few minutes, perhaps this might be a convenient moment to interrupt.

MRS. DAPHNE L. ORRETT: Thank you.

MR. PRESIDENT: I will suspend proceedings or approximately fifteen minutes.

AT 3:36 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:50 P.M.

MR. PRESIDENT: Please be seated.
The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Sir.
I was discussing briefly the final draft of the new Building Code, which has been accepted by the Building Code Committee. I feel that this gives the Central Planning Authority a much better tool with which to work. I also trust Mr. President that this will enable that Authority to carry out more stringent checks and policing of the buildings here in the Cayman Islands, because as I understand it, there are times when plans have been submitted, changes are made, buildings are built to a sub-standard. Actual building facilities are well in place before any final approval has been given, plus problems in other areas.

MRS. DAPHNE L. ORRETT (CONTINUING): I am not knocking the Authority, I am just hoping that they will have sufficient bodies to cope with this growing industry, which requires a lot of policing and cross-checking on what is happening. So I feel that this particular Building Code is definitely in place. I wonder about certain things going down and where they are being placed in the main parts of town, and I hope that these are areas which will be carefully watched.

A report from the Agricultural Consultants has been received. The Agricultural Development Committee is now in the process of studying it, and the whole idea of implementing the approved recommendations. The establishment of a farmers market and abattoir facility for which budgetary approval was given, I feel is a great encouragement to the farming community in these Islands. It may be small, but the Member responsible for this particular Portfolio is to be congratulated in the strong efforts he is making to encourage agriculture in these Islands. He, his Portfolio and the staff of the Development Committee are certainly to be congratulated for the fine Agricultural Show which was put forward just a few weeks ago. It was indeed a fine display of what can be done in these Islands, and although we know it might never reach standards where we can export produce from this Country, we feel that it provides for the few farmers in this Country, a lot of encouragement for them to go forward in this area. This Island can provide a lot more when they are given the tools and the encouragement to do so. So I would like to offer my congratulations to those who are willing to toil and till the ground, and to provide for our people many of the fine fruits and vegetables which I have seen on display, and which one is able to purchase in these Islands. Needless to say, the bananas, the plantins and the other produce which I have seen displayed, and which one is able to buy here as far as I am concerned, surpasses a lot of what I have seen imported. So I trust that every effort will be made to encourage the farmers in this Country to move forward in this direction.

The Farmers Market is important. They need a place from which to distribute their produce, and when our people know exactly where to go to look for it, I do not think they will have difficulty in finding themselves able to sell.

The Animals Law amendments will be introduced, and of course, we have needed these new measures, because we have had a problem with the stray dogs which have been causing us great concern. I am so pleased that Government has seen fit to move ahead with this project, because it is needed very much, and I am sure that Caymanians and visitors alike will welcome this step which has been taken to provide protection in this area.

I am all for Marine Parks, and I am hoping that at this point in time, most of our people will have been able to reach a happy medium as to what can and cannot be done in those areas. But, preservation of our natural resources cannot be over emphasised.

The Mosquito Research and Control Unit may not be mentioned every time when one stands in this House to speak, but I will tell you, when one can walk the beaches and the roads now and enjoy the peace and tranquility which was virtually unheard of some years ago, we can never over emphasise the importance of the work done by the Mosquito Research and Control Unit in this Country. Every penny expended in this area is well worth it in more ways than we can count.

MRS. DAPHNE L. ORRETT (CONTINUING): The Lands and Survey Department having been able to move to their new accommodation, it must be an added convenience for the staff of that particular department. This area I am sure continues to grow in the volume of work which they are required to do. It was heartening to note that the level of activity in the real estate market is high, and although there was a moderate start in 1985, yet we had a record year in terms of the dollar transactions. Although, perhaps the number of transactions were not that high, the dollar value proved to be extremely encouraging.

You mentioned Sir, that the situation for the year ahead looks promising. Another reason for this Government to feel good about itself, in that investors once again, are placing confidence in good Government.

There are certain key developments which will be undertaken, and will attract more international investment in the Islands. There is only one word caution which I would like to leave with us here, and that is that we do not move ahead one bit faster than is necessary. We do not ever want to have a situation where we have over employment in the Country, to the point where everything is being done at one time, and then all of a sudden, there is a time of unemployment, and our people are having difficulties in this area. We can develop this Country sensibly and well, and we do not have to run as if in a race. We have to take our time, and I am sure that this Government is committed to accepting and considering only what we know to be the best type of investment for this Country. There are many ways in which to make money, but it does not mean that that is the best area in which we should have investors come in and develop, simply because it is going to bring money. There are some things which are detrimental to this Country. There is a certain way of life which we have, it must be preserved and we must watch carefully those people who would wish to bring any and everything in here. Needless to say, gambling is out and there are the other areas which we have to watch carefully.

The topographic mapping of West Bay is in place. We need to know where we are going, what we are doing and long term planning is a key to successful development in this Country.

The Planning Officer and the Planning Assistant and the Central Planning Authority have a tremendous responsibility, and every area in which they can receive added help, I am sure will be appreciated.

It is noted that the Law School is being encouraged to prepare students for eligibility to the University of Liverpool to undertake external law degrees, and of course, not all our students are able to go overseas. I feel that every encouragement should be given to our young Caymanians who would otherwise be qualified to study for these law degrees, to do so, but many are not in a position to be able to finance themselves through College, to go overseas to do so, and this certainly is a very encouraging note.

Of course, our Government has been working hard and long in order to see a mutual assistance treaty being concluded with the United States and the United Kingdom, and I feel that every effort has been made and continues to be made, to see that this does not prove to be detremental to these Islands.

Mr. President, I am grateful for this Throne Speech. As you mentioned, it is a speech where you have looked forward to what we plan for the future, but you have taken time Sir to acknowledge the fine, and as you mention, invaluable contributions which so many members of the community have made during 1985.

MRS. DAPHNE L. ORRETT (CONTINUING): As I mentioned earlier, this Government is committed to seeing the healing of this Country take place, and sometimes when one is ill the medicine which must be administered is not always pleasant, in fact it usually is not. There have been certain measures which we have had to take which at the start might have appeared to have been hard measures, such as the tax measures which were introduced recently. Mr. President it is a way of healing this Countries economic problems.

Money being spent in the area of Social Services, Health and Education is a means of trying to heal our social problems. Providing a good Government, a stable Government, providing in this community a Government where the people feel they can relate, they are not far removed. The Members are approachable, they will listen and they will try to help. We are not infalable, we need to work together with the people of this Country, but a time of humbling has to come about, and those who may not agree with us, and who may not have agreed with us even when we were standing for election, must realise that a time of unity a time of coming together to work hand in hand has to take place. This faction who is trying to cause this Government to appear incompetent, cause it to appear to be twiddling its thumbs and not knowing where it is going and what it is doing, must face up to facts that in this Country today they probably have some of the finest individuals to lead them, as far as this Government is concerned. I implore Mr. President, upon each Member of this House to work together for that healing to come about. But there is a little word 'if', if my people, we have to recognise that every thing we do must be done unselfishly. We must never be seen to do things just to put stars in our crown. This is not the idea, but the needs of our people have to be met. Mr. President, this present House of Assembly has had a lot of adverse publicity, in one form or another, and I would like to encourage each of us not to let anything deter our determination or our efforts to do what we know needs to be done in this Country. I feel confident Mr. President, that the Members of Executive Council are a group of men who have the interests of this Country at heart. Their years of experience, their knowledge of the things which concern this Country, pooled together can make a difference to this Country. I feel that all the other Members of this Legislative Assembly, whether or not we agree with everything that is done, if we work together here, we can make a difference in these Islands. It is important that our people are made to feel that whatever we do, it is for their good. It is important that the foreign investor to this Country feels that he is not just being used as a tool, and for the most part Mr. President, we have been fortunate in the type of people who have been given the privilege of residing here. But again, I cannot over emphasise that the fact that a person has money, is not the only criteria by which he or she must be judged, to gain permanent residence status in these Islands. We have to be extremely careful, we are a small Country, and if we invite the wrong type of individuals to this Country, we can do ourselves only a disservice. But I feel that the Caymanian Protection Board is a board which looks fairly at each application which comes before it, and I hope that it will be seen that our people are never pushed aside, in order for a certain expatriate to be able to fill another place, on and on down the line, until our people start to build up a resentment.

Mr. President, all I am asking for is harmony. All I am asking for is that it be seen that Caymanians are placed in the positions they are able to fill. All that I am asking is that Caymanians on the other hand, respect every individual who has been placed there, whether on a contract, whether they have been given status.

MRS. DAPHNE L. OBRETT (CONTINUING): When it is seen that they are here to do this Country good, that we offer them our heart and our hands and our home, as long as they are prepared to work hand in hand, and walk along side us, and not be here to try and dictate how this Country must go.

Mr. President, it takes a little time to get everything done. But Gods words say that they that wait upon the lord shall renew their strength. They shall mount up with wings as eagles. They shall run and not be weary. They shall walk and not faint.

There may come times during the next four years when we may not always be flying, but we can still run. We may even find ourselves in a situation where we cannot run, but we must walk. But it is never said in that verse of scripture that we should stop. We have to keep moving as long as we are assured that we are going in the right direction, and Mr. President I feel as confident as I have felt in anything in my life that this Government has been placed in this position at this time, for a good reason. Our people are not ever to take it likely, and I implore upon every Caymanian and every member of this society to recognise that we have one of the finest and the most treasured possessions in the world, when we have a Country where we can live in harmony and in love, and where one is not recognised because of the colour of ones skin. Not even necessarily upon the amount of money one has, but upon ones character and ones dedication to what is best for this Country.

Mr. President, I am grateful for the optimistic speech you gave. I am grateful because it shows that after a year of trying to take care of situations which were left for this Government to clear up, we are beginning to see an improvement. We are beginning to see new areas of development, and we are beginning to see our people regain faith in its Government. I am grateful Mr. President, and I thank all Members, and I thank you for allowing me this time to offer few, well not necessarily few, but my views on the Throne Speech today.

Thank you very much.

MR. PRESIDENT: Does any other Member wish to speak? No other Member rises, I shall be obliged to invite the mover to reply. I will give it thirty seconds for any Member to rise.

The Elected Member for North Side.

MR. D. EZZARD MILLER: I will not be long Sir, so you might be able to put the question before the evening is out yet.

Mr. President, I would like to take the opportunity myself, to congratulate you on the delivery of the Throne Speech, and especially on its new format. It was a pleasant surprise indeed, not to have to sit here and be bored by the accomplishments of Government during the last year. Because Sir, I believe that those achievements of this Government during the year 1985 can stand on their own merits, and indeed will stand the test of time.

Mr. President you said in your speech that continued emphasis will be placed on training in the Police Force. I personally look forward to the day when it is an all-Caymanian force, and it is a very efficient and effective force.

It is also interesting to note Sir, that high priority will continue to be given to road safety, with increased attention to those who drive dangerously, and also in the area of drug abuse.

MR. D. EZZARD MILLER (CONTINUING): However Mr. President, I hope this is not going to be confined to what has happened in the past, being increased fines, increased criticism of the young people, and increased blame on those who drive dangerously. But rather, we are going to take some positive steps and try to improve driver education.

I hope Sir that during 1986 we will see the new Traffic Law, and revisions can be made in that Law for such things as re-examination every five or ten years. Proper driver education and that people who apply for a learners permit will have to demonstrate that they have, or are going to complete an approved school for driver education. Also that the Traffic Law will be amended to allow for spot tests and adhoc tests for drunken driving, and other drugs. Because Sir, until we get to where we are taking positive steps, such as surprise road blocks to test for drunken driving, we are not going to do very much about it by sitting here and talking about it Sir.

Under Prisons Sir, it is interesting to note that attention will be focused especially on the reduction of wastage and control of expenditure. While Sir, I agree that every attempt must be made to control expenditure, and certainly to reduce waste, I would hope Sir that emphasis will rather be placed on rehabilitation of the prisoners, and the putting in place of programmes which can return these prisoners to productive members of society. Maybe Sir we could link parole with such things as rehabilitation, through either demonstrated academic achievement while in prison, or through a demonstration in improvement of that prisoners trade or technical ability. I believe Sir, that the whole idea has to be to rehabilitate these members of our society who have fallen by the wayside so to speak, and to make them productive in our society and to give them a chance to do something useful for themselves, their families and the society, and not have them return to prison in short order.

Now Mr. President, I also note with satisfaction that Government is looking at the Caymanian Protection Law, with the hope of widening the eligibility for permanent residence, and also looking at a way to provide some alternative to security of tenure, rather than Cayman status. I support this wholeheartedly Sir, and hope that it comes about very shortly.

Radio Cayman Sir, I believe will continue to be of service to the people. However Sir, I would be remiss if I did not say that I believe it could better provide that service to the people as a public-owned corporation, and not as a department of Government.

Mr. President, I note with interest that a Management Workshop for Senior Managers in the Public Service will be conducted by UNDP during the year. Now Mr. President, I hope that the people who are trained in this Management Workshop are going to be given the chance to demonstrate what they learn. Because, I believe the last time such a workshop was held in this Country, none of the top five people who took part in that workshop, are still left in the Civil Service. I believe Sir, that there are many reasons for this. Mr. President, one of my great concerns as a Member of Parliament is the increasing number of qualified Caymanians who are leaving the Service. Mr. President, for many years now there has been what has been termed by some individuals as a 'brain drain' in the Civil Service. To some extent Sir, this is true. We can no longer blame the brain drain on money, because Civil Servants are now fairly well paid. Mr. President, it is incumbent upon us as a Government to find out why these young people are leaving the Service, and to make an effort to retain them in the Service.

MR. D. EZZARD MILLER (CONTINUING): Well Mr. President, I believe that it is a direct consequence of the brain drain of the late 1970's and 1980's why this Government cannot replace the Chief Secretary today. Mr. President, I hope no one will take this personally, it is not meant to degrade anyone, or anything else, but Mr. President, I cannot support and in fact I will not support what has been proposed, that is what I would call the downgrading of the Chief Secretary Post to that of an Assistant Secretary, and for the Financial Secretary to be Financial Secretary, Leader of Government Business in the House and Acting Governor. Mr. President, I do not believe that this is constitutional. While I will agree Sir, that the Governor has the power under the constitution to assign responsibilities, therefore can assign all the responsibilities to one individual, if he sees fit to do so. I do not believe Sir that our forefathers who wrote the constitution, no reflection on your age Mr. First Elected Member of Executive Council, meant this to be so Sir. I believe their intent was to keep the three functions separate, which is why we have three Official Members appointed to Executive Council under the constitution. I would hope Sir, that this can be reconsidered and that we will keep the powers separate.

Mr. President, for too long Government, and I am not sure who is to blame for this Sir, as to whether it is the Public Service Commission, whether it is the Governor in Council or whether it is top management in Government, but for too long Sir we have been putting square pegs into round holes. Mr. President, it is time for this to stop. Now Mr. President, I will give an example of which I have experience in the Civil Service. I know of one individual in the Civil Service whom Government went to great expense both in time and money to train for a particular job. In fact, she was sent overseas to complete courses for that job. She was sent to the private sector to complete courses for that job. She had to work in a second-in-command position so to speak for several years before they would give her that job, but as soon as she became qualified and comfortable in that position, she was taken from there and placed in a completely different environment, dealing with personnel administration. Low and behold Sir, they sent the individual on a course overseas to learn Government Administration, the person has come back and demonstrated her ability in completing the course, and now Sir, they are going to move her into a completely different area to deal with mortgages and that type of thing Sir. Mr. President, this kind of situation cannot be allowed to continue. When we train Caymanians for a position, they must be given the opportunity, the motivation and the encouragement to perform that function. Peoples lives and careers must not be played around with like musical chairs. This Country cannot afford a continued brain drain of expertise from the Civil Service. Without wishing to cast reflections or asperations on those who are left behind Sir, one must take cognisance of the fact that usually the only oneswho can leave an organisation of any kind, or to put it bluntly Sir, the only ones who should leave for their own good, are those who can do better elsewhere. Those are usually the people which no organisation can afford to lose.

Mr. President, I am happy to note that a National Health Plan is going to be published. Now Mr. President, I can assure the Member that I will be looking with interest at that Health Plan, because I have been trying to get a comprehensive Health Plan of some kind in this Country over the past ten years. I know the last Member wrote on a piece of paper after having had six months of meetings, three or four hours every evening, a whole lot of gibberish which he called a Health Plan. Mr. President, that was no kind of National Health Plan, and I can assure the present Member that if he brings anything to this Assembly of that nature, we are going to tear it apart and beat him into submission.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, if we are going to introduce a Health Plan in this Country, it must be comprehensive in nature. It has to define whether health care is a right or a privilege. It has to define what level of health care is to be provided, at what cost, to whom it is going to be provided, and most importantly, Mr. President, how is this Health Plan going to be funded. Is it going to be from straight Government subsidy as it has been in the past. Is it going to be a form of insurance. Is it going to be from privately operated insurance. Is it going to be Government operated insurance, such as socialised medicine, or is it going to be a combination. My recommendation would be a suitable compromise and combination of the two. I also note Sir, that these improvements you say 'may' include the establishment of a Board of Management for the Health Services. Mr. President, if we are going to have any form of a National Health Plan, which is going to be any way near effective in achieving the needs and health care of this Country, a Board of Management is a must Sir. It is not me, we must have a Board of Management.

MR. PRESIDENT: I am assuming that the Member plans to speak for some further time, in which case I think unless Standing Orders are suspended, I must interrupt you now, to enable 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 a.m. tomorrow.

MR. PRESIDENT: The question is that this House do now adjourn until 10:00 a.m. tomorrow.

QUESTION PUT: AGREED. AT 4:29 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 5TH MARCH, 1986.

STATE OPENING AND FIRST MEETING OF THE (1986) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON WEDNESDAY, 5TH MARCH, 1986 (FOURTH DAY)

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 DRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, OBE, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

* Present for the afternoon Sitting.

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

1986 STATE OPENING

WEDNESDAY
5TH MARCH, 1986
(FOURTH DAY)

1. PRAYERS

TO BE READ BY THE ELECTED MEMBER FOR NORTH SIDE.

2. QUESTIONS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 16: WOULD THE HONOURABLE MEMBER STATE WHAT WAS THE TOTAL COST TO GOVERNMENT IN 1985 FOR OPERATING THE DEPARTMENT OF TOURISM OFFICES IN MIAMI, NEW YORK, CHICAGO, HOUSTON, LOS ANGELES, LONDON AND TORONTO, INCLUDING RENT FOR OFFICE SPACE?

NO. 17: WOULD THE HONOURABLE MEMBER STATE WHAT IS GOVERNMENT'S POLICY TOWARD PROMOTION OF TOURISM AND HOW IS THIS POLICY CURRENTLY BEING IMPLEMENTED?

NO. 18: WOULD THE HONOURABLE MEMBER STATE WHAT THE RESULT IS OF DISCUSSIONS WITH COSTA RICA AND/OR LACSA ABOUT LACSA RESUMING FLIGHTS TO CAYMAN?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 19: WOULD THE HONOURABLE MEMBER STATE HOW MANY GAINFUL OCCUPATION LICENCES WERE ISSUED IN 1985 TO PLUMBERS AND ELECTRICIANS OR TO PERSONS PERFORMING SIMILAR JOBS?

NO. 20: WOULD THE HONOURABLE MEMBER STATE WHO EMPLOYED THE PERSONS TO WHOM SUCH GAINFUL OCCUPATION LICENCES WERE ISSUED?

NO. 21: WOULD THE HONOURABLE MEMBER STATE ON WHAT BASIS ARE TOPICS SELECTED FOR RADIO CAYMAN'S "OPEN LINE" PROGRAMME?

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

NO. 22: CAN THE HONOURABLE MEMBER STATE WHETHER A POLICE OFFICER HAS BEEN RECENTLY DISCIPLINED FOR INVOLVEMENT WITH DRUGS?

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

NO. 23: *WOULD THE HONOURABLE MEMBER STATE WHAT WAS THE AMOUNT OF ILLICIT DRUGS CONFISCATED DURING 1985 AND HOW WAS IT DISPOSED OF?*

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WEDNESDAY

5TH MARCH, 1986

10:00 A.M.

MR. PRESIDENT: Prayers. The Elected Member for North Side.

PRAYERS

MR. D. EZZARD MILLER: 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 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.

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

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

MR. PRESIDENT: Please be seated.

Questions. The Elected Member for East End.

QUESTIONS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 16: Would the Honourable Member state what was the total cost to Government in 1985 for operating the Department of Tourism offices in Miami, New York, Chicago, Houston, Los Angeles, London and Toronto, including rent for office space?

ANSWER: The total cost to Government in 1985 for operating the Department of Tourism in Miami, New York, Chicago, Houston, Los Angeles, London and Toronto, including rent for office space was $1,449,726.62.

SUPPLEMENTARY:

MR. W. McKEEVA BUSH: A supplementary, Mr. President. Will the Honourable Member say what was the operating cost in previous years? Say 1984 for example?

HON. W. NORMAN BODDEN: Mr. President, the cost for 1984 was $1,353,399.57.

MR. PRESIDENT: If there are no further supplementaries, question number 17.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 17: Would the Honourable Member state what is Government's policy towards promotion of tourism and how is this policy currently being implemented?

ANSWER: Government's policy is to actively promote tourism in the consumer and trade markets overseas in order to provide maximum exposure of the Cayman Islands as a prime vacation destination.

The primary means by which this policy is currently being implemented are as follows:-

(1) through media and television advertising;

(2) promotional campaigns involving audio visual presentations and door-to-door sales calls to travel agents, tour operators and special interest groups;

(3) public relations' activities in the form of press releases, visiting journalists' programmes, solicitation of editorial coverage in prominent publications in key cities;

(4) joint promotional programmes with Cayman Airways, the Hotel Association and other local tourist-related organisations.

MR. PRESIDENT: If there is no supplementary, question number 18.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 18: Would the Honourable Member state what the result is of discussions with Costa Rica and/or Lacsa about Lacsa resuming flights to Cayman?

ANSWER: Lacsa has informed Government that for operational reasons it is not feasible to reinstate service between Cayman and Costa Rica.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask if any telephone calls or any correspondence had been made to Costa Rica to determine this matter before Government went to the expense of sending two Executive Council Members and a Principal Secretary to deal with the matter?

HON. W. NORMAN BODDEN: Mr. President, yes, arrangements for the meeting in Costa Rica, at which the two Executive Council Members and the Principal Secretary attended, were arranged through the means of a telephone call and the response from Lacsa was that they would be willing to discuss it, and this is the reason the trip was made.

MR. G. HAIG BODDEN: What I want to know, Mr. President, is had any preliminary enquiry been made to determine 'no' or 'yes' whether Lacsa would want to start operations again?

HON. W. NORMAN BODDEN: Mr. President, a preliminary enquiry was made and the response to that enquiry was that Lacsa would be willing to discuss it with Government. This was before the trip was made. If the Member is referring to anything other than that, I guess he will have to state his supplementary much more clearly.

MR. G. HAIG BODDEN: What I am trying to find out, Mr. President, is not whether theyagreed to discuss it, but whether they had indicated that they would not enter into the operations again.

MR. PRESIDENT: I am not sure that I fully understood the question and I think perhaps the Honourable Member is in the same difficulty. You said, ".....whether they had indicated that they would not enter into the operations again"?

MR. G. HAIG BODDEN: Yes. The Honourable Member has answered that they did make enquiries as to whether Lacsa would discuss the matter. What I want to find out is, did they try to find before making the trip 'yes' or 'no' whether they would start back the operations?

HON. W. NORMAN BODDEN: Mr. President, they could not say 'yes' or 'no' until the matter had been discussed.

MR. G. HAIG BODDEN: Mr. President, how can the Honourable Member answer that when he had not enquired, from his answer?

MR. PRESIDENT: I think we have really exhausted the possibilities of this supplementary. Unless there is any other one, the Second Elected Member for Bodden Town to ask question number 19.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 19: Would the Honourable Member state how many gainful occupation licences were issued in 1985 to plumbers and electricians or to persons performing similar jobs?

ANSWER: The number of gainful occupation licences issued in 1985 to:

(i) electricians	14	(7 Jamaica; 5 Canada; 1 USA, 1 Barbados)
(ii) plumbers	3	(2 Jamaica; 1 Belize)
TOTAL:	17	

MR. PRESIDENT: If there is no supplementary, perhaps the Member will ask question number 20.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 20: Would the Honourable Member state who employed the persons to whom such gainful occupation licences were issued?

ANSWER: The fourteen electricians were employed as follows:

Phillips Electrical Ltd	4 (3 Jamaica; 1 USA)
Andro Electric Ltd	2 (1 Canada; 1 Jamaica)
Electra Tech Services Ltd	2 (Canada).
Caribbean Construction Consultants Ltd	1 (Canada)
Clarke & Son Construction Ltd	1 (Jamaica)
Joseph Brown	1 (Jamaica)
Electrical Enterprises Ltd	1 (Canada)
Enter Phase Systems Ltd	1 (Jamaica)
EMS Engineering Ltd	1 (Barbados)
TOTAL:	14

The three plumbers were employed as follows:

Kenneth Miller	1 (Jamaica)
H D Pattico	1 (Belize)
H McLaughlin	1 (Jamaica)
TOTAL:	3

MR. PRESIDENT: If there is no supplementary, the Member may ask question number 21.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER REPSONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 21: Would the Honourable Member state on what basis are topics selected for Radio Cayman's 'Open Line' Programme?

ANSWER: The topics for 'Open Line' are selected by the Director of Broadcasting and his Deputy on the basis of their topicality and Island-wide community interest.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Honourable Member say why the most important matter discussed this year by the public has not been included in the 'Open Line' Programme? I am referring to the substantial tax increases.

HON. DENNIS H. FOSTER: Mr. President, although it may not have come out on 'Open Line', all the debates were broadcast as they are being now.

MR. G. HAIG BODDEN: Mr. President, will the Honourable Member take steps to see that such important matters of public interest are discussed?

HON. DENNIS H. FOSTER: Mr. President, any matter of public interest, Sir, we have, in the past, tried to put on 'Open Line' to get a consensus of opinion.

For instance, at some previous Meeting where there was either a question or a motion on daylight savings time, to get the necessary input for Government to make a decision this was put on 'Open Line'.

I can give the Member my assurance that any important matter of public interest will certainly be given to the notice of the Director of Broadcasting, Sir.

MR. W. McKEEVA BUSH: A supplementary, Mr. President. The record will bear how I voted on the revenue measures. Can the Honourable Member say whether this was done in the past from 1976 onwards? For instance when the Hospital fees were more or less doubled.

MR. PRESIDENT: I am not quite clear I have understood the supplementary. Is the supplementary to ask whether 'Open Line' in the past had as a topic revenue increases?

MR. W. McKEEVA BUSH: Yes, Mr. President.

MR. PRESIDENT: Yes.

MR. W. McKEEVA BUSH: Any time since 'Open Line' has been in operation.

HON. DENNIS H. FOSTER: To the best of my memory, no, Sir. I do not think new revenue measures were ever put on 'Open Line'.

MR. PRESIDENT: The next question. The Second Elected Member for West Bay.

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

NO. 22: Can the Honourable Member state whether a Police Officer has been recently disciplined for involvement with druge?

ANSWER: No Police Officer has been disciplined within the past year for involvement with druge; neither has there been any know instance where any Police Officer has acted improperly in drugs' matters.

SUPPLEMENTARIES:

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: A supplementary, Mr. President. In light of the answer given, I wonder if the Honourable Member could state whether any Officer, or for instance the Drug Squad or the Crime Branch, has been transferred internally or demoted for any untoward connections to do with drugs or anything like that?

MR. PRESIDENT: No member of the Police Force could be demoted without disciplinary action; so that point has been taken care of already, and I really do not think that internal transfers within the police arise out of the answer to this question.

MR. W. McKEEVA BUSH: Are you ruling that supplementary question out, Mr. President?

MR. PRESIDENT: As at present worded.

MR. W. McKEEVA BUSH: Mr. President, maybe I will take a long way around.

MR. PRESIDENT: Not too long. (LAUGHTER)

MR. W. McKEEVA BUSH: Long enough, Mr. President, to get my point across though - with respect, Sir.

MR. PRESIDENT: You must not make a speech.

MR. W. McKEEVA BUSH: No, Sir.
Mr. President, can the Honourable Member explain why an Officer was transferred recently from C.I.D. to the Uniform Branch

MR. PRESIDENT: No, I really do not think that the Honourable Member has responsibility of Police Officers from one branch of the police to another.

MR. W. McKEEVA BUSH: Mr. President, I do not want to call any names, Sir, and I think the Honourable Member knows what I am talking about; so he should be prepared to give the answer I know he can give.

MR. PRESIDENT: But only if I rule the question admissible and I do not.

MR. D. EZZARD MILLER: On a point of order, Mr. President, what are we supposed to do when we are almost certain that we are being given the wrong answer?

MR. PRESIDENT: You have been given an answer to the question asked. If you have grounds to thinking that it is an untruthful answer, you may certainly come and make representations to me, but I would hope you would have real basis for that because it would be a very serious allegation to charge that a Member had deliberately led the House when giving an answer.

MR. W. McKEEVA BUSH: Mr. President, to save time in this Honourable House, would you allow the Honourable Member to answer in relation to what he knows we are talking about - even if we cannot get the right question across? He knows what we are discussing.

MR. PRESIDENT: I am afraid I do not know what you are discussing, and if you really wanted .....

MR. W. McKEEVA BUSH: Mr. President, I bow to your ruling if you rule me out of order.

Would the Honourable Member say why Constable or C.I.D. Officer Echinique was transferred to the plain clothes police branch or section?

MR. PRESIDENT: No, as I have said, that supplementary question I ruled out of order, inadmissible, when you asked it without naming names does not make it any more admissible that names should be named.

MR. W. McKEEVA BUSH: Mr. President, is it not plain what we are dealing with? Do you know I want to be and I have always tried to be respectful to the Chair, but I think you in your duty as President of the House should try to help us if we are not getting the question across properly; because my question was really worded in a different manner. You, as President, ruled that out and this is the form the question is in today; with my cooperation. But, to tell the public what happened in this situation - why is the question not answered? I really cannot put it any more plainly than how I have already put it, Sir.

MR. PRESIDENT: Firstly, the question is not allowed because I am doubtful whether it arises out of the answer and therefore is a proper supplementary and, secondly, I am also doubtful whether, had it been put down in the form you asked it as a substantial question, I should have regarded it as admissible because I do not think that the Honourable Member to whom it is addressed has responsibility for the transfers of Police Officers from one department of the police to another.

MR. W. McKEEVA BUSH: Well, who has responsibility, Sir?

MR. PRESIDENT: It is a matter that I would need to consider more carefully and take advise about that I think that constitutionally the Commissioner has responsibility and is responsible to me.

MR. W. McKEEVA BUSH: Mr. President, once again, Sir, without being disrespectful to the Chair or to you. The Commissioner of Police is in the House this morning and the Honourable First Official Member has the information I know that I am looking for, so why is not the question answered. Mr. President, you could really guide us. I have seem Honourable Members on the Government bench give answers to questions which were asked before. Once they have the information they really agree to give it, and I think the Honourable Member can give it. If he cannot give it, the Commissioner of Police is directly behind him.

MR. PRESIDENT: If he wishes to give it, it can no doubt be given to the press in the form of a statement for public knowledge, but I have told you already I am not allowing it as a question in the House and that is my ruling.

MR. D. EZZARD MILLER: Mr. President, could we have the Honourable Member's assurance that he will give a statement to the press because I think somebody career may have been unfortunately reflected upon this morning in the wrong light. The public is certainly speculating a lot about it. I get a lot of complaints about this issue and I think it would only be fair to the individual concerned if the Honourable First Official Member issued a press release to clear his name.

MR. PRESIDENT: Well no doubt he will take note of your view.

Question number 23, the Elected Member for North Side.

MR. W. McKEEVA BUSH: All right, Sir, my time is coming you know.

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

NO. 23: Would the Honourable Member state what was the amount of illicit drugs confiscated during 1985 and how was it disposed of?

ANSWER: The amounts of illicit druge confiscated during 1985 were as follows:

Ganja	1804.50	pounds
Cocaine	727	grammes.

The amount disposed of during 1985 were as follows:

Ganja	1502.27	pounds
Cocaine	129	grammes.

All drugs disposed of were destroyed by fire on the Public Dump at North Sound Road. Destruction in all cases was carefully supervised by Police Officers and took place in the presence of a Justice of the Peace who signs a declaration certifying such destruction.

The amounts confiscated in 1985 not so far destroyed are as follows:

Ganja	752.33	pounds
Cocaine	598	grammes.

All these latter drugs relate to cases which are still sub-judice and cannot therefore be destroyed yet, and all are stored in totally secure conditions at the Central Police Station.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: A supplementary, Mr. President.

The Honourable Member states that a Justice of the Peace signs the declaration certifying such destruction. Are the drugs to be destroyed weighed in the presence of the Justice or is it just a fact that a volume of substance is being burnt that the Justice is certifying?

HON. DENNIS H. FOSTER: Mr. President, all these have been exhibits in the past, or if not the full quantity used as an exhibit, the whole amount related to a specific case is carefully labelled and packaged and in the presence of a Justice of the Peace, and on some occasions the press, these are opened, or rather the labels read and opened and then destroyed.

MR. D. EZZARD MILLER: Is the Honourable Member saying that no check is made on the stated weight on the statement relating to the case before it is destroyed?

HON. DENNIS H. FOSTER: Mr. President, I am not certain whether it is weighed on the site of destruction or not, or whether the amount on it is just taken as the weight.

There is a Justice of the Peace here, Sir, who has done this before so he can .....

MR. LINFORD A. PIERSON: Mr. President, maybe I can clarify that. I have not been involved in the destruction of cocaine, but in the destruction of very much ganja. The packages are opened and they are checked. They come in 30 or 30 pound packages which are all split open and burnt with diesel oil at the dump. So they are checked in each case.

MR. LINFORD A. PIERSON (CONTINUING): Before the packages reach the dump, we go with a Constable, a Chief Inspector and another Police Officer and we take them up to the dump, and they are properly destroyed, Sir.

MR. PRESIDENT: Thank you very much.

If there is no further supplementary, Government Business - Continuation of Debate on the Throne Speech. The Elected Member for North Side.

GOVERNMENT BUSINESS

CONTINUATION OF DEBATE ON THE THRONE SPEECH

MR. D. EZZARD MILLER (CONTINUING): Mr. President, yesterday afternoon on the adjournment I was discussing the national health plan as proposed in your Throne Speech.

As I said before, Sir, this plan has to be a comprehensive one. It will have to deal with preventative care, primary care, health education. It will have to determine whether this country is going to provide secondary tertiary care or how it is going to be provided for the populace of this country. However, Mr. President, in this whole process of the development of this national health plan, we have to be careful that we do not enhance the medicalisation of life, nor put any water on the seeds of aitrogenic disease. But, Mr. President, as I said earlier, I do not believe that a board of management should come into question. I think it is a must. I think it has to be in place even before the plan can be formulated.

I note also, Sir, that plan requirements are to be reviewed so that medium and long-term plans for health care can be made.

Now, Mr. President, this review of the plan requirements is a very important one because a plan is what is going to be used to deliver whatever is determined under the health plan as necessary in terms of health care of the people of this country.

It is unfortunate, Mr. President, that over the past couple of years the present plan has been added to, subtracted from and modified in such an ad hoc fashion that I question whether the plan itself is any longer useful or whether it can be used to provide the type, the quantity and the quality of health care that is going to be needed by this country in the years to come. But, Mr. President, we have to be very careful that we do not let happen in 1988 what happened in 1976, because for three years prior to 1976 this country spent a lot of resources both in hard cash and in manpower-time developing a 15 year physical plan for the hospital.

Now, I maintained at that time and I maintain today that the mistake made then was that the health policy, the administration's procedures, the methods of funding for improvement in health care had not been ascertained and had not been put in place. Though the physical plan did take into view some of those areas, what happened in 1976 was there was a change in Government and that 15 year plan was quickly put in the cellar. It would be very unfortunate, Sir, if we spent a lot of resources again in 1976, 1977 and 1978 in the development of some national plan and unless we set it up in such a way that it can be protected, whether through a Government owned corporation under a board of management from the whims and fancies of politicians, we could have the same scenario occur again.

MR. D. EZZARD MILLER (CONTINUING): It is good to know, Sir, from an answer given to me on the floor of this honourable House a few days ago, that at long last the twenty-four hour coverage of doctors at the hospital is going to happen. The 1st of April I was told in an answer. The 1st of April cannot come too soon, Sir, because a lot of us will breathe more easily when there is a doctor on the compound twenty-four hours a day.

Now, I hope, Mr. President, that these doctors are not doctors who are being hired specifically for twenty-four hour duty or to sit at the hospital when the other doctors are not there and therefore may be less qualified than some other doctors who might have a speciality at the hospital. I certainly hope that it is not going to be anyone doing an internship period or anything like that in the populace of this country who is going to fill these posts. I will be watching very carefully, Sir, with regard to the type of people who are recruited to provide that service.

It is good to know, Sir, that legislation is going to be reduced to regulate food handling. I think this is an area that needs urgent attention. It was covered very vaguely in the 1974 Public Health Law, and I do not think any improvement or anything was done since that to improve on the situation. So it is time that something was done to establish standards etcetera in this industry and to monitor the conditions under which food is prepared and served to the public.

There are measures to deal with mental illness, and drugs and alcohol abuse are under active consideration. I am also very pleased to see this, Sir, and I hope that mental illness and drug and alcohol abuse are going to be treated as diseases that they are and that the treatment is going to be an adequate form of rehabilitation for these people to return them to productive members of the society.

You go on in your Speech, Sir, to say that the school building programme will be completed during the next two years. Mr. President, it was a pleasant experience indeed to witness the opening of the new addition to the primary school in North Side, but it is unfortunate that I was not given the opportunity at the appropriate time, that is at the opening of the Hall, to congratulate Mrs. Eunley Miller in having the Hall named after her and/or to thank those who had been involved in the project. But, Mr. President, public hooplah, or public gratification has never been one of my great desires. It is much better to sit there quietly with the inner satisfaction of a job well done while the political appendages of 'also-ran' politicians climb and claw at the public hooplah trying to seek gratification for something in which they have absolutely no involvement and therefore are entitled to no praise for it.

Mr. President, the physical plan in the primary schools is only a part of the objectives. The whole primary education system in this country must be further improved. The last time I did an analysis of those students who had gained enough GCE passes to allow them acceptance in an institute of higher learning, it was alarming to learn the number of those students who had come from private primary schools versus those who had come from public primary schools.

Mr. President, we have a lot of bright children and a lot of very capable children in those public primary schools, and I have been given the assurance by the Honourable Member responsible for Health Education and Social Services that all that is possible is going to be done to improve the curriculum and upgrade the primary schools and the respective teaching and laying of foundations for an education in this country; because unless, Sir, the foundation is properly laid, whatever is done to the building after that is going to be weakened by a poor foundation.

Mr. President, it is also heartening to know that there is going to be further expansion at the Community College.

MR. D. EZZARD MILLER (CONTINUING): In other places in your Speech, Mr. President, you refer to massive increases in the projection for tourism. I think for 1986 it is 20 per cent and for 1987 it is 45 per cent above and beyond the 20 per cent for 1986.

There is also going to be much addition to the number of hotel rooms available in this country and with that addition and with that increase in the tourist industry should come job opportunities for Caymanians.

Now, Mr. President, I feel that the Community College being developed can provide an opportunity and environment in which Caymanians can aspire to adequately perform these jobs which are going to be created. But, Mr. President, we are running out of time because the Hyatt is due to be opened in late 1986. And, Mr. President, while I accept that something as important as a Community College and its environs needs time to develop, I would like to draw Members attention to what David Easton said in his Presidential Address to the American Political Science Association: "We need to accept the validity of addressing ourselves directly to the problems of the day to obtain quick, short-run answers to tools and generalizations currently available, however inadequate they may be. We can no longer take the ideal scientific stance of behaviourism and because of the limitations of our understanding, application is premature and must await future basic research.".

Mr. President, application will always be premature. Information will always be incomplete. Choices are never the best possible - they are usually the best possible from the information we have. But certainly, Sir, the fact that we are aware of these limitations of man should not cause us to withdraw from society and the political process. To know, Sir, of these limitations, to bear the responsibility for acting and to act is to engage in the re-shaping of our society. Mr. President, that is what I think we need to do now. We need to act now in some way. We can ascertain what the man-power requirements of this 500 room addition is going to be. We can gather a lot of information about the skills that are going to be required by our people to properly perform these services. These things can be done and they can be done readily, Sir.

I would hasten to ask the Honourable Members of Government responsible to do something and to do it now. Start preparing Caymanians for the jobs that they know are going to be made available by this addition to the tourist accommodation; because it is going to be too late when the doors are open and we start seeing the advertisements in the paper wanting 'x', 'y' and 'z' qualifications and from 'a' to 'g' years of experience. And, in order to meet those requirements we have to import labour from overseas. Mr. President, if that happens, it is going to be a backward step for this society.

Mr. President, I do not subscribe to the notion that Caymanians do not want to work; that Caymanians cannot work, that Caymanians will not work; that there are not Caymanians out there who have the ability to perform these jobs. I believe they are out there, Sir, and I believe it is incumbent upon us as a Government to find and to develop a mechanism to identify those people who are capable of performing those functions and to set about training those people and equipping them with the tools that are necessary so that when the job opportunities come they are there to fill them. It is then up to management of the institutions to further motivate them and to have them aspire to higher offices within that organisation. But do you know, Mr. President, that one of the problems of development of our greatest national resource in this country is our man-power.

Caymanians are encouraged by certain organisations to attain certain academic qualifications which will equip them to move to a certain level within the organisation. Most Caymanians when given that opportunity seize it. They go abroad in most instances. They have to live under adverse conditions. They live within a foreign culture and society, and yet, Sir, with all of

MR. D. EZZARD MILLER (CONTINUING): those external pressures in that foreign culture and that foreign society, they apply themselves and they are successful in attaining the academic qualification. Then they come back to these shores, Sir, ready to grab the bull by the horns and ride it in the direction that they feel, in which they have been convinced, that that bull needs to go. Do you know what usually happens, Sir? Some elderly statesman comes along and says, "Son, do not be in any rush. You will get there. What you need is experience.". And then the brash young man says, "How am I going to get the experience if you do not give me the opportunity?". Then they are told, "Boy, it took me 15 years to get where I am you know. Do you expect to get here over night?".

Mr. President, the mere fact that the individual has succeeded in a foreign environment in attaining a certain level of academic qualifications (and I will be the first to admit, Sir, that a certificate merely says that the individual has the ability to tell the teacher or the lecturer what he was told by the teacher or the lecturer) does demonstrate a certain amount of stickability and a certain amount of desire to learn: and I believe if they were welcomed back into our society and asked to contribute and encouraged to contribute, they would do so in a meaningful way.

Mr. President, this is the problem that the administration has to tackle. We have to find out what the reason is why qualified Caymanians are leaving the Civil Service, because, Mr. President, the thing that separated Cayman from the other Caribbean islands in years gone by is the fact that we had honest, efficient, hard-working Civil Servants.

Mr. President, there are those who feel that I am always pounding the poor Civil Servants. Mr. President, let me set the record straight. There are some Civil Servants who need to be pounded to oblivion. There are others who are going about their daily task, contributing, who need to be encouraged. But, Mr. President, we need to separate the wheat from the chaff and this dual source of experience and qualifications must be put to rest. It is either, or; because, Mr. President, let us look at this thing 'experience'.

Mr. President, if we have been doing the same thing day in and day out for the last ten years, that is only one day's experience multiplied by 365, multiplied by 10. That is not really ten years experience. It is unfortunate that because of the rapid development in our country, seniority (that is length of service) plays a cruel role in this country. But, it is allowed by those responsible to be even more cruel than it should be because they dance on these separate sides of the isle of qualification and experience as it suits them. We have to introduce in this country some kind of evaluation of merit for promotion in the administration section. Gone are the days, Mr. President, when people should be promoted because they are quiet, because they do not make noise, because they do not rock the boat, because they do not make any ripples in the river. What we need, Mr. President, are some people in here who are not going to make ripples, but who are going to make waves.

Mr. President, today is no different than March 1985 when I said Government needs, as a priority, a man-power utilization survey based on time and motions, etcetera, etcetera. And, Mr. President, I am not talking about what they did in 1976, 1977 and 1978 when they brought a retired person here to do a survey who was successful in establishing a post for himself and has succeeded to perpetuate his appointment in that post.

Mr. President, we need to give the young Caymanians who are qualified -- you know as well as I who it is. I do not want to call any names, but everybody knows who it is. He was not in the UNDP fellowship that you and I attended. That unfortunately was a result of that 1976/1977 UNDP fellowship. The submissions made by

MR. D. EZZARD MILLER (CONTINUING): the top five in that group, the top management in Government, as to what needed to be done were never considered. They brought in somebody who was used to the civil service colonial system in Africa and other places and implemented that system here. And that is why we are in the mess we are in today.

As I said yesterday, to the best of my knowledge, there may be one of the top five people who graduated in that course who is still left in the Civil Service. So I hope that the one that is going to be done in 1986 is going to have much better results than the one that I was privileged to attend in 1976/1977 had.

Mr. President, this problem of education and development of the man-power resources of this country has to be tackled and it has to be tackled now.

I am very much concerned, Sir, about the increasing exodus of qualified Caymanians in the Civil Service. We had three or four leave in the last year and maybe more. Worse than that, Sir, is that those who are left behind give me the distinct impression that they are doing two things. They are watching the clock and they are accepting the grind, disgruntlement and punishment until their bond is up. Then they leave. That is a serious state of affairs, Sir.

Mr. President, on social services in this country, I note that they will continue to provide professional, reliable health to its growing client population. Now, Mr. President, this is what I like so much about the Throne Speech, Sir, in that there is nothing in this country that is not covered under the Throne Speech and yet it is very difficult to pin-point specifics as to what the intentions are and what they are going to try to accomplish; a lovely piece of British diplomacy, Sir. (LAUGHTER) It reeks of the Honourable First Elected Member of Executive Council, Sir.

Be that as it may, Sir, I still maintain that the format, especially, Sir, is superior to any other Throne Speech that has ever been delivered in this Assembly. I am not going to throw this away at 12:00 o'clock today when I finish speaking. I am carrying this and I am going to pin it up in my office, and every time I feel that those Honourable Elected Members over there are not sticking to their promises in here, I am going up to the Administration Building with this copy to remind them of what they said they were going to achieve; and to find out what is being done about it.

Sir, what concerns me about that statement on social services is that it is going to continue to provide professional and reliable health to its growing client population.

Now, Mr. President, I can agree with the proposal to continue to provide this professional and reliable health to these people of need. But, what concerns me, Sir, is the growing client population. We have to start looking at preventative means of preventing some of these social problems before they occur. I would like to see, Sir, more emphasis placed on trying to prevent these unfortunate individuals from deteriorating to a stage where they need this reliable, professional help.

I see the Honourable Member is taking notes, Sir, so I expect that he is going to tell me that he is going to do some prevention. That is good, Sir. That is the whole emphasis of this speech.

HON. BENSON O. EBANKS: I would suggest, Mr. President, that the Member read the next sentence or paragraph.

MR. D. EZZARD MILLER (CONTINUING): I am getting to that, Sir. I am getting to that. Do not jump the gun.

The Juvenile Law is again, Sir, badly needed, and the Honourable Member is to be complimented on having it ready to bring to the Assembly during 1986. I assume that is going to be May 1986 because we have other legislation to deal with in September like the Labour Legislation and laws like that, but we will get to that later on.

While I will agree with the Honourable Member, Sir, that the fact that priority is going to be given to leisure time activities for the youth I will accept is part of the preventative process and part of the solution that we are looking for. All I am saying, Sir, is that I would like to see the emphasis placed on that more so than saying they are giving priority because this priority, or these objectives, cannot be achieved and this is quite evident from what happened under the previous Government. They threw bricks and mortar. They spent a lot of time building great monuments for themselves and other people in the community and called them community centres.

Mr. President, the truth is they are not community centres, Sir. Most of them are locked up and are not being used. That is the problem, Sir. We have to organise people in the community and to provide supervision of activities into which the youth can become involved, and in which their energies can be directed towards enhancement of their growth and their productivity; and not left to wander idly about the streets or even to go to these monuments for members of the society unsupervised.

This is one of the reasons, Sir, why I have been fighting for one year to get maintenance persons put in charge of the town halls, civic centres, schools, post offices and the whole area there so that the whole facility can be expanded in the time that is available for the youth in the community to use it; and even for the elderly people, Sir. A person should be on the compound eight hours a day. The people in the districts who do craft for instance could have a craft display at the town hall if it is open, but now it is locked and there is one long process which one has to go through to get permission to use it. Firstly, one has to find the caretaker if he can be found. Secondly, one has to go the Administration Building, to the Portfolio to fill out a form and then go back downstairs to the Treasury Department to pay the $10 or $20 as the case may be; take that back up to the Portfolio where a receipt will be issued and then one has to find the caretaker to let him know that the fee has been paid and that it can be confirmed with the Portfolio; and then one must let the caretaker know when the hall is to be used.

Mr. President, these are facilities which should be used by the public. They have to be made more accessible to the public. We have to provide activities which can channel the energies and enthusiasm of the youth in the right direction. There are too many things in our society today which are competing and fighting with that enthusiasm of the youth and which lead them in the wrong direction. It is just left to chance that they might find themselves involved in some worthwhile activities.

Mr. President .....

MR. PRESIDENT: Perhaps it might be, if the Member is switching to another topic, a convenient moment to break. So I will suspend proceedings for approximately 15 minutes.

AT 11:17 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:44 A.M.

MR. PRESIDENT: *Please be seated.*
The Elected Member for North Side.

MR. D. EZZARD MILLER (CONTINUING): *Mr. President, when we took the break I was about to move on to a proposal in the Throne Speech that a national contributory pension scheme to provide social security for the Island be deemed feasible.*

At last, Mr. President, an expert has arrived from overseas with a briefcase in his hand and he has told Government what I and the Second Elected Member for West Bay spent three days trying to do in March of last year. But, that is all right, Sir, that goes to show that we do some research before we bring motions here, and when we say we believe it can be done we have done some basic groundwork and feel that it can be done. However, Mr. President, I would like to caution the Honourable Member who assists him in such as this and such as a proposed health plan, it cannot succeed by transplanting a system from some other islands, from some other nations, from some other country into our environment. We might need the seeds from some of those countries, Sir, but the tree is going to have be grafted to suit our own national peculiarities and needs. So we have to be careful with these experts that they do not recommend that some system from some other island which might be similar in population, similar in needs, are not transposed on us. And, one other word of caution, Mr. President, is that the funds contributed in this national pension scheme, as I and the Second Elected Member for West Bay made clear when we moved this motion originally, must be safeguarded, protected and must be prohibited territory for Government. Those funds have to be set up in a way that they will be used to pay those who contribute to it and that the funds can be invested in safe investments to make some profit when the money is there so that we can pay back, in years to come, to some people maybe even more than what they contributed, depending upon the cost of living indexes, etcetera, etcetera, etcetera.

Mr. President, Government must never be allowed to spend those funds to buy aeroplanes, to build roads, to build bridges, to build channels or to do anything else. I would not even happy, Sir, for Government to use it as a cash security to borrow money for something else. It must be set up separate and apart so that no Government can spend those funds for whatever political or other reasons it deems necessary.

Mr. President, I fully believe that a national contributory pension scheme can work. I believe it is a matter of urgency. I believe it is a matter of necessity because, Mr. President, we have been fortunate in years gone by that most of the people who are retired in this country had some form of retirement income whether it was from a union that they worked with in United States or United States social security. People of my generation will not have that source of income in their twilight years, Sir, and we need to make a provision for the populace of this country to continue to live in dignity and to be able to continue life at a standard which they set for themselves.

Now, Mr. President, I hope that this legislation, as well, is going to be brought during the 1986 calendar year. Mr. President, I know that it is an important piece of legislation and I support the Honourable Members of Government in putting matters of this nature before the public for public comment and input, etcetera. I believe, Sir, that the urgency of the matter dictates and as the Second Elected Member for West Bay and I said when we brought the original motion, the urgency in this matter does not allow Government to drag its feet. I believe, Sir, that we will see this legislation in 1986.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, it is good to know that renovations and restoration work on the old court house will be completed soon to allow for display of the museum collections because, Sir, it is time that the young people of this country can visit a place which has some display of the heritage of which these Islands can be so proud. Mr. President, I learnt about the heritage and history of this country not from history books and not in school, but by talking to people who had lived the history of this country. People who had been involved in the development of this country and who were intent in passing on that heritage to people like me. Those people, Sir, are becoming less and less and fewer and far between. So we need to have some place that the young people can visit and get a feel of the heritage of this country.

When young people are bombarded with statements such as Caymanians do not want to work; Caymanians cannot do this, it is easy to forget that their fathers and their fathers' fathers have demonstrated that those are the most inaccurate statements ever said about Caymanians. Mr. President, Caymanians went to sea in 1952. Most of them as 'B/R's' (bedroom stewards). Ten years later a lot of them were master mariners, Mr. President. I am not talking about the ones that we have around here today who operate dive boats for six months and start calling themselves captains. They are not captains, Sir. That is a disgrace to the heritage of the people of this country. I am talking about those who, for instance, on their first command as captains completed such features as departing from the port of West Palm Beach, sailing across the north Atlantic through the Straights of Gibraltia, down the Mediterranean Sea, through the Suez Canal, down the Red Sea up to Kuwait, from Kuwait across the Indian Ocean to Kuri, Japan, from Kuri, Japan across the Pacific Ocean ...

MR. PRESIDENT: ..... I hope we are not sailing too far away from the Throne Speech?

MR. D. EZZARD MILLER (CONTINUING): No, Sir, this has to do with preserving the heritage, Sir. (LAUGHTER) ..... through the Panama Canal across the Caribbean Sea and back to the port of Palm Beach. Those are the people, Sir, that the heritage needs to preserve. Those are captains - not these people around here who operate these little dive boats and who are being put on board to give advise as though they were captains. They are not captains, Sir.

It is good to see, Sir, that work will continue on the sports' complex and, again, Sir, I beg to differ with the terminology used in the Throne Speech. I do not like words like 'should' or 'would', or 'could', Sir. That gives Honourable Members too much latitude to duck and weave, Sir. I would like that to read, "..... sports' coordinator shall be appointed".

The Honourable Member is going to give me the assurance of 'shall' now, Sir, so that is all right.

HON. BENSON O. EBANKS: The 1st of April.

MR. D. EZZARD MILLER (CONTINUING): The 1st of April. That is a magic date, Sir. We are going to have a ticker-tape parade down main street on the 1st of April. (LAUGHTER) We are going to have a doctor at the hospital (twenty-four service). We are going to have a sports' coordinator. We are going to have a lot of things to celebrate on the 1st of April, Sir. That does not have anything to do with Batabano does it?

MR. PRESIDENT: April Fool's day remember.

MR. D. EZZARD MILLER (CONTINUING): I know, Sir. (LAUGHTER) Thank you for putting it in the right perspective. I did not want to say that, but when the Chair says it .....

MR. PRESIDENT: I did not say who was going to be fooled. (LAUGHTER)

MR. D. EZZARD MILLER (CONTINUING): Right. When the Chair says it no one can disagree, Sir. However, I will be around on the 2nd of April. I am not going any place. I am not taking up residence in Costa Rica. (LAUGHTER)

Mr. President, the Throne Speech goes on to say that 500 new hotel rooms in the Cayman Islands will be available by the end of 1988. As I mentioned before, Mr. President, this is going to entail a significant number of jobs for Caymanians and I cannot repeat often enough or emphasise too much what I feel Government needs to start taking action to provide and equip the Caymanians to take the opportunities that are going to be provided in this industry.

Mr. President, a 45 per cent increase in tourist figures in one year in any country is a great achievement.

Mr. President, I note with satisfaction that Cayman Airways plans to meet the challenge of keeping up with the growth of the hotel capacity in the Cayman Islands.

It is good to see that the airline has gotten to the stage under its new management and the new Government where it can do such forward planning as far ahead as for the season for 1987 in terms of seeking another aeroplane to assit it in meeting the challenge of this increase in tourism.

Mr. President, it is funny how the public can seize half a sentence of a 12 or 13 page speech. I have gotten more telephone calls over the week-end and over the last couple of days about Cayman Airways buying another aeroplane, and I have tried to go to lengths to explain that they are not buying another aircraft, but are simply looking at the possibility of leasing one on a short-time basis to meet the needs as they are foreseen.

Mr. President, planning for that airline is going to be needed. That airline is going to meet the demand of a 45 per cent increase in traffic. However, I am not at all sure that that objective can be achieved without the introduction of another United States carrier. There are several benefits, Mr. President, that another United States carrier would bring to this country - an increase in advertising and increased competition. Hopefully the airfares between here and Miami will go down. They are probably the highest in the world today per mile. However, I hope, Sir, and I trust that Cayman Airways will be given the opportunity. I think it now has the management expertise.

Speaking about the expertise, Mr. President, expertise is a word that is tossed around literally in bars, restaurants and everything in this country. Expertise is even used by some people to ridicule others who are simply trying to establish a proper footing, a proper basis for evaluation and a proper foundation by asking questions. Mr. President, constructive criticism is better than negative criticism, but there are times when negative criticism is better than no criticism because at the very least it stimulates those involved to think about the other side of the coin in case it should ever flip on them.

Mr. President, people should be careful when making remarks and then trying to tie expertise in a derogatory fashion about people. There is, Sir, an old saying in Cayman. "bush got ears". It usually gets back to the individual, but the hard, cold facts of life are that if those people who are attempting to ridicule us politicians about expertise in bars, on the steps of bars and in restaurants, etcetera, had the expertise,

MR. D. EZZARD MILLER (CONTINUING): things at Cayman Airways might not be, or might not have been in the position that they are in today. It is unfortunate, Mr. President, that some politicians do in fact have more expertise in their areas than they have. But, they have to live with that, Sir. That is no fault of the politician. We are here to play politics and that we are going to do.

Mr. President, I would like to raise one other issue which is not mentioned in your Throne Speech, but it has to do with Cayman Airways. I trust, Sir, that in raising this issue it will be accepted in the light and in the intent for which it is being raised, and that the Honourable Member responsible can make a statement in his debate, or at some other time, to clear up this misconception. That is, Mr. President, the Faucett connection.

Mr. President, I am bombarded with complaints by the public who perceive the Faucett rightly or wrongly as a cocaine connection because it comes from the cocaine capital of the world. I have no proof that it is bringing drugs. I have no proof that it is not. The rumours are rampant on the streets that it is. There rumours are there as to why it cannot go to Miami and as to why Cayman Airways has to take up the slack. People are wondering if it has a connection with why we Caymanians are now being hasseled by customs and immigration in Miami more so than we were prior to this.

Mr. President, the people of this country deserve adequate explanations as to why the Faucett connection connects in Cayman. If there are other airlines doing similar things in other countries and what was the reason, if it can be stated and I believe it can be, why they decided to use Cayman as a connection because, as I said, Sir, rightly or wrongly there are members of the public, and a good deal of the public, who perceive it as a drug connection. If it is not true, the people of this country deserve to be informed and they should be.

Mr. President, in an answer given to me by the Honourable Member responsible for Tourism Aviation and Trade concerning the cost of operating the servive to Cayman Brac, it should lay to rest the queries and the demands by the public that this service is a complete right-off, or that it has to be subsidized 100 per cent by Government. I think it indicated that it was in fact bringing some revenue and that it is not a total loss to the airline or to Government.

While, Mr. President, my personal conviction is that both Cayman Brac and Grand Cayman could be better served by a more suitable aircraft than the Trislander, providing a shuttle service of two or three round trips a day which would allow connections with the jet from here, although there are sufficient safety margins, and there is no question really about the safety of taking that jet into Cayman Brac provided all systems are 'go' and all systems are workable, God forbid the day that it has to go in without all systems working and something should go wrong.

I would be remiss in my duties, Mr. President, if I do not say that I am disappointed that there is a foreigner still flying the Trislander which is such a simple aircraft that it does not need a co-pilot, yet we have six Caymanians who are out of jobs in their chosen professions. These are the kind of areas where Government must step in to see that Caymanians who are qualified for these things are given the opportunity to perform. I believe they will be, Sir, but in my opinion it is taking a little long to come and we need action now.

Mr. President, I also concur with the proposal to introduce legislation for the creation of a Civil Aviation Authority locally. I believe that this will enhance the development of the facility. It is also encouraging to see that general aviation, that is private aircraft facilities, etcetera, are being constantly

MR. D. EZZARD MILLER (CONTINUING): improved and encouraged; because, Mr. President, that is the kind of clientele we need in the tourist industry. When those fellows come down here flying five million dollar lear jets, they are not going to go to the restaurants and look at the menus and say, "Oh, they are not serving hamburgers or cheese sandwiches, so let us go somewhere else.". They are going to walk in and say that they want the most expensive bottle of wine on the menu. That is the kind of thing that is going to circulate money. These charter-flight-hamburger-people one can get too much of, Sir.

Mr. President, I hope that in setting up this statutory Authority, some consideration will be given to enable Government to get control of the airport in Little Cayman in one form or another because that airport needs to be under the control of Government for many reasons, Sir. It might be used by the wrong people if we do not control it. Development is going to have to take place and Government is going to have to take a step to develop this.

Mr. President, the major building programme for the fire service cannot, in my estimation, come too early. The Chief Fire Officer has to be complimented and held in high esteem for his management ability to keep his staff motivated, active and productive in such a degrading environment. My only concern about the building programme for the fire service at the airport, Sir, is that it is now 12:16 p.m. on the 5th of March, 1986, and it has not started yet. I was hoping that after budget allocation was made it would have been almost completed by now. However, I guess that will start on the 1st of April, too, Sir.

The sub-fire station in West Bay is a need that has to be addressed and I support the building programme for such a need. The whole development programme in the fire service, Sir, can only enhance the morale and the productivity of the people involved in the service.

It is good to see, Mr. President, that the labour legislation is going to be presented very soon. That is a different Honourable Member so I do not expect that will be on the 1st of April; I guess that will be the 1st of May.

HON. BENSON O. EBANKS: He thought that was your birthday.

MR. D. EZZARD MILLER: Oh! Not so early. They want to give me a birthday present, Sir. That is all right. I will take it and form the labour legislation any time.

Mr. President, labour legislation in this country is going to be controversial. It is going to touch all of us in some form or another. It is going to be one of the more important pieces of legislation that this Honourable House has had the opportunity to grapple with. There are those out there in the private sector who do not want it. They have their own individual reasons for not wanting it. Mr. President, that must not detract us from the fact that it is needed.

Mr. President, if I may just jump ahead of myself a little bit to mention the economic plan in the same breath; this is again one of the things where it appears the private sector, the Chamber of Commerce and others do not want to support very readily. I personally am disappointed in the stance they have taken in the questionnaire mailed out. These same people are the one who are telling Government that it has to identify problems, find solutions to the problems, come up with implementations of those solutions, evaluate those solutions to ensure the objectives are reached. However, they do not seem to be willing to provide information within the frame-work so a proper decision can be made. They must know that Government must ascertain most of this information from other records. The questionnaire

MR. D. EZZARD MILLER (CONTINUING): is simply a form of getting it in a more useful and a more useable form from Government, short-cutting the bureaucratic red-tape and inefficiency of the Service in trying to extract it from five or six different departments. They have a legitimate concern about the confidentiality, but does the end justify the means? Do you know, Sir, they do not want that economic plan. They do not want labour legislation because of the practices that they have been perpetuating in this country in order to keep themselves here and enjoy the sunshine, the tax-free status and everything else. They will no longer be allowed under this legislation and Caymanians will be able to rise to the surface and take those provisions away. That is what they are scared of, Sir. They are not worried about the confidentiality or how much they are paying, or whether Government knows that they are paid $50 or $5,000 an hour. They are concerned that Government may come up with a plan to develop the human resources in this country to replace some of them. Mr. President, I respectfully submit that that is our duty and that we are going to do.

These people are the first to complain that Government makes, what they consider, wrong decisions. Yet, they are not enthusiastic about providing basic information which is necessary for making proper decisions. I think, Sir, that they should stop griping about the confidentiality because the confidentiality is assured. Government does not intend to use the information for any ulterior use. If it wanted to do that, the information is available in departments of Government which can be extracted. But the mere fact that Government has come forward and put it in the form of a questionnaire indicates that it is not going to be used for any ulterior motive. It is going to be used for exactly what it says it is going to be used for.

For too long, Sir, those people have had a strangle-hold on the economy and the upward mobility of Caymanians in this community. That strangle-hold is going to be broken.

Mr. President, I notice that there is going to be some amending legislation to the Motor Vehicle Insurance Law. I hope that this legislation is going to include, in some format, the introduction of no false insurance.

I note with satisfaction, Mr. President, that the Public Works Department is subject to a comprehensive review and that the recommendations are being accepted. There again we come up with some words as 'generally'. These kind of words lead one to wonder whether it has been really accepted, or generally, or the first paragraph; or have the specific recommendations been accepted to reorganise this or that department? I am going to give the benefit of the doubt and assume that the departments are being reorganised to make them more productive.

I could agree more, Sir, or offer greater support to the idea of the development of a master-ground-transportation-road-system for this country. That is badly needed. It needs to be done so that developers can be aware of where the new traffic bearing roads are going to be placed. I hope to see the ground transportation plan in the very near future, Mr. President.

The building code, Mr. President, has been kicked around in this country for years and I am glad to see that it is finally coming to fruition because the investing public in this country whether foreign or Caymanian - whether only investing for one's own purpose in building up a home to improve one's own equity standing - need to know what the standards are; how they are going to be applied, where they are going to be applied and what standards are to be met. And, Mr. President, some way has to be found to streamline the process of obtaining planning approval in this country because right now it appears that one has to apply to about five different agencies - electrical, water, sewer, planning. These should all be on

MR. D. EZZARD MILLER (CONTINUING): the Central Planning Authority where the decision is being made. People should not have to submit separate plans.

Mr. President, I question the legality of the Water Authority for instance which may turn down a plan after the Central Planning Authority had approved of it; or the electrical department of Government turning down a plan after the Central Planning Authority has approved of it. These things should all be done before planning approval is given. The mechanism has to be put in place so that can be done - whether is done by the planning department which sends copies of the plans to the relevant departments for their approval or whether those representations are put to the planning board and a decision is made final there and then. We should not have to tell people that they have to submit five copies of the plan to planning, some to the Water Authority, some to the electrical department. There should be one submission which should be dealt with at one time.

Mr. President, I believe that the marine parks are now in effect and Government is to be complimented, I believe, Sir, in the way that it handled the whole idea of marine parks. Government certainly solicited and allowed public input into the whole process of laying out these marine parks and in the whole idea of marine parks. Those Caymanians, and I know there are going to be some because you cannot please everybody all the time, who are not satisfied cannot say that they were not given the opportunity to contribute whether they wanted to do so constructively or destructively to the whole idea of marine parks in this country. I am glad it is finalised and not in effect. My only desire now, Sir, is that they are enforced. However, Mr. President, the people of this country must understand that in something as important as marine parks, we could never hire enough police officers or fishery officers to enforce this in this country. It is incumbent upon every citizen of this country to assist and to see that the marine parks' proposal, which they have accepted, is adequate and workable and in force.

Mr. President, there is only one thing I would like to see added to the marine parks, and I would ask the Honourable Member responsible to in some way communicate to the fishermen who take the trips across the North Sound not to remove starfish from the water. There is not a day, Mr. President, that a tourist does not walk into my shop looking for Formaldehyde to buy. When they are asked what they intend to do with it they say that they have a dozen starfish in a bucket outside which they want to cure. I tell them that I do not stock Formaldehyde because we have a marine conservation law in this country, the intent of which is that they enjoy looking at it and it must be left behind for somebody else to look at. They are astonished. Some of them are frightened, but the starfish are already dead. They say that the boat-guides say that they can take them and can take all they want. So I think these boat-guides need to be informed that although starfish may not be spelt out in the Law or the regulations as a protective species, they should be discouraged from encouraging tourists to take them out of the water in large quantities and take them away.

Mr. President, I agree that enough could never be said about the positive contribution of the Mosquito Research and Control Unit to the development of this country. It has done a fantastic job in all areas of mosquito control and it continues to do a good job. It should be given all the encouragement we can give. I note with satisfaction that it is now starting to look at the large swamp areas between Bodden Town and North Side so that those areas can be more adequately treated to prevent mosquito breeding.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, it was heartening yesterday morning to arrive in the Assembly and find a letter on my desk from the Chairman of the Central Planning Authority seeking the establishment of committees in each district to look at revisions for the Development Plan 1977. This, I believe, is a legitimate way of involving the community in developing something as import as a development plan because, Sir, a plan such as a development plan is only going to be as effective as it is acceptable by the people. We certainly do not want to let happen what happened in 1975 and 1976 to this plan in that it becomes a big political 'voo-doo' having the theoretical and other benefits of a plan completely ignored. One is only reminded by certain persons twisted interpretations that Government is only going to allow you one house on five acres of land, and this type of thing.

I believe the right thing to do is to involve the people concerned at all levels in the development process and we will then have a plan which will be developed by the people, of the people, for the people and none of us politicians will be able to misconstrue what the people are getting and what they want. I am not afraid of that kind of process, Sir. I think that is good, healthy democracy.

Mr. President, I have voiced in the past my concerns about the Law School. My concern was that we were taking Caymanians who were quite capable academically of achieving recognised qualifications and offering them something for which, in some instances they may have to work harder - put in longer hours, pass more difficult examinations and get a qualification which is not recognised beyond these shores and which in some instances, probably most instances, was going to regulate them for clerk jobs in law offices. They were going to be the boys who would take the papers down to Lands and Survey to have them registered and they would have, for all intents and purposes, gone through the same academic process as people who come out of recognised universities would have had, but they would not have had the recognition.

I hope that this external connection with Liverpool University becomes a reality so that there will be some semblance, because, Mr. President, I believe that we could have taken those students and chartered an aeroplane to take them to Kingston every Monday morning and chartered an aeroplane to bring them back every Friday evening so that they could have attended the Norman Manley Law School which is a recognised institution - a part of the University of the West Indies - and it would have been cheaper than what is costing us to send them to school now. I wonder, Sir, if something could not have been worked out with a nearer institution like the Norman Manley Law School at the University of the West Indies of which we are contributors and of which our contributions are going to waste.

Mr. President, I, too, hope for a satisfactory outcome to the present negotiations with the United Kingdom and the United States for a mutal assistance treaty to be concluded in the very near future. I think the uncertainty produced in the minds of some people, rightly or wrongly - but you see, Mr. President, whether those people are right or wrong, they are convinced in their own minds that their interpretation is right so we have to assume that they were right because that is the way they are going to react to it - in relation to the tax haven industry of this country brought about by the 1984 Narcotics Agreement has to be removed. I believe the approach taken by Government is the right approach. I believe that they have been successful in a lot of areas. I believe the country will be well served and indeed the professionals involved in the tax haven industry in this country will be satisfied with the final product under the mutual assistance agreement treaty.

MR. D. EZZARD MILLER (CONTINUING): Time is of the essence, Mr. President, and it has to be done although I realise that such negotiations are long and complex. The sooner it is done, the better.

Mr. President, once again I would like to congratulate you on your optimism in the Throne Speech and in your own words concentrated, on looking forward. I think that is the purpose for which we are here. We have to deal with the day-to-day problems of this country, but we must never let the day-to-day drudgery keep us from looking forward, anticipating the problems for the future so that we can plan to prevent, where they can be prevented, and certainly at the very least, Sir, to have in place the mechanism for treatment and cure of those problems as they arise.

Thank you, Sir.

MR. PRESIDENT: The hour at which we normally break for lunch is quite close, so I doubt whether it is worth inviting another Member to start speaking now, but I have been advised by the Serjeant-at-Arms that some parts, I am not quite sure which parts, of the ceiling are liable to fall down. I am not certain whose head is threatened (LAUGHTER) but the Public Works Department has been invited to come and attend to it over the lunch hour and it is suggested that perhaps we should not, in order to give them time to complete their task, resume until 2:30 p.m. So subject to Members' concurrence I will suggest that we now suspend until slightly later until 2:30 p.m., but fairly promptly at 2:30 p.m. I hope.

AT 12:42 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:34 P.M.

MR. PRESIDENT: Please be seated.

I am advised that the various gaps in our ceiling means that immediate dangers of life and limbs have been averted, so I hope we can safely resume proceedings.

The Elected Member for North Side had concluded his speech. The motion is still open for debate. Does any other Member wish to speak? No other Member wishes to speak? I will give it another 15 seconds. Ten ..... five. Does the Mover wish to reply?

HON. DENNIS H. FOSTER: Yes, Mr. President. If there are no other speakers, I will reply.

Mr. President, I would like to join with other Members who have spoken in congratulating you in the delivery of the Throne Speech. In doing so, Mr. President, I would like also to congratulate you on the new format in which the speech took this year. Such a speech, Mr. President, in this format can be kept by the Members with Portfolios right on their desks and every week they can examine it to see how they are getting on with what was anticipated for them to do during the year.

Mr. President, there is no doubt in my mind that this country over the last 18 to 20 years has achieved much. We have come a long way. The cause of this achievement, Mr. President, was the cooperation between Members of this House and the Civil Servants.

HON. DENNIS H. FOSTER (CONTINUING): Many a time people have asked me if we have political parties and my answer was always "no". And they would ask, "Well, what do you have?" I would say, "We have personalities, but our real success is that everyone elected in the House has one common goal and that is to achieve the best for their people and for their country."

Mr. President, now that we are getting to a position to where we can boast of many of our facilities and much of the infrastructure that is here, I think it is time that all Members, with no exceptions, Mr. President, take stock and work together. There are always ways and means of discussing things to ensure that we get the best for our people. However, Mr. President, there is no time for us to be degrading or hitting one another. Only one thing can be achieved by that and that is the breaking down of the country.

Mr. President, I sincerely and honestly request and pray for the Members of this House, for the future, to work **hard** together and everybody will enjoy the results.

Once again, Mr. President, in closing I commend you in the delivery of the Speech and its contents.

MR. PRESIDENT: The motion is:

> BE IT RESOLVED THAT THIS HONOURABLE LEGISLATIVE ASSEMBLY RECORDS ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE GRACIOUS ADDRESS DELIVERED ON FRIDAY, 28TH FEBRUARY, 1986.

QUESTION PUT: AYES

MR. PRESIDENT: I think the "ayes" have it.

There is no other business down on the Order Paper for today, but there is other business to be taken during this Meeting. So I will invite the Honourable First Official Member to move that we adjourn until tomorrow morning when we can continue.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this Honourable 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.

QUESTION PUT: AGREED. AT 2:42 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. THURSDAY, 6TH MARCH, 1986.

STATE OPENING AND FIRST MEETING OF THE (1986) SESSION
OF THE LEGISLATIVE ASSEMBLY
HELD ON THURSDAY, 6TH MARCH, 1986
(FIFTH DAY)

PRESENT:

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,LL.B	*SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION*
HON THOMAS C JEFFERSON, OBE, JP	*THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT*
HON BENSON O EBANKS	*MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES*
HON W NORMAN BODDEN, MBE	*MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE*
HON CAPT 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 MABRY S KIRKCONNELL	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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*

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

1986 STATE OPENING

THURSDAY

6TH MARCH, 1986

(FIFTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. QUESTIONS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 24: WOULD THE HONOURABLE MEMBER STATE WHETHER AN ENVIRONMENTAL IMPACT STUDY WAS REQUIRED BY GOVERNMENT BEFORE GRANTING APPROVAL TO DREDGE AT THE PROJECT KNOWN AS THE CAYMAN ISLANDS YACHT CLUB?

NO. 25: WOULD THE HONOURABLE MEMBER STATE WHETHER GOVERNMENT HAS ANY PLANS TO DEVELOP AND OFFER FOR PUBLIC COMMENT, GUIDELINES AND CRITERIA FOR NORTH SOUND DEVELOPMENT AND GENERALLY IN CONNECTION WITH ISSUANCE OF A COASTAL WORKS LICENCE?

NO. 26: WOULD THE HONOURABLE MEMBER STATE WHAT IS GOVERNMENT'S POLICY TOWARD PROMOTION OF DEVELOPMENT AND HOW IS THIS POLICY CURRENTLY BEING IMPLEMENTED?

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

NO. 27: WHAT IMPORT DUTY WAS PAID ON THE ATLANTIS SUBMARINE AND OTHER EQUIPMENT AND SUPPLIES BROUGHT INTO THE ISLANDS FOR THAT OPERATION AND WHAT LICENCE FEES ARE BEING PAID TO GOVERNMENT IN RESPECT OF THAT OPERATION?

NO. 28: WOULD THE HONOURABLE MEMBER SAY WHAT ASSURANCE CAN GOVERNMENT GIVE THAT INFORMATION REQUIRED FOR THE EXPRESSED PURPOSES OF AN EMPLOYMENT SURVEY WILL NOT BE USED IN CONNECTION WITH ESTABLISHMENT OF INCOME TAX OR FOR OTHER PURPOSES NOT INTENDED OR STATED AT THE TIME THE INFORMATION IS GATHERED?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 29: WOULD THE HONOURABLE MEMBER STATE WHAT WAS THE TOTAL COST TO GOVERNMENT TO PREPARE FOR (INCLUDING THE FILM AND ALL SUPPORTING MATERIALS) AND SEND A DELEGATION TO THE MIAMI CONFERENCE ON THE CARIBBEAN?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 30: *COULD THE HONOURABLE MEMBER IDENTIFY ANY INVESTORS WHO DECIDED TO INVEST IN THE CAYMAN ISLANDS AS A DIRECT RESULT OF THIS EXPENDITURE?*

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

NO. 31: *WOULD THE HONOURABLE MEMBER STATE THE AVERAGE NUMBER OF STUDENTS TO A CLASS AT THE CAYMAN ISLANDS MIDDLE SCHOOL?*

3. *OTHER BUSINESS*

PRIVATE MEMBERS' MOTIONS:-

(i) *PRIVATE MEMBER'S MOTION NO.2/86*
RE: INVITING THE PUBLIC TO COMMENT AS TO WHETHER THEY WANT A REFERENDUM LAW

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN AND SECONDED BY THE ELECTED MEMBER FOR EAST END.

(ii) *PRIVATE MEMBER'S MOTION NO.3/86*
RE: ASKING CARIBBEAN UTILITIES CO LTD TO AMEND THEIR LICENCE TO RESTORE THE IMPORT DUTY EXEMPTION

TO BE MOVED BY THE ELECTED MEMBER FOR EAST END AND SECONDED BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN.

(iii) *PRIVATE MEMBER'S MOTION NO.4/86 - DISPOSAL OF DRUGS*

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY AND SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

(iv) *PRIVATE MEMBER'S MOTION NO.6/86*
APPOINTMENT OF SELECT COMMITTEE OF THE WHOLE HOUSE TO RECONSIDER PROPOSED CHANGES TO THE ELECTIONS LAW, 1983

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN AND SECONDED BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

4. *GOVERNMENT BUSINESS*

BILLS:-

FIRST AND SECOND READINGS

(1) *THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986*

(2) *THE MERCHANT SHIPPING (REGISTRY) BILL, 1986.*

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THURSDAY

6TH MARCH, 1986

10.06 A.M.

MR. PRESIDENT: Prayers. The Honourable Second Elected Member of Executive Council. In his absence perhaps the Fourth Elected Member of Executive Council would like to read the prayers.

HON. VASSEL G. JOHNSON: 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 Soverign 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. Let us repeat the Lord's Prayer.

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

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

MR. PRESIDENT: Please be seated.

Questions. The Elected Member for East End.

QUESTIONS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FORTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 24: Would the Honourable Member state whether an Environmental Impact Study was required by Government before granting approval to dredge at the project known as the Cayman Islands Yacht Club?

ANSWER: Outline approval for the Cayman Islands Yacht Club Project was granted by the Central Planning Authority on 1st. February, 1984, and final approval on 19th December, 1984. To complete the approval process which began in February 1984, Executive Council considered a coastal works licence application for the project in June 1985, and the licence was granted. Attached to the licence was a number of conditions designed to ensure that the proposed dredging was conducted in a manner to protect the North Sound from any possible adverse effects.

HON. VASSEL G. JOHNSON (CONTINUING):

It is important to note that the developers were not required to submit an Environmental Impact Statement as the project involved land-enclosed dredging. Government has, however, requested the company to clear the channel leading out of Governor's Harbour so as to facilitate all boats using the harbour. This channel was previously dredged during the Governor's Harbour initial development.

SUPPLEMENTARIES

MR. JOHN B. McLEAN: Supplementary Mr. President. I wonder if the Member could say whether it is correct that the channel mentioned, did not only need clearing, but it is my understanding that it was too shallow in the first place, and this is the reason why. I wonder if the Member could clarify this for me?

HON. VASSEL G. JOHNSON: Mr. President, I am not aware of what the Member is asking. To what is he referring in the development?

MR. JOHN B. McLEAN: Mr. President, I am referring to the channel, and I am referring to the dredge which will be used. Is it correct that the reason for clearing this channel is that the equipment brought in needs much more water to float over, in order to get to the place where they will be dredging?

HON. VASSEL G. JOHNSON: This is not correct Mr. President. The channel in its original creation was made to a depth of ten feet. What is being proposed is just a clearing of the channel so boats can use it, and it will be more accessible to the boats using it.

MR. JAMES M. BODDEN: Supplementary. What is the proposed depth to be dredged in this channel, and how far out from the coast will be dredged?

HON. VASSEL G. JOHNSON: Mr. President, as I understand it, the channel was originally dug to a depth of ten feet. But of course, over the years it has been filled with silt and other things, and it is a matter of really clearing the channel to regain that original depth of ten feet.

MR. PRESIDENT: I think the Member was also asked how far out it was going. I do not know whether he can answer that.

HON. VASSEL G. JOHNSON: Well Mr. President, it is right in close proximity to the channel of course, the barge will have to work perhaps from 200 feet away, in order to start doing this clearance.

MR. JAMES M. BODDEN: Mr. President, with all respect my question has not been answered.

MR. PRESIDENT: You might like to ask it again, because I do not think it has been answered, I think you are quite right.

MR. JAMES M. BODDEN: How far from the shore will dredging commence?

HON. VASSEL G. JOHNSON: I have just stated Mr. President that it will be 200 feet from the shore, from the channel itself.

MR. JAMES M. BODDEN: Certainly, the Member should know more about his Portfolio than this. I think he seems to be confused in his reply. I am trying to determine how far from the edge of the coastal land, extending out into the sea will this dredge commence its operation. Will it be a thousand feet, will it be five hundred feet? It certainly cannot be two hundred feet.

HON. VASSEL G. JOHNSON: Mr. President, the distance is two hundred feet, and I have said so already.

MR. JAMES M. BODDEN: How much draft does this dredge draw?

HON. VASSEL G. JOHNSON: Mr. President, I thought we were discussing the channel and not the dredge. If the dredge can get within two hundred feet of the channel to start clearing the channel, then it must have sufficient draft to get to that distance.

MR. JAMES M. BODDEN: Mr. President, with respect, we need not split haire. We are talking about the project. The question posed by the Member for East End asked about the project, and I do not appreciate the evasion. The dredge which is down there in my opinion, could not approach within two hundred feet of the shoreline, and that is why it is important to know the draft of this dredge. If they are going to dredge a channel ten feet deep, and this dredge is drawing twelve feet, then this dredge is going to have to start out further than two hundred feet. This is why I would like a reply to my question. I am sure the Member should know it.

HON. VASSEL G. JOHNSON: Mr. President, the dredge has a draft of eight feet. The dredge was lightened to get into the North Sound by the removal of some of the rigs which it carried.

MR. JAMES M. BODDEN: Is she drawing eight feet now, or eight feet when she goes into operation?

HON. VASSEL G. JOHNSON: Mr. President, my understanding is that she will draw eight feet when she goes into operation.

MR. JAMES M. BODDEN: Well Mr. President, to enlighten the Member a little. He can take his charts and look at them. Nowhere in that area is there eight feet of water, two hundred feet from the coast. You need to look at it, I am asking a relevant question, and when the dredge starts working, and if it is drawing eight feet now it is going to be drawing at least ten feet, because it has to be down by the head in order to give it power. So, I would like the Member to really try to enlighten me as to where this project is going to start, or how far it will go?

MR. PRESIDENT: I think the Member has already tried to answer that question. I realise he has not answered it to your satisfaction, but I think he has answered on the point.

MR. JAMES M. BODDEN: If we are going to dredge from the seabed, where will the fill be disposed of?

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, the fill will be put on shore where the development is taking place.

MR. JAMES M. BODDEN: The Member in answering said that this was a project, on-shore I think which would be carried out on shore. How is the dredge going to get on-shore to do this work. You will have to open this up to the North Sound. Is that what is proposed to be done?

HON. VASSEL G. JOHNSON: Mr. President, that area is right on Governor's Harbour Sound. The dredge can get in there and the dredge can get onto the area where they will start working, because there is also a channel which allows that.

MR. JAMES M. BODDEN: That maybe quite correct Mr. President. But the spillage in the area being out, there has to be sediment from it, which will be going into the sea. So there is no use in telling us that it is an on-shore project, because it has to be open to the sea. Am I not correct?

HON. VASSEL G. JOHNSON: Mr. President, when the dredge gets to the area where the operation will begin, it will close the channel behind it, so that no silt will get out from its operation into the open sea.

MR. PRESIDENT: I think we should pass on to the next question. I think we have had enought supplementaries on that one, because we have nine questions to do.

MR. JAMES M. BODDEN: Well I thank you for the way the baby is stifled.

MR. PRESIDENT: Question No. 25.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 25: Would the Honourable Member state whether Government has any plans to develop and offer for public comment, guidelines and criteria for North Sound development and generally in connection with issuance of a coastal works licence?

ANSWER: Guidelines for North Sound development generally, dealing largely with dredging, are now being prepared. Regarding any other physical development, the basic guidelines and criteria are given in the Development Plan and the Development and Planning Law and Regulations. If accepted by Executive Council, the dredge guidelines will be put forward for public comment.

With respect to coastal works licences, these are dealt with by Executive Council once the projects to which they pertain have been approved by the Central Planning Authority. Since proposed coastal works may vary in nature and extent, applications for licences are dealt with on an individual basis within the established planning criteria.

SUPPLEMENTARIES:

MR. PRESIDENT: The Member for East End.

MR. JOHN B. McLEAN: Supplementary Mr. President. I wonder if the Member could say? Since the North Sound Development and Marine Parks can have cross effects on each other, why were guidelines not prepared and discussed at public meetings held recently to promote Marine Parks?

HON. VASSEL G. JOHNSON: Mr. President, we are talking about two different things. We have in that North Sound, dredging going on at the present time approved by the former Government, and this Government is now considering how to deal with these matters. So to prepare guidelines for dredging, we will have to take into consideration those operations which are now there and silting the North Sound.

MR. W. McKEEVA BUSH: Supplementary Mr. President. Can the Honourable Member say in the dredging operation which presently is, and has been going on, was this ever put to the public for consultation?

HON. VASSEL G. JOHNSON: Mr. President, I scarcely knew about it until I entered Government and found that it was going on.

MR. JAMES M. BODDEN: On a point of information Mr. President, please. This has been a very misleading answer which the Member has just given, particularly when he was a part of.....

MR. PRESIDENT: The Member must not make statements.

MR. JAMES M. BODDEN: Mr. President, this is a very important matter.....

MR. PRESIDENT: Whether it is a very important matter or not, the Member cannot make statements in the guise of supplementaries. If there is a Standing Order under which, the Member wishes to make some sort of statement at some stage.....

MR. JAMES M. BODDEN: Mr. President, this dredging operation to which the Member is referring in North Sound, had been going on since before 1976, and was passed by a Government of which he was a part. It just continued from 1976 to 1984, but it was passed before 1976.

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, would the Member explain in view of the other Members statement, whether this in fact the project by the Caribbean Club which is the matter I am dealing with, whether it was in fact going on before 1976, or whether it started around 1981 or 1982, or exactly when?

HON. VASSEL G. JOHNSON: Mr. President, the dredging operations to which I am referring, the dredging operation was started around the 1980s, either before or soon after 1980.

MR. W. McKEEVA BUSH: So, am I understanding correctly that the project behind the Caribbean Club or in that area, Canal Point I believe I am not certain, that project started around 1980, am I understanding this correctly?

HON. VASSEL G. JOHNSON: That project started in the late 1970s. I am not too sure of the date.

MR. W. McKEEVA BUSH: Mr. President, when did the project behind the Caribbean Club start, in the late 1970s, or did they start the the dredging in 1980 or there abouts?

HON. VASSEL G. JOHNSON: Mr. President I am not too sure of the exact date, but I know it was around 1980.

MR. JOHN B. McLEAN: Mr. President, seeing that the Member is more able to give answers which affect the past Government. I wonder if he could undertake to explain to us exactly how the project now in question was done?

HON. VASSEL G. JOHNSON: I am not too sure what the Member means Mr. President by the project now in question. Because as the Member who was responsible for Development and Natural Resources in those days, he should be very well aware of those permissions which were granted.

MR. JOHN B. McLEAN: Yes Sir I am, but I would just like to say that since the matter of the project across from the Caribbean Club has been brought up by the Second Elected Member for West Bay, I was just wondering whether the Member who is answering the question would point out that this project in question was really not one which was started from the area which would affect the North Sound, that was an inside dredging project.

HON. VASSEL G. JOHNSON: Mr. President, that operation dredged out the North Sound sea bottom some one thousand feet, and I understand that the dredging went beyond that.

MR. PRESIDENT: I think we are straying from supplementaries which really arise from the question, and we are taking rather a long time to answer each question, and we are not going to get through them. So I will ask the Member for East End to ask Question No. 26.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 26: Would the Honourable Member state what is Government's policy towards promotion of development and how is this policy currently being implemented?

ANSWER: The question in its present form does not state clearly the type of development being referred to. In the broad sense, development is a subject which relates to all the portfolios of Government and there is an established liaison between them for examining these matters if necessary before they are presented to Executive Council or the appropriate body or authority for a decision.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if his answer really means that Government has no policy with regard to promotion of development?

HON. VASSEL G. JOHNSON: Mr. President we are still carrying on the old policies which we found there. We are just now trying to formulate and devise new development methods.

MR. JAMES M. BODDEN: Is that plan devised with regard to helping those that you know and those that you do not know, to get no help.

MR. PRESIDENT: Order, order. The Member must not impute improper motives to other Members.

HON. VASSEL G. JOHNSON: That seems to have been the policy of the previous Government Mr. President.

MR. PRESIDENT: Order, order. The Member must not answer in that way either. Order, order.

MR. G. HAIG BODDEN: Mr. President, can I ask in the light of the answer which the Member gave to me, does the Member realise that almost two years have gone in his term of office, and if he is still yet to formulate the policies, what time will he have to implement them?

HON. VASSEL G. JOHNSON: Mr. President, much water has gone under the bridge in these two years which he is talking about. But it is not two years really, November this year will be two years, but in the short time we have been here Mr. President, we have created a lot of jobs in these Islands. Well, all over at least, people are not running around looking for jobs now unless it is those who are looking for jobs and not work.

MR. G. HAIG BODDEN: Does the Member mean that they have given up hope?

MR. PRESIDENT: I think we might pass to the next question. The Second Elected Member for Bodden Town.

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

NO. 27: What ~~Import~~ Duty was paid on the Atlantis Submarine and other equipment and supplies brought into the Islands for that operation and what licence fees are being paid to Government in respect of that operation?

ANSWER: (1) In August 1985, approval was granted by Executive Council for the duty free entry of the Atlantis Submarine into the Cayman Islands.

(2) As all related equipment and supplies were considered as forming an integral part of the submarine structure or essential to enable its operation, the ~~exemption~~ granted was intended to embrace all ~~such~~ items.

(3) Fees paid and payable to Government are:-

(a) $200 Local Companies Licence Fees (payable by Atlantis Tours which is a subsidiary of Sub Aquatic Corporation), renewable annually;

(b) $365 upon registration as a ship and $60 per annum;

(c) $100 Trade and Business Licence renewable annually;

(d) $7,340 paid in respect of the issuing of nine gainful occupation licences, plus $2,800 in cash deposit;

(e) $1,470 paid for the obtaining of 12 temporary work permits which were issued during the initial start-up period.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Member say what criteria was used for allowing the duty free exemption?

HON. THOMAS C. JEFFERSON: Mr. President, to the best of my knowledge the criteria used was that the submarine is an attraction to tourists and will help to enhance not only the tourist traffic to the Islands but also to those who are not aware of it, facilities for tourists to use while on the Islands, thus adding to the facilities on the Cayman Islands.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member what the authority is under the Customs Law for admitting attractions' duty free?

HON. THOMAS C. JEFFERSON: Mr. President, the vessel which was admitted to this country to the best of my knowledge, would qualify as a ship; was on the deck of a ship and was over 25 feet, and I believe, if my memory is not failing me, would qualify in any case for duty free status under the Second Schedule of the Customs Law.

MR. W. McKEEVA BUSH: Mr. President, regarding the 12 temporary work permits, can the Honourable Member say whether any steps have been taken to fill these 12 temporary work permits by permanent positions by Caymanians?

HON. THOMAS C. JEFFERSON: Mr. President, I think it is early days yet, but if my memory is not failing me I have seen some advertisements in the newspaper.

MR. JAMES M. BODDEN: Following on on that last question, is there any Caymanian at all employed by this company?

HON. THOMAS C. JEFFERSON: My understanding is that there are Caymanians employed by this company.

MR. JAMES M. BODDEN: In offering relief of such magnitude to this project, did it also include the permits which were given for the Ironshore development?

HON. THOMAS C. JEFFERSON: Mr. President, in an earlier answer to a supplementary, I believe, I stated that the property was owned privately, but Government did give permission for the coastline to be concreted to allow for the safe docking of the submarine.

MR. JAMES M. BODDEN: Was this a decision which was made by Executive Council, or the Member in charge rather than by the Planning and Development Board, because of the strong stand which has been taken with regard to development in that area?

HON. THOMAS C. JEFFERSON: Mr. President, I think I can answer one part of this, and that is that it was Executive Council's decision to grant permission.

MR. JAMES M. BODDEN: I think that answers the big question. What was the declared value for duty purposes?

HON. THOMAS C. JEFFERSON: The declared value of what, Mr. President?

MR. JAMES M. BODDEN: Of the equipment which was brought in, the submarine and all the attendant equipment. There had to be some value put on it, for Customs purposes.

HON. THOMAS C. JEFFERSON: I do not have that information at hand Mr. President. If the Member wishes me to, I will certainly pass it on by correspondence.

MR. JAMES M. BODDEN: Is this company Bermudian owned?

HON. VASSEL G. JOHNSON: Texan.

MR. JAMES M. BODDEN: Surprising.

MR. PRESIDENT: I think we will pass on to Question No. 28. The Second Elected Member for Bodden Town.

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

NO. 28: Would the Honourable Member say what assurance can Government give that information required for the expressed purposes of an Employment Survey will not be used in connection with establishment of Income Tax or for other purposes not intended or stated at the time the information is gathered?

ANSWER: The Member probably has two concerns; the first of which is that information collected for statistical purposes should not be used to the detriment of the individual business or employee. In accordance with the Statistics Law, information reported by businesses in respect of their individual employees will not be revealed outside of the Statistics Unit. In addition, after the figures have been satisfactorily put into a datafile on the computer, the returns will be destroyed under confidential conditions. The records on the computerised datafile will be identified by a reference number known only to Statistics Unit staff and a system of passwords will deny access to anybody else. When the final results are completed there will be little need to retain even the computerised datafile and it could be entirely deleted. Further, the published statistics will be so arranged by the Government Statistician that contributions from individual businesses and data about individual employees cannot be identified.

The Member's second concern is perhaps whether the statistics themselves will be used as background information for the purposes of establishing a system of taxation. Certainly figures of earnings by industry or by occupational groups could provide some guidance on introducing Income Tax, but I will repeat earlier assurance that this is not and I repeat, is not, the intention of this Government.

SUPPLEMENTARY:

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Sir. In light of the question which has been asked by the Second Elected Member for Bodden Town regarding Income Tax being levied on our people. Would the Honourable Member care to confirm to this House that this Government has not until now, nor does it intend to in the future, stray from our campaign promises nor to deceive the Caymanian public as appeard to be the norm of the 1976 to 1984 Government?

MR. PRESIDENT: I do not think that that is admissible, the last part of it was certainly out of order, and the first part has already been answered, so it is struck out.

MR. JAMES M. BODDEN: Mr. President. they have no promises left to break.

MR. PRESIDENT: I am not sure to which Government you were referring.

MR. JAMES M. BODDEN: The present, the present.

MR. PRESIDENT: There is no other supplementary. The Second Elected Member for Bodden Town, Question No. 29.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 29: Would the Honourable Member state what was the total cost to Government to prepare for (including the film and all supporting materials) and send a delegation to the Miami Conference on the Caribbean?

ANSWER: The cost to Government of participation in the Miami Conference on the Caribbean was $4,583.06.

MR. PRESIDENT: Perhaps it would be appropriate, both for the convenience of the House and fair to the Member concerned, if I said now that I had only just noticed, and I have informed the Second Elected Member for Bodden Town that I have noticed that four questions have been put down in his name today, which is contrary to Standing Order 23(6), and therefore I cannot call the fourth. But the fourth I think could form a supplementary now, if you wished to treat it in that way.

MR. G. HAIG BODDEN: I would prefer you to call it tomorrow morning Sir.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplemenary Mr. President. Does the Member have the cost of the film which was used at the Miami Conference to hand?

HON. W. NORMAN BODDEN: Mr. President, Government's contribution to the cost of the film which was produced for the Miami Conference was $500.00.

MR. PRESIDENT: I think it is only fair to the Second Elected Member for Bodden Town, to ask him to read Standing Order 23(6) carefully because I do not think the question can go down tomorrow. It says that no postponement shall be allowed. So I think if you want Question No. 30 asked, you will have to ask.....

MR. G. HAIG BODDEN: Mr. President, if no postponement can be allowed, it is not my fault if the Business Committee makes a mistake, and certainly I should not be denied the right to have my question answered. So I think in fairness to the public, Standing Orders should be waived to correct the error made by the Business Committee, so that my question can be answered either today or tomorrow. It does not matter to me.

MR. LINFORD A. PIERSON: Mr. President, on a point of clarity, it would appear that the fourth question would not be admissible by you, so there is no question of postponement of that fourth question, because the Seation 23(6) really would not apply in this case, so the fourth question should be able to be put on the Paper for tomorrow morning, since only three questions can under the Standing Orders be asked in one day, by one Member.

HON. DENNIS H. FOSTER: Mr. President, as Chairman of the Business Committee Sir, I accept the responsibility for the mistake, and I would not be against the suspension of Standing Orders to take the question this morning.

MR. PRESIDENT: I do not think, with respect, that the Second Elected Member for George Town is right. I do entirely sympathise with the Second Elected Member for Bodden Town, because it is in no sense his fault that the mistake was made, and I am grateful to the First Official Member.

What I suggest is that we ask the last question which can be asked, and invite the First Official Member to move the suspension of Standing Orders to enable to postponement of Question No. 30. and to enable it to be put down on tomorrows' Order Paper, and that I think would be satisfactory.

Now, are there any further supplementaries I think to Question No. 29?

MR. W. McKEEVA BUSH: Yes Mr. President. Can the Honourable Member state whether the film and supporting material was produced by a local firm?

HON. W. NORMAN BODDEN: Mr. President, the film was produced through the assistance of Radio Cayman, and the local office of the Cayman Islands News Bureau.

MR. W. McKEEVA BUSH: One last supplementary Mr. President. Did all the Members who were asked to go by the Government, did they attend or did they go somewhere else?

HON. W. NORMAN BODDEN: Mr. President, I have no idea as to what the Member asking the question is referring. The Members with whom I went along as part of a Government delegation, they were all present and in their places. They attended the meetings which they were supposed to attend.

MR. PRESIDENT: As has been explained, Question No. 30. I have precluded from calling, and we will come back to the point later. The Second Elected Member for West Bay, Question No. 31.

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

NO. 31: Would the Honourable Member state the average number of students to a class at the Cayman Islands Middle School?

ANSWER: The average number of students to a class at the Cayman Islands Middle School is twenty-one.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary Mr. President. Can the Member say whether some classes have 40?

HON. BENSON O. EBANKS: Mr. President, my information is that no class has 40.

MR. W. McKEEVA BUSH: Supplementary Mr. President. Could the Member say whether any class has 30?

HON. BENSON O. EBANKS: Mr. President, I do not have any information which would give me that either. But what I think what the Member is really trying to find out is whether classes are larger than 21. The fact is that four classes have between 35 and 38 students.

MR. W. McKEEVA BUSH: So Mr. President, the first answer should have been yes, close to 40.

HON. BENSON O. EBANKS: No Mr. President. The Member asked if there were any classes with 40, and there are no classes with 40 to the best of my knowledge.

MR. PRESIDENT: I think that concludes Question Time. Perhaps I could, before inviting the Honourable First Official Member to move the suspension of Standing Orders, seek advice from the Second Official Member as to whether I am right in my understanding of Standing Orders. It is clear from 23(6) that I cannot call more than three questions, if more than three are standing in the name of one Member. It says that if they are not called, they shall be answered as provided for in paragraph eight which says that any question which is not received an oral answer shall be postponed and placed upon the Order Paper for reply at some later Sitting within the same Meeting.

MR. PRESIDENT (CONTINUING): But it then goes on to say 'save no postponement shall be allowed." Perhaps I was wrong, and perhaps they can be put down on a subsequent Order Paper.

HON. MICHAEL J. BRADLEY: I think Mr. President Sir, that the short answer is that your Select Committee on Standing Orders did not do its consequential amendments closely enough. As I see it, the words "save that no postponement shall be allowed" should have in fact been deleted from (6) As I understand it, it can under (8) be placed upon the Order Paper. I would say that the substantive provisions of Sub Order (8) take precedence.

MR. PRESIDENT: I am bound to say that the more I read it, the more nonsense it seems to make. I think it probably can be put down for tomorrow perfectly alright, and that no waiver is necessary. I am sorry, I have probably confused you.

MR. JAMES M. BODDEN: Well Mr. President, it is past eleven o'clock anyhow, the time for Question Time, and I wonder why the attempt to try this stifle over my colleagues question being put on the agenda for tomorrow.

MR. PRESIDENT: What we were trying to do was to ensure that it could be put on the agenda for tomorrow. I think that it can be, and I think probably we ought to look at Standing Orders sometime to see whether the words "save no postponement shall be allowed" ought to be deleted, to make sense.

MR. C. HAIG-BODDEN: I certainly would not be surprised if somebody invented something by tomorrow to block my question. I would not be surprised at all.

HON. W. NORMAN BODDEN: He does not have to worry Sir, I have an answer.

MR. W. McKEEVA BUSH: Mr. President, maybe the best thing to do is to let him ask the question now, remove all doubt.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President.....

MR. PRESIDENT: That is another way, you could suspend Standing Orders to enable the question to be asked now, perhaps that would be best of all.

MR. JAMES M. BODDEN: You said yesterday that you did not want to get into the habit of doing that every day.

SUSPENSION OF STANDING ORDER 23(6), (7) & (8)

MR. W. McKEEVA BUSH: Mr. President, I move for the suspension of the relevant Standing Order.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the question as it stands by itself Sir, does not make sense:-

> "Could the Honourable Member identify any investor who decided to invest in the Cayman Islands, as a direct result of this expenditure".
>
> What expenditure?

MR. G. HAIG BODDEN: That is not my fault. It is either the President or the Business Committee producing this nonsense. I put the question intelligently, and they have broken it up to make separate questions.

HON. DENNIS M. FOSTER: Mr. President Sir, Question 29. asked about a matter, an expenditure, and Question 30. follows up 29. and that is probably why we made a mistake, trying to get them, one to follow the other.

MR. G. HAIG BODDEN: Mr. President, it should really be one question, with an (a) and (b) part, but I cannot see why a question cannot be put in that form. What has been done recently is an attempt to break down every question, so that the Member has so many questions that he cannot get them answered. It is just one other way of blocking getting information in this House. We have dealt with technicalities until we have effectively controlled the freedom of speech in this house.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I second the motion which the Second Elected Member for West Bay proposed.

MR. PRESIDENT: I think the motion was that Standing Orders be suspended, and if I can put it into the language which is necessary, it will be that in accordance with Standing Order 83, Standing Orders 23(6), (7) and (8) should be suspended to enable Question No. 30. to be asked.

QUESTION PUT: AGREED. STANDING ORDER 23(6), (7) and (8) SUSPENDED TO ENABLE QUESTION No. 30 TO BE TAKEN FORTHWITH.

MR. PRESIDENT: The ayes have it, the Member may ask his question.

MR. G. HAIG BODDEN: Now Mr. President, some bright Member will have to move a motion to compel me to ask it, because I refuse to ask it under this harassment.

MR. PRESIDENT: If the Member does not wish to ask his question, he certainly is not compelled to do so.

MR. W. McKEEVA BUSH: But, Mr. President.

MR. D. EZZARD MILLER: So that prohibits it from being put down for another day, if the opportunity is being given now.

MR. W. McKEEVA BUSH: Mr. President, we moved a Standing Order for the question to be asked. There is no harassment here, the question is on the Order Paper. The Member answering the question has said that he has the answer. Why not ask the question?

MR. PRESIDENT: ....need to answer.....

MR. JAMES M. BODDEN: Every time that abuse can heaped on this side of the House, it is done. There was no reason for the President to bring up what he did with regard to the question this morning because it precluded.....

MR. PRESIDENT: Order! Order! Standing Orders, as the Member knows, precludes.....

MR. JAMES M. BODDEN: (INAUDIBLE)

MR. PRESIDENT: The Member will withdraw that remark.

MR. JAMES M. BODDEN: (INAUDIBLE)

MR. PRESIDENT: Then the Member will have to be named.

MR. JAMES M. BODDEN: (INAUDIBLE)

MR. G. HAIG BODDEN: I am about to go to London on this too, because we are not being treated fairly, Sir. If you want to name, you can name me as well.

MR. PRESIDENT: Only one Member so far has said anything which needs to be withdrawn. That is the First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: I will not withdraw that on my deathbed.

MR. PRESIDENT: In that case the Member will have to be named.

In accordance with the provisions of Standing Order 41(4), I direct the attention of the House to the fact that the First Elected Member for Bodden Town has refused to comply with a direction from the Chair that he should withdraw a remark which showed disregard for the authority of the Chair. I call upon the Honourable First Official Member to move a motion in the terms of Standing Order 41(4).

MOTION
STANDING ORDER 41(4)

HON. DENNIS H. FOSTER: Mr. President, I move that the First Elected Member for Bodden Town be suspended from the service of the House.

MR. PRESIDENT: The question is that in accordance with the provisions of Standing Order 41(4), the First Elected Member for Bodden Town be suspended from the service of the House.

Will those in favour please say "Aye". Those against "No". The "Ayes" have it.

MR. G. HAIG BODDEN: Mr. President, may I have a division on that?

MR. PRESIDENT: Yes certainly.

DIVISION
NO. 3/86

AYES	NOES	ABSTENTIONS
Hon. Dennis H. Foster	Mr. G. Haig Bodden	Mr. W. McKeeva Bush
Hon. Michael J. Bradley	Mr. John B. McLean	Mr. Linford A. Pierson
Hon. Thomas C. Jefferson		Mr. James M. Bodden
Hon. Benson O. Ebanks		
Hon. W. Norman Bodden		
Hon. Capt. Charles Kirkconnell		
Hon. Vassel G. Johnson		
Mrs. Daphne L. Orrett		
Capt. Mabry Kirkconnell		
Mr. D. Ezzard Miller		
10	2	3

MR. W. McKEEVA BUSH: Mr. President, I am not voting, this thing has become a joke in this House. I am not voting - I abstain. There is too much disruption in here.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I think the First Elected Member for Bodden Town's name was not called.

MR. PRESIDENT: If that is so, perhaps the Clerk would call the name now.

CLERK: Mr. Jim Bodden.

MR. JAMES BODDEN: I abstain.

MR. PRESIDENT: I declare the motion carried.

QUESTION PUT: AGREED. MOTION CARRIED BY A MAJORITY

In accordance with the provisions of Standing Order 41(8), the Member is directed to leave the House and its precincts.

In accordance with the provisions of Standing Order 41(6), the suspension is for two days.

I will now....sorry.....second time?

MR. G. HAIG BODDEN: On a point of order Mr. President, it is certainly the first time in this new session of the House. So that Standing Order cannot apply. He can only be suspended for one day, Sir.

MR. PRESIDENT: Can you direct me to the Standing Order which makes that clear? I would have thought that is reasonable.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. President, Sir, you could clarify for Members of the House whether or not this is the first occasion that the Member has been suspended in this Sitting.

MR. PRESIDENT: It is certainly the first occasion. Yes it is the first occasion in this Sitting, you are quite right. The suspension is for one day, yes.

I will now suspend proceedings for approximately fifteen minutes.

AT 11:12 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:40 A.M.

MR. PRESIDENT: Please be seated.

The First Elected Member for Bodden Town was directed to withdraw, having been suspended under Standing Order 41(6). He has neglected to obey the direction to do so. In accordance with the provisions of Standing Order 41(9), I call the attention of the House to the fact that recourse to force is necessary, in order to compel obedience to my direction, and that the Member named by me as having so refused or neglected to obey the direction, must now without further question put, be suspended from the service of the House during the remainder of the Sitting.

I will suspend proceedings for approximately five minutes while the Member is removed.

AT 11:42 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:47 A.M.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

MR. PRESIDENT: Please be seated.

Item 3. Other Business. Private Member's Motion No.2/86. The Second Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO.2/86
RE: INVITING THE PUBLIC TO COMMENT AS TO WHETHER THEY WANT A REFERENDUM LAW

MR. G. HAIG BODDEN: Mr. President, I beg to move Private Member's Motion No.2/86, inviting the public to comment as to whether they want a Referendum Law.

WHEREAS it has on various occasions been suggested that a referendum should be held to determine accurately the wishes of the electorate on a given issue of public concern;

AND WHEREAS there is presently no Referendum Law on our statute books pursuant to which a duly authorised referendum could be held in this country;

AND WHEREAS it would be in order to ask the public whether they want such a law;

NOW, THEREFORE, BE IT RESOLVED that the public be invited to comment as to whether they want a Referendum Law with basic provisions as follows:

(1) the purpose would be to establish the democratic procedure of referendum in order to determine accurately the wishes of the electorate (either of any particular electoral district or of the country as a whole) on any issue of public concern;

(2) the machinery (including the list of registered voters) of the Elections Law, 1983 (Law 36 of 1983) to be adopted and applied as relevant and appropriate;

(3) the referendum procedure to be initiated:

(a) by motion of the Legislative Assembly; or

MR. G. HAIG BODDEN (CONTINUING):

(b) by petition of a majority of the registered voters on the most recent official list of registered voters for any one or more electoral districts who are alive as of the relevant date (that is, removing names of deceased persons from the relevant list for the purposes of determining the requisite number to constitute a majority), and

(4) the referendum question to be put to a vote within ninety days from the date that either the motion is passed or the petition with the requisite number of signatures is delivered, provided that if that date falls within six months of an upcoming general election or by-election then the referendum question to be put at that general election or by-election.

MR. JOHN B. McLEAN: Mr. President, I beg to second the motion.

MR. PRESIDENT: The motion is Private Member's Motion No. 2/86 inviting the public to comment as to whether they want a Referendum Law. The terms of it have been read out by the mover. Does the mover now wish to speak to the motion?

MR. G. HAIG BODDEN: Mr. President, this motion asks the Government to seek public input as to whether they want a Referendum Law. Some countries use the system of testing major issues, and if such a law were in place, the Government of the day would have a vehicle by which they could find out the public's wishes on certain important matters.

I recommend the motion to the House.

MR. PRESIDENT: Does any Member wish to speak? The motion is now open for debate. The First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I rise to oppose this motion Sir. In my opinion it will create a precident not found in most Commonwealth Law jurisdictions. In fact Sir, if this motion were to be accepted, I believe that Members of this House would become delegates rather than representatives.

There is no Referendum Law as such which I can find on the books of the United Kingdom, being the mother of Parliament. To my knowledge there has only been one referendum held in the United Kingdom, and that was held under a specific Act known as the Referendum Act 1975. That referendum Mr. President, sought to determine whether the United Kingdom should remain a member of the European Economic Community. With reference to that referendum, a general note says:

'the holding of a referendum is a novel constitutional device in the United Kingdom.'

Referendums whenever they are rarely used Mr. President, are used to determine matters of the gravest magnitude and of concern to the country concerned. The only other referendum of which I have knowledge in neighbouring Caribbean Commonwealth countries is the referendum held in Jamaica in the early 1960's or 1959, as the case might have been, to determine whether the people of Jamaica wished to remain a member of the West Indies Federation.

HON. BENSON O. EBANKS (CONTINUING): Mr. President, it was not held under a standing Referendum Law, it was held under a specific law passed by the Parliament of the day, to put the issue to the people for a vote. Because, obviously there was not clear determination in the minds of the Government of the day, what the feelings of the people were on the matter.

Now Mr. President, the questions which I could see needing to be put to a referendum in this Country would be, for example, whether the Constitution should be changed to provide for internal self Government, or independence, and even that Mr. President, would be put only had a Government been voted in at a General Election without having made that issue a plank in their platform. If it had been a plank and if a Government, or if a group of people standing together in a General Election in a country, were to make that an issue and they were returned at the polls in a free and fair election with an overwhelming majority, then even that, in my opinion, would not be necessary for it to be put to a referendum. Because, the people would have been on notice that the people for whom they were voting had the intention of moving this territory into internal self Governemnt and eventually, independence.

Now, if as I have said a group of people, and I am using this in the absence of formal political parties in the Cayman Islands. If a group of people stood for election, swearing on the Bible that they would not change the Constitution to provide for internal self Government and independence, and then when they assumed power, attempted to have the Constitution changed, that would be a matter for a referendum, and I would hope that any sensitive Government which found itself in such an uncomfortable position, would in fact, seek to pass a law providing for a referendum on the issue.

It would be interesting to note Mr. President, that in the case of the referendum in the United Kingdom, the United Kingdom had in fact joined the European Economic Community. There was a difference of opinion between Governments as to the terms on which the United Kingdom had joined the community. The Government in power in 1975 in fact, negotiated new and what they considered, better terms of membership for the United Kingdom joining the Common Market, or European Economic Community, especially regarding the treatment of British manufactured goods and the cost which the United Kingdom would be called upon to pay towards the running of the European Parliament and its other services. So Mr. President, that was a matter, since there was a division of opinion as to whether they should stay in the Common Market, even under the revised circumstances, which properly could be put to a referendum; similarly, with the referendum in Jamaica.

There are other Commonwealth countries Mr. President, who have used the referendum procedure to determine certain matters. Australia has used the referendum route when it was seeking to change certain aspects of its Constitution. For example, there was a referendum Bill which was designed to amend the Australian Constitution, so as to ensure that so far as practicable, a casual vacancy in the Senate is filled by a person of the same political party as the Senator chosen by the people, and for the balance of that Senator's term. There was also a referendum Mr. President in Australia, and this was in 1984, which proposed among other things, that simultaneous elections for the Federal Houses of Parliament be held with those for the State Parliament. It is interesting to note Mr. President, that one of the paramount reasons for holding that referendum, and for seeking that change, was in order to reduce the number of elections and to reduce the cost of the election process in Australia.

HON. BENSON O. EBANKS (CONTINUING): It says:

> "The passage of the proposal should reduce the overall number of elections, and be a substantial saving to taxpayers. On present prices, each separate half Senate Election costs Australians $17 million."

And it goes on to say:

> "Two frequent elections State and Federal, cause enormous disruption to Governments and the community, and upset business planning".

Now, Mr. President, in the Cayman Islands we have a duly constituted House as a result of free and fair elections. And in my opinion, to seek to put a Standing Referendum Law on our books, so that public input could be sought by way of referendum on basically any issue, would be a disruption to the smooth working of the Parliamentary and democratic process. It would disrupt proper business planning and the work of a Government. It would also Mr. President, create additional expenditure unnecessarily for the Country.

In the case of the referendum in the United Kingdom, those groups who held opposing views were each allocated, that is, two particular groups were named in the Law and they were each given £125,000.00 to use in the campaign which was charged against the public revenue.

In Australia, they used the process of preparing what they call a 'yes/no' pamphlet which gives briefly the pros and cons of the issue to be decided, which is paid for out of Government funds, and so is the dissemination of that information.

Of course Mr. President, needless to say, all of the expenses of holding the referendumare in addition to that. I guess Mr. President, I should also say that the nearest thing to what is being proposed here today, would be found in the Province of Quebec in Canada. We all know that that is a renegade Province; they want to separate from Canada and become a nation within a nation; and of course, that would also mean that they would come out of the Commonwealth if they had their wish. But, even in Canada and elsewhere, the referendum Mr. President must cost a lot of money and time. We will remember that the referendum on the succession of Quebec was soundly defeated in the end, and that renegade and dogmatic Premier of the Province hastily beat retreat within a short while, and I am reading Mr. President from extracts of Law Reviews on Legislative powers, and they are not outdated Mr. President, they are 1984 issues and onwards of the Law Journal. This is what one of the commentaries on referendums generally says:

> "Submission to popular vote prevents hasty action, but it does not necessarily afford protection for minorities".

Mr. President, to deal specifically now with the motion before us, we would say that were we to place a permanent Referendum Law on our statute books, that it would in fact impede the work of the Government. It would bring uncertainty in business and Government planning, and in my opinion Mr. President, result in general chaos. Because, the motion suggests that the Law will provide for the referendum procedure to be by motion of the Legislative Assembly, and Mr. President, if we can take the performance of the last 15 or 16 months into account, it will be seen that this Government which is duly constituted as a wish expressed by the people in a free and fair election, would be hampered, delayed and all of the business interests which are now showing interest in investing and building up our Country, would be left to wonder at what time would there be a change of Government.

HON. BENSON O. EBANKS (CONTINUING): In fact, Mr. President it is my belief that to put such a Law on our books would reduce this Country to a banana republic type of government, where one never knows which Monday morning who is going to be in power, or what undertaking which was given to an investor would be taken away the following day by this procedure.

We subscribe and adhere in this Country Mr. President, to the Parliamentary system of democracy as practiced and handed down to us by our Mother Country, and it has been adopted by most, if not all, Commonwealth countries. I am not prepared to stand here and say here today Mr. President, that we have a perfect system, but when someone can show me that there is a better system, then I will subscribe to it, but, I believe in the system which we have. The people of this Country have the opportunity every four years to make a decision, as to the representatives they consider best able to represent their interests, and to guide the destiny of the Country for the next four years. To me, that is democracy at work.

The motion Mr. President, even makes provision for determining matters at the district level. Now, Mr. President, there is no Local Government system in this Country, therefore our election laws which are normally adopted for our referendum have with modifications of course, no provision for local district elections. All elections are national, except of course, in the case of a by-election caused by the resignation, death or expulsion of a member. So it would be a time consuming and cumbersome process to put this in, and I would venture to say that the balance of the term of this Government would possibly be spent in trying to work out such a Law, and the machinery to carry it into effect, let alone the expense.

So Mr. President, I cannot support this motion. In the Cayman Islands no one is ever far from his constituents. We normally adopt a procedure of public meetings and forums to determine the wishes of the majority of our constituents during the term of our office, so that we are never cut off from our constituents. This is a small Country Mr. President, and such an elaborate provision as is being suggested here is unnecessary, cumbersome and would be burdensome in terms of public expenditure.

We are aware Mr. President that not every person in this country will endorse the actions of the present Government. This was known on the 15th November, 1984. But in a democracy rule is by the majority, and the Members who sit in this House and who form the Government, won their seats by resounding margins. But Mr. President, in my constituency for example, there were some 38 per cent of the people on the registered list who did not vote for me, and I respect their right to cast their ballot for the candidate of their choice, and by so doing, to reject my ideas for the development and good Government of the Country, that is their right. Having been elected I will represent their interests whenever the opportunity arises. But Mr. President, I cannot be swayed by every voice of dissent which is raised. I have today, and we have today, what we consider to be in the national interest and to the benefit of the greater number.

This type of Government Mr. President, if we were to submit to this Referendum Law being permanently on our books, so that every time Government made a decision, it could be challenged by referendum, by a motion of this House or a petition laid, the authenticity of the signatures is even difficult to determine. I have not Mr. President, had time to, and I hope I am not straying, examine all the signatures on a recent petition or two.

HON. BENSON O. EBANKS (CONTINUING): I saw one name, and that person would not know his own name in six-foot letters, and his name is there as though he had signed it; his mark is not witnessed. So, even the route of petition has its problems.

But Mr. President, any Government is elected to govern, and if that Government is not free to pursue its policies, how can the electorate have the opportunity of making up their minds without confusion, at the end of four years. A Government must be able to rule and of course, if a Government measure is brought before this House and it is lost, Government has to accept that consequence and carry on. But Mr. President, no Government could operate successfully with the shackles of what is suggested in this motion, around its feet. I believe that on this motion, as in all other matters we must act constructively and in the best interests of the majority of our people, and in the national interest. Mr. President, having set that criteria, I have to vote against this motion, and I would hope that the majority, if not all Members in this House, including the Member who proposed it, will on the question vote against it.

Thank you Sir.

MR. PRESIDENT: Does any other Member wish to speak? The Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I rise to oppose the motion No.2/86. A motion inviting the public of these Islands to comment as to whether they want a Referendum Law.

Mr. President, as the last speaker has just outlined in some detail, referendums are used in the countries which have seen fit to do so, on what we regard as national issues of great importance, and examples of the countries which have used referendums in the time that we can recall, have also been given by the Honourable First Elected Member of Executive Council, in his deliberations a while ago.

Mr. President, the question which I would like to pose is - if a referendum had been considered so important by the mover and seconder, why was it not thought of over the eight years when they were the Government of these Islands? It seems to me Mr. President, that the thought of wanting to introduce a referendum at this particular time is as my colleage said a while ago, they want to oppose every matter which is dealt with by this Government, which they would regard as an important issue. But Mr. President, we have to face reality. We have to decide as a Government what is really in the best interest of this Country. We have a Government which has been duly elected, and therefore, the question of petition, or the question of referendum rather, should be a question for the Government and not a question for the opposition. In all the referendums which have been held in other countries, it was a decision of Governments to call for a referendum.

Mr. President, in our little Islands in the situation which we see here the General Elections which are held every four years, or the petitions which come forward from time to time from the opposition, are quite sufficient in my estimation, to deal with what we would regard as 'important issues' in the Country.

The last election Mr. President, was a testing period to decide whether the people of these Islands wished to return the Government of the day, or whether they wished for a change, and I would regard that Mr. President, as a very important issue; it was done by a General Election.

HON. VASSEL G. JOHNSON (CONTINUING): In that election Mr. President, I as many other candidates who won a seat in that election, used as a campaign principle the fact that the group who went forward to contest the election did not advocate any change in the Constitution of these Islands, now or in the foreseeable future. That Mr. President, was another very important issue to this Country. It was settled at the polls when the people of these Islands in a majority, decided that they wanted a new Government and that they wanted a Government who would advocate no change in the Constitution of these Islands.

Mr. President, we have in these Islands over 9,000 registered voters. We saw recent petitions coming forward with names on them, and although there were duplications even triplications there were minors on the list, and God knows what else. They represented a very small minority of the people who would normally take decisions in this Country, like the registered voters. Those petitions carried approximately 300 names, and those names in accordance with what they are, should be judged against the 20,000 people of these Islands, not the registered voters of these Islands. Mr. President, if the subjects dealt with by those petitions are considered by those who brought them, as 'very important national issues' then the number of names on those petitions should not be alarming to anyone.

Mr. President, we have seen these protests lead by people, some of whom are opposition, some who are supporters of that opposition, but I would say Mr. President that in fairness, that is one channel of communication to this Government, and it should not be treated lightly. However, the people making the protest as set out in those petitions should understand that often protests not supported by the Government are representation of a minority; perhaps people who were defeated at the polls. Mr. President, the Government in any democracy must represent the majority voice of the people. The majority as I said a while ago, spoke loud and clear when this Government was elected in November 1984. We should therefore remember that it was a vote for the policies which we represented, and a vote against the polices of unsuccessful candidates which elected this Government. It would, therefore, Mr. President be remiss of us today to allow ourselves who are representatives of the majority of the people of these Islands to be dictated to by an unsuccessful minority. That Mr. President I would regard too as a slap in the face to the majority of voters who elected this Government, and would indicate too Mr. President, a defect in the democratic process of these Islands.

Mr. President when we find merit in protests, and as I have said before these should be attended to, where the process is merely an opposing voice promoting defeated policies, the majority voice of the people must continue to be heard.

Mr. President we are an open Government, willing to listen to timely and constructive comments and suggestions, and to act on them when they are beneficial to the people of these Islands. Referendums are a testing device for important issues as I have said before, and a device which is called for by Government for testing these issues. I do not agree Mr. President, that it is something which the opposition should promote. We as a Government can see no just reason for the motion which is before us at the present time. A motion asking for this matter to be put to the public to decide whether they wish to have a Referendum Law.

Mr. President I cannot support the motion. If there were any good reasons for such a law to be put on the statute book of these Islands, I am sure that this Government would support the proposal. But, as has already been outlined we on this side can see no just reason for introducing such legislation, since the issues which we consider as important national issues, can be taken care of in other simpler forms such as General Elections, and the people who want to bring a petition can do so.

HON. VASSEL G. JOHNSON (CONTINUING): Therefore Mr. President, I will oppose the motion, and as the last speaker has said, I hope the majority of the Members here will find it wise to also reject the motion.

Thank you.

MR. PRESIDENT: I think rather than invite any further Member to start a speech, it may be convenient if I now suspend proceedings for the lunch break, until approximately two fifteen.

AT 12:44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:25 P.M.

MR. PRESIDENT: Please be seated.

Private Member's Motion No.2/96 - Inviting the Public to Comment as to whether they want a Referendum Law. We continue the debate on it. Does any other Member wish to speak?

The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, while I am not entirely adverse to the democratic principle allowed in referendums, I cannot support this motion as it appears before the House.

If at any time in our history a motion was brought to establish a referendum for a specific purpose and it was something that I thought was of great enough national importance and that the answer to the question could be more adequately determined by a public referendum rather than by the Elected Members of Government going what they are elected to do, I would support such a motion. However, Mr. President, I cannot see the purpose nor what good it would do this country for us to do as this motion suggests to have a referendum to find out whether we want a Referendum Law which would allow a referendum on all and sundry; because that might lead to a kind of Mickey Mouse government and anything and everything from the name of streets to whether we should go independent would be decided by referendum. I agree with the submission made by the Honourable First Elected Member of Executive Council in that we would no longer be representatives of the people, but would simply be delegates in here representing a cause, pro or con, which has been canvassed to the people through a referendum.

The other thing that bothers me about this motion, Sir, is that in section 3 it says, "the referendum procedure to be initiated by a motion of the Legislative Assembly or" and this is the part which concerns me "by petition of a majority of the registered voters". Mr. President, the interpretation of the word "majority" seems to be differed because we heard a couple of days ago that a petition that had less than 10 per cent of the voting population in this country signed to it, represented a vast majority and a great concern of the people. Now, Mr. President, a majority in my mind is anything greater than 50 per cent and not less than 10.

Mr. President, I do not feel that a law such as this which would allow referendums for anything and everything would serve the democratic process in this country. I believe it would serve only to confuse the minds of the people on the real issues when the elections to elect a properly constitution government are held every four years.

We are elected to govern for those four years and I believe, Sir, in fairness to the present Government, even though I may have agreed with them on many issues and criticised them at times, they certainly have allowed public input, public interaction and they have changed things to suit what was determined to be the majority view of the public. That is a democratic process and I think it is at work and is serving the country well.

My interpretation of a referendum, Sir, is something which is to be held for a specific purpose and that purpose is usually something of great national importance - a subject such as whether the country should become independent or not.

MR. D. EZZARD MILLER (CONTINUING): I believe, Sir, that if we passed and put on our books a referendum law which would allow referendums to be initiated by petitions of a minority of registered voters, it would only lead to abuse of the privilege, and if and when the opportunity or the need ever arose to have a referendum by a properly constituted government, it would only lead to chaos.

Mr. President, this country is governed by a duly constituted government. We will face the greatest referendum of all in 1988 when the General Election is being held, and at that time the people can choose to continue the way they are being governed or to change the way they are being governed. Mr. President, I do not see the need for a referendum to determine whether we should allow a referendum law, so I cannot support the motion.

Thank you, Sir.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, Private Member's Motion No.2/86 - a motion inviting the public to comment as to whether they want a referendum law, is a motion which I cannot support. I fail to see the need for it in a territory as small as this. In the Mother country it has not been deemed necessary to have that as a law. I do not see that in such a small country as ours.

In my district we have public meetings regularly and we can have a referendum there any time we want. We call a public meeting and put something to the vote. Everybody has freedom of speech and we truly represent the views of our district. I think that is what being a representative of the people is all about. They do not need a referendum law to tell me that I must do what they elected me to do or any other Member of the Legislature.

I think it is a sad situation if there are representatives elected to this Honourable House who are neglecting their duties and who need a referendum law to bring them back to reality. I do not see the necessity for it, Mr. President, and I will never support such a retrograde step.

What it would do is that in every bill that was defeated here in the normal democratic process there would be attempts made to put it to a referendum which would be costly, time consuming and would cause our legislation to be further bogged down. I cannot see any means where this would help our country. We have a country which we need to develop. It is small in size and has many expenses. We certainly do not need to incur additional expenses.

I realise that General Elections every four years is when we are tried and see whether we have done our jobs well or badly, if people have the chance at that time to pass judgment. History has told that that has been done in the change of government on many occasions and I hope it will continue to be that way. That is one of the cheques and balances we have in our democratic process. Therefore, Mr. President, I ask all Honourable Members to join me in not supporting this motion.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I rise to oppose the motion before this Honourable House. The concept of parliamentary democracy is a sacred concept. No one can dare question its validity as the ideal form of government and the one which enables the citizens to achieve his fullest self politically.

In certain countries, however, parliamentary democracy is being cast aside like an out-moded model of a motorcar to make room for a modified model which as told to the citizens will be able to take them on the road to more political and economic fulfilment. The new models have crashed and wrecked themselves against various obstacles which they could not bypass.

We, in this country, must never forget this. We must never forget that the same thing could happen here. The same thing could happen here if some of these hare-brained ideas put forward are accepted.

Mr. President, we have had adult suffrage for many years and it is working. We have changes of government and although many people did not like it, no tanks were in the streets to announce, no cannons have boomed and no heads have rolled. This is a proud record in a world sparkling with unrest. and dissatisfaction. However, for us to continue to succeed, what is required is the desire of us parliamentarians to preserve the system and to make it sufficiently effective and viable.

Yes, Mr. President, we do have problems, but in genuinely trying to solve them we should do our sincere best not to create other ones.

Now, Mr. President, this is how I view this motion. I view this motion in the light that it is a vehicle to create and compound our problems. In light of the behaviour of this House since 20th November, 1984, I question seriously whether this motion has been brought out of concern for the democratic system or for that matter out of concern for the people of this country whom we are here representing here today.

Mr. President, a lot of noise has been made in the House and needless to say I have made some, but constructive opposition is one thing and destructive opposition is another. The noise that I hear seems to be spreading dissatisfaction and distrust more than it seems to air the issues

We have here a Legislative Assembly elected under the Constitution to lead this country for four years. At the end of our four years, the people whom we represent will have another constitutional referendum and will judge us, and that will tell us all what they think of us.

We have just gone through an election some 16 months ago now. The people must have wanted the Members in this House and that is why they elected us by such a wide margin. Now having elected us to represent the country, what is the use of asking us to go back to our people, before another election, to ask them to vote on a subject which the opposition might not like and have asked for a referendum, just to create chaos and confusion.

This idea of a referendum every time that an opposition thinks they have an issue about which they can stir up some unrest, is nothing more than a disruptive tool - a stumbling block to the democratic system, a democratic system that is working nicely in this country. I question seriously why the Members who are bringing this motion today did not think of this during their eight years on the government bench when they had a silent majority, a majority who did not open their mouths. They could have passed anything - and they did.

MR. W. McKEEVA BUSH (CONTINUING): I wonder if they referendum when they carefully embarked upon the ill-advised course of dismantling Cayman Airways.

Mr. President, I could give a lot more examples of things which were done in recent years. Things that might not have been done if they had been put to referendum and which might have saved this country some grief and money.

I believe, Mr. President, in democracy and a democratic system, and I believe I have a right and a God-given duty to protect that system from those who set about to obstruct and connive and like Karl Marx, used the very tools of the system to destroy it.

For those reasons, Mr. President, I oppose the motion and I encourage all well-thinking Members to do the same. I have never heard of any referendum other than one in the West Indies, and, Mr. President, looking at the laws of Jamaica in which that referendum was held, a specific law was made to decide whether Jamaica would move from the Federation. The then government thought it necessary to move a law to provide for that referendum. This is the only way that I would support a law for a referendum if it was brought for a specific constitutional purpose - something that I felt that I could not decide upon in this House without the wishes of my people. As I said, it has to be something of great national importance like the changing of our Constitution or moving from one system of government to another.

Mr. President, I can only term this motion as a disruptive tool to use to destroy and connive and create problems in this country. Let us go about doing good for the people and not disrupt the work which might have been started to help our people. I oppose the motion strongly.

MR. PRESIDENT: Does any other Member wish to speak? The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you, Mr. President. Private Member's Motion No.2/86 - Inviting the Public to Comment as to whether they want a Referendum Law.

Mr. President, I would like to ask a question and I am almost tempted to ask that question and then sit down, but I am wondering why such a motion has been brought to this House at the present time. However, not to be repetitious since many fine reasons for not supporting this motion have already been put forward, I would like to state here, Mr. President, what as far as I am concerned the wishes of the electorate were made quite clearly in 1984, and that without any question as to whether that was an election run on a very honest system.

In West Bay, Mr. President, every vote that this lady received was an honest vote. So I have no reason to doubt in my mind that the people of West Bay spoke in November, 1984, as to who they wanted and for the type of government they wished to have. However, in this petition it is stated on various occasions that it has been suggested that a referendum should be held to determine accurately the wishes of the electorate.

Now, whether or not they are speaking of a few instances when this was mentioned over the last few weeks, I do not know, but certainly in our district no occasion has arisen as far as I know when any of our constituents indicated they wanted such a law. The wishes of the people were accurately made known in November, 1984.

MRS. DAPHNE L. ORRETT (CONTINUING): The Petition also states, "there is presently no referendum law on our statute books pursuant to which a duly authorised referendum could be held". As far as I am concerned, if the meaning of the word referendum is taken, that was held in 1984. It goes on to say, "it would be in order to ask the public". The public gave us their decision in 1984.

Now, I do not know which particular electoral district they are going to go to, but in looking over the list of names, Mr. President, that I have seen attached to some of these motions brought forward, for one, how can it be proven that each and every name recorded on that list is a registered voter? Now, I do not know about the other districts, but I took some time in looking over the names as reflected from West Bay and, Mr. President, there were three things which came to my notice. One was that there were names written, up to seven in some instances, with the identical hand-writing. One family, one hand-writing. No signatures. The next thing I noticed, there were a number of names there that were definitely relating to minors. Some just 13 years old. Now, do not tell me that they are registered voters and do not tell me they should make up a part of the majority.

There were signatures recorded of a few people who, I am a are, are not capable of signing their names and there were no 'x's' alongside to indicate that it was their mark.

Mr. President, I am convinced that the opposition is out to try to wreck and ruin this present Government, but believe it or not I may have mentioned it in this House before and I would like to repeat it. If I am convinced of anything, the hand of God was on that election in 1984 and believe me I will not let any instrument of satan cause this Government to be disrupted in a manner in which the opposition is trying to do. There are a few things that they have to bear in mind. They are going to have to live with this Government until 1988. They are going to have to accept the fact that the 'Unity Team' is no longer in power. They are going to accept the fact that the people of the Cayman Islands are pleased, happy and relieved. Yes, Mr. President, perhaps I should even say exalted over the fact that they have a Government that they can trust. Through any means which the opposition may care to use, they are going to be defeated because the same people who helped to work, pray and strive to get us in here are still supporting us, and in addition, we have won over many members of the 'Unity Team' who did not even vote for us in 1984.

Now, Mr. President, if in 1988, after four years of trying to govern this country, the people see that they are displeased with what we have done, let the people speak and let the opposition sit and try to give the support they ought to give in the ways in which they should give it, instead of trying to undermine what they know to be competent representations of the people of the Cayman Islands.

One only has to sit, listen and watch to see the tactics that are used in this House to realise that it is the intention of the opposition to cast a reputation on this country at the present time that would cause it to look very small and ineffective in the sight of both the local people and the foreign investors in this country. They lost in 1984, Mr. President, and what is hurting is that every day they are becoming less popular. They would do better for themselves if they tried to work with this present Government. I have nothing to be ashamed of. The majority of the Members of this Government, Mr. President, are committed to

MRS. DAPHNE L. ORRETT (CONTINUING): one thing and that is to represent the people in these Islands the way they ought to be represented and to ensure that somebody does not take it over and let it go in the direction it was going prior to November, 1984. I am committed to one thing, Mr. President, and that is to represent these people.

I quoted a verse of scripture, I think it was on Monday, which said, "They that wait upon the Lord shall renew their strength." Renew it. It shall mount up with winds like eagles." We are beginning to soar, Mr. President. "They shall run and not be weary." There are times when things may not be as rosy as it appears to be today. Sometimes we may even walk, but we shall not faint. Mr. President when one works honestly, one reaps what they sow. That is why the 'Unity Team' must sit and take what it does today. It is reaping what it is sowing.

Thank you very much, Mr. President.

MR. PRESIDENT: I was trying to attract the Member's attention, but the Member did not catch me.

If the Member is finished, I need not say what I was going to.

Does any other Member wish to speak? ..... In that case does the mover wish to exercise his right of reply?

MR. G. HAIG BODDEN: Mr. President, I had anticipated the treatment which this motion has received, because the motion is a democratic one. While some Members get up and talk about democracy, there is a difference between talk and putting democracy into action.

This motion is democratic in that it would allow the public to give their opinions on important issues. This is something that some Members evidently do not want.

Listening to the speeches, I came to the conclusion that their idea of democracy is a system under which a handful of bureaucrats make decisions and then ram them down the throats of the public without any public input.

I am glad, Sir, that you did not interrupt the last speaker as she strayed into making her 1988 inaugural campaign speech, and .....

MR. PRESIDENT: I quite agree. That is what she was making and I was about to interrupt her and tell her she must not. So do not make yours too long. That is all I ask.

MR. G. HAIG BODDEN: Sir, I am not going to stray into these dark and muddy waters. However, there was evidence from the reply to this motion that some Members are utterly confused by a referendum. Some of them believed it was a general election where the public would state that they wanted Mr 'X' or Mrs 'Y' to be their candidate.

Some Members were confused in believing that a referendum was a petition. Worst of all is that the Executive Council Members seem to believe that a referendum is a different form of government. I heard so much talk about internal self-government and independence, and so many unrelated matters that I was really delighted, Sir, that you did not try to stem their irrelevancies.

This motion, which if it finally resulted in a law, would be no different from the motion passed in the House a couple of days ago when certain private Members brought a motion to impose fees under the Partnership Law. All this motion is asking for is that Government give consideration to inviting the public to give their thoughts as to whether they want a law. This has nothing to do with independence as some Members try to cloud the issues with. This

MR. G. HAIG BODDEN (CONTINUING) shows a basic lack of knowledge on the subject. As Sir Winston Churchill once said, "They lost a golden opportunity to keep silent", because in not understanding the motion they have displayed to the public the fact that they do not understand it.

MR. W. McKEEVA BUSH: We understand it. That is why we voted against it.

MR. PRESIDENT: Order! Order!

MR. G. HAIG BODDEN: The motion does not ask the Legislative Assembly to pass a law. This was another confusion with some Members. This is simply because they had not read the motion carefully. All the motion asks, and I can read it, is: "..... BE IT RESOLVED that the public be invited to comment as to whether they want a Referendum Law .....". The motion was carefully drafted so as not to ask this Legislative Assembly to instruct the Legal Department to draft a Law. It simply asks that the public be invited to comment as to whether they want a referendum law.

So the question before the House is whether the Members feel, in a democratic society, that it is right to ask the public if they would like such a law. This is, in my opinion, the height of democracy in action.

If the Members choose not to support this motion, what they are doing in effect is saying, "We have decided that you people out there do not need such a law". The motion is simply asking that Government try to find out whether the public want a referendum law. If they can live with that type of democracy, well, I imagine that is their business. The type of democracy whereby a few people decide what is right or wrong.

The intention of this motion is that if the answer from the public is in the affirmative, a Law spelling out the procedure would then be drafted. It would simply be a vehicle for running a referendum. Just the same as the Elections Law is a vehicle for running a general election or a by-election if it is necessary, and just the same as the Constitution is a document for the proper goverment of the country.

One Member said that he could support a motion if the motion was seeking a referendum for a specific purpose - a purpose that was of great importance, but that he could not support this motion. Well, this motion is not asking for a referendum to be taken on any matter. It is simply first, asking the people whether they want it and secondly, if they do want it to set out the procedures so that if in the future it is necessary to hold a referendum, the mechanics for doing it would have been in place.

It is a pity that every Member who has spoken on this motion has shown to the public that they did not understand the motion and that their opposition to it was simply, to use their own words, opposition for the sake of opposition. And, I may add to that, opposition primarily because of the source from which the motion flowed.

MR. W. McKEEVA BUSH: That is not true.

MR. G. HAIG BODDEN: The Honourable First Elected Member of Executive Council said that this motion will create a precedence not found in Commonwealth jurisdictions. The Second Elected Member for West Bay said he did not know of any other cases except the case where a referendum was held to decide the future of the Federation of the West Indies.

MR. W. McKEEVA BUSH: I said in the West Indies.

MR. G. HAIG BODDEN: I can repeat my statement. I said that the Member said he knew of no other instance in which it was used and the example he gave was when Jamaica wanted to find out whether its people should remain a part of the West Indian Federation. However, it is not my business and I do not think anybody else is concerned. But, the two Members who made these remarks have limited knowledge of the subject, and it does not affect the issue at hand. Whether they do or do not know is immaterial to the question which they are asked to decide - the question whether the public should be asked to say whether they want something or whether they do not want it.

The Honourable First Elected Member of Executive Council said Members would become delegates rather than representatives. How can this be? How can a referendum on an important political question or a referendum on an important economic issue make a Member of the Legislative Assembly a delegate? This has to be utter nonsense. This has to be talk which flows because the mind was shut before the motion was read.

The Honourable First Elected Member of Executive Council, the First Elected Member for West Bay, said such a law cannot be found in the United Kingdom. However, it has been my experience in legislation that in a few instances the United Kingdom has lagged far behind the Cayman Islands in forward-looking legislation.

Some Members seem to believe that if this law were in force, a referendum would be held on a daily basis. This is not the case. This is not the intention of the motion and would not be a part of the law.

One Member found fault with the fact that the motion said that the referendum would be used to decide things even on a district level, and he is afraid on that one. I wish we had had one on a district level in 1975 when he was trying to put in that Development Plan which would have caused the poor people in East End and Bodden Town, in rural areas, to own five acres of land before they could build one house. The bad part of the question at the time was that even if one owned the five acres and built a house, one could not clear but one half of an acre of the land. His conscience must be biting into him when we mention things at district levels. It is important issues such as this that may have to be decided on district levels as well as on national levels.

Some Members felt that we do not need a referendum law because the Constitution provides for an election every four years, and for by-elections if any Member's seat is vacated. Here again I must say that the basic misunderstanding, with the suffering from, clearly proves that statement because the election which is held every four years simply reflects the way the public feels about individual Members and cannot have any bearing on actions taken throughout the four years. For example, we had the situation recently brought about by would-be-things in the Election Law, and this is a matter that the last elections could not have decided because it is a matter that has arisen since. So a referendum is never, and I state this again, is never to decide on the membership of the House, but rather to decide on specific actions or specific things. What a referendum does is to give the registered voters a chance to express their opinions.

MR. G. HAIG BODDEN (CONTINUING): There was an editorial in the newspaper on Wednesday the 26th of February this year, in which the idea of the referendum was well supported. Comments were made which I think are worth reading:

"REFERENDUMS: WE CAN THINK ABOUT IT

When the Legislative Assembly is to look at a proposal to create in the Cayman Islands a legal framework under which referendums could be held, some may think it is a strange idea.

The proposal should not be dismissed as a mere political move. It is true that democratic principles are being adhered to when every four years the citizens of this country have a chance to select their leaders and that in this way they give the MLA's powers to make decisions for the common good.

It is also true that such decisions, once they are in the making frequently lead to more than legitimate public discussion. We have seen numerous petitions to the Governor and to England. We have seen local people expressing a sense of futility when they believe that no matter what people may say, Government will adhere to their plans.

We have seen public meetings held to solicit public opinion when, unfortunately, only people of one opinion turned out while the other stayed home.

No one can possibly fault a decision that is based on a referendum which would give all the registered voters a chance to express their view.".

That paragraph is so important that I would like to dwell on it a little.

No one, and I think we could insert here, no one, but some of the Members of this Legislative Assembly can fault a decision that is based on a referendum, because the referendum would give the registered voters a chance to express their view. Oftentimes when Members get up and talk about representing the people, they are really putting forward their own individual views. We have seen this happen to this Government since 1984 and in fact they have suffered many calamaties. They have put forward many motions, bills and regulations that they had to pull back as quickly as they put them forward because they are put forward without any consideration of the public reaction. If I wanted to, I could talk the balance of the evening on them, but suffice it to say they would not have had to have made so many amendments to the Marine Conservation Law if they had taken the time to get some public input before they started out.

The editor then goes on:

"In large countries, referendums are unwieldy procedures that are difficult to carry out. Cayman, however, has a small enough population to make the idea feasible. One country that notably relies on referendums for governmental decision making is Switzerland - a small country with a population that has an ingrained sense of democracy and community spirit. If the Swiss can do it, we in Cayman can at least think about it seriously.".

MR. G. HAIG BODDEN (CONTINUING): It is not only the ingrained sense of democracy that characterizes the Swiss people, but it is also the strong sense of patriotism - having what is best for their country. Here, today, it is regrettable that a democratic idea will be shot down in this manner.

The Honourable First Elected Member of Executive Council, the First Elected Member for West Bay, went to great lengths to degrade the province of Quebec. Perhaps it is because he does not speak French and does not understand anything else. However, he referred to their renegade and dogmatic premier in the same fashion, about a year and an half ago, he referred to the Attorney-General of the United States.

These sidelines and this sidetracking from the issue does not help his cause because he was unable to put forward a single idea why the democratic process should not be allowed to work in a referendum, and of course made up his objections by referring to isolated cases that have no bearing at all on the question we are deciding today - the question as to whether we should ask the people of the Cayman Islands if they want a referendum. In fact, the Honourable Member went on to say that Cayman itself would be renegade if it adopted a referendum law. I am hoping that he did not think that sentence just giving it off in the heat of his argument, because putting in another democratic process would enhance the reputation of the Cayman Islands and would in no way make it any less than it is.

He said a referendum law would bring general chaos and uncertainty. The opposite is true. A referendum law would bring certainty because through it people could speak out on matters on which they were deeply concerned.

One Member, and, in fact, more than one Member referred to the performance of the Legislative Assembly during the last 15 months. Of course none of them sought to give any examples because the Members who made the statement knew full well that at times they, too, had not been the ideal parliamentarian. This is to be expected. We, here, are in a parliament which is a debating forum and Members are free to express their opinions, and to clash with other Members who differ from them. The cut and thrust of debate should never disappear from a parliament.

MR. W. McKEEVA BUSH: Glad to hear you say that.

MR. G. HAIG BODDEN: Do you know there are some people who complain about the way I speak and then they sit down and try to imitate me.

MR. PRESIDENT: I wonder, does the Member plan to continue for some further period or is the Member nearing the end. I am just wondering whether it would be .....

MR. G. HAIG BODDEN: Yes, Sir, I am on page one of five pages of notes.

MR. PRESIDENT: Well, I think in that case I am sure the Member needs a little refreshment.

Let us suspend proceedings for approximately 15 minutes.

AT 3:30 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:52 P.M.

MR. PRESIDENT: Please be seated.
Continuation of debate. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN (CONTINUING): Mr. President, one Member said in opposition to this motion that if it were passed it would reduce this country to a banana republic. In fact, Mr. President, it would have the opposite effect because it would allow majority rule which is the essence of a referendum and the essence of democracy.

One Member worried about the law if it went into effect and worried about what it would do to Government's policies and actions after they had been committed. However, the referendum would be nothing to them after the fact if it were an important matter such as having one man, one vote. The referendum would be used before the law to be drafted and so the referendum would not challenge, as the Member said, the actions of Government after the actions had been committed. The referendum would serve as an indicator as to whether the policies would be accepted or not.

One Member referred to a referendum as a shackle. He seems to think that a referendum which is a democratic process would hamper the actions of Government. It could never hamper those actions if the referendum had been taken, unless the Government intended to put into action something that had not been approved by the public.

The Member worries about the opposition's use of a referendum, but why should he worry? A referendum would decide what the majority thinks and the actions that follow would be actions which would meet the desire of the majority.

One writer said that there can be no democracy unless there is a basic respect for opposing ideas. If there is anything that is interferring with what Members call the behaviour of this House over the last 15 months, it is certainly their, or some Member's lack of basic respect for opposing ideas.

One Member, and, in fact, I think two Members threw out a silly question saying that if this is so important why did I not think about it during the eight years that I served in Executive Council? To show how silly that question really is I could ask why did he not think about some of the things he is doing now when he served for 17 years in Government.

The fact that a person has had one year or eight year, or 17 years in Government does not mean that that person must think of everything during that term, or terms in office, and we must not believe that he no longer has a right to think because he may be on the other side of the House.

It is true as one Member pointed out, we have a duly elected House. I believe every Member was honestly returned at the polls and that the elections were fair and accurate. However, that fact that a person has been duly elected does not mean that he really knows how the public is thinking on any particular matter, especially if that matter is a new idea. Of course the present Government knows this better than anybody else because they have found themselves having to pull back in their claws much faster than a cat would.

Some of the business in this House at this Meeting, such as the petitions, is proof that there is need for such a law.

MR. G. HAIG BODDEN (CONTINUING): If my colleague from Bodden Town and I had not staged a walk-out over that drastic change in the Elections Law which was adopted by the House in December (1985), we would now today be debating a bill to change the Elections Law to divide up the electoral districts. So, some of the very business on the floor of this House at this particular Meeting shows that there is a need for some device to test the feelings of the public. Is it because the Members are afraid that the public will say, "Yes, we want a referendum law", which is why they are denying this motion?

William Gladstone in the House of Commons in 1870 said, "The oppression of a majority is detestable and odious.". Here we have many things which are definitely oppressing the majority of our people and they find it impossible to get the ear of the Government. This in my mind is one of the reasons why they are rejecting this motion today. And, when they say they can see no just reasons for this motion, I believe they really mean they cannot see it because they are afraid of what the public may say.

The Elected Member for North Side even mentioned Mickey Mouse in dealing with this motion and I can only say to him that while I am a great admirer of Walt Disney, it is my belief that this referendum law would prevent many of the Mickey Mouse policies which this Government has put forward.

MR. W. McKEEVA BUSH: So that is where you get your ideas from - Walt Disney.

MR. G. HAIG BODDEN: We boast that we are representatives of the people, but are we when we do not listen to the people whom we represent? When we will not make available to them the referendum law which would give them an opportunity to speak in a democratic fashion on major issues.

Abraham Lincoln once said, "No man is good enough to govern another man without that other's consent.". Here the Members are saying that they will not allow this motion because they want to govern without enquiring from the public what they would like.

Finally, Mr. President, I would like to just restate that the motion simply asks that the Government initiate an enquiry that would show whether the public would like to have such a law or not. It does not seek at this time to put in the law. This enquiry could be made next Monday night on Open Line. This could well be a topic. We have a News Bureau which is now very good at spreading all the propaganda it wants to spread about marine conversation and other matters. They could spread some propaganda on this and get some feedback. So, it need not be an expensive exercise. This would show the public that the Government is democratic.

It is my intention to vote in favour of this motion simply because I feel it is a democratic motion, and I also feel that a rejection of this motion would be an indication that we do not want to ask the people whether they want this law or not and that we simply want to say to them, "You do not need it.".

MR. PRESIDENT: The question is that Private Member's Motion No.2/86 - Inviting the Public to Comment to whether they want a Referendum Law - the terms of which were read out by the mover when he first moved it, should be passed

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: I think the "ayes" have it.

MR. G. HAIG BODDEN: May I have a division, Mr. President

HON. DENNIS H. FOSTER: The "noes" have it, Sir.

MR. PRESIDENT: (LAUGHTER) I am very sorry. You are quite right. I think I meant that the "noes" had it, but since we have been asked for a division the matter will be .....

MR. G. HAIG BODDEN: We know you feel the "ayes" should have it. (LAUGHTER)

MR. PRESIDENT: I will try not to let my feelings get the better of me on another occasion. Meanwhile, in order to ascertain the position beyond any doubt, let us have the division for which the Member called.

DIVISION
NO. 1/86

AYES	NOES	ABSTENTIONS
Second Elected Member for Bodden Town	Hon First Official Member	Second Elected Member for George Town
Elected Member for East End	Hon Second Official Member	
	Hon Third Official Member	
	Hon First Elected Member	
	Hon Second Elected Member	
	Hon Third Elected Member	
	Hon Fourth Elected Member	
	Second Elected Member for West Bay	
	Third Elected Member for West Bay	
	First Elected Member for Lesser Islands	
	Elected Member for North Side	
2	11	1

MR. PRESIDENT: I hope I get it right this time. I declare the motion lost.

PRIVATE MEMBER'S MOTION NO.2/86 DEFEATED BY MAJORITY

MR. PRESIDENT: Private Member's Motion No.3/86. The Elected Member for East End.

PRIVATE MEMBER'S MOTION NO.3/86

RE: ASKING CARIBBEAN UTILITIES CO LTD TO AMEND THEIR LICENCE TO RESTORE THE IMPORT DUTY EXEMPTION

MR. JOHN B. McLEAN: Mr. President, I beg to move Private Member's Motion No.3/86 - Re: Asking Caribbean Utilities Co Ltd to amend their Licence to restore the import duty exemption - which reads:

"WHEREAS under the new licence Government recently issued to Caribbean Utilities Co Ltd (CUC), consumers of electricity in Grand Cayman are having their rates increased as a result of removal of exemption from import duty;

AND WHEREAS Government needs revenue, there are alternative sources from which to derive such revenue that will not so adversely affect consumers of electricity:

NOW, THEREFORE, BE IT RESOLVED that Government ask CUC to agree to amend their licence to restore the exemption from import duty and thus to lower their rates accordingly.".

MR. G. HAIG BODDEN: I second the motion, Mr. President.

MR. PRESIDENT: Private Member's Motion No.3/86 - Asking Caribbean Utilities Co Ltd to amend their licence to restore the import duty exemption - is duly moved and seconded. Would the mover like to speak to it now?

MR. JOHN B. McLEAN: Mr. President, this motion is a very important one as the matter involves all and everyone in these Islands. Electricity is used in one way or another by almost everyone and nowadays it is considered a necessity by all.

Mr. President, it was brought out quite clearly by the Honourable Third Elected Member of Executive Council in charge of the Portfolio, when a question was asked that as a result of this levy of import duty the consumer will pay more eventually. I know, Mr. President, that Government needs revenue, but I also feel that there have to be alternative sources rather than to continue to put pressure on our people.

Mr. President, I know that without a doubt this motion will be defeated in the same way that the petition was which I brought here earlier. However, the public still know the meaning of that petition as it represented their views, in the same way in which this motion does. I feel that every responsible representative of the people should feel that alternative measures should be looked into and when, at all possible, we should do our utmost not to pressure our people further.

MR. JOHN B. McLEAN (CONTINUING): I am asking for the support of the Members of this House in having this motion passed.

MR. PRESIDENT: Private Member's Motion No.3/86 is now open for debate.

Does any Member wish to speak?

The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I believe the mover of this motion generally has the interest of our country and its people at heart. However, I cannot agree with his reasonings in this instance.

The rate increases in electricity to consumers in Grand Cayman are negligible and will cause them no hardship.

As a result of imposing duty on Caribbean Utilities Co Ltd, the company found that it would have to raise the rates by one and an half per cent. An application was made to Government by the company and it was allowed to increase the rate to one and an half per cent on the 24th of January, 1986.

This one and one half per cent increases the basic cost to small consumers using 250 kilowatts per month from $39.17 to $39.76. An increase, Mr. President, of 59¢ per month.

Consumers using 500 kilowatt hours per month have their rates increased from $71.78 to $72.85. An increase of $1.07 per month.

Consumers using 1,000 kilowatt hours per month have their rates increased from $136.58 to $138.60. An increase of $2.02 per month.

Mr. President, since signing the agreement, the price of diesel fuel has dropped dramatically and at this time, despite a 13¢ per gallon duty imposed, the company is paying less per gallon for fuel than it was paying prior to 17th January, 1986, when the agreement was signed. This reduction in fuel price will be passed on to the consumer, commencing with the April billings. The increase to consumers will undoubtedly be removed completely at this time, thus cancelling out the increases on the basic rates.

The mover of the motion, Mr. President, said that it was brought out quite clearly that the consumer would have to pay more eventually. Yesterday at Question Time I said that had there not been a decrease in the price of fuel, there would have been an increase and that increase as stated at that time would be $3.00. I did not have the exact figures at hand when I more or less agreed to that figure, however, the exact figure, had there not been any increase would have amounted to $2.15.

Import duty, Mr. President, is absolutely necessary and is our number one revenue earner. It will provide us with 32.2 per cent of our revenue this year. We need every penny of it to provide the services which our people expect.

The methods used to collect revenue through import duty from Caribbean Utilities Co Ltd is in keeping with our revenue collection system and therefore should not be waived. Other companies which sell consumer goods could also use the same argument to keep their costs down. Oil companies and merchants, for instance, could argue that if Government removed the duty on oil and food, their customers would be able to purchase their gas and groceries for less, and thus keep the cost of living down. It could go on and on, Mr. President.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): All other businesses are charged duty which they have to calculate into the cost of their goods, and Caribbean Utilities Co Ltd is no different. It would be unfair to expect other companies to pay duty and not Caribbean Utilities Co Ltd.

The franchise which was signed with the company in January last was not taken lightly. We spent a great deal of time and effort going through the negotiations. In fact, it took over two months, and a great deal of hard work to come to an agreement which was fair and reasonable to both sides. We did not hurry or rush the negotiations because we wanted to be sure that this Island would continue to enjoy a dependable and efficient service at the best possible price. I honestly believe that we have an agreement which is fair to Caribbean Utilities Co Ltd and to the people of this Island.

When the original licence was granted to Caribbean Utilities Co Ltd, twenty years ago, there was a need to assist the new company with duty-free concessions on fuel, machinery, spare parts, etc. Government had to help stabilize the new company so that it could survive. Now, after twenty years, we feel there is no longer a need to grant the company concessions as it is now well established and provides the finest service in the Caribbean.

The duty paid by the company will go towards providing many of the services the people expect us to provide. Mr. President, I do not know of any alternative source from which Government could derive $1.4 million at such little cost to the people. Since we had to commit the Government for another 20 years, we felt it no more than fair to use this method, plus the annual fee for the franchise to provide this Government, and future governments, with the necessary revenue base with which to plan its development and services.

Mr. President, I am sure that the mover of this motion will realize that it is impossible for Government to accede to his request and I would ask other Members not to support this motion as it would be depriving this Government, and future governments, of revenue that is needed to run our country.

Mr. President, I oppose the motion.

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

HON. THOMAS C. JEFFERSON: Mr. President, just to help to enlighten some of the matters in this regard, the previous speaker did make some salient points in respect of the new franchise put together between Government and Caribbean Utilities Co Ltd.

I think all Members are well aware of the situation in this Island during the mid-sixties in respect to electricity production, and I think we can all, as they say, take our hats off to CUC, its shareholders, staff and all concerned. However, Mr. President, what was necessary 20 years ago is no longer, in my view, necessary and that is to allow the company to import all its materials in duty free. The needs of our people are becoming more and more financially burdensome. Therefore, there is a need to find additional sources of revenue.

In all businesses which come and take up residence in the Cayman Islands, Mr. President, should make some contribution towards our people. I feel certain, Mr. President, that the increase resulting from the new franchise will not cause any real burden on the consumer, but it certainly is a system of raising additional revenue for use by this Government to serve the people.

HON. THOMAS C. JEFFERSON (CONTINUING): When we look at what this will contribute, Mr. President, we have heard many speculations about the cost of living increases. Figures indicate that the fees that were increased in relation to cars and petrol and to bicycles, the impact on the consumer price index for the period of September to December, 1985, was one half of one per cent - no staggering inflationary effect, Mr. President.

We have, as a Government, and I am sure all Members agree, to find alternative means of revenue to meet the demands of our people as we go on year by year.

In the new franchise, as earlier indicated by the Honourable Third Elected Member of Executive Council in an answer a few days ago, the company is required to pay a licence fee. It is required to pay 20 per cent duty on all items being imported after the 17th of January, 1986, with the exception of three plants which had already been contractually agreed upon and financing put in place. Therefore, this Government did not wish to put any further financial burden on that company by requiring 10 per cent duty on those three plants, and thus extended the duty-free concession on the previous franchise to these three plants. Twenty years down the road it is subject to review again when they will have to pay 15 per cent, in the year 2100.

I feel, Mr. President, that although I understand the concern of the Member, I, too, cannot support the motion.

Thank you, Mr. President.

MR. PRESIDENT: I make it about 30 seconds before 4:30 p.m. and I think rather than invite any other Member to speak and cut him off in no time at all, I would ask the Honourable 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 question is that this House do now adjourn until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4:31 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., FRIDAY, 7TH MARCH, 1986.

STATE OPENING AND FIRST MEETING OF THE (1986) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON FRIDAY, 7TH MARCH, 1986 (SIXTH DAY)

PRESENT:

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, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, OBE, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 ORNETT	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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

1986 STATE OPENING

FRIDAY

7TH MARCH, 1986

(SIXTH DAY)

1. PRAYERS

TO BE READ BY THE ELECTED MEMBER FOR EAST END.

2. PRESENTATION OF PAPERS AND REPORTS

ROYAL CAYMAN ISLANDS POLICE - ANNUAL REPORT 1985

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS.

3. QUESTIONS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 30: COULD THE HONOURABLE MEMBER IDENTIFY ANY INVESTORS WHO DECIDED TO INVEST IN THE CAYMAN ISLANDS AS A DIRECT RESULT OF THIS EXPENDITURE? (IN RELATION TO THE TOTAL COST TO GOVERNMENT TO PREPARE FOR AND SEND A DELEGATION TO THE MIAMI CONFERENCE ON THE CARIBBEAN.)

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 32: WOULD THE HONOURABLE MEMBER STATE WHAT STEPS HAS GOVERNMENT TAKEN TO ENSURE THAT CAYMANIAN LABOUR, CONTRACTORS, SKILLED TRADESMEN AND HEAVY EQUIPMENT OPERATORS BENEFIT EQUITABLY FROM DEVELOPMENT BY FOREIGN INVESTORS?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 33: DOES GOVERNMENT HAVE ANY PLANS TO ESTABLISH A TRADE PROMOTION OFFICE IN THE UNITED STATES?

4. GOVERNMENT BUSINESS

BILLS:-

FIRST READING

(1) THE MERCHANT SHIPPING (REGISTRY) BILL, 1986.

FIRST AND SECOND READINGS

(2) THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986.

(3) THE SUNDAY TRADING (AMENDMENT) BILL, 1986.

COMMITTEE THEREON

(4) THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986.

(5) THE SUNDAY TRADING (AMENDMENT) BILL, 1986.

REPORTS THEREON

(6) THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986.

(7) THE SUNDAY TRADING (AMENDMENT) BILL, 1986.

5. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

(1) PRIVATE MEMBER'S MOTION NO.3/86
RE: ASKING CARIBBEAN UTILITIES CO LTD TO AMEND THEIR LICENCE TO RESTORE THE IMPORT DUTY EXEMPTION

CONTINUATION OF DEBATE THEREON.

(2) PRIVATE MEMBER'S MOTION NO.4/86 - DISPOSAL OF DRUGS

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY AND SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

(3) PRIVATE MEMBER'S MOTION NO.6/86
APPOINTMENT OF SELECT COMMITTEE OF THE WHOLE HOUSE TO RECONSIDER PROPOSED CHANGES TO THE ELECTIONS LAW, 1983

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN AND SECONDED BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

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FRIDAY

7TH MARCH, 1986.

10:04 A.M.

MR. PRESIDENT: In the absence of the Member for East End, I will invite the Second Elected Member for George Town to say prayers.

MR. LINFORD A. PIERSON: 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. Let us pray the Lords Prayer together.

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

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

MR. PRESIDENT: Please be seated.

Presentation of Papers and Reports. The Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

ROYAL CAYMAN ISLANDS POLICE - ANNUAL REPORT 1985.

HON. DENNIS H. FOSTER: Mr. President, I beg to lay on the Table of this Honourable House the 1985 Annual Report of the Royal Cayman Islands Police Force.

MR. PRESIDENT: So ordered.

Item three, Questions. The Second Elected Member for Bodden Town, Question Number 30.

QUESTIONS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE.

NO. 30: *Could the Honourable Member identify any investors who decided to invest in the Cayman Islands as a direct result of this expenditure? (In relation to the total cost to Government to prepare for and send a delegation to the Miami Conference on the Caribbean).*

ANSWER: *Although some enquiries have been received to date, no investors have decided to invest in the Cayman Islands as direct result of the Miami Conference on the Caribbean.*

MR. PRESIDENT: *No supplementary question? I invite the Second Elected Member for Bodden Town to ask Question Number 32.*

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

NO. 32: *Would the Honourable Member state what steps has Government taken to ensure that Caymanian labour, Contractors; skilled Tradesmen and heave equipment Operators benefit equitably from development by foreign investors?*

ANSWER: *Legislation already exists in the form of the Caymanian Protection Law and the Local Companies (Control) Law providing reasonable safeguards to protect Caymanian interests. In safeguarding these interests, the statutory authority responsible (The Caymanian Protection Board), functions in a conscientious manner and subject to legislation passed in the House. A representative from the Labour Office also advises the Caymanian Protection Board as to the availability of local labour.*

MR. PRESIDENT: *The Second Elected Member for Bodden Town.*

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: *Mr. President, may I ask the Member, has Government published any guidelines for the Central Planning Authority, so that they may condition licences in such a manner that local workers and local owners of equipment would benefit from the projects?*

HON. DENNIS H. FOSTER: *Mr. President, I am not sure whether the appropriate Portfolio in charge of the Central Planning Authority has issued anything to them. However, I can say that the importation of foreign construction labour, whether skilled or not has been drastically reduced since the late 1970's and early 1980's. Currently, there is a fair measure of full employment there Sir.*

MR. JAMES M. BODDEN: *Supplementary, is it not a fact that the wages which are being paid by some of the foreign contractors now, far less than the prevailing local rate?*

HON. DENNIS H. FOSTER: Not to my knowledge Mr. President. We have only two foreign contractors on the Islands with licences, McAlpine Limited and Hadsphaltic. I do know that Government publishes yearly a wage scale which we pay, it is not compulsory for them to follow, but to the best of my knowledge, I think in most cases, they do follow it. If they do not, they always pay a little higher.

MR. JAMES M. BODDEN: Summpementary. I do not know whether the contractors on the Hyatt Hotel are considered local, or foreign contractors, but I understand that wages being paid to common labour there are around three dollars fifty to three dollars seventy five per hour. Does the Member have any knowledge of the wage rates which are being paid by them?

HON. DENNIS H. FOSTER: Mr. President, the Member could be right, I really do not have any rates paid by them Sir, on hand.

MR. JAMES M. BODDEN: Summpelentary. Has any attempt been made to assist the local heavy equipment operators to secure work with their equipment in these new development operations being carried out in these Islands?

HON. DENNIS H. FOSTER: Mr. President, as far as I know, the heavy equipment operators have had meetings with probably both the Protection Board and I think with the Member responsible for that Portfolio. I am not positive as to the outcome of the meetings, and if it resulted in any heavy equipment being used where necessary.

MR. JAMES M. BODDEN: Following that question, another supplementary. How does Government expect the heavy equipment operators to secure work for their equipment, when Government is allowing the contractors to bring in their own heavy equipment, and I understand in most cases, duty free?

HON. DENNIS H. FOSTER: Mr. President, we have no wage control and other controls to cover this type of situation. We believe in a free enterprise system, and if I had a piece of equipment I would go and get work for it. I would not sit down and wait for the Government to come and beg me to go and do a job, for a foreign company operating here. I think that those people with heavy equipment should go and look for it, and give a competitive rate, and get work.

MR. JAMES M. BODDEN: Mr. President, I fail to agree with part of the Members reply. How can these people secure work with their equipment when the people from whom they would secure it, already have the equipment which they have brought in, in most cases duty free?

HON. BENSON O. EBANKS: Mr. President, could I ask a supplementary Sir. Could the Member state whether he knows of any case in which heavy equipment has been brought in recently, and that the heavy equipment came in duty free?

MR. PRESIDENT: I think that the Third Official Member will have to be invited to answer that.

HON. THOMAS C. JEFFERSON: I know of no such case Mr. President.

MR. JAMES M. BODDEN: It appears that no one can answer the questions. Could I have an answer to this one, and I am sure it relates to the question before, because it says 'has Government taken any measures to ensure Caymanian labour' and so forth. So my question is, how many permits have been allowed for the redevelopment of Paradise Manor?

MR. PRESIDENT: If the Member concerned does not have this information, perhaps he would undertake to supply it to the questioner.

HON. DENNIS H. FOSTER: Would the Member repeat the question for me Sir.

MR. JAMES M. BODDEN: How many work permits have been allowed for the redevelopment of Paradise Manor?

HON. DENNIS H. FOSTER: I will undertake to get that information. Sir, I do not have it.

MR. JAMES M. BODDEN: How many for the Hyatt project?

HON. DENNIS H. FOSTER: I will undertake to get that Sir.

MR. JAMES M. BODDEN: How many for the Cayman Islands Yacht Club project?

MR. PRESIDENT: Perhaps the Member will undertake to get that one too. The Member has nodded, I think we can.

MR. JAMES M. BODDEN: The crew and operators of the Japanese dredge which is here to work on the Cayman Islands Yacht Club, are they local or are they of Japanese extraction?

HON. DENNIS H. FOSTER: Mr. President, if they are Japanese, they are certainly not Caymanians. I do not know how many of them are working on the project and whom they comprise, really Sir I must be honest.

MR. PRESIDENT: I think the First Official Member did undertake to get figures of foreign workers for the Yacht Club project, and perhaps he could identify which of them, or how many of them are working on the dredging equipment. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: As usual, I see that no one seems to know what is going on. I am sure that the Member did not misinterpret what I said. On the Japanese dredge, I did not imply that there had to be Japanese labour totally aboard the dredge. I was trying to find out whether we have any local Caymanians who will be working, or are working aboard the dredge?

HON. DENNIS H. FOSTER: I do not know the answer to that Sir. I do not know whether the Company has employed anybody to work aboard the dredge, as yet, or not Sir. As of this morning the dredge is not in position yet, and no work has been started. I can try and find that out.

MR. PRESIDENT: The First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Yes Mr. President, a supplementary. I wonder if the Member could state how many Caymanians are engaged by real estate firms to sell real estate in these Islands?

MR. PRESIDENT: (INTERRUPTION)...I do not think....

HON. BENSON O. EBANKS: It arises from the question, Mr. President, because the profit is the result of the development.

MR. PRESIDENT: Well, perhaps the Member will undertake to get that information too.

MR. JAMES M. BODDEN: For the Members benefit I could answer it from my part. I have three.

HON. MICHAEL J. BRADLEY: Mr. President Sir, on a Point of Order. Are we not getting to a rather unusual situation with questions, which have been asked by the Government bench and answered by the Opposition

MR. PRESIDENT: I think that it is slightly unusual, whether it is out of order I am not certain.

MR. JAMES M. BODDEN: Mr. President, I agree it may be unusual, but I know the question was directed to me, in a personal manner and I thought I would answer it. At least the Government bench when we ask a question of the Government bench it is supposed to be answered by the Member responsible, and not by everybody on the Government bench taking turns to answer it either. So if I am out of order, they were out of order before me.

MR. PRESIDENT: Well, I have not ruled anybody out of order. But the supplementaries have strayed to an extent that several different Members of Government had responsibility for some of the areas covered.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member, does Government plan to take any further steps to ensure that Caymanians get their fair share, and benefit equitably from development by foreign investors?

HON. DENNIS H. FOSTER: Mr. President, the Protection Board is doing that all the time Sir. It is the avenue, or the machinery which we have to use to ensure this, and I am sure that they are doing so.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, since the Member is sure that the Protection Board is doing as he says, can the Member tell us anything about the guidelines which the Board are now working on, to ensure this?

MR. PRESIDENT: The guidelines have been published, and questions cannot be asked, seeking information which is available...

MR. G. HAIG BODDEN: I was saying Sir that there are none.

MR. PRESIDENT: There have been published directives to the Protection Board, they are public documents, publically available.

MR. PRESIDENT: If there is no further supplementary, will the Second Elected Member for Bodden Town ask Question Number 33.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE.

NO. 33: Does Government have any plans to establish a Trade Promotion Office in the United States?

ANSWER: No.

MR. PRESIDENT: If there is no supplementary, we will pass on to item four, Government Business, Bills First Reading.

GOVERNMENT BUSINESS

BILLS

THE MERCHANT SHIPPING (REGISTRY) BILL, 1986.

FIRST READING

CLERK: THE MERCHANT SHIPPING (REGISTRY) BILL, 1986.

MR. PRESIDENT: The Bill entitled A Bill for a Law to confer certain powers on the Governor in Council in respect of the Registry relating to ships, is deemed to have been read a first time and is set down for a Second Reading.

Bills first reading, item two.

THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986.

FIRST READING

CLERK: THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986

MR. PRESIDENT: A Bill for a Law to amend the Agricultural and Industrial Aid Law, 1978 is deemed to have been read a first time and is set down for a Second Reading.

CLERK: THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986

MR. PRESIDENT: The Honourable Third Official Member

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled A Bill for a Law to amend the Agricultural and Industrial Aid Law 1978, Law 24 of 1978.

The purpose of the Bill Mr. President, is to allow, or to extend the functions and powers of the Agricultural and Industrial Development Board, and to enable it to provide financial assistance to students undertaking courses of education.

The procedure at present Mr. President is that the Education Council recommends certain students for loans, and the Treasury carries out the disbursement of those loans, after receiving the approval of the Caribbean Development Bank.

HON. THOMAS C. JEFFERSON (CONTINUING): All we are seeking to do here Mr. President, is to allow the Education Council to continue to advise on student loans, but the accounting function will be transferred from the Treasury to the Agricultural and Industrial Development Board..

The loans Mr. President, traditionally had mainly covered academic courses of higher education, but the funds are not limited just to the academic side. The funds can also be used for technical and vocational education. It is a new requirement, that there should be a priority list of subjects to be studied, and that priority list must be fully published and circulated, enabling persons who wish to take short courses in automechanics or electronics, to also seek funds for that purpose.

Under the Caribbean Development Bank loan Mr. President, there is no requirement for the person to be bonded to Government, but the person is required to work in the country, and work in the Cayman Islands for at least one year.

I recommend these minor amendments to the Bill to the Honourable Members.

MR. PRESIDENT: The question is that A Bill entitled A Bill for a Law to amend the Agricultural and Industrial Aid Law 1978 be given a Second Reading. The motion is open for debate.

The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I support this Bill in principle. It is a step in the right direction Sir, but I think it is only half a step.

The part of this Bill with which I disagree Sir is Clause Three, which deals with Section 5. of the Principal Law, Section 1(e). It says 'to provide financial assistance to persons pursuing courses of education approved under paragraph (aa) of Section Six. Paragraph (aa) of Section Six says:

> 'to enter into such arrangements as it thinks fit to assist suitable persons to pursue such courses of education as may be approved by the Education Council established by section 3 of the Education Law, 1983.'

Now, Mr. President I say I agree with this in principle, because for a long time there has existed a great area of need in this Country. People who need financial assistance to further their education both academically and in the technical and vocational fields, and mostly these people could not qualify for a scholarship to be granted by the Education Council for various reasons, such as the Education Council did not recognise the institution to which they had been accepted, or that the Education Council did not feel, because of priority, there was a need in the Country.

I would like to see this fund for education set up separately and apart from any control by the Education Council. The honourable mover of the Bill says that there is going to be a priority list. I would like to know Sir, on what basis is the priority list going to be established? Is it going to be established by the manpower needs, the future needs of this Country? Is it going to be established with some attention being given to the type and number of work permits being issued by the Caymanian Protection Board, in certain vocational, technical and academic areas, or on what basis is this priority list going to be set up?

Mr. President, why set up a different funding mechanism, if the people are going to have to be approved by the same Education Council, which never approves scholarships.

MR. D. EZZARD MILLER (CONTINUING): I know of instances where people wanted to do technical, and in some cases, professional courses, and they were turned down by the Education Council for that very reason.

I would like to see this Mr. President, set up under the Agricultural and Industrial Aid Board, separate and apart from anything to do with the Education Council. I think the students should have to meet the financial obligations of the loan, and should have to qualify financially to get the loan. I would like to see them given a moratorium on the repayments for the loan for the duration of the course, whether it is one year, two years or three years. Of course, the principal sum would have to accrue interest during that period of time, and repayments start when the student returns qualified. But I think Sir, that if somebody who is interested enough in a subject, wants to go away to some institute of higher learning, qualify for that vocation, be it technical or professional and they can meet the financial commitments which are necessary to qualify for a loan under this Law, they should be given the loan, and the Education Council should have nothing to do with it.

I really believe Sir, that there is a need for courses, and for people to have some avenue of assistance which the Education Council will not approve.

I support the Bill Sir, but I would like to see the requirement of Section 4(aa) removed from the Bill, and it be carried out on a strictly financial basis, and the students allowed to do the course (i) which they are interested in and (ii) which can provide the job which they are motivated to perform. I agree that they should have to work in the country, this could be an added stipulation, I would accept it, for some specific period of time, so that we can develop the workforce in the Country. But I do not see the need, if a person is going to have to pay it back financially, and meet the financial requirements, while approval is needed by another Body in Government which has a separate role, in that it determines who can be given Government Scholarships and what Government Scholarships are going to be given. I know of no manpower survey which has been carried out from which this priority list can be established. So I am very concerned about how this priority list is going to be established, and I would like to see students' applications with the Agricultural and Industrial Aid Board evaluated soley on their financial merit, that is the ability of the student to repay the loan, or the ability of the surety, whether it is his family, putting up property, or however, to guarantee the loan, so the student can get on with his education.

Thank you Sir.

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I rise in support of a Bill which is long overdue, and I add my congratulations to the Government in what it is trying to do to help our young people become better educated. Mr. President, we still have a long way to go.

I have certain suggestions for improvement, but what I feel is that generally it is a good Bill. I remember having gone to the Financial Secretaries Office some weeks ago, it may be months now, and talking to him about the same situation which my friend the Honourable Member for North Side and I were speaking of, and I told him at that point that I intended to bring a motion for the setting up of a Students Loan Scheme. Well at that point he explained to me that the Government had intentions of doing something similar, and I said 'well, let us wait and see what we will get'.

MR. W. McKEEVA BUSH (CONTINUING): To go on with this Bill Mr. President, whoever administers the funds should keep a keen watch for the expertise needed for our development, that is the development of the Country. I maintain that those seeking to acquire those needed skills or expertise should be given priority. This should be so, whether or not the course is at the College/University level or at the Trades School level.

Mr. President, I know what plans are in the works to upgrade our Community College, and I believe that every opportunity I have had to speak on this particular subject, I have urged Government to move faster and faster in this area. Mr. President, to highlight my concern, in this particular area on the trades in this Country, in the answer to a question in the House the other day, it was said that in our very small labour force we have fourteen electricians on work permits, seven from Jamaica, five from Canada, one from the United States and one from Barbados, and that we had three plumbers on work permits, two from Jamaica and one from Belize, making a total in the electricians and plumbers area of 17. Mr. President, this is a large figure in my estimation in our very small labour force, and it shows the need and highlights the need for Government to be about getting this Community College instituted, where all the people can be trained in these areas.

The one thing which I wanted to ask from that particular question was how much we had in 1984, how much we had in 1983 and how much we had in 1980, to see whether we are cutting down or whether we are going up. But Mr. President, this is a serious situation as far as I am concerned, and I would suggest that if we look at the refrigeration service, we will have a similar example. If we look at mechanics, we would have a similar example. Mr. President, yes, our people are not being trained in these areas, therfore they are not being afforded the financial assistance which I think we need to give them. To emphasise again, I have never heard before 'well Government put it in a statement and said scholarships are open for mechanics, or one can apply for a scholarship', I have never heard it. We need to let our people know what kind of service they can get under this Law.

Now, Mr. President maybe I will be ruled out of order, but in talking about education, I want to say Sir that I think we have the need now for another High School.

MR. PRESIDENT: I think you will be ruled out of order, you are quite right, it really is straying very far from this Bill.

MR. W. McKEEVA BUSH: ...and maybe I will be ruled out of order again, but I would like to say that it looks as if we need another Middle School also.

MR. PRESIDENT: I hope you are not going to make a habit of saying things which you know are going to be ruled out of order.

MR. W. McKEEVA BUSH: I know about your ruling Sir.

Mr. President, after a student gets a scholarship, how much attention is paid to that student, that is a question which I pose in this House? It is one which I feel needs answering. If a student goes away on a scholarship, is it made certain that their other needs are attended to, financially. That was the sort of line I was thinking of when I was talking about a Students Loan Scheme.

MR. W. McKEEVA BUSH (CONTINUING): ... do not think I will say much more on this Mr. President, except to state again that we need to re-emphasise in the minds of our people the need for people who will work, or do refrigeration work. People who will be electricians, people who will be plumbers. I keep asking the question, how many pilots can Cayman Airways really accommodate? And this alone highlights the fact that our people are really not told of the areas that they should be in, because Cayman Airways cannot hire everybody who wants to be a pilot.

I trust that the Government is getting the drift of what I am saying. I will give the Bill my support.

MR. PRESIDENT: The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Yes Mr. President, maybe I should get my oar in on this one too.

Mr. President, I support this Bill Sir, it is a simple Bill, and their education is of much importance to all Members. So the opportunity will be taken to drive home their support for it. But, if Honourable Members will cast their minds back to the Budget Sitting I think it was. A resolution was passed authorising the borrowing from the Caribbean Development Bank, and included in that borrowing was $300,000.00 for educational scholarships.

Mr. President, this is not the first sum of money which Government has received from the Caribbean Development Bank for educational scholarships. The problem which this Bill really seeks to correct Mr. President is that we in fact were borrowing money prior to the establishment of the Agricultural and Industrial Board, but the money, as the mover said, was dispersed by the Treasury, and because sometimes the funds from the Caribbean Development Bank were used in conjunction with the Government funds, the amounts actually became comingled, that is even the amounts which were repaid.

What is being sort here now Mr. President is to tidy up that operation so that scholarships which are funded by moneys borrowed from the Caribbean Development Bank, and approved by the Education Council will be dispersed, and repayments made through the Agricultural and Industrial Board. This is to prevent the comingling of funds, and so that the position as regards the Caribbean Development Bank money will be known at all times and in all places. Now Mr. President.....

MR. D. EZZARD MILLER: You are missing the bullet.

HON. BENSON O. EBANKS: I am not sure what the Member means by that.

MR. D. EZZARD MILLER: You are missing the boat.

HON. BENSON O. EBANKS: I am getting to the boat. I am just on the wharf now, I am walking towards it Mr. President.

The awarding of scholarships Mr. President is not an easy task, but I would challenge any person in this House or outside to name one instance where an applicant who was qualified, applied to Government for assistance for education, and did not receive that assistance. It is true Mr. President, that the Education Council has certain criteria, and it is a minimum criteria in my opinion. One must have attained at least four 'O' level passes at grade A,B or C., in order to qualify for a scholarship.

HON. BENSON O. EBANKS (CONTINUING): Mr. President this is a minimum qualification, and what we have done in the case of those students not attending the Cayman Islands High School or not qualifying under the British system, we have used the American SAT score, and set an equivalent score in the view of the Board, to a person who would have obtained four 'O' Levels. So that even those persons not having four 'O' Levels, have in fact qualified, and have received scholarships providing they could meet the minimum score on the SAT exams.

Now Mr. President, if one studies the document which covers the conditions under which, this loan is made, it will be clear that it is not the intention of the Caribbean Development Bank to lower the standards of eligibility for loans. In fact it speaks of not being able to meet the minimum entry requirements of regional institutions, and the borrower, the Government is encouraged to lend us money for persons attending regional institutions, where the course of study desired is offered at a regional institution.

MR. D. EZZARD MILLER: Technical Schools do not require four 'O' Levels.

HON. BENSON O. EBANKS: Mr. President, I am coming to the technical aspect of it, and again Mr. President, the Board of the Education Council has, in the past where the student applying even though he did not have four 'O' Levels could make the SAT grade, awarded scholarships to persons to attend institutions in the United States. I believe the Member should recall one who received such a scholarship, and that was in a technical area.

But Mr. President, the truth of the matter is that no amount of money can make a racehorse out of a jackass, and the quicker we understand this in this Country the better off all of us are going to be. Because, if Government began doling out money to anybody who came and asked for a scholarship, whether in the opinion of the Council that person was serious about study, or was only looking for a holiday in the United States, and Mr. President this has happened. Not with the Education Council luckily enough, but I know of one instance where an in-service training scholarship was given and the recipient of that scholarship was not in school, and it was detected some years later where the person was having a holiday, I think it was in Miami when he was supposed to have been at school in New York.

So Mr. President, one should not under estimate the efforts which have been made by Government over the years to provide money for tertiary education abroad. For example Mr. President, when the Caribbean Development Bank instituted its Educational Loan Scheme it was available only for attendance at institutions in the region. The limit on the money which was set could not cover the cost to a Caymanian, certainly to attend an institution overseas outside the region, and Government negotiated with the Caribbean Development Bank to make this money available to be lent to students to attend non-regional institutions and to increase the limit in the case of the Cayman Islands, and one or two other areas which happen to have been represented by the same Governor of the Bank at that time.

Mr. President, I can agree with the points that meant that we should be in my opinion, pushing for more technical and vocational training.

MR. W. McKEEVA BUSH: Who made that point?

HON. BENSON O. EBANKS (CONTINUING): I think I told you that a couple of days ago.

MR. W. McKEEVA BUSH: I think he is telling me a lie.

MR. PRESIDENT: Order, order.

HON. BENSON O. EBANKS: And Mr. President, the steps are in trim to put greater emphasis on votech. subjects within the High School curriculum, and as all Members know, we are moving as fast as we can on the Community College. In fact, it is already doing some excellent work. Now that we have had the premises across the way which were formally occupied by the Agricultural Department, released, work is starting to convert that area for further votech. training including an improvement to our Hotel Training School. Mr. President, it is my hope that during these four years we will even see the Community College on its own campus and in better surroundings even than across the way.

But, Mr. President, I cannot see how Members could expect anybody to be more highly and better qualified to deal with the granting of scholarships than the Education Council. It is made up of a number of teachers, and responsible people from the community. But Mr. President I will repeat again, standards have to be set. If we lower our standards and allow people to go off to some of these sub-standard institutions abroad, what we are going to end up with is a bunch of, I guess we will have to call them graduates if they have got their certificates, coming back waving a certificate and demanding a job and they have no more idea of what they ought to do than before they went. We have to keep standards up, and that is the only way Mr. President that Caymanians are going to meet the challenge of this technological age in which we live. As I have said, no amount of money or no length of time spent abroad in an institution can make a racehorse out of a jackass.

It is true that as a Government we have to try to find employment for everyone, and I was glad Mr. President that the Member made the point of so many people wanting to be pilots. I would like to share with the Member and the House, an experience which I had a few days ago, to show how far bright youngsters in this Country are thinking. I was visiting the Primary Schools and I said to one youngster, "what are you going to do when you grow up"? He said "I am going to be an Airline Pilot Sir". I said "Well, do you think by the time you grow up, Cayman Airways will have enough planes to employ all the people whom I have heard are going to be Airline Pilots"? and immediately he shot back at me Mr. President "I am going to work for Republic Sir". So that youngster had made his plans, he has his marbles in line, and all such students as that one, when he comes of age to apply for a scholarship, I am sure he will have no problem because he is obviously thinking and planning.

I would like to agree with one other comment which was made, and to assure Members that this area is also being addressed, and that is that I am convinced we do not place sufficient emphasis on career guidance and counselling within our education system. It is basically a charade to have, I believe it has been extended to two or three days now Mr. President, what we call a Careers Convention at the High School for the last two or three days of the last two or three years of a childs education. We, in my opinion Mr. President, have to reach the children much lower down the rung, and I can assure the Members of this House that action is in place to correct that deficiency, and others within the system.

HON. BENSON O. EBANKS (CONTINUING): This has nothing to do with the Bill before us really, and as I have said, the Bill here is seeking to really make an orderly job of expending the money which has been made available to Government by the Caribbean Development Bank for student loans, and this is the object of the Bill, to amend the Agricultural and Industrial Aids Law so as to enable that Bill to list among its functions the dispersal of student loans.

I welcome the need Mr. President, because we will know where we are with Government funds and the borrowed funds from the Caribbean Development Bank. Thank you.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, the Bill before us is a fairly straightforward Bill Sir, as it seeks to extend the functions and powers of the Agricultural and Industrial Aid Development Board, to enable it to provide financial assistance to students undertaking courses of education, approved by the Education Council.

Mr. President, the extension of the debate on this Bill is somewhat unfortunate Sir, and I refer specifically to some of the comments made by the First Elected Member of Executive Council, who is also the Member for Education. I would have thought Sir, that the Member would have had a better understanding of the needs of the people of the Cayman Islands. The Education system in the Cayman Islands is in my opinion, an extension of the old Grammar School system, and is the Grammar School system in its verified form.

The Comprehensive System of education should cater to one and all. But I think that the statistics of our schools will show that we can expect to drop, or have only about 20 per cent of the students each year going through the school system who will qualify before all others. Or indeed, will qualify for tertiary education in an accredited institution overseas.

The question remains Mr. President, what is being done to assist the 80 per cent who will not qualify? I would have thought Mr. President, by this that attention would be focused primarily on this group of individuals. Because, I also know Sir, that at the base within the 80 percent, we are experiencing a number of social and other problems.

The Member for North Side dealt specificially with a very important point, regarding the training of vocational and technical students. This Mr. President, is perhaps the area which this amendment should address most forceably. This is the area which requires the greatest attention, and Mr. President, in my support for this Bill, I would hope that the Member who spoke just before me will re-evaluate the Educational System and the situation in the Cayman Islands, and that he will be much more sympathetic and much more sensitive to the needs of this 80 per cent.....

HON. BENSON O. EBANKS: (INTERRUPTION)

MR. LINFORD A. PIERSON: I know Sir that the Member is giving some consideration to this, but I believe Sir that this amount of consideration which he is giving is sadly lacking.

The Education Council's envolvement I have no problem with, because I feel that it is an appropriate Body to deal with scholarships of all natures. The only problem Mr. President is the guidance of the Education Council. I feel Sir, that they are somewhat misled into feeling that scholarships must be given only to the academic students, and for the Member to refer to individual Caymanians who may not be able to obtain four 'O' Levels as 'Jackasses' is most unfortunate.

MR. LINFORD A. PIERSON (CONTINUING): I am sure he will regret this and probably pray about this tonight.

There are a lot of students....

HON. BENSON O. EBANKS: Jackass's day.

MR. LINFORD A. PIERSON: .... who will not come out with four 'O' Levels, Mr. President I think it is obvious that we are getting a lot of booing here today from across the House, but it is obvious Mr. President, that there are a number of students who will not come out with four 'O' Levels. We know that some of the most industrious and successful men in the Cayman Islands today, are men who perhaps never finished elementary school, much less come out with four 'O' Levels. What would have happened to those people had they not been given a chance, and Mr. President, we are in a position where we can help this majority.

Mr. President, I know, regardless of the whispering I get from across the hall, that the Member is convinced that what I am saying makes a lot of sense. Mr. President I support this Bill, and as the Member for North Side has said, I trust that more attention and sensitivity will be given to those students who may not be academically capable of reaching the four 'O' Levels. Thank you Mr. President.

MR. PRESIDENT: I think perhaps it may be a convenient moment to take our break, before I invite any other Member to speak, and so I will suspend proceedings for approximately twenty minutes.

AT 11:20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:57 A.M.

MR. PRESIDENT: Please be seated.
The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Mr. President.
The Bill, seeks to extend the functions and powers of the Agricultural and Industrial Development Law, to enable it to provide financial assistance to students undertaking courses of education approved by the Education Council.

I rise to support this Bill, and I shall make my remarks few, but in listening to some of the debate on this Bill, I can only agree that there has to be a standard set for deserving students to receive aid from the Agricultural and Industrial Aid Development Board. What I think this Bill is seeking primarily to do, and the major change as I see it is in the amendment of Section 6. which is:

> "to enter into such arrangemnts as it thinks fit to assist suitable persons to pursue such courses of education as may be approved by the Education Council to established by section 3 of the Education Law.:

Mr. President, first let me say that I am very sympathetic to all students who would like to further their education. It must be a bit disheartening when one has certain grades set, and one is for one reason or another, unable to realise those goals. However Mr. President, there are students who are extremely bright, there are those who are not so bright and those who fall in between.

MRS. DAPHNE L. ORRETT (CONTINUING): For the Education Council to be able Mr. President, to offer financial aid scholarships to any and every student who would like to have a scholarship seems a bit impossible, for one reason or another. However Mr. President, one of the things which I am very much in favour of is that a student must have something to which he is going to work towards. Should one not be rewarded for hard work, for diligent study, for applying oneself to gain passes which will enable him to have an edge on those students who do not apply themselves. If a student realises that he does not really have to push, that he really does not have to discipline himself nor to make any sacrifices whatsoever, in order to get the best in 'O' Level passes, or Grade One C.S.E's, whatever he might be trying to achieve. If that student thinks for one moment that he can go out there and whether or not he has the passes, he can get a scholarship in any case. What really is there for him to strive for? What is the incentive, what are the rewards? Thre are many students who could do better if they would apply themselves. Mind, Mr. President there are those students who do, and for some reason are disappointed when the results of the exams are received. However, in these Islands we are very fortunate in that any student who does not achieve those passes, when having taken the exams at the High School, is able to pursue his education at the Community College. In fact, it is arranged in such a way, even if that student has a job working during the day, he can attend evening classes. If he is working at night, he can make arrangements to attend day classes.

Now Mr. President, there are many people today who have reached the top of the ladder, and it was not always easy going. There are many who have reached for the stars and have got there. There are others who have reached for the stars, and have not got farther than the moon. But Mr. President, they have the rewards of diligent study, hard work and pursuing a goal. When a young person does not have a goal he could have as many scholarships as could be handed to him, and he will make nothing of them. I think it has to be seen that a young person is really interested in pursuing an education, and not just merely having to say 'I went overseas to College, I have a College Degree,' et cetera.

The Education Council has to have standards set, and one has to meet those standards. It follows in any area whether it is work, whatever it might be, one has to meet certain standards. If in the schools students are not aware of the fact that they have to push to get ahead in life today, we will see even less than that which we see now.

Mr. President, I feel that more deserving students are going to be over looked by the Education Council when it is proven that that student is really serious about what he wants to do. I recognise that not every child is geared to medicine or law, or teaching of social services, there are other areas. But the same applies, if a student is really interested in pursuing that goal, he will prove himself.

Now Mr. President, when the First Elected Member of Executive Council mentioned the 'Jackass' and the racehorse I think, I merely took it that he was making a reference such as one might say 'you cannot make blood out of stone'. I am sure that there was nothing intended in crying down students who do not have four 'O' Level passes. I think he was just trying to get a point across, and I would like to re-emphasise here that we are not trying to belittle, or discourage the students who do not come out of the High School with four 'O' Levels.

MRS. DAPHNE L. ORRETT (CONTINUING): It is just that they do not fall into the same category as those children who do. They can, by applying themselves to further studies, or they can decide whether or not they would simply like to take the other route in not being granted a scholarship. But for the Education Council to change its standards to suit certain individuals, I cannot see this Mr. President as being good at all.

The students at the High School, I believe are becoming much, much more interested in career opportunities. I believe they recognise that in the Cayman Islands today there are opportunities for them to reach the top, and many of them are applying themselves in order to meet the challenges.

Mr. President, I would like to support this Bill and I trust that other Members would seek but to do so.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, the Bill before the House seeks to extend the functions of the Agricultural and Industrial Aid Development Board.

Many people these days try to get on the band waggon of the Agricultural and Industrial Board. I would like to point out that there is nothing new in what the Government is doing today, because this Board was set up in 1978 under a well known Administration. In fact, the student loans themselves were started prior to 1976. I think the first student loan of $50,000.00 from the Caribbean Development Bank had been approved even prior to 1976. So there is no need to congratulate the Government on what they are trying to do today, because they are doing nothing new.

However, I would say I support the Bill, in that I feel it is time to expand the scope of this Board, and the Member introducing the Bill made it clear that the amending Bill seeks only to make it possible for the Board to deal with providing financial assistance to students undertaking courses of education approved by the Education Council.

The last speaker seemed to say that the Education Council should not be asked to change its standards for scholarships. I would like to say that when the Member for North Side spoke, and the Second Elected Member for George Town spoke they did not give me the impression that they were asking the Education Council to change its standards of four 'O' Levels for scholarships. I did not get this impression. What they were saying was that there are children who deserve scholarships or student loans, who do not attain four 'O' Levels. We know this is true, not only here but all over the Country, and all they are saying and I support their view that more emphasis must be paid to this, one of the Members called it the 80 per cent, who do not achieve as high an academic standard, but whose contribution to society is equally as valuable. If a person wants to enter any technical area such as electrical or mechanical or a hundred and one other jobs, Government should make available to those persons the same terms of scholarship and the same terms of loans, so that they can receive their six months or three years training, whatever it takes, to qualify them to fill their jobs in society.

The Bible says that there will always be hewers of wood and drawers of water, which in my interpretation means that in every society there will be jobs for everybody. A small percentage will be academically inclined, and perhaps will become doctors and lawyers.

MR. G. HAIG BODDEN (CONTINUING): But a society needs builders, it needs plumbers, it needs electricians, it needs street sweepers it needs somebody to do every job which needs to be done.

I support the Member from North Side and the Member from George Town who raised.....

MR. W. McKEEVA BUSH: And the Member from West Bay

MR. G. HAIG BODDEN: ....who raised this vital point. It is very necessary that the Education Department take the necessary steps to make available to these students the necessary training and funds.

Government had started in a small way to provide some training locally, and I was alarmed to learn this week that after a visit by the Member for Education to our Trades Schools, that one of the teachers received a letter or a telephone call saying that his services would no longer be necessary because his class would be no more, and the students in that class would be transferred to another class.

HON. BENSON O. EBANKS: Do you know how many students are involved?

MR. G. HAIG BODDEN: I am talking about your action. You would not like to hear this but I think you have heard enough from Members this morning, to show the whole world where your interests lie.

HON. BENSON O. EBANKS: If you want to get personal and pay some more.

MR. G. HAIG BODDEN: Thank you Sir.

MR. PRESIDENT: Any other, the Fourth Elected Member.

HON. VASSEL G. JOHNSON: Mr. President, Honourable Members, I would like myself to support a Bill for a Law to amend the Agricultural and Industrial Aid Law.

Mr. President, I speak on this Bill since the subject of AIDB will soon be returning to the Portfolio of Development and Natural Resources. But in the case of the student loan scheme which is being debated here, and Mr. President, it seems to me that because some Members did not have the opportunity or did not take the opportunity to debate the Throne Speech, that they are making use of these facilities debating these Bills to get a bit of their Throne Speech debate on it.

Speaking of the student loan scheme Mr. President, this has been in operation for quite a long time, over ten years I would say. The procedure which was used in the past was long and cumbersome. This Bill is seeking to simplify that, to speed up proceedure and make it a bit more tolerable to students. For instance, in the earlier days the application would be made to the Education Council, from there it would be forwarded to my Portfolio of Finance and Development and then forwarded to the Caribbean Development Bank for assessment, and if the Caribbean Development Bank approved of it, it would come back to the Portfolio where the Treasury would deal with the releasing of the funds and the administration of the funds.

HON. VASSELL G. JOHNSON (CONTINUING): Now of course, this Bill is seeking to place that financial control under the AIDB, because AIDB is largely administering CDB's funds here, and so it is quite simple to place another of CDB's schemes under the AIDB, and put them all together.

Mr. President, the Caribbean Development Bank administering the scheme awards scholarship loans to students who have been approved by the Education Council, but the funds are limited which means that the students must find supplementation from some other source, but the loan alone from Caribbean Development Bank would never put them through a course of learning at any learning institution in the world, and so this must also be borne in mind, and it is rather the parents subsidising the scholarship, unless of course, Government does it themselves.

Mr. President, the scheme approved by the Caribbean Development Bank restricts the loan funds to be used only in those territories with association with the Bank, but the United States, Canada and the United Kingdom are included, and those are the areas where most Caymanians attend school. Sir, there is no difficulty where our students are concerned in using the facilities of the Caribbean Development Bank.

It is a very useful facility, because education has got to be one of our foremost goals in the Country. Young students in our local schools must always find an outlet to higher education, and this can only be obtained abroad. We have many students here whose parents can very well afford to finance their higher education, but we also have a number, quite a large number of less fortunate children who must either go to Government or to some institution like the Caribbean Development Bank with their student loan scheme to finance their scholarships abroad. We hope that Caribbean Development Bank will see fit from time to time to improve the facilities which are offered in this scheme. In other words, to increase it so that it can be used by a greater number of students.

Mr. President, a mention was made a while ago about the dismissal of a student/staff as the case may be, a teacher rather. The situation Mr. President was in that particular arrangement, six students to two teachers, which was costing quite a lot of money, and reducing the teaching staff by one was a logical way of adjusting the financial arrangement there.

MR. G. HAIG BODDEN: And getting rid of a good Unity Team supporter, right.

HON. VASSEL G. JOHNSON: As far as I am concerned Mr. President, it does not matter to me whether it was the Unity Team or some other team. The thing is that we must be conscious at all times, of the financial implications in all the services which we offer.

Did we get a job just because we were a Unity Team Supporter?

HON. VASSEL G. JOHNSON: Mr. President, I am sure that the debate on this small Bill which is so widely supported by all the speakers who have debated it already. It needs very little more to be said about it, and I thought I would make my small contribution, and again I support the Bill Mr. President.

MR. PRESIDENT: Does any other Member wish to speak who has not spoken already? The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, the Bill now before the House which seeks to extend the functions and powers of the Agricultural and Industrial Aid Development Board, to enable it to provide financial assistance to students undertaking courses of education approved by the Education Council, has my full support.

I feel that it is our duty to help students who are in need of financial assistance. I would like to call to the attention of the Honourable Members of this House that these are student loans, they are repayable, and to those who will benefit from them, it is very incumbent upon them that they make their repayments according to the schedule, so that others who follow will have the same opportunity to draw down on loans. For if they do not make their repayments as they should, it means that the fund could be depleted, and they would deprive students coming behind them from the opportunity which they enjoyed.

I too, like previous speakers am concerned about those who do not qualify to go on to University. I feel we have a need in our community for vocational and technical training. I know and support the Community College, I look forward to when they will have their permanent home, so it can expand. But in the meantime, I feel that as much of this loan money as can be made available for vocational and technical training, should be channelled in that direction.

Mr. President, there is a limited number of professionals whom we can place in our society. There is no sense as was said earlier, of having many airplane pilots, many doctors, too many lawyers and other professionals coming back to our Country seeking employment, when the community cannot absorb them into our society. We must depend on the fact that the majority of our people will need technical and vocational training.

I would ask, that in administering this fund, that those who are responsible do give specific emphasis to technical and vocational training.

Thank you Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? In which case, does the Mover wish to exercise his right of reply?

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

Firstly to say thanks to Honourable Members for their support of the Bill, and perhaps while I am on my feet Mr. President, I need to clarify a bit further, some points which I did try to make.

In dealing with the bonding Mr. President, I may have stopped short in the explanation. I believe I remember saying that the person would be bonded for one year. But it is right to correct it, to say that it is one year for every $2,000.00 of the scholarship, with a limitation of five years for a sum of $10,000.00 or more.

One Member did raise the point in relation to a moratorium on the repayment of the loan while the student is pursuing his study. There is, and there always has been Mr. President, a moratorium period. Presently the student is required to repay the loan three months after he has taken up employment. Further Mr. President, perhaps it would be good since some comments were made that adequate publicity has not been given to one specific side of the Education Council's CDB loans in particular, and that is the vocational side, the eligible programmes of study under the student loan Mr. President vary from law to medicine to engineering to dentistry, to business to architecture, agricultural courses as well as vocational studies, including handicraft, catering, welding, automechanics and upholstery.

HON. THOMAS C. JEFFERSON (CONTINUING): Also included are courses in tourism and restaurant management, and on the technical studies side pharmacology, electronics, quantity line surveying, dietetics, banking and perhaps lastly, I should say veterinary studies.

There were some points made earlier as well Mr. President, relating to persons who apply for a loan, or an Education Council scholarship requiring four 'O' Levels. This is true Mr. President, the Education Council in some cases requires that the applicant should have four 'O' Levels, depending on the course and the institution to which he is seeking admittance. I remember in a number of cases where the person who applied was not in the public High School system, but was in the Triple 'C' or Truth for Youth Schools, and provided they sat the SAT scores and came up with favourable results, scholarships would be given as well.

The loan Mr. President, allows students to study within the region, by that we mean within the Caribbean community, the Eastern Caribbean, the Commonmarket, the Organisation of Eastern Caribbean States, the University of the West Indies, or such other institutions as may be approved by the bank. The loan also allows extra regional education institutions, which means an educational institution in non-regional member countries of the Bank, for example the United States, or any other country which the bank must specify in writing.

Mr. President, the loan agreement and the guidelines covering this loan agreement, this student loan agreement is to some extent flexible, there are requirements which all of us would agree, have to be met by any student who takes up a loan. He must sign a bond to return to work in the Country, not to work for Government, but to work in this Country, as mentioned earlier when we offer over US$2,000.00 with a maximum of five years.

Thank you Mr. President.

MR. PRESIDENT: The question before the House is that a Bill for a Law to amend the Agricultural and Industrial Aid Law 1978 be given a Second Reading.

QUESTION PUT: AGREED: THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986, GIVEN A SECOND READING.

MR. PRESIDENT: Bills. First Reading.

THE SUNDAY TRADING (AMENDMENT) BILL, 1986.

FIRST READING

CLERK: THE SUNDAY TRADING (AMENDMENT) BILL, 1986.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Sunday Trading Law is deemed to have been read a first time, and is set down for Second Reading.

CLERK: Before the Second Reading, I would like to say to Members that I have now circulated a reprint of the first Green Bill, with reference to section 81 sub-section (c) to the amendment.

SECOND READING

CLERK: THE SUNDAY TRADING (AMENDMENT) BILL, 1986

HON. W. NORMAN BODDEN: Mr. President, I move the Second Reading of the Bill entitled a Bill for a Law to amend the Sunday Trading Law, Chapter 161.

This Bill seeks to make a number of amendments to the Sunday Trading Law, which have been clearly set out in the Memorandum of Objects and Reasons.

Mr. President I crave the indulgence of this Honourable House to relate or outline as briefly as possible, the events as I see them which led up to the present situation, and the stage we have now reached with bringing necessary amendments to the Sunday Trading Law, to this House.

26 years ago, the Legislators of this land saw fit to pass a Law to console Sunday Trading. However, prior to this Act, and as far back as most Caymanians can recall, little or no business was ever allowed to be transacted on Sunday, Good Friday or Christmas Day. So while it can be said, that up to 1959 there was no written law against Sunday Trading which was passed locally, and I am not sure perhaps before that, the laws of Jamaica applied here in that regard. But of one thing I am certain, and that is that the people of our Country follow without failing the religious faiths, principles and traditions of their forefathers and all the settlers of these Islands who kept those days free for worship at the Church of their choice reserved for a closer family life.

Generally speaking, this is still the wish and desire of the majority of the people, but as I have said many times before from this platform, a price is paid for progress, and bit by bit, we have witnessed through the years a steady change in our life styles and a gradual erosion of our heritage and customs. The heavy financial demands of 'keeping up with the Jones's' brings about, have taken their toll, and we are all caught up in this modern trend, which to my mind can threaten the very fabric on which our small, but so far secure society has been founded.

In the years since the Sunday Trading Law was first passed, we have seen our Islands transformed from what was once described as 'the Islands which time forgot' to a popular tourist destination and international financial center. We have gone from a Country which played host to 31,000 tourists in 1970 to 403,000 in 1985, just 15 years, from a Country with a small budget of only $600,000.00 in 1960 to a budget of$69,000,000.00 in 1986. Our Trade and Business Licences have increased from 830 in 1973 to 1,833 in 1985, a span of 12 years.

Despite our obvious prosperity and progress, I would dare say that there are still those among us who at times might perhaps be tempted to long for the good old days, but there can be no doubt about it, we cannot turn back the clock, neither do we really want to. For in the process, we have become the envy of many Caribbean countries as well as others around the world, from a materialistic point of view. Therefore some changes are to be expected, some changes are inevitable with which we, as Caymanians, must learn to cope and to accept. Nevertheless, this does not prevent those of us with a serious concern for the future of our Country, to take a stand for what is most suitable to our particular case at this time. We do not have to be just like the rest of the world in every respect.

HON. W. NORMAN BODDEN (CONTINUING): I am certain Sir, that Legislators in 1960 desired the Sunday Trading Law to meet the needs of the Cayman Islands of the day. But with the passage of time, a revision of this Law has now become both necessary and urgent.

Naturally, the need for services demanded primarily by a growing tourist industry on which we have become so dependent for economic survival, have to be met, and so through the years we have witnessed the establishment of a vast variety of businesses, some of which are required to provide services sev n days a week. We have seen big hotels built, many condominiums, restaurants, bars, larger and different shops such as Duty Free, those specialising in souvenirs and large supermarkets. We have airlines flying in and out night and day, the development of organised, well equipped operations, sightseeing attractions of many varieties and so on. Of course, there was a Sunday Trading Law somewhere about, but it has remained rather dormant. Some seem willing to turn a blind eye as business activities increased on Sundays, and no-one seemed willing to tackle the unpopular or popular, depending on which side you look at it, task of dealing with this Law.

However, complaints from the public started coming in, and serious concern was being strongly expressed by a cross-section of our community. After giving the matter serious consideration, Government decided that something had to be done. The Law had to be enforced, amended or repealed, and to face facts, there can be no doubt about it if the situation which has developed in our midst is ignored or left unattended, we could easily reach a stage whereby our great Caymanian tradition and way of life will be completely lost. It will no longer be just a small corner stall open on Sundays for a few items, it will spread to other areas and to much larger operators. Our identity and many of the qualities which attracted visitors to our shores in the first place will disappear. So the views of the public on Sunday Trading were solicited, and as can be expected many varied and different views were expressed. The public was invited to write in to the Portfolio on this matter, and over a period of six weeks the following letters were received, some of them supported restrictions on Sunday Trading, while others would just as soon see Sunday Trading prohibited altogether. There were 12 letters from various Church groups, one of those letters carried 72 signatures, one carried 65. There was one with 45 signatures and one with only two signatures. Additionally, we had 12 letters from 12 individuals, one with four signatures to it, one from an organisation with six signatures and one from a school with two signatures.

On the other hand, a total of seven letters were received in support of allowing trading on Sundays. Two of those letters said it was necessary and five felt that trading on Sunday should be allowed because Saturday is the Biblical Sabbath and the day when trading should be prohibited.

I would like to take this opportunity to thank all those individuals, organisations and churches who took the time and interest to write in. I can truthfully say their views and comments are very helpful to us.

MR. PRESIDENT: If I may interrupt the Member for a moment, will he be some considerable further time speaking, or just a few minutes?

HON. W. NORMAN BODDEN: Yes Sir.

MR. PRESIDENT: Perhaps, if this is a convenient point to break his spe ch, it will be sensible if we take our lunch break now then, would that be....

HON. W. NORMAN BODDEN: That would be fine Sir.

MR. PRESIDENT: In that case I will suspend proceedings until approximately two fifteen.

AT 12:47 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:28 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed, the Second Reading Debate on the Sunday Trading (Amendment) Bill 1986. The Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, when the House broke for lunch I was referring to the various letters which had been received, and the various views which had been expressed.

Now I have the greatest of respect for every mans religious convictions and beliefs, and the rights of religious freedom in this Country will always be upheld and supported by this, or any other responsible Government. So everyone is entitled to hold to their own religious convictions. It is not my intention in this respect, to enter into any argument or position in relating to this matter.

I would only like to point out that we are not introducing a new law, we are dealing with the updating of a law already on the books, which deals with trading on a specific day or days. Now I understand that there is a move underway in the United Kingdom at this time to repeal their legislation on Sunday Trading altogether. I also know that there are those who claim that we should perhaps be like theirs, that the Sunday Trading Law is foolishness, and that any attempt to amend it is a waste of time. Well as I have said before, everyone is entitled to his or her views, and while I can respect them I do not have to accept or necessarily agree with that line of thinking.

The Sunday Trading Law, just as any other law can serve us well if properly enforced, and respected by the people whom it is designed to serve. It is my view that if there were no laws to restrict Sunday Trading the results would be a trading free-for-all, something which would further deteriorate the family unit, and place a strain on the family and in fact, could be bad again for our society and also the Church. Families will be separated on the one day of the week which they ordinarily spend together as a family, and even the one day of the week which is normally free of traffic, will go, and there can be no doubt about it, costs are bound to go up.

To enforce the law as it stands presently, would undoubtedly create inconvenience and perhaps an unreasonable situation. To scrap the law as some would suggest, is unwise and unacceptable to the majority. It is therefore Government's position that we should keep our Sunday Trading Law, but with the necessary amendments to suit as far as possible and practicable the particular needs and circumstances of the Cayman Islands.

HON. W. NORMAN BODDEN (CONTINUING): Admittedly, this is no easy exercise but at the same time it is also true, that the easiest and most popular route is not always the best.

The current law has several irregularities and ambiguities and loopholes which have to be corrected, and there are several categories of businesses which will also have to be exempted.

Therefore Mr. President, this Sunday Trading Bill is brought before this Honourable House today for the consideration of Honourable Members. It is designed to regularise the situation in order to allow those businesses generally considered essential to tourism, as well as to provide limited services to the general public to trade legally, but at the same time, to prevent any further large scale escalation of business activities on Sundays. I am sure that this will not make the law perfect, for no law is, just as no one is infallible. But at this time this seems to be the right and most suitable means of meeting the needs of our Country, while salvaging some semblance of the Sunday which the majority were traditionally brought up to respect.

Now Mr. President, to deal with the proposed amendments. Clause 2. seeks to delete the definition of "tourist", which in fact is a consequential change. Tourists, in the law as it stands now relates to a passenger or crew member whose stay did not exceed 12 hours, and was used in subsection 3. of Section 6 to differentiate between sales made to persons who were considered tourists, as opposed to those who were not. A fine was also imposed for any sales made to non-tourists on Sundays. Also in item 8, under the first schedule dealing with the opening of stores for sales to tourists is also being deleted. It is also proposed to delete sub-section 3. of Section 6. and therefore it will no longer be necessary to make a distinction, and there is no need to define "tourists". As to my mind, a sale is a sale made regardless to whom it is made.

Clause 3. seeks to make it mandatory for an order issued by a Constable to close a property, to be complied with forthwith. The word "forthwith" has been added, in order to strengthen this section of the law.

Clause 4. seeks to amend Section 5, by making it also an offence to sell goods on a prohibited day, by addition of the word "sell". Because, as the law now stands, it states only that a person shall not offer or expose for sale any goods. It must also be the sale of, which is the offence, and this is seen as necessary in order to strengthen this section.

Clause 5. which amends Section 6. of the law, deletes the reference to the Second Schedule which it has been decided to eliminate and combine with the First Schedule, by listing the exempted establishments and specific items which can be sold, all under one schedule. Additionally, the opportunity has been taken to insert "Governor" in the place of "Administrator". Also the subsection dealing with the sale of duty free goods to cruise ship passengers on Sundays is being repealed. It is felt that this will not adversely affect cruise ship arrivals on Sundays. Very few cruise ship arrivals are scheduled on that day, and in the event that there is the odd request received, the operators will just have to be politely told that they are welcome to call here and enjoy what the Cayman Islands have to offer, but the stores are closed on Sundays. As I mentioned earlier, subsection 3. dealing with sales to persons other than tourists is also being deleleted.

HON. W. NORMAN BODDEN (CONTINUING): Clause 6 amends Section 7. by deleting the reference to the screening off of premises, and makes it clear that when there are two small businesses situated together, one of which can be legally operated on Sunday, then it must be properly partitioned off from the other.

Clause 7 will amend Section 9. by repealing subsection 2 which made provision for the offender to be charged with a separate offence for each article sold, and introduces a new subsection 3 in order to bring the penalties for breach of the Law to a more realistic level. In the current Law, the fine is five pounds or two months in one instance, and ten pounds or three months in the other. The new section increases this to $500.00 for a first conviction and $1000.00 or six months imprisonment for a second or subsequent conviction. Also reference to the old post of Stipendary Magistrate has been updated to Court of Summary Jurisdiction.

Clause 8 deletes the provision for clubs established under any Law, as this is now considered unnecessary. It amends the reference to certain already exempt establishments, by clearly identifying the items which can be sold, and the specific purposes for which an establishment can open to conduct business on a prohibited day. It combines the Second Schedule with the First, and adds several new categories, types of businesses which are generally considered essential to our tourist industry, and to some extent the general public. These businesses have been and are already operating on prohibited days, and this amendment seeks only to regularise the situation, in view primarily of their importance to tourism. Due to the fact that the First and Second Schedules have been combined, I would like to take this opportunity to review the combination of the Schedules, and what the new Law will appear to be.

On number 1. Drugaist Shops and Dispensaries, in relation to the sale of medical stores only, is an exemption which already exists in the Law.

Number 2. Restaurants, Hotels and Lodging Houses are already listed as exempted businesses under the Law.

In number 3. reads, establishments for the sale of motor fuel or oil' and what has been amended to be added to that are the words "in relation to the sale of those items".

Number 4. Motor Vehicle Repair Shops, or Service Stations, and what has been added in relation to the sale of those items, and of spare parts for motor vehicles. Establishments for the sale of bread, ice, ice cream, non-alcoholic beverages, milk, newspapers in relation to the sale of those items the Law already provided for several of these items, and we have added a few more.

In number 6. Establishments governed by any Law for the time being in force in the Islands, regulating the sale of intoxicating liquor, and what has been added are the words "in relation to the sale of intoxicating liquor".

Mr. President, I would like to state here that many of the letters which I received on the Sunday Trading, we were asked to do away with the opening of bars on Sundays, and I would just like to point out that for this matter to be dealt with, it would have to be handled through an amendment to the Liquor Licensing Law, not the Sunday Trading Law, and Section 11 of the Liquor Law states that sale as otherwise specifically provided, no license other than a hotel licensee, a restaurant licensee or a wine and beer licensee shall dispose of intoxicating liquor on Sundays, Christmas Day or Good Friday. I only make this point because I believe it is a misunderstanding by certain sectors of the community, that all bars are allowed to be open on Sundays, and this is not correct.

HON. W. NORMAN BODDEN (CONTINUING): No regular bars, full bars are allowed to be open on Sundays. This under the Liquor Licensing Law provision has made for bar restaurants only, meaning that a meal has to be supplied.

Item 7 dealing with Clubs has been deleted, also Item 8 relating to shop or store for the sale to tourists has been deleted.

Item 9 which lists establishments approved by the Governor in Council, by publication in the Gazette, for the sale of duty-free goods.

Item 10. Establishments concerned in water sports or sightseeing attractions.

Item 11. Establishments within the curtilage of a hotel in relation to the sale to guests of that hotel of souvenir items, toiletries and medical supplies.

Item 12. Establishments engaged in the sale or supply of funeral caskets or flowers, in relation to the sale or supply of those items.

Item 13. Establishments for the sale of victuals, stores or other necessaries required for a ship or aircraft on arrival at or immediately before departure from a port or airport in the Islands, in relation to the sale of those items.

Item 14. Hairdressing and beauty salons.

Item 15. Airline and shipping offices.

In addition, Mr. President, I have circulated a Committee Stage amendment which I propose to make when this Bill is being dealt with by Committee, and that adds Item 16. Establishments carrying on retail business at an airport, and

Item 17. Establishments concerned in the rental of motorcars, motorcycles or bicycles, or in the rental of charter of boats in relation to such rentals or charters.

These Mr. President, are the items and establishments which are exempted under the Law, and as I have said before, I know that it is not perfect, but considerable thought has been taken in developing the list for exemption. Some changes have undoubtedly become necessary, but Sir, it is important that we keep our Sunday Trading Law, and that it be in force by the Police, and that it be respected by the citizens of our Country. There is absolutely no need nor necessity for us to copy every bad habit from every country around the world. We have our identity which must be maintained, and I feel that this Law will enable us to supply the services which are needed in the development of our Country, at this stage. I believe that it is reasonable and fair Mr. President, I commend this Bill to the House, and I ask all Honourable Members for their support.

Thank you.

MR. PRESIDENT: The motion before the House is that a Bill entitled a Bill for a Law to amend the Sunday Trading Law, Chapter 161, be given a Second Reading. The motion is now open for debate. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, over the last couple of months this subject of the Sunday Trading Law has been dragged across this Country. The pros and cons have been put and as far as I am concerned, there is some justification on both sides, and I speak from my heart when I say that this is a very difficult Bill to deal with.

MR. W. McKEEVA BUSH (CONTINUING): Difficult because as a progressing Country we need to do everything in this world possible to help our people. Difficult, because we recognise and have recognised in this Country that a Sunday is a holy day, and so from the bottom of my heart, it is a difficult subject. It is one that should not be used for political reasons.

Mr. President I quite well remember going back a couple of years to how it used to be on Sunday, and having more or less come from a one-parent home, I remember quite well what my mother taught me. Sunday is a holy day, and we as children should keep it holy. We were never allowed even to get out of the house after we came back from church. We stayed in the house until four or five o'clock, then we saw the sunlight by going back outside just before it was time again to get ready for church. As I have said, this Sunday business goes deep with me.

Mr. President, my debate on this is not going to be long, because whether it is used against me politically or not, I will stand by my convictions. I will try to be as fair as possible.

Mr. President, many people have called me. I have had representations from most of the churches in my constituency and they are strictly against anything being open on Sunday, and while I sympathise with some of their feelings, we have to recognise also that this Country will not continue if we just close down everything on Sunday. While I do not agree, or I do not always agree with a half-way house, I think that we are doing right if we try to satisfy the majority of the people.

I am concerned however, that there are people who do not open their stores on Saturday for instance, but they open them on Sunday. Now the other thing is, that we can not legislate for every religion or every other aspect in this Country, but I have to be concerned when I know that people will close up their stores on Saturday while other stores all around them are open, and they are not making any noise about it. One has to question that particular situation, those people, and I am referring Sir to the Seventh Day Adventists, because I have the greatest of respect for that denomination they are not a pressure group, and they do witness to the world in their works, and as far as I am concerned, this is Christianity at work. I am a presbyterian Sir.

In this particular Bill there are items for instance, items for babies, such as pampers and other items, and it is possible that the need for these might arise on a Sunday in an emergency. If one does not have a pamper on a baby, one knows what kind of mess one will have, it will be an even bigger mess.

Mr. President, there are items such as water which are not covered under this Bill. Again it could arise in an emergency, and I feel that these items ought to be covered, and when I say that I am not always in agreement with the half-way situation this Bill is I believe all that, trying to please one side and trying to please the other. It is a difficult thing to do, but those particular items I feel need to be covered.

Mr. President, some people came to me and they spoke to me concerning the duty-free items saying that we are killing the tourists and stopping tourism. Well, this may be true, I have not seen any statistics to prove it. I doubt that the Member is trying to kill tourism, I think he is doing his level best to bring it up. But what I feel is going to kill it in dealing with these duty-free items is the high cost of these items

MR. W. McKEEVA BUSH (CONTINUING): The other day I was talking to two ladies and they were on a ship, and they told me that all they could do was look, they could not buy because things were so expensive. I talked to some tourists and I asked them how they felt about it, they said it was neither here nor there for them. They come in late on Saturday night, sometimes the Condominium Managers know when they are coming in, and most of the time they do, and are prepared for them. The condominium where my mother works, the Manager there does just that, shemakes provision for things which she knows that they will need if there is a late flight, and I think it is a very good thing.

Mr. President, as I have said, I will not be long. I will support this Bill, but I do feel that we ought to be more realistic in the things which can be sold on Sunday.

With these few words Mr. President, I trust that this matter will not be blown up as a political thing, with political hay made from it. I think we will be doing ourselves a great disservice.

Thank you very much Sir.

MR. PRESIDENT: Does any other Member wish to speak? No Member wishes to speak? I think, the Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Mr. President, I rise in support of this Bill in respect of the Sunday Trading Law, Sir. Needless to say, I may be a little bit more conservative in certain respects than the Member who has proposed this Bill before us. I do not know that I will need to be very long either, because it is no secret to anyone sitting in this House that Sunday has traditionally been a very holy and respected day. It is also very well known to the Members sitting in this House Sir, that over the past several years through simple carelessness, and in some instances ignorance perhaps, but I doubt whether there was so much ignorance amongst our local people. The Sunday which we knew to be kept as a day of rest and worship, and a day to be spent with the family happens to be one of the biggest partying days on these Islands. If one takes a walk or a ride down the West Bay Road and Seven Mile Beach, one has to wonder whether one is really in the same Cayman Islands of a few years ago. The only strong argument which I can hear from anyone as to why this has come about, is that we have to cater for tourists. Mr. President, we may be a small country, and we cannot compare ourselves by the size of our population with many big countries in the world, but I would venture to say that any traditions which they hold dear, any customs which they might have, it is not possible for us to go there and change them. The size of our population should not in any way diminish our determination to hold on to what we know as being good right and proper. To hold on to those things which we know have done us no harm, but rather a lot of good.

There are very few services Mr. President which I can think of, that if our people knew they were not available on Sunday, they would not make provision for it on Saturday. Even if one has a toothache or a headache, one makes sure to get to the hospital or the dental clinic on the days that it is open, because it has to be a dire emergency to get help otherwise. The drugstores are closed, and many other places are closed.

As far as tourism goes Mr. President, I have been in a position in recent months, and over the years as well, to speak to visitors to these Islands, at one time or another on this particular subject, and I say this honestly and truethfully, the majority of those people to whom I spoke saw no reason why Caymanians could not stick to closing places of business on Sundays.

MRS. DAPHNE L. ORRETT (CONTINUING): In particular, I was dealing with the people who visited condominiums, and they would be the type of tourists who would find it most difficult. In a hotel of course, one has restaurants where breakfast, lunch or dinner may be served. But in condominiums it is a bit different. Food has to be in the apartment if one is going to cook and have breakfast and so on, since restaurant facilities are usually not provided for in a condominium complex. However, Mr. President, it has been going on for some time, and I see no reason why it cannot continue to do so, that Condominium Managers for the few, and I repeat that, the few arrivals on Sundays, one does not have ten or twelve or fourteen, one might have three or four parties arriving on Sunday. The Condominium Managers make it a point to get breakfast items and a few other things put in the apartment, sending the bill there and it is paid for - the guests are happy. The restaurants are open, they are able to go across and if they want breakfast, lunch or dinner they may purchase it. So I feel that here is a situation where we do not really have a strong argument as to the reasons why stores should be open, without any restrictions what so ever on a Sunday.

Mr. President, the fact that it is tradition is one thing. Things change, progress comes, years go on, but believe it or not, even in large cities in the United States I have seen advertisements on the television and in the press of supermarkets and other stores which make an effort to get across to the public "we are closed on Sunday", and this is not where it ends, they state the reason why they are closed. They believe that there must be a time for families to get together, to be able to worship together, to be able to spend time whether it is just to sit at home and talk, but when one has employees who have to be compelled to go to work on Sunday, in all areas one has a problem. I can think right now of a large supermarket chain in the United States 'Publics' it is one of the most profitable supermarket chains in the United States, and they time and time again advertise 'We do not open on Sunday, it is a day of rest and worship and a time for families to be together'.

Mr. President, I do not need to go into all the social problems which we have in the Cayman Islands today, but I would venture to say that we certainly do not need to add to the reasons behind all the problems which we are having, and I have a strong feeling that in no small way, the fact that parents and often times children as well are out, they are working, they are not getting together seven days a week, there is no closely knit communication, nothing being done together, and Mr. President it has to have an adverse effect on this community. We are not the United States, we are not any other place, This is the Cayman Islands. If we are different in some respects, and in the areas in which we are different it is not to our detriment, then I see no reason why we should at this stage, allow these things to just go down the drain in the name of tourism.

If a tourist understands that he cannot purchase his duty-free items on Sunday, he will purchase them on Saturday. Mr. President, the same goes for our local people, there are emergencies, I know there are emergencies, and I feel that this particular Bill has perhaps gone as far as it can go. I would venture to say in certain cases leave it as it was, but I am wondering Sir, if those places which are permitted to carry on business would be prepared to say to an employee 'I will pay you double time for Sundays'. Is one going to get extra pay for coming in on Sundays?

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, I was somewhat under the impression that the Sunday Trading Law might have affected the Liquor Licensing Law. Of course I have learnt for quite some time now that that is not the case. However, Mr. President I would like to remind this Honourable House that it is my intention to bring back a motion to this House that we seek to curtail the sale of liquor on Sunday, and when I do, the tourist is not going to be upper most in my mind. The tourist is going to have to accept that one of the most detrimental things we have in our society today is alcohol, it is abused and Sunday is the day when most of it, in my opinion, is consumed. Believe me, if one cannot go to the store and pick up a bag of sugar, then one ought not to be able to go to a bar and pick up a drink. Mr. President, here and now I am letting this House know that this is one of the areas in which I will be seeking an amendment to the Liquor Licensing Law.

MR. W. McKEEVA BUSH: What happens if they buy it on Saturday night.

MRS. DAPHNE L. ORRETT: Mr. President, I would venture to say here that within this House it is not all fun and games, and some things are really not funny to me, and when I am dealing with a matter as serious as the abuse of alcohol and drugs Mr. President, that is not a joke.

These Islands are in a serious state of affairs, and I trust that this Honourable House will realise that money is not all we need to give our children, and if we do not hand them some values and some ideals which can hold them in times of trouble and stress, one could give them a million dollars Mr. President and it will not do very much good for them.

In the Cayman Islands today we have got to realise that there are certain moral and spiritual values which cannot be replaced by the dollar we receive from a tourist. Mr. President, I am convinced that we will not loose one because we decided to hold on to the traditions which we have had, in upholding Sunday as a day of rest and worship.

Mr. President, our tourists respect the Caymanians for more reasons than one, and I can assure you that I have had some mention to me only recently, "Daphne all I can say to you is this, if you make the change and you allow Sunday to be as other days, you will have lost, you will never get it back again".

Mr. President, I am saying here and now, this is not just tradition, we must have a time when we recognise that rest and the worship of Almighty God is essential. If a person has to go into work, usually he does not get to go to worship, and the more we allow this to happen, because some of the people in the Cayman Islands, I tell you, they like a dollar, and believe you me simply because they can do so, they will. I feel that this is something which should be looked at very, very carefully.

Mr. President, I know of many businesses who made it without opening on Sunday. Sometime ago I saw a newspaper item where a certain businessman had said that he had decided not to continue with a half million dollar expansion because all of a sudden, he was hampered in selling on Sunday. But that same individual Mr. President, surely had it made long before then, by not opening on Sunday, and I am not saying that that individual is not helping many people around here, but he got it made without opening on Sunday. I am saying that one has to live and let live. We cannot have everything in the world, recognise that there are other things which a person must grasp in life as well as money. I know one cannot get along without it.

MRS. DAPHNE L. ORRETT (CONTINUING): Believe you me, a man who sits up in church seven days a week and does not go to work, he is not going to make it very well either. But, on the other hand, there has to be a time and a place for everything, and certainly Mr. President, our moral and spiritual values must be held on to. We must realise what the wishes of the majority of the people on theses Islands are. We must recognise that our children are growing up with virtually no moral or spiritual values, because we have decided that getting an almighty dollar in our hand is more important than anything else.

Mr. President, it is very important that the people of the Cayman Islands, when this Bill if it is passed, recognise that it is up to us in the Cayman Islands to preserve this Country, and to give to our children something which they will be proud of. Look around us, and see many of the other Caribbean Islands, who have gone this route in the name of tourism, and answer me one question. Do you find tourists that anxious to go there? Only last evening, I met a certain gentleman and his wife who said to me 'can I tell you something. Please hold on to what you have, and what ever you do, do not let gambling into the Cayman Islands. You will get money, but the other things you get besides it, you will never get rid of".

Mr. President, we have to be careful in these Islands, there are people who will try to convince us that prosperity lies only in the amount of money which is made. But can I say something, can I remind this Honourable House of something. God will bless those people who choose to honour him, and that is not a myth, that is a fact. There may be times when things may not always go smoothly, but Almighty God is still in charge of this universe, and Mr. President, the people who choose to respect and honour him will be blessed of him. Mr. President I am convinced of that, and in these Islands today we need a reawakening; we need a spiritual revival in our midst, because our people have slipped and strayed too far, in the name of modernism and in the name of prosperity.

Mr. President, with those few remarks I wish to say here and now that I trust that this Honourable House will see fit to rectify the situation which we have had with regard to our Sunday, and our Sunday Trading Law.

Thank you very much.

MR. PRESIDENT: I think perhaps it may be convenient for the House if, before I call on any other Member to speak, we suspend proceedings for approximately fifteen minutes.

AT 3:31 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:41 P.M.

MR. PRESIDENT: Proceedings are resumed.

The Second Reading Debate of the Sunday Trading Amendment Bill. The Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I support a Bill for a Law to amend the Sunday Trading Law, Chapter 161.

The Member presenting the Bill has ably done so, and I do not wish to be repetitious. I also commend other Members for their contributions, and I would like to at this time make a small contribution which will be very short and to the point.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): The Bill Mr. President, seeks to update, clarify and strengthen our present Sunday Trading Law, and remove any doubt as to the intent of this Government, with regard to business places opening on prohibited days.

Clause 4. seeks to amend Section 5 by making it abundantly clear that no person shall offer or expose for sale, any goods, wares or merchandise on a prohibited day. The present Law provides some protection to people who wish to spend their Sundays in a particular way, but it does not protect those who do not wish to work on prohibited days, unless it was absolutely necessary. The proposed amendment seeks to correct and clarify this situation. The increases in penalties for a breach of the Law will make those who insist in circumventing and breaking it, stop and take heed, as they will be dealt with severely when this Bill becomes Law. It is the intention of this Government to consider and accommodate the various businesses which must service our tourist industry. But it will not tolerate any other business which open for the sole purpose of increasing the weekly sales. I am convinced Mr. President, that if we were to allow trading on prohibited days, we would harm our families, as working on those days would fragment our families and put greater pressure on our marriages. Our Churches would be harmed, because many of our fellow worshippers would be prevented from joining us in worship, because they would have to find themselves at work, or lose their jobs.

Mr. President, it was a leader of the French Revolution who said "If you would destroy Christianity, you must first kill Sunday". Our community will be harmed, as there would be no weekly refuge from traffic noises, litter and commercial activity. Our Islands which are now becoming stress-burdened, would become a burden even more.

Mr. President, I believe that the Bill before this Honourable House will go along way towards satisfying the needs of our tourist industry, and reassuring our people that we intend to see that all prohibited days are respected and observed.

Mr. President, I support the Bill.

MR. PRESIDENT: Does any other Member, the Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, the Bill before us, a Bill for a Law to amend the Sunday Trading Law, Chapter 161 is a very sensitive piece of legislation. Sensitive in that we the Members of this House must deal with this Law from two points of view. That is from the view of the people who will be affected, and also as it would apply to the Churches, and as the Churches would be affected by any changes made to this Law.

Mr. President, I have said in this House before, and I will repeat that any Law to be a good Law, it must be good for the people who have to live under the Law.

I want to commend the mover of this Bill for the very sterling job he did in covering many areas of the Bill. I must say that he did an excellent job indeed, in not committing himself one way or the other, but I can understand that, because as I have said, this is indeed a very sensitive issue.

Mr. President, I feel that there are many issues to be considered in discussing and debating this Bill. A very important issue is the development, this Country has taken over the past 26 years, since the Sunday Trading Law first came into effect. Be this as it may Mr. President, I am not advocating or even suggesting here that we should open the door wide and ignore the views of the Churches or even the views of those who would want to protect Sunday as a prohibited day, that is from trading.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, I believe that the amendments made could have been wider. I also feel Sir, that there are areas which were left within Part 1 of the Second Schedule, which perhaps should have been deleted, if we are so concerned about the harmful affects of Sunday Trading.

One area Sir, is the sale of cigarettes, cigars and tobacco. These cannot by any stretch of the imagination be considered as essential products. I believe Sir, that we could also reasonably add to the amendments the items of toiletries, which would include such things as toothpaste, soap, toilet paper, paper towels and so on. Also Sir, mention was made by the Second Elected Member for West Bay that consideration should also be given to items such as baby products, other than clothing and toys. Mr. President, I will seek to make this motion during the Committee stage to include these items.

Mr. President, it is of interest to note that no mention thus far has been made of the feelings of other religio s, and the day which they regard as Holy, and perhaps would wish to have regarded as a prohibited day. I speak specifically Sir of the Seventh Day Adventists, even though I know that Sunday is regarded as the holy day of rest for us here in the Cayman Islands, and indeed this is also the day on which I go to church. I am aware Sir that there are a number of church-going people in the Cayman Islands, and I would say very staunch Christians who worship on Saturday. I have yet to hear these people complain of trading on Saturday, yet Mr. President what I think was the main reason for so much attention being placed on the Sunday Trading Law was not out of interest for the desecration of Gods day. This was not the reason why this first came about. I am in receipt Mr. President of a letter dated December 1985, and one in October 1985 when this matter was first brought to light, and the reason given in the letters was that it was felt that those who were allowed to trade on a prohibited day were in a distinct commercial advantage over those who were not trading. I trust Mr. President that there are other very good reasons for not wanting to trade on Sunday.

Mr. President I would also join the previous speaker in saying that we want to maintain and retain what our forefathers have built up over the years. We would want also Sir, to set a day apart when we can rest, when we can rest from our labours, when we can fellowship with our relatives and friends. But at the same time Mr. President, I believe as legislators it is incumbent upon us to consider the majority of the people, because the principle of our parliamentary democracy is built up on majority wishes and majority rule.

Mr. President, from the presentation made by the Second Elected Member of Executive Council, it is quite clear that there were more people against trading on Sunday than there were those who wished to trade on Sunday. I do not myself believe, that this is the way that most people feel, but the Member has only those letters to go by, so he must be guided by the letters he has received. I also Mr. President have listened to this matter being debated or discussed on Open Line, and it was obvious to me from the feed-back that there were many, many people who felt that the Sunday Trading Law should be relaxed.

Mr. President, there are many of us here today who perhaps feel that this Law should be relaxed, but I doubt very much that you are going to hear them saying that. The reason for this Mr. President is that the Church determines to a large extent the result of our elections, and this is one reason why I feel that this matter will not be discussed as openly as it would have.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, I want to make it abundantly clear that I am here to represent the wishes of the people. This is the purpose of each one of us being here. If it is the wish of the people that we close on Sunday, that we do not sell certain items on Sunday, then I am one hundred per cent for it. But it does seem a contradiction Mr. President, when we will allow bars to open on Sundays. Members of the public can go to any of the hotels, they can get stone-blind drunk, they can become a hazard on the street, yet that is allowed. We seem to be in a position where we are straining at a gnat but we will swallow a camel. I do not feel that it is right for this sort of system to continue. We have to be consistent in what we are doing. I am not, and I repeat I am not advocating Sunday Trading, but in the same light Mr. President, I do not see where it is also right if we prohibit the sale of certain items in a supermarket on a Sunday, but we would allow the sale of liquor, even though I realise that this comes under a totally different Law. What I also find to be somewhat inconsistent Mr. President, is that we are going to allow the sale of certain services on the beach to tourists, but yet we are not going to allow our own people to get certain of the essential items in the supermarkets.

I believe Sir that we need to take a very, very close look at this whole Law. I believe Sir that we cannot have two sets of standards. If it is wrong, it is wrong. Perhaps instead of dealing with this Law in what would appear to be a somewhat piecemeal fashion, maybe we should prohibit any trading on Sunday in any form. But if we are going to allow a certain amount of trading then I feel that we need to look into this matter much more carefully, and this is not Mr. President, to criticise the efforts which have been made in this respect. I think the Member responsible has given this matter very serious consideration, and he has also allowed members of the public to make their representations to him. But I can see Mr. President, that in time to come this Law will cause problems for a number of people. I can see where it will not be fair in a way, for those people who regard Saturday as the Seventh Day Sabbath, for them to be told that they cannot sell their supermarket items on a Sunday. All these matters Mr. President, must be taken into account. We cannot have just onesided ideas in this matter

Mr. President, I believe Sir that we would have many less problems with the observance of the Sunday Trading Law if we made it easier for people to live with. While Mr. President, I do not want to be accused of trying to use this opportunity to debate your Throne Speech, as was suggested earlier.....

MR. PRESIDENT: I have every confidence that the Member will not (LAUGHTER)....

MR. LINFORD A. PIERSON: ....I feel Sir that this is an opportunity for us to look very closely, not only at this Bill before us, but there are others which will be coming before us during the Session. We have to give these amending Bills very, very thorough consideration. We have to do this with all our Bills coming here, and this will avoid some of the withdrawals of Bills I have seen recently in this House. If these Bills were properly thought out, then there should be no need to have to be adding little bits here and there. To have to be withdrawing these Bills, or some of these Bills

Mr. President, I am a Sunday worshipper, my parents worship on Saturday and I have very, very strong respect for people who call Saturday the Sabbath, because if we are to look into the details of this, they might have great justification in feeling that it is the holy day to keep. But we are not discussing that here today.

MR. LINFORD A. PIERSON (CONTINUING): Sunday is stated in the Law as a prohibited day, and it is regarded as the day of worship. But Mr. President, it would be wrong for us as representatives of the people to totally ignore the wishes of the minority. It would be wrong for us to be look at only one side of the coin. Mr. President I feel that in Committee stage if at all possible, other Members should as I am doing, bring amendments which could make this Law a better Law to live with. Something which is more practical, something which is better, something which is good for the people of this Country.

I thank you Mr. President.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. MAYBRY S. KIRKCONNELL: Mr. President, I rise to support a Bill for a Law to amend the Sunday Trading Law.

I have studied this Bill very carefully, and have listened very carefully to the debate here today. Firstly, I would like to congratulate the Second Elected Member for Executive Council for his able presentation of this Bill. I would also like to complement our Government for bringing this Bill to the House, they could have easily dodged the issue, and let it continue to be a smouldering pot in the community. But let us hope when we have voted on it today that we can put it to rest.

I would like to state that this Law not only covers Sundays, but it covers Good Friday and Christmas Day as well, which prohibits all that we have discussed here. I too see certain other items which could have been included. The Honourable mover said that he will include water, because water is one of the essentials of life. Also I think that private Medical Clinics should be given consideration, if the amendment being put forth is going to give consideration to the rental of motorcars, motorcycles and bicycles, certainly Medical Clinics should be considered, as they are necessary for the health of the people.

A previous speaker has said that maybe we do not always speak our true convictions here, but I would like to make it very clear that every time I have spoken in this Honourable House I have spoken in accordance with the wishes of my people.

This Law has been around for a long time, and it has caused a lot of concern in my district. We do not have stores traditionally open on Sunday there, but nevertheless, the people show their concern. We were taught as children to have respect for Sunday, Good Friday and Christmas Day. As we grew older, we taught the generations behind us to do the same, and I canvassed the members of my constituency before coming to Grand Cayman, and I was instructed to support the Sunday Trading Law provided it was not made too bad, and in my judgement I can live with the amendments which are being proposed. Therefore Mr. President, I support the Bill.

MR. PRESIDENT: The Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, Honourable Members. I reckon this is one of the hottest subjects in the Country today, more so than increased revenue, because Mr. President, I believe that the entire cross section of the community has an interest in this Sunday Trading. I believe that Sunday Trading is a subject which is split right down the centre line of public opinion. There are those who support Sunday Trading, many of whom I am sure would wish to see the Law abolished.

HON. VASSEI G. JOHNSON (CONTINUING): Then there are those who have tremendous support for retaining Sunday as a sacred day.

Mr. President, it seems to me that there is a genuine case in this Sunday Trading for a compromise, because if the community is split down the centre line in their opinion, and we want politically to indicate that we have concern for public interest here, then I submit that we have only one course to adopt, and that is the course of compromise.

Mr. President, I have lived in this Country for a long time, and I dare say from the time I came here I found that the Country was steeped very deeply in its religious tradition. But Mr. President, I am afraid that that tradition is perhaps gradually passing on, because I see today, and I am speaking about our present-day situation, that there is an erosion in the fabric of our Christian heritage.

Mr. President, once we admit economic development, and when I say 'admit economic development' I refer to those days following close up to the end of World War II, when the people of these Islands had to start anew from a war oriented society, looking for a livelihood, into a peaceful atmosphere. In those days Mr. President, the economic future of these Islands looked as dim as the twilight hours after sunset. The young men of these Islands had to leave home and go far afield in search of a lilelihood. Luckily enough, towards the end of the 1940's when Caymanians had difficulty in gaining immigration entry into the United States in search of their livelihood, working on board ships, that the American Government kindly arranged with this Government for the issue of non-immigrant visas. So that visas could be issued to Caymanians who could then have free access into the United States and on to their ship and on to their jobs. Following that significant development Mr. President, we came into 1954 when the airport development was completed, and we were on the way then to another form of development, or I should say, we were onto real economic development. Then in 1964 and in 1969 the Government introduced two economic programmes, which meant Mr. President that we had by that time, accepted economic development in these Islands. I need not say that along with economic development come the evils of the outside world. We too saw some of those coming through our front door.

As the mover of this motion said Mr. President, we cannot turn back history in these Islands. We cannot turn back the clock because we have reached a stage when economic development must continue. We must provide job opportunities for young and upcoming Caymanians, and because of this Mr. President, we are committed to continue supporting economic development. As sure as the night follows the day, we are going to have some of the outside evils, we are going to have some of the outside attitudes, we are going to have some of the outside social concepts of everyday life entering our society. We are going to have a growth of the population which will include indigenous and foreign people.

Mr. President, there is no doubt that today we are having varied views within our society, not only regarding Sunday Trading, regarding many other things. Because the influence of non-Caymanians must also be regarded, because they form a fairly large proportion of our population today. Many of those people have been accustomed to trading on Sundays in their own countries. We have heard that Great Britain is now considering removing Sunday Trading in their country. We know that our closeby neighbour the United States has been operating Sunday Trading from many years ago. The fact is that many people from these Islands go there over the weekend to be engaged in trading, buying, purchasing merchandise.

HON. VASSEL G. JOHNSON (CONTINUING): I have been there on many Sundays Mr. President, and I have never yet been tempted to go into the stores because I still cherish Sunday as a religious day. But, I have nothing against anybody else who wanted to go there. If they invited me to go along, I would say no thank you.

Mr. President, we must face reality today, and as Members of this Legislative Assembly, we too have to come to reality with the situation we see before us today. We cannot say that we are going to support one side or the other. We will have to find a way for the compromise I mentioned a while ago. We are going to need to support worshipping on Sunday, and we are going to have to support in a very limited form, certain trading on Sundays because Mr. President, as I see it, regardless of whether I am a staunch Sunday keeper or not, I see it today that in order to support the present economy of this Country, we are going to have to support as well a limited amount of Sunday Trading. But I would wish Mr. President, that even the religious bodies of these Islands will also come to grips with the situation of today. Because, we are not talking about the situation of 20, 25 or 30 years ago. As I have said, once we admit development in these Islands, we must also expect to have in our society some of the evils, and I say evil here of the things we would prefer not to have.

Mr. President, we have heard mention of two days, the Sabbath Saturday observed by the Seventh Day Adventists, and we have Sunday which is observed by the other religious denominations. I should think that in most countries of the world who recognise the Christian religion, that Sunday is considered a state recognised day of worship. We have nothing against anyone who wants to join the Seventh Day Adventists. One of my sisters at one time was talking about the Seventh Day Adventists, and it seemed as if she was falling for the religion, and we said to her, yes it is because you want two days rest, and she dropped the idea, and remained a Sunday keeper. But as I have said Mr. President, it is entirely up to those who want to, to observe Saturday. I think that every individual must be allowed freedom in expressing and observing their own conviction as far as religion is concerned. The Presbyterian, which is my denomination, was perhaps the first Church to be recognised in these Islands. I am still a Presbyterian, although it is known today as the United Church of Jamaica and Grand Cayman. But, Mr. President I mention this because each one of us, whether we are a Sunday keeper or an Adventist, we must uphold our own religious convictions. We must observe, and continue to observe Sunday as a religious day because Mr. President, whatever our thought may be about the society or about our own lives, without the Christian heritage in us, without continuing to support a religious tradition within our society, we are going to be in a serious problem. Many times, I believe Mr. President that it is only because of our strong convictions to support and to continue supporting religious tradition, that this Country will survive, and I would hope that that tradition, even though I mentioned in my opening remarks that it was gradually fading and that there was seen erosion of the fabric of our Christian heritage, that we would try and strengthen these as much as possible, so that whatever comes to us we can still boast to the world that we have a Christian heritage in our society.

No doubt Mr. President, that is why the visitors who come among us call us friendly, because any people who continue to cherish that Christian heritage and that religious tradition must be pleasant to anyone whom they meet. It is one of our sales gimmicks, one of the points which sells the Cayman Islands, to all who come here, all who know the Caymanians.

HON. VASSEL G. JOHNSON (CONTINUING): By amending the Sunday Trading Law we are not breaching that tradition. Mr. President, this Law was introduced in 1960. Those were the days before real economic development had started in these Islands.

In the Schedule in this Amendment Bill we see under Section 8. Item (d) the words "sale of intoxicating liquor". But Mr. President, I would say that in the original Law which came into effect in 1960 the Schedules 1 and 2 also allowed Sunday Trading in certain commodities, and on the Schedule was included hotel operation. In hotels guests have access to hotel bars, and as far as I know, and as far as I understand that hotels have been dispensing liquor on Sundays, only to their guests, and Mr. President as far as I am aware, one cannot walk into the hotel and just buy a drink, one has to be eating in there in order to be served a drink.

So, Mr. President I cannot see that any hiccup can be created over the fact that intoxicating liquor is mentioned specifically in this Amendment Bill. It is only that it was not spelt out in the original Law, but the hotel operation is there.....

MR. PRESIDENT: I think we are just coming up to four thirty, if the Member wishes to finish one little bit.....

HON. VASSEL G. JOHNSON: If you will give me a minute Sir, I will wind up.

MR. PRESIDENT: Yes.

HON. VASSEL G. JOHNSON: Mr. President, public bars are not allowed to be open on Sundays. I imagine this is the area where we might receive some flack, that Caymanians are not allowed to buy liquor on Sundays, but tourists are allowed. Well, you know, if we are going to maintain our tradition and our Christian heritage, we should not be out there buying liquor on Sunday. Let us set an example to the foreigners and the tourists who come here, and tell them that we cannot drink liquor and we cannot buy liquor on Sunday. They might stop it themselves.

Mr. President, the Member moving this Bill explained the details, the sections of the Bill, and I have no intention really of going through any of them. I am satisfied with the explanation which he has given, and so I would just like at this time to say, once again, that I support the Bill. Thank you Sir.

MR. PRESIDENT: It is a moment past four thirty. I shall invite the First Official Member to move the adjournment, will he please do so.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10:00 a.m., Monday 10th March.

MR. PRESIDENT: The question is that this House do now adjourn, with some Members on their feet already, until 10:00 a.m. on Monday the 10th March.

QUESTION PUT: AGREED. AT 4:32 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. MONDAY, 10TH MARCH, 1986.

STATE OPENING AND FIRST MEETING OF THE (1986) SESSION
OF THE LEGISLATIVE ASSEMBLY
HELD ON MONDAY, 10TH MARCH, 1986
(SEVENTH DAY)

PRESENT:

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, LL.B	*SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION*
HON THOMAS C JEFFERSON, OBE, JP	*THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT*
HON BENSON O EBANKS	*MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES*
HON W NORMAN BODDEN, MBE	*MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE*
HON CAPT 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 MABRY S KIRKCONNELL	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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*

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

1986 STATE OPENING

MONDAY

10TH MARCH, 1986

(SEVENTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS.

2. MESSAGES

COMMONWEALTH DAY MESSAGE TO BE READ BY THE CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE CAYMAN ISLANDS BRANCH OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION, THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

3. PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING BUSINESS COMMITTEE

(Meetings held 26th February and 4th March, 1986)

TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, CHAIRMAN OF THE STANDING BUSINESS COMMITTEE.

4. QUESTIONS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 34: WOULD THE HONOURABLE MEMBER PROVIDE THE DETAILS OF THE COASTAL WORKS LICENCE AND PLANNING PERMISSION FOR ATLANTIS SUBMARINE PROJECT?

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

NO. 35: CAN THE HONOURABLE MEMBER STATE HOW MANY PERSONS WERE RECIPIENTS OF OVERSEAS MEDICAL AID FROM JANUARY 1977 UNTIL JANUARY 1986, GIVING A BREAKDOWN OF HOW MUCH WAS SPENT FOR EACH PERSON AND THE NATURE OF THE AILMENT?

4. GOVERNMENT BUSINESS

BILLS:-

CONTINUATION OF SECOND READING DEBATE.

THE SUNDAY TRADING (AMENDMENT) BILL, 1985

COMMITTEE ON BILLS

THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986

THE SUNDAY TRADING (AMENDMENT) BILL, 1986

REPORTS THEREON

THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986

THE SUNDAY TRADING (AMENDMENT) BILL, 1986

THIRD READINGS

THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986

5. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

(1) PRIVATE MEMBER'S MOTION NO.3/86
RE: ASKING CARIBBEAN UTILITIES CO LTD TO AMEND THEIR LICENCE TO RESTORE THE IMPORT DUTY EXEMPTION

CONTINUATION OF DEBATE THEREON.

(2) PRIVATE MEMBER'S MOTION NO.4/86 - DISPOSAL OF DRUGS

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY AND SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

(3) PRIVATE MEMBER'S MOTION NO.6/86
APPOINTMENT OF SELECT COMMITTEE OF THE WHOLE HOUSE TO RECONSIDER PROPOSED CHANGES TO THE ELECTIONS LAW, 1983

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN AND SECONDED BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

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MONDAY

10TH MARCH, 1986

10:07 A.M.

MR. PRESIDENT: Prayers. The Honourable First Official Member.

HON. DENNIS H. FOSTER: 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. The Lord's Prayer.

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

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

MR. PRESIDENT: Please be seated.

Messages. The Honourable Second Elected Member of Executive Council.

MESSAGES

HON. W. NORMAN BODDEN: Mr. President, today being Commonwealth Day, it is an honour for me to read the following Commonwealth Day Message:

> 'Though scattered over six continents, the Members of the Commonwealth think in unison on many matters of common concern to humanity at large.
>
> Today on Commonwealth Day we take pride in belonging to a community where familiarity and friendship, co-operation and consultation are watch-words. It is the day for affirming our resolve to further strengthen the bonds that have held us together.
>
> The Commonwealth has been the most successful example of international co-operation. It has served as a bridge between races and cultures, countries and continents, and has provided a sense of belonging among its members.

HON. W. NORMAN BODDEN (CONTINUING):

In time of crisis a member finds some emotional security in not being alone. He is aware that an organisation of friends is behind him to lend a helping hand. The Commonwealth has tried to provide a healing touch when ever a crisis situation has developed in any part of the Commonwealth. It is a body bereft of any military force, but by its moral authority it restrains the nations from straying into wrong paths. Its appeals have a significant bearing on world opinion and itemational relations.

The Commonwealth has engaged itself constructively in various fields and tried to better the lot of the deprived mass of humanity through a number of programmes and a network of institutions and organisations working on the philosophy of mutual cooperation and consultation.

The Commonwealth Parliamentary Association is an organisation of Legislators. Here they are engaged in a joint search for solutions to the problems of distrust, conflict and the arms race, as well as to the eradication of poverty, ignorance and disease. Here their hearts pulsate with the one thought of bettering our world. Brought together by history, they are devoted to the common ideals of peace, democracy and respect for the dignity of man. The CPA serves as an instrument to strengthen these ideals.

On this Commonwealth Day, therefore; let us each make a promise that we shall continue to do our utmost to create a society which is just and equitable, and that we shall stand by the people who are still oppressed by poverty, racial discrimination and colonial domination.'

Signed by Dr. the Hon. Bal Ram Jakhar, MP.; Speaker of the Lok Sabha, India, and Chairman of the Executive Committee of the Commonwealth Parliamentary Association.

MR. PRESIDENT: Thank you. Presentation of Papers and Reports. The First Official Member.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING BUSINESS COMMITTEE

(Meetings held 26th February and 4th March, 1986)

HON. DENNIS H. FOSTER: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Standing Business Committee for the meetings held on the 26th February and the 4th March, 1986.

MR. PRESIDENT: So ordered. Questions. The Second Elected Member for Bodden Town.

QUESTIONS

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES.

NO. 34: Would the Honourable Member provide the details of the coastal works licence and planning permission for Atlantis Submarine project?

ANSWER: The Atlantis project received final approval from the Central Planning Authority for a ticket office and a submarine dock on 9th October, 1985, subject to 7 conditions, one of which was that Executive Council approval was to be obtained for modification of the ironshore to enable the submarine docking facility to be built. Executive Council approved the proposed works and the necessary licence was issued allowing modification of the ironshore, with two of the conditions being that -

(1) The Licensee shall take all reasonable steps in the removal operation to reduce the amount of fine materials being returned to the sea;

(2) The Licensee shall permit MRCU to inspect the site before any beach-rock is removed and again 6 months after the operation is completed.

The only coastal works approved at the Atlantis site was the removal of the two outcrops of ironshore.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President may I ask the Member a supplementary.

Had any study been completed to determine the adverse ecological effects of the interferencewith the natural growth of ironshore and coral in that area?

HON. VASSEL G. JOHNSON: Mr. President, to the best of my knowledge, a study is not necessary to remove a bit of ironshore; in order to facilitate the docking of a ship, a submarine or whatever. This has been done in the past around the ironshore of these Islands.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if the case history of the other development very near to this particular project, had been taken into account when agreeing to this development. I am talking about the development of Mr. Ebanks.

HON. VASSEL G. JOHNSON: Mr. President, as far as I know, these are two distinct and separate issues. The Atlantis site deals with the adjustment of the ironshore in order to accommodate docking. The other development which is being referred to and to the west, did not include coastal work.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, can the Member tell me, or tell the House what the difference is between Mr. Ebanks's removal of ironshore to allow boats to refuel with gasoline in that area, and the removal of ironshore to allow for the docking of the Atlantis?

HON. VASSEL G. JOHNSON: Mr. President, the development next door to the Atlantis site, is a case where application was made to Government for a marine refuelling installation, and this was for the burying of fuel tanks alongside the road, where there was a lack of proper docking and handling facilities. Mr. President, this matter after being refused by the Central Planning Authority on two occasions was referred to Executive Council, and from Executive Council it was referred to the Appeals Tribunal. So Mr. President, this was a completely different matter to that of the Atlantis Submarine dock.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if the real difference is not in that one applicant was a local person and the other applicant was a foreign investor?

HON. VASSEL G. JOHNSON: Mr. President, applications before Government are not judged on the basis of whether the applicant is local or foreign. There is a set rule or set rules, which apply to all across the board. There is no double standard as far as this Government is concerned.

MR. W. McKEEVA BUSH: Supplementary Mr. President. Can the Honourable Member say when Mr. Ebanks made his application, and when it went to court and was turned down?

HON. VASSEL G. JOHNSON: The two occasions were between 1979 and 1981.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member how it is, that in spite of the Courts ruling and in spite of the Central Planning Authority's initial rejection of the plan, how does the new Board and the new Government find it so easy to acquiesce to the new application?

HON. VASSEL G. JOHNSON: Mr. President, as far as I am aware, the Court granted the appeal for the project to the west of the Atlantis docking facilities. As far as the Atlantis Submarine dock is concerned, the specific approval of the Central Planning Authority was granted with certain conditions, and those conditions are in the approval granted by the Authority.

MR. PRESIDENT: If there is no further supplementary The Second Elected Member for West Bay may ask Question No. 35.

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

NO. 35: Can the Honourable Member state how many persons were recipients of overseas medical aid from January 1977 until January 1986, giving a breakdown of how much was spent for each person and the nature of the ailment?

HON. BENSON O. EBANKS: Mr. President, as will be seen from the question, this is a very wide question Sir, and the information required to answer it is not yet available. I would therefore, request permission of the House under Standing Order 23(5) to defer the answering of this question until the information, to enable an answer to be given, is at hand.

MR. PRESIDENT: It is not absolutely clear from the Standing Order whether when a question or an answer is deferred like this, whether the question appears on the later Order Paper, or whether a written answer is given. I would take it, that subject to anything Erskine May may say, that provided the information becomes available before the meeting ends, the Member would propose to give it orally.

HON. BENSON O. EBANKS: That is the position Mr. President. It is a bit of a dilemma, but if the information becomes available before the end of this meeting, I would propose to advise the Clerk and the Business Committee that I am in a position to answer it orally. If not, I would undertake to let the Members of the House have it in writing.

MR. PRESIDENT: I think.....

MR. W. McKEEVA BUSH: Mr. President, I think I have to oppose it, even though the Member says that he does not have any question ready, or the information is not ready. I think I put the question in quite some time ago, for the answer to be ready, even though I know that it is a cumbersome one. But I know that they know that I needed the information for this session. Anyway, I would like it to be answered If it is not going to be answered in this session, that it be put down for an oral answer Sir.

MR. PRESIDENT: I think you perhaps mean this meeting not this session, do you not.

So you are saying, that if it cannot be answered orally during this meeting, you would prefer it to be postponed.....

MR. W. McKEEVA BUSH: I would let it ride to the next meeting.

HON. BENSON O. EBANKS: Mr. President, I would just like to make it clear Sir, I do not know how long ago the Member put in the question to Parliament, but it has not been with my Portfolio that long, and I can assure the Member that staff have been working up to six thirty and seven o'clock in the evening trying to get this information. So I would not like the impression to be left, that the reason for the non-availability of the information is that the staff have not been working hard to get it. But it is a very comprehensive question, it imbodies from 1977 to 1986, and the staff have even had to go into the archives to get some of the information Sir.

MR. W. McKEEVA BUSH: Mr. President, neither would I like the impression to be left that my question was not in long enough.

MR. PRESIDENT: It was in in plenty of time. It was in within the time specified by Standing Orders. What I will do, if I may, is to look at Erskine May with a view, unless there is something which precludes this, in which case I will report to the House, with a view to arranging that the question be included again for oral answer during this meeting, if the First Elected Member of Executive Council reports that he has the information available.

MR. PRESIDENT (CONTINUING): But if he does not have the information available before this meeting ends, then that the question be carried over until the next meeting and put down for oral answer then,

As I say, if I find that Erskine May contains something which means that it is not permissible, I will report to the House.

Item 4. Government Business. Bills, Continuation of the Second Reading Debate on the Sunday Trading (Amendment) Bill. My recollection is that the Fourth Member of Executive Council had finished speaking. The Motion is open for debate if any further Member, who has not yet spoken, wishes to speak now.

I take it that no further Member wishes to speak? Does the mover wish to exercise his right of reply?

GOVERNMENT BUSINESS

BILLS

THE SUNDAY TRADING (AMENDMENT) BILL, 1986.

CONTINUATION OF SECOND READING DEBATE

HON. W. NORMAN BODDEN: Mr. President, I would like to thank Members for their contribution, and their support of this Bill. Of course, it was not always easy for me to determine in listening to the various comments and points which were made, exactly where they would place their vote. But I am confident that in the final analysis, they will give this Bill their full support.

I will try to reply in general terms to some of the comments which have been made.

One Member, Mr. President, made reference to the competition between different businesses, and that some properties had a competitive advantage over others, and indicated that perhaps this might have been one of the reasons why this Bill was brought to this House. Well, Mr. President, all businesses could open I suppose, if there were no Law. They would fare as well on Sunday as they would the other six days of the week. So a matter of competition really was not reason enough for us to give this Law any attention, and therefore bring the Bill to this House.

I maintain the reason the Bill was brought was because of the growing public concern that the conducting of business activities on Sundays was on the increase, and was rapidly spreading to large companies. This fact, coupled with Government's determination that some action had to be taken. Here we had a Law passed some 26 years ago, which allowed limited trading on Sundays, on Good Friday and on Christmas Day. Through the years the situation changed, as was pointed out. Very clearly, the Law had to be enforced, it had to be amended or repealed. But very definitely, it was Government's position that it could not continue to be ignored and disregarded.

As I pointed out previously, a number of businesses, many essential to tourism, have emerged in the past several years, which were unheard of or unthought of in the year 1960. Therefore, we had to make an effort to accommodate those businesses, because to enforce the Law as it now stands, was bound to bring difficulties and hardships, and actually create an unsatisfactory situation. It would be unwise to repeal it because the majority have indicated that they do not want it repealed.

HON. W. NORMAN BODDEN (CONTINUING): I feel that we must therefore keep our Sunday Trading Law, but reach a compromise with the needs of our society today. In order to do that, we must maintain a balance, and to maintain that balance, there must be some form of legislation in place which limits and controls Sunday Trading.

So, amending it Sir was the only alternative and the most logical route to be taken. Mr. President, we are not attempting to turn back the clock. What we are doing, or endeavouring to do is set the time right to meet the needs of Caymanians today.

One Member thought that exempted businesses should have been made wider. But Mr. President, the line has to be drawn somewhere, otherwise the Law will indeed have to be scrapped, if it is extended and extended and people are allowed to do as they please, well, and in all honesty, we might as well not have a Law. Hypothetical cases and comparisons can always be made, depending on where one stands. If supermarkets and larger operations are allowed to operate unrestricted, what about Banks and Trust Companies and other offices? then, what about Government Offices? I am sure that everyone in our community could find something which they could get done, or something which needs doing on Sunday, if these offices were open. But since they are not one waits until Monday or some other weekday in order to conduct ones business. However having mentioned the expansion of the exempt businesses, note has been taken of the few essential items such as water and infant supplies, and also one establishment which was mentioned by the First Elected Member for the Lesser Islands regarding private Medical Clinics. I see some rational and reason in these suggestions, and these can very well be dealt with when the Bill reaches Committee stage.

The effects of tourism was also mentioned, but based on what research I have been able to carry out, it is felt that no adverse effect would be brought to our other important tourism industry here. Mention was made of condaminiums, and it is true, that many of these are owner-occupied and advance arrangements and stand-in arrangements are always made before hand. Of course, I am not trying to say that the odd inconvenience cannot occur, but one knows that this is not only true for the Cayman Islands, one can be inconvenienced in just as big a city as New York. One gets there at a certain time day or night, one can suffer some inconvenience there as well. So it just goes to indicate that we cannot provide for every eventuality.

I do not agree Mr. President, that the proposed amendments are contradictory, or inconsistent, neither that the legislation is being handled in a piece-meal fashion. Mention was made of the opening of bars on Sundays. As I have said before, this is provided for under the Liquor Licensing Law, not the Sunday Trading Law, and if the question of bar restaurants operating on Sundays is brought back to the House, then Members at that time will have an opportunity to place their support where they choose.

As to inconsistency, because certain properties which mainly operate on the beach are exempt, while supermarkets are not, the reasons given for Government's position, I believe Sir, were quite clear and reasonable. The protection of our tourist industry which is so important to all of us is acknowledged by all of us.

Our aim Sir, is to protect those industries, but at the same time to create the legal framework for preventing any further fullscale escalation or expansion of business activities on the prohibited days.

HON. W. NORMAN BODDEN (CONTINUING): This legislation must be in place otherwise we can certainly create a free-for-all.

Mention was also made Sir, that the Churchs determine election results. I am not too sure about that. But if it is so, I will say this much, it could not be with a better group of people in my view.

But Sir, I have to repeat that these are not amendments for a Law which dictate to people on what days they should worship. Religious freedom like democracy must always reign supreme and be upheld in our Country. I have the highest respect for the religious convictions of the Seventh Day Adventists too. But this is not a Bill on religion, this is a Bill Sir, to amend the Law which deals with business being transacted, not only on Sundays, but on Good Friday and Christmas Day as well. So Sir, this should never be confused with a persons religious beliefs, because it forces no one in this Country to change his or her views, or to worship other than on the day that they choose. Nor Sir, is it an attempt to legislate for morality. We know that this cannot be done. We know that this Bill, when passed into amending the Law, will not necessarily make Christians out of Caymanians, or tourists. It will not necessarily swell Church attendance on Sundays, but Sir it will certainly give the individual the opportunity to spend the time with his or her family, and attend the Church of their choice if they so desire. At least we will have one day of the week common to the majority, and free from normal pressures.

Mr. President, it has been said that I have done a good job of not committing myself as to my position. But as I have said in my opening remarks, it was at times difficult for me to decide exactly where Members would place their votes. Well I have confidence that their consciences will be their guide, and I believe that they have been convinced that Government is in fact doing what is right and best for the Cayman Islands of today, and that they will give this Bill their full support.

I would like to leave a thought with Members, and that is that they must bear in mind that a vote cast in favour of this Bill is a vote for the preservation of an important part of the Caymanian way of life.

Thank you.

MR. PRESIDENT: The question before the House is that a Bill entitled a Bill for a Law to amend the Sunday Trading Law, Chapter 161 be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: I think the Ayes have it.

HON. W. NORMAN BODDEN: Could we have a division Mr. President.

MR. PRESIDENT: Certainly.

DIVISION
NO. 5/86

AYES	NOES
Hon. Dennis 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. Capt. Charles Kirkconnell	
Hon. Vassel G. Johnson	
Mr. W. McKeeva Bush	
Mrs. Daphne L. Orrett	
Mr. Linford A. Pierson	
Capt. Mabry Kirkconnell	
Mr. D. Ezzard Miller	
12	2

MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY:

THE SUNDAY TRADING (AMENDMENT) BILL, 1986, GIVEN A SECOND READING.

MR. PRESIDENT: The House will now go into Committee to study a Bill entitled the Agricultural and Industrial Aid (Amendment) Bill and other Bills.

COMMITTEE ON BILLS

THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986.

COMMITTEE THEREON

MR. CHAIRMAN: Please be seated.

The House is now in Committee. Before I invite the Clerk to read the Clauses, perhaps I could just seek an assurance from Members that it would be their wish that we should, as usual, authorise the Second Official Member to correct any printing or similar errors, and it is not therefore necessary for us if any have been spotted by Members, to seek to correct them as we go through the Bills, Clause by Clause. Unless any Member seeks to comment or object, I will take it that that which has become the standard practice is acceptable to Members on this occasion.

Perhaps it would also be convenient for Members if I mention now that I have been given notice, and I hope all Members have received copies of the notice of a proposed Committee Stage Amendment to the Agricultural and Industrial Aid (Amendment) Bill. It is an amendment to Clause 3 and an amendment to Clause 4 , of which the Elected Member for North Side gave notice.

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF LONG TITLE OF LAW 24 OF 1978.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. SUBSTITUTION OF SECTION 5.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill. I confirm as I have said before, I have given the Elected Member for North Side leave to move an amendment, which perhaps he may wish now to move.

MR. D. EZZARD MILLER: Mr. Chairman, I would like to move an amendment to Section 5(1)(b), the effect of which would be of removing the criteria from the loan, being that the course would have to be approved by the Education Council and the person would have to have 4 'O' Levels et cetera. It would in effect, make the loan a financial transaction, an individual would have to meet the financial requirements of the Board, and the course would not necessary have to be approved by the Education Council. If this amendment is successful, then Sir a consequential amendment would be the deletion of Clause 4.

MR. CHAIRMAN: Do all Members have copies of the proposed amendment. Is there anybody who has not, because you have not actually read it out. If every Member has a copy, then that will suffice.

MR. D. EZZARD MILLER: I assume that all Members have a copy Sir, which is why I did not read it out.

MR. CHAIRMAN: The First Elected Member of Executive Council....

MR. D. EZZARD MILLER: I can read it now if you would like Sir.

MR. CHAIRMAN: If all Members have got a copy, I would have asked you to read it, if anybody had not got a copy. Do you not have a copy? Would you like it read out? Perhaps if you could read it out. You have a copy now?

MR. D. EZZARD MILLER: There was just a drafting error on the first one. The amendment reads Sir that the proposed new Section 5(1)(b) which now reads:

> 'The functions of the Board are to-
>
> (b)provide financial assistance to persons pursuing courses of education approved under paragraph (aa) of Section 6.'
>
> (i) that the proposed new section 5(1)(b) as it appears in Clause 3. of the Bill be amended by adding a "full-stop" after the word "education" in the second line and deleting the remainder of the Clause.
>
> Section 6. (aa) reads-
>
> 'to enter into such arrangements as it thinks fit to assist suitable persons to pursue such courses of education as may be approved by the Education Council established by Section 3. of the Education Law, 1983.'

HON. MICHAEL J. BRADLEY: Mr. Chairman Sir, could I just clarify in my own mind that the Member does in fact mean the last words, and deleting the remainder of the Clause. Because the effect as I see it, of those words is that the whole of the proposed new sub-section 5(2) is also deleted, which are the functions of the Board.

MR. D. EZZARD MILLER: No Sir, just the last six words in 5(1)(b). The remainder of Clause 5(1)(b) is the only thing to be deleted.

HON. BENSON O. EBANKS: In other words, to delete the words 'approved under paragraph (aa) of Section 6.'

MR. CHAIRMAN: I think that your amendment then would have to end not by saying 'the remainder of the Clause'. But by saying the remainder of the proposed new section. Otherwise it is going to mean something quite different.

MR. D. EZZARD MILLER: Alright Sir, that is acceptable.

MR. CHAIRMAN: The only words in Clause ? which you want to delete are the words which appear in the proposed new Section 5(1)(b) as follows:

'approved under paragraph (aa) of Section 6.'

That is all you want to delete is it not?

MR. D. EZZARD MILLER: Yes Sir.

MR. D. EZZARD MILLER: Yes Sir.

MR. CHAIRMAN: I think the First Elected Member of Executive Council earlier wanted to.....

HON. MICHAEL J. BRADLEY: Sorry Sir, before you go ahead, perhaps you could give leave without notice to move that amendment to the amendment, because we are amending the meaning.

MR. CHAIRMAN: Yes, it is quite true. I will grant leave for you to clarify or to correct your amendment, because that is what you intended all the time.

Did the First Elected Member of Executive Council wish to speak, you earlier caught my eye.

HON. BENSON O. EBANKS: Mr. Chairman, I was drawing on my memory, but up till now I have not been able to find the relative Standing Order. I seem to recall that an amendment could not be made to any Bill which was inconsistent with the Memorandum of Objects and Reasons thereof. It seems to me that this is a case in point. I am trying to find the Standing Order. I am not sure whether I am correct or not. I do not know if the Second Official Member could help me on this.

HON. MICHAEL J. BRADLEY: Mr. Chairman Sir, a Memorandum of Objects and Reasons is illustrative and explanatory, but it does not form part of the Bill. I think what the Honourable Member may be thinking of, is that the long title must not be inconsistent, or the contents of a Bill must not be inconsistent with the Long Title of the Bill. Because, there are many cases in which we set out the Objects and Reasons for a Bill which include a number of things which subsequently get defeated, or are changed in Committee stage.

HON. THOMAS C. JEFFERSON: Mr. Chairman, I am unable to support the amendment coming forward from the Elected Member for North Side. The guidelines for this particular loan from the Caribbean Development Bank which we have to use as a guide, when we are putting forward legislation, indicates that there should be a Student Loan Advisory Committee. The Members of that Student Loan Advisory Committee are the majority of the people presently on the Education Council. So it was my view at the time, that the Education Council has an overall systematic way of dealing with scholarships, and is the most suitable group of people to advise in this particular case. Therefore I cannot support the amendment.

MR. CHAIRMAN: Am I right in thinking that even if the Bill is passed, worded as at present, this would not preclude the Education Council from granting in future, loans to a rather wider range of students for a rather wider range of courses, than has been the practice in the past.

HON. BENSON O. EBANKS: Mr. Chairman, this is the whole idea of getting this money. But I would reiterate what I said in the Second Reading, that in the past the Education Council has assisted with vocational and technical subjects when these have been at recognised institutions and at recognised levels.

What this proposed amendment would seek to do, is to remove the disbursement of those funds completely away from the, shall I say.....

MR. D. EZZARD MILLER: 'Belonger Status' Education Council.

HON. BENSON O. EBANKS: ....Advisory Board which the Third Official Member mentioned, namely the Education Council. Mr. Chairman, the Education Council does not operate in a vacuum, in fact we are at this moment attempting to even bring it further and further in line with the Public Service Commission and other bodies of Government, to make sure that we are producing the type of person whom the Country and the economy really need. This will further be strengthened by the establishment of the Community College under a proper Board, embodying members of the community and the private sector. It is our intention to put just about every conceivable sector of the community on that Board. For the specific reason that we will get input as to the nature of persons who are most needed in the community.

Mr. Chairman, to put it in a nutshell, I do not see the purpose of this amendment. Maybe the Member can elaborate.

MR. D. EZZARD MILLER: Yes Mr. Chairman.

HON. BENSON O. EBANKS: I do not know whether he has some personal feelings against the Education Council. I personally think that it is a properly and well balanced Council, but maybe the Member has other ideas. If he can elaborate, maybe I can talk a little more clearly about it.

MR. D. EZZARD MILLER: Mr. Chairman, I will be happy to elaborate, and I will try not to break.

I have no personal interest in this matter Sir. The Country has a problem, there are people in this Country, students who wish to undertake vocational, technical and professional courses in some cases which are sometimes of short duration, six to eight months, but they are very expensive.

MR. D. EZZARD MILLER (CONTINUING): The financial institutions, the banks etcetera, really have no provisions for any kind of Student Loans, where the student could borrow and get a moratorium, such as could be possible under this, to start repaying the loan after the student has got his or her job.

I know of many people Sir, who have applied for these types of courses, to the Education Council and have been turned down. In some cases they have had the academic requirements, but they were told that the Education Council was not granting scholarships in that field, and I respect that decision of the Education Council. They may have their own reasons for establishing some priority for the kind of courses for which they are going to offer scholarships. This is not a scholarship Sir, this is a loan which the student is going to have to repay, and if the student has the interest and the motivation to undertake a particular vocational, technical or a professional course, and unless this kind of a loan is going to address the problem, then this legislation is a waste of time. Because, the only people who are now going to get scholarships or loans, are those who meet the criteria of the Education Council. Then the only thing to do is to add the funds to the Education Council, and let them disperse it as a scholarship and not as a loan.

What this Country needs Sir is a secondary mechanism by which people can finance their own learning, and pay it back and do what they want to do, and serve the Country. I do not feel Sir that the academic requirements of the Education Council, since the Member responsible mentioned personalities, yes I believe there has been some conflict of personality, not with me Sir, but with people who have applied to the Education Council. In otherwords they were not Presbyterians or they did not have 'belonger status,' and they were not well considered in any detail for the course for which they had applied.

I see, that if we are going to meet that need Sir, we are going to have to address the matter from a financial basis. A person must produce the collateral, they or their parents must provide the guarantee that the loan is going to be repaid, and the student must be made to repay the loan so that the money continues to circulate Sir. If we are not going to address that problem, I think we are wasting our time in this Legislative Assembly, let us just leave it with the Education Council and let them grant scholarships.

HON. BENSON O. EBANKS: Mr. Chairman, I thought that the Member was under some misaprehension. For his information Sir, it has not been the practice of the Education Council for some time, to grant full scholarships. Every grant by the Education Council for the past several years has had a component of loan, or the parents, depending on their ability, were required to finance a portion of the course of study. The Education Council has not been encouraging local scholarships unless the circumstances of the applicant were such that the Council was moved to give, taking that into consideration, a total scholarship. But they have been few and far between, and the idea of making a loan component, a part of the grant is to cause students to have a commitment to their course of study, and to give them a sense of responsibility.

Mr. Chairman, the only area which I can think of where the Education Council certainly in my time, has not seen fit to grant a scholarship, or make a grant for study is in the area of Law, and I think this was a decision which was taken when the Law School was established.

HON. BENSON O. EBANKS (CONTINUING): I do not understand the argument of the Member, when he says that the Education Council should grant scholarships to persons who do not have 'belonger status'.(1) If by this he means Caymanian status, I agree with that. Why should this Government grant scholarships to persons without Caymanian status. They should go to their country of origin to seek assistance. Our money should be used on Caymanians, and Mr. Chairman the Education Council has on it every religion that I can think of in these Islands, including Seventh Day Adventists. Just about every private school is represented, the Government system is well represented, and the private sector is represented. So nobody has been denied, certainly to my knowledge, a scholarship on the basis of their religion.

MR. W. McKEEVA BUSH: Mr. Chairman, some while ago the Member was talking about recognised colleges. I wonder if he could tell me whether the Manderville Teachers College in Jamaica is recognised by Government?

HON. BENSON O. EBANKS: Mr. Chairman, I believe that it is, but I would say to him that what we normally use as a recognised college is one which is accredited in the catalogues published for this purpose. That is it must be a recognised college in the country in which it operates. I believe in the case of the one which the Member has mentioned, certainly for certain subjects it is a recognised institution.

Mr. Chairman, I happen to know Sir the case that the Member has in mind. The truth of the matter is that that was an application for a teacher, and the person did not have at that point, the four 'O'. It was suggested that the person take the four 'O' Levels at the Community College and continue to work here, but the person could in fact, under the rules of the College take further subjects and obtain teacher training at the same time. I know that subsequently, there has been correspondence, but the Council has not been able to identify or equate the type of examination that this individual has taken, with any other examinations which are known to us, and we are presently investigating this matter with the University of the West Indies, and the education authorities in Jamaica.

MR. W. McKEEVA BUSH: That is a good explanation Mr. Chairman. He knows the case of which I have been talking, but he could have gone a little bit further, and said that the girl furthered her studies in Jamaica, and she asked for help as far as payment of rent et cetera was concerned. I felt that the Education Council should have taken this into consideration, but they did not.

MR. D. EZZARD MILLER: Mr. Chairman.....

MR. CHAIRMAN: (INTERRUPTION)...I think we should get away from individual personalities in debate, and discuss the Bill.....

MR. W. McKEEVA BUSH: Mr. Chairman, it is not a matter of individual personalities, it is a case dealing with education.

MR. CHAIRMAN: What you are doing is bringing up a particular case and arguing that in that case the Education Council, or the Government should have done this or that.....

(1) indigenous

MR. W. McKEEVA BUSH: It is the matter of a case as a reference.

MR. D. EZZARD MILLER: Mr. Chairman, if the whole idea behind this Bill is to simplify the accounting procedures in Government, then it is an exercise in futility Sir.

MR. G. HAIG BODDEN: Mr. Chairman, I indicated in my debate that I had strong support for the amendment which the Member from North Side is now seeking to make. I say that the First Elected Member for West Bay does not seem to understand the idea behind the North Side Member's amendment. He is seeking an amendment which hopefully, would allow loans to be made to people who do not have the four 'O' Level standard as previously required. But, the Third Official Member did point out that one technicality which I am in sympathy with, is that this whole Law initially came into effect in 1978 to deal with funds the source of which was the Caribbean Development Bank. If we are going to make substantial changes, I would have thought that the Member who introduced the Bill would have taken this entire matter to the Caribbean Development Bank and obtained their approval for any amendments. I do not see how today we can continue to deal with this Bill. I suggest that it be postponed until the next meeting in May, during which time the Member undertakes to clear these matters with the Caribbean Development Bank. So that the Member from North Side can get his amendment, which is very essential in this Country. We heard in the debate that probably 80 per cent of school leavers would not qualify for loans, by the criteria set here. It is for these people who will be leaving school without the academic qualifications, but being quite able to train as mechanics, whom we need, to train as technicians whom we need, and they should not be barred from these funds. Because, remember these loans from the Caribbean Development Bank are approved and guaranteed by the Government, and everybody regardless of his or her academic qualifications, should be allowed to benefit, if he can benefit. This does not mean a lowering of the standards, but simply a mechanism to allow maybe school dropouts to qualify as mechanics if they have the natural aptitude and ability to qualify.

So, I would suggest that although it has been the practice of this Government to hastely push through any bit of legislation which comes, that they take my recommendation and withdraw this Bill, until such time as it can be cleared with the Caribbean Development Bank. Go to them and tell them what the North Side Member wants and what's the Bodden Town Member wants, and what the public needs, and let us get this matter straighted out, and do not let technicalities bar a much needed amendment, which would certainly go a long way to filling a need which does exist.

MR. LINFORD A. PIERSON: I see that this debate is becoming a sort of a personality matter. I think in debating this, we need to decide what is best for the Country, as was said earlier. It is not a matter of personality clashes here. In my debate Sir, I pointed out that it was my experience as a past member of the Education Council and a past Principal Secretary for the Portfolio, that there were a number of students making applications who could not meet the requirements, the four 'O' Levels. This is the major input which this amendment would seek to bring about.

MR. LINFORD A. PIERSON (CONTINUING): I see that we are talking here at cross purposes. The Third Official Member quite rightly said that there are certain criteria now established. But to not accept this amendment Sir, would seem to bring about an extension of what now exists in the Education Council. I believe that we need to make some provision for the 80 per cent or so of students who cannot and will not qualify for four 'O' Levels, and this is what this amendment would also seek to bring about.

I also believe Sir, that the point made by the Second Elected Member for Bodden Town is quite relevant. This is a very, very important matter with which we are dealing, and I do not believe that it would be in the best interests of this Country to want to rush this matter through. I believe that if we do not have all the answers now, and if no prior contact has been made with the Caribbean Development Bank, perhaps it is in the best interests of this Country that this matter should be postponed until the next sitting of the House, when the matter could be properly revised and reviewed., and we could come back here stating the position of the Caribbean Development Bank in this matter. But I believe Sir, that the amendment should seek to help all, and as many people as possible and not just that 20 per cent.

HON. BENSON O. EBANKS: Mr. Chairman.....

MR. CHAIRMAN: Well.....

HON. BENSON O. EBANKS: Mr. Chairman

MR. CHAIRMAN: No not yet. I think that this discussion is liable to go on for some considerable further time, and we have in fact reached the hour when normally we break for a few minutes. I think it will probably be convenient to take the break now, and resume the discussion after the break. So I will suspend proceedings for approximately fifteen minutes.

AT 11:20 A.M. THE COMMITTEE SUSPENDED

COMMITTEE RESUMED AT 11:44 A.M.

MR. CHAIRMAN: Please be seated.
We resume in Committee.

HON. THOMAS C. JEFFERSON: Mr. Chairman, if I may. Regarding the points made earlier by Members, the approval of the Caribbean Development Bank has been received in relation to this amendment. There has been lots of discussion around the four 'O' Levels required by Executive Council, but Mr. Chairman, the First Elected Member of Council can speak better on that issue than I.

This Loan Agreement does not require any such number of 'O' Levels. What it says is that the student must gain admission to the institution, and I would have thought that the Education Council should be the Government body to say whether that institution is acceptable to Government or not. Thank you.

HON. BENSON O. EBANKS: Mr. Chairman, I would just like to elaborate a bit Sir.

HON. BENSON O. EBANKS (CONTINUING): I would like to give this House the assurance that the needs of all students in the education system are being looked after. For example Mr. President, I have here a new examination called the Certificate of Education which is being set for us under the auspices of the Welsh Joint Education Committee. This examination will meet the needs of that lower end of the academic spectrum in our education system, those children who cannot, in the opinion of the teachers, make either the GCE 'O' Level or the CSE standard. This examination, in addition to being marked on the performance at a specific examination, will take into account the performance, effort, attendance and other records of the student during his years of study at the High School.

So Mr. President, when I campaigned on a manifesto which said that I would, if returned, be putting more emphasis on vocational and technical subjects within the curriculum, are being met by this new examination. It might be interesting to Members to note that we are not lagging far behind, because this was only introduced to the United Kingdom in 1984. In addition to this, Mr. Chairman, students are allowed to sit examinations such as the City and Guilds, the Royal Society of Arts and the rest of them.

There was a problem Mr. Chairman, with the criteria set by the Education Council, in that there was no latitude on the four 'O' Level requirement. The Education Council set up a Committee to study the criteria, and to suggest amendments, and in draft form it is now before the Education Council. As I said in my Second Reading Debate, there was an anomaly in the requirements of the Council, in that we as a Council, were granting scholarships to those institutions in the Islands which did not sit 'O' Level or 'A' Level examinations, and we were basing their criteria on the SAT score. Mr. Chairman, if this is foreign to some people, it means the Scolastic Aptitude Test, administered in the United States to determine the eligibility of students for acceptance into various institutions. Because this anomaly existed in the amended regulations which hopefully the Council will approve during this month, there is criteria for considering the SAT scores for the award of scholarships. In addition, in the case of votech subjects, as the Member piloting the Bill the Honourable Financial Secretary has pointed out, the Education Council has suggested amendments to their criteria to meet the very point that Members are making, that is that once the applicant has acceptance to the institution, the Education Council can in the case of the votech subjects, give scholarships. But as I said in the Second Reading Debate Mr. Chairman, when it comes to persons seeking more academic oriented careers, we cannot afford to lower the standard.

MR. LINFORD A. PIERSON: We are not talking about that.

HON. BENSON O. EBANKS: We would not Mr. Chairman, be serving the best interest of this Country. For example, if we accepted a student who was unable to gain four 'O' Levels, to send that student off to become a teacher to put into our education system, we would, to use another colloquialism and I do not care whether it is misinterpreted or not, but in my opinion we would then be setting out to have the 'blind leading the blind.' We must in certain areas, keep our standards up.

But I give the House this assurance that every level of the academic spectrum will be provided for under the revised rules, and they will have access to this money, provided they meet the screening of the Committee.

HON. BENSON O. EBANKS (CONTINUING): The Caribbean Development Bank envisaged in its approval of the funds, a screening Committee. My contention is Mr. Chairman that there is no Committee available to the Agricultural and Industrial Development Board which is better suited to screen applicants that the Education Council. This has obviously been accepted by the Caribbean Development Bank.

In the case of the votech subjects Mr. Chairman, I think the mover made it clear that they would not be bonded to serve Government on their return, and therefore would be subjected to less rigorous scrutiny. He made it clear, of course, that the Caribbean Development Bank had said that the person would have to sign a bond to return to work in the territory for one year for every $2,000.00 of the amount loaned. This is indicative too Mr. Chairman, the Caribbean Development Bank does not intend this money to be frittered away. We have, as I have said, got to have a screening Committee and I believe that the Education Council is the best and most suited body in the Islands to undertake this screening. I would hope that Members having had the assurance, both from the Financial Secretary and myself, that all spectrums of the academic body in our schools will benefit from these funds, will find it possible to accept the Bill as originally presented. To delay this matter Mr. Chairman will only mean that these funds will be put on ice and will not be available to students this year.

I think we need to get as many people qualified in our society as is possible. So I would ask Members to please accept the assurances which I have given which are concrete and watertight assurances. I assure them that what they are seeking to do, we are one step ahead of them, and have these regulations in draft form to be approved by the Education Council at its next meeting.

MR. CHAIRMAN: The Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. Chairman, I too cannot support the amendment being proposed by the Member for North Side. Simply because the Student Loan Scheme was introduced by the Caribbean Development Bank back in the early 1970's.

At that time, and I think it is still so, the Caribbean Development Bank established the criteria under which loans would be granted. Furthermore, they said that what was required here was that there should be a screening body which should be a professional body. We at the time suggested that the Education Council would be the appropriate body to do the screening, and the Caribbean Development Bank accepted this. The screening which is carried out by the Education Council Mr. Chairman, is not done merely from criteria laid down by the Education Council to deal with these applications. They are doing so on the basis of the criteria laid down by the Caribbean Development Bank, and we must understand this. The only change which is coming about in this amendment law is that the process required the Treasury to deal with the financial administration of the loan, after it was approved, or after it had been supported by the Education Council and finally approved by the Caribbean Development Bank. Now the financial administration is being moved from the Treasury to AIDB. So, Mr. Chairman if we are going to move the Education Council out of the processing of these loans, I am afraid that Caribbean Development Bank is not going to accept it, and therefore the Student Loan Scheme will come to an end, unless the AIDB can set up a professional body for screening and examining these loans which will be acceptable to the Caribbean Development Bank.

HON. VASSEL G. JOHNSON (CONTINUING): The Amendment Law here Mr. Chairman is only dealing with the financial aspect of the scheme. But the scheme itself has been set out under certain criteria of the Caribbean Development Bank which has been explained to you.

MR. LINFORD A. PIERSON: Mr. Chairman.

MR. CHAIRMAN: It was the Second Elected Member for George Town who firts caught my eye.

MR. LINFORD A. PIERSON: Thank you. I think most of us are well aware of the procedures which exist within the Caribbean Development Bank. We know when they were instituted, but it is not the point Mr. Chairman. I heard a previous speaker say that the Education Council is guided by the students, meaning acceptance by an institution. This is not quite correct, the Education Council has its own criteria which includes having four 'O' Levels, unless this has been changed recently. We also see a Member introducing some draft guidelines which will be introduced in the future. We are talking about what exists at present, and we would like an assurance that something will be done. But for us to sit here and not allow this amendment, I think would be doing an injustice to the majority of the people of this Country.

MR. CHAIRMAN: No, the Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Mr. Chairman.
I have no difficulty in understanding what has been brought forward here by the Third Official Member and the First Elected Member of Council.

I really cannot support the amendment which is being proposed. As I see it Sir, the Caribbean Development Bank is like any other bank. It has a set of rules and regulations, and anyone going to a bank here who cannot meet the requirements does not get a loan. The Caribbean Development Bank is no different. I understand and it has been mentioned here that this Government should say to the Caribbean Development Bank, or propose to it what its requirements should be in order for us to distribute these loans to certain individuals. I cannot see how anyone can dictate to the Caribbean Development Bank what the criteria they are going to set down is going to be. I continue Mr. Chairman to insist that while we want to help as many people as possible, there has to be a reward for diligence, for striving for excellence, for a student getting his mind made up as to what he wants. If in fact, a student leaves the High School, or in the case of some of the private schools, does not score on the SAT test to the level which would suite the Education Council, then Mr. Chairman, what is wrong with that student pursuing within the Community College, subjects which would qualify him for meeting the criteria as set down by the Caribbean Bank and, or, the Education Council? Are we going to say to students that they can study as hard as they want or as little as they want, because when they leave school and apply to Government they will receive money to further their education. There has to be a reward for hard work Mr. Chairman. If a student, no matter what his financial background may be, if he or she are keenly interested in getting ahead, I think that provision is made in the High School system and within the private High Schools for that student to qualify, and if he does not do it first time around, Mr. Chairman he tries until he succeeds. Fortunately for us there is the Community College where one can pursue those subjects, and study diligently and pass.

MRS. DAPHNE L. ORRETT (CONTINUING): If in fact there is a student who for one reason or another is not capable of reaching those standards, it is not for Government to say "we will have to relax our standards because of such and such an individual." I feel that here is an area where we have to be frank about it. Not everybody can qualify, but those who are diligent, and it does not matter what their religious, financial or social background may be, if a student wants to get ahead and he proves to the Education Council that he is willing to try, I do not believe that he is going to be turned aside.

MR. CHAIRMAN: I think the Member has made her point.

MRS. DAPHNE L. ORRETT: Thank you very much.

MR. CHAIRMAN: We are straying into making long, long speeches in Committee stage.

The Second Elected Member for West Bay earlier caught my eye. I do not know whether he still wants to speak.

MR. W. McKEEVA BUSH: Mr. Chairman. I quite understand that Caribbean Development Bank has its criteria, I think I have known that for many years. What I am most concerned about, and the issue has been somewhat muddled, are the courses which will not now be provided by the Community College. My concern is for the student who has not reached the high academic level which I have been hearing about now. This is the student whom I am most concerned about in this Country. Because this type of student is in the majority. Maybe I am repeating what somebody else has already said, but I just want to.....

MR. CHAIRMAN: I think you have made the point too.

MR. W. McKEEVA BUSH: .....make the point more strongly. The other thing is, (I have not finished yet Mr. Chairman) and I want to make the point again that I feel that this particular area has no business being at the Agricultural and Industrial Development Board. We should have a proper Loan Scheme in this Country. I went to see the Financial Secretary and was told that they are going to introduce it, well I do not see it. I see it in another form, but if it can be produced in that form then I am satisfied, but it has to be done where those people of whom I am most concerned are getting aid.

MR. CHAIRMAN: The Member has made his point. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. Chairman, as I see it, maybe we are loosing sight of many things in this discussion. We cannot expect to have a nation of only bankers and lawyers and top professionals. The majority of the people who cannot qualify for those courses must be given an opportunity, those who can attend a technical school without having four 'O' Levels or two 'O' Levels or whatever it may be. We have people who will want to train to be plumbers, electricians and so forth, and they will play a vital part in the building of this Country, and these people we should try to help. I am in favour of people getting the best education they can, but when they leave High School, and they have not got the 'O' Levels which will enable them to go on to a higher institution, then we just cannot let those people drift, we must help them in every way that we can, and this was the original intention of this scheme.

MR. JAMES M. BODDEN (CONTINUING): It was first brought about several years ago in the original loan from the Caribbean Development Bank. For the Member to give us promises and we have had all kinds of promises which have been broken, we should not go through with legislation based on a promise. We should go through legislation based on fact, and the best thing which could happen this morning is for the Government to withdraw this Bill until such time the House can be assured that the issues raised by the Member from North Side and discussed by other Members, can de dealt with. Because, the present Government to whom I am speaking, does not appear to have the interests of the less fortunate at heart in many ways. Training Schools were set up to help the less fortunate people in this Country, and I understand that they have almost been disbanded, and the teachers have been dismissed, etcetera, so what are we doing carrying on accepting promises. We cannot accept promises any more, and I think we should deal with the problem realistically. Government should withdraw this Bill until the next sitting of the House, which is not very long down the road, and let us deal with the Bill in a completed form at that time.

MR. CHAIRMAN: The Member for North Side.

MR. D. EZZARD MILLER: Mr. Chairman, I will accept the undertaking of the First Elected Member of Executive Council on one condition. If he will meet that condition I am prepared to withdraw the amendment, which is, that as soon as the criteria is finalised, it is published for public knowledge in the local newspapers and on Radio Cayman, and coupled with this is their priority list for granting scholarships and loans et cetera. But it has to be published, so that it is common knowledge.

MR. JAMES M. BODDEN: But if that criteria does not meet with the wishes of this House, and it does not embody the things which are going to protect the people of whom we are talking, this can be done once we put this into legislation today. They are then empowered to do anything they wish to do with it, and the only thing then is to bring back another amendment to try to correct it. What I am saying is, that whatever we want to put in to the Bill should be done at the time the Bill passes the legislature of this House. Because, we are the people who are here to represent the people, and to make our voices known as to what we think is best for them, not some other Board which has been set up on the outside which does not have to contend with the issues of this House.

HON. THOMAS C. JEFFERSON: Mr. Chairman, the statement made by the Elected Member from North Side regarding the priority list which he refers to, has to be published in the newspaper under this Loan Agreement.

MR. CHAIRMAN: The First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Yes Mr. Chairman. I have done all that I can do to make the position clear. In my Second Reading contribution, I said something to the effect that no amount of money, or opportunity could make a jackass into a racehorse, and some Members found that figure of speech offensive. All I can say is Sir that while I agree that a jackass can be made into a better jackass, I repeat that a jackass can never be made into a racehorse. Horse sense is something which a jackass will never have.

MR. LINFORD A. PIERSON: Mr. Chairman, on a point of order, what is the purpose of the braying of the Member across the aisle. We are not hear to talk about jackasses and racehorses, we are talking about human beings....

HON. BENSON O. EBANKS: Yes Mr. Chairman.

MR. LINFORD A. PIERSON: .... And it is time I think that the Member should understand that.

HON. BENSON O. EBANKS: Mr. Chairman, I understand that very well, and I am going to make a point as I am not finished. I have given this House every assurance that every academic spectrum within our society will be attended to. I was only referring to the remark I made, that is the example I gave to say that it appears to me that some Members have settled to prove exactly what I have said.

MR. JAMES M. BODDEN: You have given an assurance.....

MR. CHAIRMAN: No. sorry, the Member was asked for an assurance. I do not know whether he is intending to give it, or not. He might care to make that clear, because I think it would help the Committee.

HON. BENSON O. EBANKS: Mr. Chairman, I gave that assurance in my last.....

MR. CHAIRMAN: No, you were asked for an assurance.....

HON. BENSON O. EBANKS: .... In relation to publication, I think Mr. Chairman that that is an on going thing.

MR. CHAIRMAN: You were asked for an assurance.....

HON. BENSON O. EBANKS: .... Annually.

MR. CHAIRMAN: Will you please let me finish. You were asked for an assurance to publish certain criteria. I have not heard, I may have missed something, but I certainly have not heard such an assurance yet. If you believe you have given one, perhaps it could be repeated because I think it might be helpful to the House.

HON. BENSON O. EBANKS: I think that the Financial Secretary made it clear that it was a condition of dispensing the loans, that this criteria be made public.

MR. CHAIRMAN: There were two points which the Elected Member for North Side had made. One was about the publication of the criteria and the other was about priorities. The Financial Secretary dealt with the one about priorities, but the one about criteria publication has not yet been dealt with. I am inviting you to give an assurance now, if that is your intention.

HON. BENSON O. EBANKS: Yes Mr. Chairman. The criteria is set down in regulations under the Education Law. So the criteria is a public document. The existing one is, the amended one is, and I would have no hesitation providing I am not going to run Government into unnecessary expense to publicise it. But I do not know that I am going to give an assurance that it is going to be published in a newspaper, and published over Radio Cayman et cetera.

HON. BENSON O. EBANKS (CONTINUING): Once it is given widespread publicity, I think that we have discharged our duty.

MR. JAMES M. BODDEN: But Mr. Chairman, these rules and criteria by which these grants or loans will be made, will be set by a body of people who will be mainly Civil Servants or people drawn from the public sector. They do not voice the opinions and the feelings of the Legislative Members who represent the people. As to the Member giving his assurance, this will not be good enough for me personally because he and his supporters have given many promises to the people of this Country which have been broken. So that assurance would not mean one thing to me.

HON. BENSON O. EBANKS: Mr. Chairman, I would call your attention to Standing Orders Sir, about insulting and abusive remarks. I have never lied to Parliment, and I have no intention of doing so now. If the Member can give an example of where I promised to do something in this House and did not do it, I will be happy to do what ever is necessary to put it right. I have no knowledge of ever doing this.

MR. CHAIRMAN: I think I will ask the Committee to concentrate again on the amendment which has been proposed by the Member for North Side, to the clause of the Bill which we are debating, from which we have strayed a long way.

Does the Member wish to continue with the amendment, he thought at one stage about withdrawing it. Do you want it put?

MR. D. EZZARD MILLER: Yes Mr. Chairman, since I cannot have the assurance that it is going to be made public....

MR. CHAIRMAN: No. In that case....

MR. D. EZZARD MILLER: .....you can put the amendment.

MR. CHAIRMAN: The question is that Clause 3. of the Bill should be amended in the sense that the Elected Member for North Side proposed. Members will recall that the wording as circulated, was with leave amended to clarify the Member for North Side's intention.

QUESTION PUT: AYES AND NOES - THAT THE AMENDMENT AS AMENDED DO STAND PART OF THE CLAUSE.

MR. CHAIRMAN: I think I would prefer a division. I find it difficult.

MR. W. McKEEVA BUSH: Are you not going to give the criteria to Members.

DIVISION NO. 6/86

AYES	NOES
Mr. W. McKeeva Bush	Hon. Dennis H. Foster
Mr. Linford A. Pierson	Hon. Michael J. Bradley
Mr. James M. Bodden	Hon. Thomas C. Jefferson
Mr. G. Haig Bodden	Hon. Benson O. Ebanks
Mr. D. Ezzard Miller	Hon. W. Norman Bodden
Mr. John B. McLean	Hon. Capt. Charles L. Kirkconnell
	Hon. Vassel G. Johnson
	Mrs. Daphne L. Orrett
	Capt. Mabry S. Kirkconnell
6	9

MR. CHAIRMAN: I declare the amendment lost.

MR. CHAIRMAN (CONTINUING): So we now go back to Clause 3. of the Bill as is written in the Bill.

MR. W. McKEEVA BUSH: Mr. Chairman will he send the criteria to Members, a copy of the criteria to Members? I meant to ask that before Sir, you never gave me a chance.

MR. CHAIRMAN: He said that the criteria is going to be published.

MR. W. McKEEVA BUSH: We will get it in the Gazette.

MR. CHAIRMAN: You will get them in the Gazette, I imagine.

MR. W. McKEEVA BUSH: I get at least four copies of it now.

MR. CHAIRMAN: Maybe we can economise by sending you only three in future.

MR. W. McKEEVA BUSH: One will do Sir.

MR. CHAIRMAN: The question now is that Clause 3. do stand part of the Bill.

QUESTION PUT: CLAUSE 3. - AYES AND NOES

MR. G. HAIG BODDEN: Mr. Chairman, may I have a division?

MR. CHAIRMAN: Certainly.

DIVISION
NO. 7/86

AYES	NOES
Hon. Dennis R. Foster	Mr. W. McKeeva Bush
Hon. Michael J. Bradley	Mr. Linford A. Pierson
Hon. Thomas C. Jefferson	Mr. James M. Bodden
Hon. Benson O. Ebanks	Mr. G. Haig Bodden
Hon. W. Norman Bodden	Mr. D. Ezzard Miller
Hon. Capt. Charles L. Kirkconnell	Mr. John B. McLean
Hon. Vassel G. Johnson	
Mrs. Daphne L. Orrett	
Capt. Mabry S. Kirkconnell	
9	6

MR. CHAIRMAN: I declare the motion carried. Clause 3. stands part of the Bill.

QUESTION PUT: CLAUSE 3. PASSED BY MAJORITY.

MR. D. EZZARD MILLER: What a disappointment.

CLERK: CLAUSE 4. AMENDMENT OF SECTION 6.

MR. CHAIRMAN: The question is that Clause 4. do stand part of the Bill.

HON. MICHAEL J. BRADLEY: Mr. Chairman....

MR. CHAIRMAN: I take it....

HON. MICHAEL J. BRADLEY: I am sorry. I do not know whether in view of the defeat of the previous amendment.....

MR. CHAIRMAN: I was going to say, I take it that the notice that we were given of amendments, the amendment to Clause 4. was consequential on the amendment to Clause 3. and really it cannot stand on its own.

HON. BENSON O. EBANKS: We have lost the battle, but I do not think we have lost the war Sir, we are getting there.

MR. CHAIRMAN: The question then is that Clause 4. stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4. PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE AGRICULTURAL AND INDUSTRIAL AID LAW 1978.

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.

THE SUNDAY TRADING (AMENDMENT) BILL, 1986

COMMITTEE THEREON

MR. CHAIRMAN: In respect of the Sunday Trading Amendment Bill. Firstly, I think I am right in recalling that there was a revised version of the green copy of the Bill circulated. It was not intended to be altered from the original, but a number of typing errors were corrected, if I am right, and secondly, I have had notice of two proposed Committee stage amendments. One has been given to me by the mover of the Bill, the Second Elected Member of Executive Council and the other, given to me by the Second Elected Member for George Town, both of them affect Clause 8. of the Bill.

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2.

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 4.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. AMENDMENT OF SECTION 5.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4. PASSED.

CLERK: CLAUSE 5. AMENDMENT OF SECTION 6.

MR. CHAIRMAN: The question is that Clause 5 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5. PASSED.

CLERK: CLAUSE 6. AMENDMENT OF SECTION 7.

MR. CHAIRMAN: The question is that Clause 6 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. AMENDMENT OF SECTION 9.

CLERK: CLAUSE 7. AMENDMENT OF SECTION 9.

MR. CHAIRMAN: The question is that Clause 7 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7. PASSED.

CLERK: CLAUSE 8. AMENDMENT OF FIRST SCHEDULE.

MR. CHAIRMAN: The question is that Clause 8 do stand part of the Bill, but as I mentioned earlier, I have been given notice of two proposed amendments to Clause 8. The first, the notice was given by the Second Elected Member of Executive Council, and I will invite him now to move his amendment.

HON. W. NORMAN BODDEN: Mr. Chairman, in accordance with Standing Order 52(2), I hereby give notice of this Committee stage amendment, and move the following amendment to Clause 8.

That Clause 8 be amended by deleting the quotes and last fullstop at the end of proposed item 15 of paragraph (q) and by adding the following-

"16. Establishments carrying on retail business at an airport.

17. Establishments concerned in the rental of motor-cars, motor-cycles or bicycles, or in the rental or charter of boats, in relation to such rentals or charters."

MR. CHAIRMAN: Thank you. I suspect that the initial quote is not necessary, but I have no doubt that the Second Official Member will attend to that, if the amendment is carried and the Bill is altered in consequence. Do you want to speak to explain the purpose of the amendment?

HON. W. NORMAN BODDEN: Only Mr. Chairman, to point out that these are establishments which are in the retail business, for example at airports which would be generally affected by tourism and traffic in and out of our airports. Item 17 deals with the rentals of motor-cars and other vehicles and also the charter of boats, which often take place on a Sunday, and is again an establishment which is considered a tourism related business. The idea is to make provision for these two different types of business under this amendment.

MR. CHAIRMAN: The question now before the Committee is that Clause 8 of the Bill should be amended in the manner moved by the Second Elected Member of Executive Council. Does any Member wish to speak to that?

In that case, I will put the question, that Clause 8. be amended in that sense.

QUESTION PUT: AGREED. AMENDMENT I PASSED.

MR. CHAIRMAN: The second amendment of which notice was given was as I have said, one to be moved by the Second Elected Member for George Town, and I invite him to move his amendment now.

MR. LINFORD A. PIERSON: Thank you Mr. Chairman.

In accordance with Standing Order 52(1), I beg to move the following Committee stage amendment to this Bill. Amendments to Clause 8.

That Clause 8 be amended by adding-

"18. Establishments engaged in the sale or supply of toiletries in relation to the sale or supply of those items.

19. Establishments engaged in the sale or supply of baby products (other than clothing and toys) in relation to the sale or supply of those items."

In 19 Mr. Chairman, after 'sale' 'or supply' should be inserted to make that correct.

MR. CHAIRMAN: I take it that we can assume that you have yourself assumed that the Second Official Member will take out quotation marks and put them in where they are necessary, and so on, just to tidy it as it were.

MR. LINFORD A. PIERSON: Quite right Sir.

MR. CHAIRMAN: But the substance of the amendment is what you have read out. Do you want to speak to that?

MR. LINFORD A. PIERSON: Briefly, Mr. Chairman. I have spoken to the mover of this Bill on the proposed amendment, and I have also alerted other Members in this respect.

MR. LINFORD A. PIERSON (CONTINUING): I see these two amendments as being reasonable. I would explain that on 18 Item 8(10) it is intended to include such items as soap, toilet paper et cetera. It is not the intention to have a wholesale sale at any supermarket in toiletries. I have in mind that this item would cover the minimum bare essentials that a household, regardless of whether they are tourists or otherwise would be needing.

On the question of 19 Baby Products, this is intended not to include clothing and toys, or similar or related items.

Thank you Mr. Chairman.

MR. CHAIRMAN: Does any other Member wish to speak?

HON. W. NORMAN BODDEN: Mr. Chairman, I recognise that a part of the problems which will develop in connection with this Law when it is amended, is enforcement. As I have said in my contribution a little while ago to the Debate, we must draw the line somewhere. Although I am against really increasing and adding and widening those businesses which are exempted, I see in this particular amendment 18 and 19, that there are I suppose, a few more items which might be beneficial to the small grocery store operator which would not be attractive to the larger store owners, who thus might not be tempted to open on Sundays just to provide these few items. Where as it might be beneficial to the small corner grocery store if you want to call it that. So I feel that these are not unreasonable, and I can support the amendment as it stands.

MR. CHAIRMAN: Does any other Member wish to speak?

MR. W. McKEEVA BUSH: Mr. Chairman, having been the first speaker on the Second Reading Debate, I brought to the attention of Members, those particular items. Another item water.....

MR. CHAIRMAN: The Member, is he wanting to amend the amendment to include something else, or is he speaking to the amendment itself?

MR. W. McKEEVA BUSH: Well I do not know whether it can be inserted, or whether you would accept an amendment. But....

MR. CHAIRMAN: I think that really if you want something else included, it would have to be a separate amendment, of which notice would have to be given. I see that the Second Official Member is nodding to me. The first schedule evidently lists in turn, all the different sorts of establishments, all the different sorts of goods which can be sold. I do not think you can just lump water in with baby products or toiletries.

HON. MICHAEL J. BRADLEY: I think Mr. Chairman Sir, the normal procedure in Committee is that one normally requires an amendment of this type to be in writing, so that Members can see them in front of them.

MR. CHAIRMAN: That is right, that is what I was going to say.

MR. W. McKEEVA BUSH: Mr. Chairman....

MR. CHAIRMAN: I think what we will have to do is to deal now with the Second Elected Member for George Town's amendment, and maybe, if we rise as we probably shall in a few minutes, for lunch, you might get an opportunity to try and draft an amendment which we may be able to consider afterwards. But I think it needs to be a separate amendment, so to give you.....

MR. W. McKEEVA BUSH: That is all right with me Sir, so long as you will give me the assurance that you will take the amendment.

MR. CHAIRMAN: Well.....

MR. W. McKEEVA BUSH: Under Standing Orders 52(2).

HON. MICHAEL J. BRADLEY: I thought that the Honourable Member had decided not to proceed with this, because it was mentioned by him several days ago, but he did not put down an amendment.

MR. CHAIRMAN: I think you are very fortunate that we chance to be about to break for lunch. Normally you might have missed your opportunity, because really like the other Members, it would have been for the convenience of the Committee if you had had your amendment made ready and circulated.

MR. W. McKEEVA BUSH: I quite agree with you Sir, and I know it is my fault that I did not get the amendment in, but under Standing Order 52(2) you can allow it.

MR. CHAIRMAN: I can indeed, but.....

MR. W. McKEEVA BUSH: You have allowed it before Sir.

MR. CHAIRMAN: If it puts all the Committee to inconvenience, I would be reluctant to. However.....

MR. G. HAIG BODDEN: Mr. Chairman, just before we close on this point. I agree with the Second Elected Member for West Bay, and I would also like to point out that this Bill makes no provisions for emergencies. For example, if we have a natural disaster like a hurricane how could one open a shop to sell plywood and whatever might be necessary to batten up for a hurricane. It also makes no provisions for other essential services such as electricity and telephones. CUC cannot sell their electricity products on Sunday, and I think we are being very stupid trying to rush it. We have to make provision for electricity, telephones, emergencies and other essential services.

MR. CHAIRMAN: If you had such major points to raise, it is unfortunate.....

MR. G. HAIG BODDEN: No, it is not unfortunate Sir.

MR. CHAIRMAN: It is unfortunate that you did not give us the benefit during the Second Reading Debate. (INTERRUPTION)

MR. G. HAIG BODDEN: No, no Mr. Chairman, you know my position in this House. If I recommended any of these, the whole Executive Council with their extensions would vote against it, and we would never get it into Law.

MR. CHAIRMAN: Order, order.

MR. G. HAIG BODDEN: I am only mentioning it so that they will know of the deficiencies which they are creating in this Law.

MR. CHAIRMAN: I think we are now limited to discussing the amendment proposed by the Second Elected Member for George Town. Let us first dispose of that.

QUESTION PUT: AGREED. AMENDMENT II PASSED.

I think I will suspend proceedings now for.....

MR. D. EZZARD MILLER: Mr. Chairman, one point before you do. Maybe the Second Official Member would like to look at 8(11) where it says in relation to the sale to guests of that hotel. The shops might have a problem in identifying guests, so I do not know whether you might want to amend it during the lunch hour.

MR. CHAIRMAN: Well, we will leave the clause as already twice amended still open for further discussion after our lunch break. Since we are breaking a little early would Members prefer to return at two fifteen or two o'clock?

HON. DENNIS H. FOSTER: Two fifteen Sir.

MR. CHAIRMAN: Two fifteen. Very well, I will suspend proceedings until approximately two fifteen, but would hope that Members will try to be fairly prompt.

AT 12:32 P.M. THE COMMITTEE SUSPENDED

COMMITTEE RESUMED AT 2:21 P.M.

MR. CHAIRMAN: Please be seated.

We were in Committee at the time when I suspended proceedings for lunch, and we were considering Clause 8. of the Bill, to which two amendments had already been proposed and agreed. I see now that two further amendments have reached me, and I take it that all Members have got copies of these two further amendments, one of which is to be moved by the Second Elected Member of Executive Council and the other of which is to be moved by the Second Elected Member for West Bay.

As the Second Elected Member for West Bay's amendment affects the earlier part of the Clause, if I have got it right. Perhaps he might care to move his first.

MR. W. McKEEVA BUSH: Mr. Chairman, do you want me to read the whole thing?

MR. CHAIRMAN: I think it is....

MR. W. McKEEVA BUSH: All Members do have it.

MR. CHAIRMAN: Do all Members have it?

MR. W. McKEEVA BUSH: Yes Sir, I am certain they do.

MR. CHAIRMAN: It is an amendment, just to be quite sure to Clause 8. paragraph (c) to insert "bottled water and water in bulk" immediately after the word "newspaper". Is that right?

MR. W. McKEEVA BUSH: Correct Sir.

MR. CHAIRMAN: Technically the Clerk tells me that it should be read, so perhaps just for the record you had better read it. You certainly must move it.

MR. W. McKEEVA BUSH: In accordance with Standing Order 52(1) leave of the Chairman having been so granted in accordance with Standing Order 52(2), I beg to move the following Committee stage amendment to Clause 8. paragraph (c) of the Sunday Trading Amendment Bill 1986 -

By inserting "bottled water and water in bulk" immediately after "newspapers" in paragraph (c)."

Mr. Chairman, I think the amendment speaks for itself, I do not need to present a comment on it.

MR. CHAIRMAN: Does any Member wish to speak to the amendment?

HON. W. NORMAN BODDEN: Mr. Chairman, I would just like to say that this is an essential item and often it is sold due to water shortages which many householders have, and they have to order water which is delivered on Sundays. I feel that the amendment is a reasonable and just one, and I will give it my support Sir.

MR. CHAIRMAN: Unless any other Member wishes to speak, I will put the question that Clause 8. of the Bill be amended in the sense and the manner moved by the Second Elected Member for West Bay.

QUESTION PUT: AGREED. AMENDMENT III PASSED.

The other amendment I mentioned is by the Second Elected Member of Executive Council. Would he like to move that now.

HON. W. NORMAN BODDEN: Mr. Chairman, in accordance with Standing Order 52(1), leave of the Chair having been so granted in accordance with Standing Order 52(2), I beg to move the following Committee stage amendment to Clause 8. paragraph (g) of the Sunday Trading Amendment Bill 1986 by -

(i) deleting "to guests of that hotel" in proposed item 11; and

(ii) adding the following new item 20 -

"20. Establishments concerned in the provisions of such essential services as may be prescribed by the Governor in Council by order."

Mr. Chairman, it has just been drawn to my attention that the first amendment which I read out should be worded "to guests of that hotel", instead of "to guests at that hotel."

MR. CHAIRMAN: The amendment proposed, or the two amendments really, there are two separate ones but both moved simultaneously, to Clause 8. of the Bill proposed by the Second Elected Member of Executive Council, have been read out. Does any Member wish to speak on them?

Maybe we can acknowledge the contribution made by the Second Elected Member for Bodden Town.

In which case, I will put the question.

QUESTION PUT: AGREED. AMENDMENT IV PASSED.

MR. G. HAIG BODDEN: Mr. Chairman, just before we move on, I would also like to say too, as I mentioned earlier, that this Bill seems to make no provision for emergencies such as fires, natural catastrophies like hurricanes, where it might be necessary to open a place of business on a Sunday or a prohibited day. Although I know that it might be covered in say the Hurricane Law or something similar. But I do not think the Hurricane Law covers say, a case of fire if an establishment was burning down. Or if it were necessary to open a particular business to get say, water to fight a fire or something, I would like to see a clause which would embrase all of this. Although, I know the hurricane is coverd under the regulations of the National Preparedness Disaster, or what ever it is. I think there is some provision and some regulation somewhere on that, but I do not think it is all comprehensive enough to cover every event which could occur. It would be bad if it were a criminal offence and one could not open a place because a fire happened to be on a Sunday, when one can open it on Monday. It might be necessary to purchase some item which is absolutely necessary from a hardware store, for example fire axes. I would like to see a general provision to cover this.

MR. CHAIRMAN: I think there is a general provision in the Law already.

HON. MICHAEL J. BRADLEY: Mr. Chairman Sir, I would like to thank the Second Elected Member for Bodden Town for his contribution. My feeling without having the material to research it at the moment, is that such situations are adequately covered under other legislation, Emergency Powers Legislation Hurricane Disaster. But could I say Sir, that I am sure the Honourable Second Elected Member of Executive Council and myself will both look into the matter, and if it seems necessary to take the matter back to the Legislative Assembly again, we would not hesitate to do so.

MR. G. HAIG BODDEN: Yes Sir, that would be a better course than my moving a motion, which would be defeated automatically..

HON. MICHAEL J. BRADLEY: It is not the defeating, it is the drafting which I would worry about.

HON. W. NORMAN BODDEN: Not only that, it is also quite correct that no legislation including this will be able to provide for every eventuality. Of course I take the Members point, if one has a fire or some serious incident which required certain specific items to be provided from a store nearby, I am sure some arrangement could be worked to make this possible. But, if we are trying to cover every eventuality we could end up with a list which would be much larger that I believe any of us would be able to comprehend or imagine. So, I would go along with the recommendations....

MR. CHAIRMAN: The present Law does contain a provision, unless I have got an out of date copy, which enables the Executive Council to add or delete or amend things in the schedule. I am supposing there were a natural disaster, it would surely be possible for Executive Council to then, using that power, authorise the opening of all necessary shops. However, if the matter can be researched further, and since an undertaking has been given to bring back further legislation if it is found that further legislation is necessary, perhaps we can leave it at that.

Meanwhile, I think we did approve that amendment did we not? Perhaps Members can help me. Did we take the vote on the Second Elected Member of Executive Council's amendment. I think we did, did we not. Is that right. We did not.

HON. BENSON O. EBANKS: Yes, it was taken.

MR. CHAIRMAN: It was taken.

HON. BENSON O. EBANKS: Yes.

MR. CHAIRMAN: And it was carried? In that case we have now got the Clause 8. amended four times.

HON. BENSON O. EBANKS: I do not believe we had the division though Sir.

MR. CHAIRMAN: We did not have a division. Did I not call for voices. Well, let us just be quite sure about that.

QUESTION PUT: AGREED. AMENDMENT IV PASSED.

So that puts it beyond doubt. We do now have four amendments, all of which have been agreed to. I do not have notice of any further amendments. So the question could now be put, that Clause 8 as amended four times do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. THAT CLAUSE 8. AS FOUR TIMES AMENDED PASSED.

CLERK: CLAUSE 9. REPEAL OF SECOND SCHEDULE.

MR. CHAIRMAN: The question is that Clause 9. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 9. PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE SUNDAY TRADING LAW CHAPTER 161.

MR. CHAIRMAN: The question is that the title and enacting clause stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE AND ENACTING CLAUSE WAS PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee. The House will now resume.

REPORTS ON BILLS

MR. PRESIDENT: Please be seated. Reports. The Agricultural and Industrial Aid (Amendment) Bill.

THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986.

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Agricultural and Industrial Aid Law , Law 24 of 1978 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 SUNDAY TRADING (AMENDMENT) BILL, 1986

HON. W. NORMAN BODDEN: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Sunday Trading Law, Chapter 161 was considered by a Committee of the Whole House, and passed with four amendments.

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

THIRD READINGS

CLERK: THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1986.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill shortly to be entitled The Agricultural And Industrial Aid (Amendment) Bill 1986, be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly to be entitled The Agricultural And Industrial Aid (Amendment) Bill, 1986 be given a Third Reading and passed.

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

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

MR. PRESIDENT: Item five on the Order Paper - Other Business. Private Members' Motions. Private Member's Motion number 3 of 1986.

MR. G. HAIG BODDEN: Mr. President, did you put the Third Reading of the Sunday Trading?

MR. CHAIRMAN: It was not on the Order Paper for some reason. So I did not put it. I take it, it will probably appear on tomorrows Order Paper.

I am just checking that my recollection was correct. I think that after the mover had moved the Private Member's Motion NO. 3/86 and it had been formally seconded, the Third Elected Member and the Third Official Member of Executive Council both spoke, but they so far have been the only speakers during the Debate on this motion. So the motion is now open for debate, and if any Member who has not yet spoken and wishes to speak, he may do so.

MR. PRESIDENT (CONTINUING): Does any Member wish to? The Second Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO.3/86
RE: ASKING CARIBBEAN UTILITIES CO. LTD. TO AMEND THEIR LICENCE TO RESTORE THE IMPORT DUTY EXEMPTION

CONTINUATION OF DEBATE THEREON

MR. LINFORD A. PIERSON: Mr. President, the motion before us, Private Member's Motion No.3/86 is asking Caribbean Utilities to amend their licence to restore the Import Duty exemption.

Mr. President, while I can fully appreciate the motives behind this motion, and while I can support what the motion is seeking to accomplish, I believe Sir, that there is a more important area of the operation of CUC that may warrant our very keen attention.

I believe Mr. President, that the recent reduction in the price of oil world-wide will also have a major favourable effect on the Cayman Islands. I note Mr. President from an issue of the Caymanian Compass on the 21th February, 1986 that it is indeed the plan of CUC to reduce the electricity rates. I believe Mr. President that it is now incumbent on our Government to ensure that this is put in place. I have also Mr. President, examined the fuel adjustment formula which has been agreed between Government and the CUC, and I believe that it will be favourably applied to the people of the Cayman Islands in the months ahead.

What is of concern to me Mr. President, and I have expressed this concern to Members of Executive Council, and I have received some assurance that this concern is also a concern of theirs, and that attention will be given to it. It is the fact that the rate of return formula could be abused if this is not carefully looked into. This Mr. President, I believe is of greater concern to the people of this Country, than would be the amount of Duty and the incidents of this Duty as it would apply to the consumers of the Cayman Islands.

It is noted that an increase on fuel will be thirteen cents a gallon, while increases on equipment will be in the vicinity of ten per cent. This, when it is distributed Mr. President, amongst the population of this Country will not be a burden too heavy to bear. Mr. President, I have stood up in this House and I have spoken strongly against increases in taxes in this Country. Not of the increases themselves, but the magnitude concernes me most. But Mr. President, I feel that the increase contemplated by CUC would not be a burden too heavy for the people of the Cayman Islands to bear. When one looks at the amount of increase to a small consumer, one can see that somebody using 250 kilowatt hours per month would be paying an increase of around 59 cents per month. For 500 kilowatt hours per month the increase is in the vicinity of $1.07. Even for the very big consumer of 1,000 or 10,000 kilowatt hours per month, one is looking at around $2.02. So, Mr. President I do not see where, when the fuel adjustment formula is applied where this will affect the consumer too adversely.

But Mr. President, the area which I feel that Government must pay a lot of attention to, has to do with the rate of return. Mr. President, a rate of return on capital employed is basically the net income position over the asset base. The asset base can vary from company to company, which may include fixed assets and also working capital assets.

MR. LINFORD A. PIERSON (CONTINUING): I believe in the case of CUC, the major problem Mr. President may apply to areas where good will and other similar forms of asset are included in the asset base. By doing this Mr. President the bigger the base of the asset is made to appear, the smaller will be the return on capital employed. In other words, ten over one hundred would give you ten per cent. But if that is placed over a thousand it reduces it to one per cent. In other words, the income remains the same, but the return is diminished. This can be made to appear this way just by increasing ones asset base. I have discussed this matter Mr. President with the Member responsible, and I have been given an assurance that this matter is also the concern of Government, and that this will be given very urgent and keen attention.

The other area Mr. President, which may be of interest is the amount of expense called 'interest expense and guaranteed fees'. Also, the right off of affiliated company debt et cetera., which is used to reduce the income figure.

Mr. President, CUC cannot state that they have not done very well in the Cayman Islands. This is the reason why twenty years ago they were given a period of franchise of twenty years with a duty free exemption. But they are at a position now, at their cross roads, where their fiscal position is very healthy indeed. Mr. President, I never stand in this House unless I can support what I say by figures, and I have before me the 1985 Annual Return, a report of CUC, and they have made it quite clear in here that they continue to do very, very well indeed. I do not see Mr. President, from what they are getting here, why they should still be given incentives such as duty free exemption on their fuel.

The increase in Import Duties Mr. President, will amount to something like $1.4 million per annum. This sort of financing and revenue Mr. President is badly needed, and I believe that this money can also be used in subsidising many of the poor people in this Country. I also believe Mr. President, that if there are cases where people cannot afford to pay their electricity rates, that Government should also consider those particular cases.

Mr. President, CUC has always been very, very careful in pointing out that they should be allowed fifteen per cent return on their capital. This is reasonable, and this is something which should be encouraged. This is the reason why they are in business to make a profit. But at the same time, and I would stress this, Government's responsibility is to ensure that the interests of the people of this Country are protected. I would like to stress that. It is not enought for Government officials to stand by and say that a fuel formula has been arrived at. It is their responsibility to see that this fuel adjustment formula works, and works in the interest not only of CUC but of the people of the Cayman Islands.

Mr. President, while as I have said, I could not in my good conscience, support the motion which is before us, because I feel that the amount and the benefits to be derived from the $1.4 million far outway the benefits which would be derived from individual consumers. I nonetheless feel that Government officials, the Financial Secretaries Department, the Member responsible for Communication, and others, should pay very, very close attention to the rate of return, the fifteen per cent of profits over the asset base. CUC went to great pains in their 15th February issue, which was entitled 'CUC Explains'. They went to great pains to state that the fifteen per cent applied to company assets, and not to expenses. I do not know Mr. President, who would be mixing this up, because I think most people know that a rate of return is calculated on the net income position of the capital base, it is never of the expenses.

MR. LINFORD A. PIERSON (CONTINUING): So this seems to have been, in my opinion, an exercise in futility and did not really accomplish very much, because it was not saying too much to the general public. The important thing is that the fifteen per cent is the net income of the capital base, which includes assets, fixed assets and other forms of assets.

Mr. President, this is a major area of operation within CUC, and I feel that it should be given very close scrutiny.

Thank you Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? If not, the Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I cannot support the motion before this House.

Mr. President, to ask Caribbean Utilities to restore the exemption, the Import Duty, would be a detriment to these Islands. Caribbean Utilities have done well in this Country and they have given a good service, but the people have paid for it. Now that the Government has made it possible, whereby Caribbean Utilities are being asked to pay an amount which up until now they have never done, I find it unreasonable to ask Government to restore their exemption.

Mr. President, I have a motion before this House to deal with what I feel is over charging which I will not go into at this point. But I will have my say when that motion is put. Mr. President, it seems that Caribbean Utilities will be reducing its rate because of the fall in fuel prices, and this I will welcome. Of course we will have to see it first.

Mr. President I take objection to this motion, specifically the second part which states:

> "Whereas Government needs revenue, there are alternative sources from which to derive such revenue, that will not so adversely affect consumers of electricity."

Mr. President, I can agree with the particular section, but I am wondering what the mover and the seconder are talking about, because on Friday I put forward a motion to ask Government to make regulations to put on fees on the Partnership Law, and the Members and in particular the Second Elected Member for Bodden Town opposed the motion. Now he is bringing a motion to this House saying that he recognises that Government needs other areas, and this, Mr. President, the motion which I brought was only going to bring in a few thousand dollars. Nevertheless it would have been revenue which was due to this Country, but here in this motion before us today, they are asking Government to take off some one million dollars from CUC. I do not understand their representation, I just cannot understand it. Maybe in their winding up on this, they will explain to me and to the House why they could not support my motion, and now they are asking Government to take of the one point something million dollars.

I have quite a bit to say on my motion which also deals with CUC, but I just thought that I would like to point these things out, and ask them to clarify the point I have made.

Thank you Sir.

MR. PRESIDENT: Does any other Member wish to speak? In which case I shall invite the mover to exercise his right of reply if he wishes.

MR. JOHN B. McLEAN: Mr. President, I will be very brief. I have moved my motion. I moved it in good faith, and I realise by the scope of the debate that I have lost the battle.

I would just like to point out that the battle which I tried to put forward was once again, on behalf of the people. Mr. President, it seems as if some people are confused by what this motion really intended, and nobody can convince me that if something is levied on Caribbean Utilities Company Limited, that the people of this Country will not pay for it. Regardless of how little it may seem, to some consumers of electricity it will hurt. But as I have said Mr. President, I know it is useless to go into this further because of the scope of the debate, so I therefore leave this matter to the consciences of the Members of the Assembly, and I trust that by moving this motion, I have done no damage to anyone.

MR. PRESIDENT: The question is that Private Member's Motion NO.3/86 which asks Caribbean Utilities Company Limited to amend their Licence to restore the Import Duty exemption, that that motion be passed.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: Do you want a division? Yes of course.

MR. G. HAIG BODDEN: Can we have a division.

MR. PRESIDENT: Yes.

DIVISION
NO. 8/86

AYES	NOES
Mr. James M. Bodden	Hon. Thomas C. Jefferson
Mr. G. Haig Bodden	Hon. Benson O. Ebanks
Mr. John B. McLean	Hon. W. Norman Bodden
	Hon. Capt. Charles L. Kirkconnell
	Hon. Vassel G. Johnson
	Mr. W. McKeeva Bush
	Mrs. Daphne L. Orrett
	Mr. Linford A. Pierson
	Capt. Mabry S. Kirkconnell
	Mr. D. Ezzard Miller
3	10

MR. JAMES M. BODDEN: Three Ayes Mr. President.

MR. PRESIDENT: I think the Member was in the Chamber in time to be allowed to vote. So I think it can be recorded as three ayes. But the motion is nevertheless lost.

PRIVATE MEMBER'S MOTION NO.3/86 DEFEATED BY MAJORITY

Private Member's Motion NO.4/86. The Second Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO.4/86

APPOINTMENT OF SPECIAL COMMITTEE RE. DISPOSAL OF DRUGS

MR. W. McKEEVA BUSH: Mr. President I would like to move Motion No.4. standing in my name.

WHEREAS there is considerable distress in the minds of the public concerning the increasing drug abuse amongst our youth.

BE IT RESOLVED that a special Committee be appointed to varify the disposal of drugs which have been confiscated by the Police.

MR. D. EZZARD MILLER: Mr. President, I beg to Second the Motion.

MR. PRESIDENT: Private Member's Motion No.4/86 about the disposal of drugs, the terms of which have been read out by the Second Elected Member for West Bay, is now open to debate.

Does the Mover wish to speak to his motion first?

MR. W. McKEEVA BUSH: Mr. President, I know that maybe some people will try to make this motion a controversial one. Sir, we in this Legislature, elected by the people to serve the people, must never be afraid of controversy to the extent that we fail in our duty to our people. Many people, not only from the West Bay District, but all over as well, have brought rumours and suspicion which may or may not be justified. But however it may be, I have always felt that rumours and suspicion will only grow and increase, unless we do something to assure the public that their suspicions are unfounded. Put into simple language, the present method of the disposal of confiscated drugs by the police during the course of their duty, has come under suspicion by the public, and all of us here in this House would like to be assured that those suspicions are unfounded. But mainly Sir, we must ensure that the public is satisfied with the handling and the destruction of the drugs, and that they are carried out in proper order.

Mr. President, in an answer to a question the other day, it was stated by the Honourable Chief Secretary that the drugs were not weighed in the presence of the Justices of the Peace, but only marked by them for identification in the case, certifying such destruction. I would like to say Sir, and to re-emphasise that this is not a reflection on those who may be present for the destruction of drugs, for the sake of verification. I personally, and every other Member I have spoken to has confidence in those people. So I want no one to misconstrue the intention of the Motion. However, I do feel that by having a Committee comprised of other citizens, Mr. President people like Brother James Arch, and I am talking about Ministers of the Gospel, Winston Rose, the Reverend Jennie Schwartz or my own Pastor the Reverend Talmage Ebanks who are all good citizens, and in addition to those we have now, will help to assure the public that the drugs are all being destroyed. This is all the Motion is seeking to do, and I ask for support from all Members.

MR. PRESIDENT: The First Official Member.

HON. DENNIS H. FOSTER: Mr. President, I had really hoped after the lengthy answers given some days ago, that the Member would have been convinced that the rumours and suspicion of which he speaks would have caused him to withdraw the Motion.

However, Mr. President, I am not going to oppose it, but I would like to say that the Justices of the Peace who are asked to witness the destruction of these drugs are honourable people, otherwise they would not have been appointed as such. In my view the destruction of drugs is properly organised and properly witnessed. However, the Member wishes some of the clergy, if they will accept it Sir, because it is not a nice thing to witness, especially getting a little bit of the smoke sometimes. I am doubtful whether they would want to accept it. However, as I have said there is no harm, and I am quite willing, to accept a Committee, or recommendations for a Committee, bearing in mind that we have to ask them, and that they have to accept before we can appoint them. Maybe the Members can toss it around their minds as to where the best place is to draw on. Is it the clergy, or some other organisation maybe. But I would have no objections to it at all Sir.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I feel I am almost compelled to make a few remarks on this Motion as a Justice of the Peace, and as one who has been involved in overseeing the destruction and disposal of drugs.

Mr. President, Private Member's Motion NO.4. is a commendable Motion, and I have no problems in supporting it. But Mr. President, I believe that the method this Motion seeks to adopt will be somewhat ineffective. I believe Sir that we have very efficient organisation and supervision for the disposal of drugs at present. I believe that the problem, if there is a problem, is not in the method of disposal of the drugs Sir. I have every confidence in the Officers in charge of the disposal of drugs, that this is being properly done. I say that this is not from heresay, but from my own personal observation.

Mr. President, with all the respect due to the people who have been mentioned by the Mover of the Bill, I cannot see how they would be in a position to distinguish ten pounds of flour as opposed to ten pounds of cocaine. Unless this was properly analysed by an analyst, and I say this with due respect because all the names mentioned are those of very honourable people. But Mr. President I cannot see where a Committee of any number of Ministers in this Country would be in a better position to determine whether cocaine for instance, or marijuana for that matter was being properly disposed of. It is the same problem that the Justices of the Peace may have. They have to rely on the analysts and on the Police Officers who are technically qualified to assist in this respect.

As the Honourable First Officical Member has said, I can also support it Mr. President because I believe that the more support we get, the better it would be in such a sensitive area of operation. But Mr. President, I have to join Sir Winston Churchill in my view of Committees. I believe that for a Committee to be effective, it should be kept to a minimum. I think he said that the best Committee was a Committee of one, and I believe that to have six, seven or eight people standing there watching marijuana burn or cocaine being destroyed is still not the answer.

MR. LINFORD A. PIERSON (CONTINUING): As I have said Mr. President, if there is a problem with drugs at the Police Department, and the security area, I do not believe that that problem is with the disposal. I have seen at first hand the manner in which drugs are disposed of, and I believe Sir that this is being properly handled. It is never carried out by a single Police Officer, it is carried out by two or three Police Officers, each one having a separate key. So no one person can have access to the drugs at the Police Station.

Sir, I would be remiss in my duties today, if I stood here and gave the impression that I have any doubts at all that the disposal of drugs is being properly handled at the Police Department. But as I have said Sir, I would have no problem in supporting this Private Member's Motion.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak? Does the Mover wish to exercise his right of reply?

MR. W. McKEEVA BUSH: Mr. President, maybe the silence means consent.

Mr. President I want to re-emphasise again that I am not here trying to lambaste or ill rerute anybody. I believe that when our people are apprehensive about something, it is best for us as Legislators to do all that is within our power to ease that apprehension.

The other day, some trouble makers were using the telephone to call certain people to tell them that we were here castigating them. If that person had not had good sense, there would probably have been a lot of trouble here within these precincts.

Mr. President, I want to re-emphasise again that I am not here to castigate anybody, it is not the purpose of this Motion. The Motion speaks for itself Sir. I trust that all Members will give it the support that is due.

Mr. President, yes, I feel that we do have some good people in the force, but to say that tightening up does not need to take place, it would be remiss of me to say anything to the contrary. I do not care who likes me for it or who hates me, I have a duty to my people and I intend to carry out that duty...

Maybe I will be ruled out of order, but I would like to extend my congratulations to those young men in the force who have just been promoted. I went to school with some of them Sir, and I think their promotion has been long overdue.

MR. PRESIDENT: You are quite right, you will be ruled out of order.

MR. W. McKEEVA BUSH: I figured that Sir. Anyway I will bow to your ruling, Mr. President, and I do not care to say any more on the Motion, the Motion speaks for itself.

Thank you very much.

MR. PRESIDENT: The question is that Private Member's Motion NO.4/86 about the disposal of drugs be now put to the vote.

QUESTION PUT: AYES

MR. W. McKEEVA BUSH: Can I have a division Mr. President

HON. DENNIS M. FOSTER: I presume you will appoint the Committee Sir.

MR. PRESIDENT: Sorry, one thing at a time. A division, yes you may have a division.

DIVISION
NO. 9/86

AYES	ABSTENTIONS
Hon. Dennis H. Foster	Mr. G. Haig Bodden
Hon. Michael J. Bradley	
Hon. Thomas C. Jefferson	
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Hon. Vassel G. Johnson	
Mr. W. McKeeva Bush	
Mrs. Daphne E. Orrett	
Mr. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	
Mr. James M. Bodden	
Mr. D. Ezzard Miller	
13	1

MR. PRESIDENT: I declare the Motion carried.

PRIVATE MEMBER'S MOTION NO. 4/86 PASSED BY MAJORITY

With regard to the point raised by the First Official Member. It is not a Select Committee, and it says in the Motion that a special Committee be appointed. I have in mind after this meeting is over, to write to all Members of the Assembly to ask any of them whether they would wish to be considered for appointment to it themselves, or alternatively, whether they have people whose names they would like to suggest for consideration. I think in that way we can seek to appoint a committee. Although of course, as was pointed out during the debate, there may be people who are not that keen to serve.

As it is now about twenty past three, I think it may be convenient for the House if I suspend proceedings for approximately fifteen minutes.

AT 3.21 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3.45 P.M.

MR. PRESIDENT: Please be seated.
Private Member's Motion No.6/86. The Second Elected Member for George Town.

PRIVATE MEMBER'S MOTION No.6/86

APPOINTMENT OF SELECT COMMITTEE OF THE WHOLE HOUSE TO RECONSIDER PROPOSED CHANGES TO THE ELECTIONS LAW, 1983

MR. LINFORD A. PIERSON: Mr. President, I beg to move Private Member's Motion No.6/86 which deals with the appointment of a Select Committee of the Whole House to reconsider proposed changes to the Elections Law, 1983.

MR. LINFORD A. PIERSON (CONTINUING): In accordance, therefore, with Standing Order 24(9)(ii), it is moved that a Select Committee of the whole House be appointed to consider, in accordance with Standing Order 15(4), the Petition of members of the public against the suggested introduction of single Member constituencies as contained in the 1985 Select Committee's Report on the Elections Law, 1983, regarding proposed changes to Section 4. of the Elections Law, 1983. Further, that the terms of reference of the Select Committee be expanded to include all other matters relating to the Laws of the Cayman Islands regarding elections, including the Report of the previous Select Committee.

MR. G. HAIG BODDEN: Mr. President, on a Point of Order, I would draw your attention to Standing Order 24(8), and as this matter deals with a matter that was dealt with on 6th December, 1985, it cannot properly come before the House.

MR. PRESIDENT: Thank you.

I did consider this with some care because initially I was myself uncertain. But, Standing Order 24(8) does not actually say quite what you said. It says, "No motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved." Resolved is not quite the same as "dealt with."

It is perfectly true that in December there was a motion which did deal with this same subject. It was a motion which was introduced when the Report of the Select Committee who had been considering amendments to the Elections Law was laid.

My recollection was that when that Select Committee Report was laid, it was made clear during the course of the debate which followed, that Members were not being invited to accept the recommendations in the Report, but that they were being invited to go and consult with their constituents and the public, with a view to the matter coming back to the House again for further consideration at a later date.

I have since checked the Hansard, and indeed that is so. I am not absolutely certain, and I think I have mentioned this privately to the Second Elected Member for Bodden Town, that the procedure which we followed back in December, was a procedure for which provision is made in our Standing Orders. In other words, I think perhaps if we had spotted this in December, we should have limited ourselves to having the Select Committee Report laid without introducing and debating a motion of the kind we did. But, I am in no doubt whatsoever, that what the House believed it was doing in December, was to decide that Members should go back, should consult their constituents, should consult the public and that the matter would thereafter return here for further consideration. Under those circumstances, my conclusion was that the matter had not been resolved, and in that regard it was quite different from the matters which were dealt with in the second Petition, I think, which was laid earlier in this Meeting, which were sought to be the subject of a motion which I ruled out of order, on the basis that the matters dealt with in that Petition had undoubtedly been resolved within the past six months, because it was the Budget, and everything to do with the Budget which undoubtedly was resolved.

MR. G. HAIG BODDEN: Mr. President, I would also like to refer you to Robert's Rules of Orders - page 223. on the adoption of Reports, which say in essence, that once the Report is adopted the legislature is then bound to act on it. They have accepted it, so the matter has been dealt with or has been resolved.

MR. G. HAIG BODDEN (CONTINUING): Also I would like to point out that the Hansard bears out that the Members knew what they were doing, because you reminded them, after you had taken the vote, yet they went on and had the division with ten of them voting to adopt the Report.

The Point of Order I am raising, is on page 23. When the Report of the Committee has been received, that is has been presented to the Assembly, and either read or handed to the Chair or the secretary, the next business in order is the disposal of the Report - the proper disposition depending upon its nature. If the Report contains only a statement of fact or opinion for the information of the Assembly, the reporting Member makes no motion for its disposal as there is no necessity for action on the Report.

The second part applies to us. But, if any action is taken, the proper motion which should be made by someone else, is to accept the Report which has the effect of endorsing the statement and making the Assembly assume responsibility for it. And, it goes on to say while the motions to adopt, to accept are often used indiscriminately and the adoption of any one of them has the effect of endorsing or adopting the opinions, actions, recommendations or resolutions submitted by the Committee as the case may be; yet it is better to use them as heretofor stated.

So the point I am making is that Standing Order 24(8) says, "No motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved." And my argument is that this matter was resolved on 6th December, 1985 and cannot be brought back unless we waive the Standing Order. If we waive the Standing Order, we would be adopting a double standard, since the House did not waive it for the other Petition.

If one reads the last paragraph of the Honourable Second Official Member's speech in winding up the debate, one will be convinced that this matter was resolved. And he ends it by asking, "Sir, I beg that the Report be adopted." And then you as President, made the motion - "The motion is that the Report of the Select Committee on the Elections Law be adopted." And the question was put - "Ayes" and "Noes" and you say, "I think the "Ayes" have it." And then you went on to have the division which showed that of the 11 Members present, ten voted in favour of the adoption.

MR. PRESIDENT: Might I trouble the Member to be kind enought to read out the words I said immediately before the Division was put?

MR. G. HAIG BODDEN: Yes Sir. I thought I had mentioned this when I said you reminded them of what they were doing. But, your words were said after you had taken the vote, but before the Division.

Let me read the whole thing:

"MR. PRESIDENT: The motion is that the Report of the Select Committee on the Elections Law be adopted.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: I think the "Ayes" have it."

(Mr. McKeeva Bush asks for a division and Mr. President replies)

"MR. PRESIDENT: Of course you can. (Meaning you can have the Division.) Remember you are not voting for or against the recommendations. We are voting for the adoption of the Report which as has been explained, means giving it publicity and considering it."

MR. G. HAIG BODDEN (CONTIUNING): And so you went on to take the Division. But the plain fact is that according to this, once the Report is adopted the Assembly assumes responsibility.

Before you took the Division, Members could have said, "Well we do not want to deal" - I assume responsibility - "We want to postpone it so we can give publicity." But they could not say that because earlier in the Meeting they had voted against a motion made by the First Elected Member for Bodden Town to postpone the debate, so that we could go on with the debate on the Budget Address. So the House knew what it was doing. It did not want to postpone the debate on the Elections Law. It voted to adopt the Resolution, and having done that the Assembly must now assume responsibility and all that is left, is for the Legal Department to make the technical amendments to the Elections Law to put it into force. However, if we do not want to go ahead, now in the light of what has come out, the House does not want to go ahead, certainly it does not have to act on it - it can wait, but it must wait for the six months, or now move that we suspend the Standing Order. And it is my contention that it cannot be suspended. If it is, the whole House would be acting on their double standard, because this is just as much in substance as the other Petition was, and both matters were dealt with in December.

So, we have a dilemma, and I would suggest that the motion be withdrawn until the six months have past.

I am in favour of what the Member is putting forward, because I feel that the Select Committee erred in its conclusions and in its Report; and I feel that we should not go ahead with the suggestions made. But technically we cannot do it today unless we suspend that Standing Order.

MR. PRESIDENT: Well, I am most grateful to the Member for the benefit of his learning. I can well believe, that had we had the benefit of it on 6th December, 1985, we should not have made the mistake which I accept we did now make. But the fact of the matter is, that I am quite sure in my own recollection and from what was recorded in the Hansard, that Members did not believe that they were resolving the matter last December: they believed that they were postponing it and indeed, I helped mislead them, if that is what one should call it, by confirming them in that belief by what I said. Therefore I have no doubt that their intention was to enable the matter to return to the House after they had had an opportunity of consulting the public, and not to do what, is it Mr. Robert's learned words say, that they were doing. And I do not think that it would be really fair to Members if I were to say now, that because of a technical mistake which was made then, to which nobody drew attention at the time, they should be debarred now from debating the motion which the Second Elected Member for George Town has sought to introduce. I am nevertheless most grateful to the Second Elected Member for Bodden Town, and will certainly ensure that I do not make the same mistake again when any other Select Committee Report, or similar Report, is laid, because I do now realise that if one is adopted, one is adopting the recommendations in it, and one cannot adopt the Report without adopting the recommendations.

MR. JAMES M. BODDEN: Mr. President, I too would like an opportunity to speak on this, on the point which has been raised by my colleague from Bodden Town.

MR. JAMES M. BODDEN (CONTINUING): I am in sympathy with the motion which is being placed before the House by the Second Elected Member for George Town, and may even consider voting in favour of it. However, the merits or demerits of the motion, in particular, is not the question before us today.

The question before us is that we must not only appear to be doing what is right, but must I would say, tediously pursue in order to see that it is done correctly. We cannot and must not support a double standard in this House. To agree to place this motion for debate today is, in my opinion, adopting a double standard. My colleague from East End, a few days ago, placed a motion before the House, and because of your ruling that it came under 21(8) of the Standing Orders of this House, you would not allow that motion to be debated.

Here we have a motion which was dealt with, or surrounding this, we dealt with a particular motion in December, and I do not see how anyone can interpret it otherwise. Here is the Report of the Committee. Now the Committee has some recommendations which many Members of this House were not in favour of accepting, and the public at large seemed to be against. But yet, I do not see how the Members can vote on it a first time and then vote again a second time on the Division, and now say that they do not know what they voted on; because in the presentation made by the Honourable Second Official Member, he summed up at the end by saying, "Sir, I beg..... that the Report be adopted." And by a unanimous vote, it was adopted. So, we did deal with the substantive issues in this motion in December. And I think it would make the public feel much better, to know that we do not operate under a double standard, and that the same ruling which was made on my colleague's motion from East End, be made on this one, and that it lay over until the next Meeting of the House. It would make the public feel that we are operating fairly.

I cannot understand why a decision could have been made not to debate the motion placed by my colleague from East End, and yet that today we would allow this Motion here dealing with another issue which was dealt with in December, 1985, to be debated. Is it because this particular Motion has been seconded by the Honourable Second Elected Member of Executive Council(the Government bench)? For what good reason can be given to the Members of this House and to the people of the Cayman Islands, that there is a just reason to allow for this Motion to be dealt with, and not to allow the other one.

Mr. President, you may rule me out of order for saying this, but I think it would be a dereliction of duty if this particular Motion was dealt with at this Meeting of the House.

MR. PRESIDENT: My understanding of the position, is that this is not a matter about which a vote is taken. It is simply my ruling on a point of order, or a point of procedure, on whether the Motion is admissible or not admissible.

In the case of the motion which the Elected Member for East End sought to introduce, I ruled it was inadmissible, and there was then a debate on a motion to suspend Standing Orders and there was a vote on that, because of course, it was a different sort of issue.

I do not know whether any other Member wishes to make representations to me about the point of order which has been raised. I have heard both the First and the Second Elected Members for Bodden Town. Perhaps, the Honourable Second Official Member...

HON. MICHAEL J. BRADLEY: I think, Mr. President, Sir, that since I was the Chairman of the Select Committee, and since I brought the Report of the Select Committee back to this Honourable House, that it would be proper for me to say, Sir, as to what my intentions were when I brought this Report back. I think I can do no better than to clarify what my intentions were at that time, than to repeat what in fact I said at that time, and that was that it should be made quite clear to the public of the Cayman Islands that in accepting and adopting the Report, the Government has not yet reached a firm view on this particular recommendation, and it is the feeling of Government that there must be more public debate and public input before this recommendation is to be implemented.

Later, near closing Sir, I would further say what I said earlier, that the recommendations should be the subject of consideration and debate, both within and without this House, and that this particular recommendation which is on single Member constituencies, should be considered on a national basis.

It had been my intention Sir, when I came to the House with the Select Committee Report, to present it and for there to be a feedback from the public on the recommendations contained in it. It had not Sir, been my personal understanding that the Members of the House were bound to implement each and every one of the recommendations.

I will say Sir, that if and when I ever have the honour again to be Chairman of a Select Committee and come back to make a report to the House, I shall be very careful solely to report.

MR. JAMES M. BODDEN: Mr. President, would you allow me to just point out one more thing. In the Government Motion No.7/85 the Motion stated:

> "BE IT RESOLVED this Honourable House appoint a Select Committee of the whole House to study these recommendations with a view to preparing an amending Bill."

And in the speech given by the Honourable Second Official Member, he did ask when closing his presentation to the House, saying:

> "I beg that the Report be adopted," and he said "I should add Sir, that I am asking that the Report be adopted and I would urge Members, having established the Select Committee, having..... the Committee carefully work at meetings, at four meetings and come with recommendations that they should do the Select Committee the politeness of accepting and adopting the Report, and thereafter take whatever steps may or may not be necessary to apprise themselves to the worthiness of the recommendations".

Sir, this was said to the House in the adoption of this Motion, and I fail to see how the House can act on it, without moving for the suspension of Standing Orders, to give it permission to do so within the six month period.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I rise cautiously, but just for the sake of the record concerning this Report from the Select Committee on Elections Law.

MR. W. McKEEVA BUSH (CONTINUING): The vote taken on 6th December, my abstention is recorded there. I did not vote on it, and I did not vote in the Committee. My minority vote was there, so in case it has been inferred that I voted all the way for this, I just want to clarify the point.

MR. PRESIDENT: I was really seeking any representations any Member wished to make about the point of order, as to the admissibility of this Motion. I am not inviting any wider comment. If any other Member has anything to add to the representations made on the point of order, I would be glad to hear him. The Elected Member for North Side.

MR. D. EZZARD MILLER: Yes Mr. President, I think that the two key issues here are the words "resolved" and "dealt with". I do entirely agree with the Chair that the word "resolved" carries much more weight than "dealt with", and I think it has been brought out quite clearly, especially by remarks as quoted by previous speakers, the Honourable Second Official Member, as to what he said in his opening remarks, and to what was read by the First Elected Member for Bodden Town, where they invited Members to take whatever steps necessary and to"public debate"clearly inferrs that the matter was not resolved, it was dealt with. I think Standing Order 24(8) is quite clear that the matter cannot be brought back if it has been resolved. If it has been dealt with, it is still open, and the Motion can be put Sir.

MR. PRESIDENT: The Second....not trying to catch my eye.

HON. W. NORMAN BODDEN: I am ready to second the Motion Sir.

MR. PRESIDENT: I am grateful to the Members who have made representations. I think, if it is not too inconvenient for the House, what I would prefer is to have some time to study the recommendations and to reread the Hansard which has been quoted to me, so that I can either confirm my earlier view that the ruling I gave to the Second Elected Member for Bodden Town remains my ruling, and that I still believe it to be correct, or can review it.

If therefore, the House will bear with me, I would suggest that we now adjourn and I will look at the matter overnight.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until 10.00 a.m. tomorrow.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m. tomorrow.

QUESTION PUT: AGREED. AT 4.15 P.M. THE HOUSE ADJOURNED UNTIL 10.00 A.M., TUESDAY, 11TH MARCH, 1986.

STATE OPENING AND FIRST MEETING OF THE (1986) SESSION
OF THE LEGISLATIVE ASSEMBLY
HELD ON TUESDAY, 11TH MARCH, 1986
(EIGHTH DAY)

PRESENT:

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

GOVERNMENT MEMBERS

HON DENNIS R FOSTER, CVO, CBE, JP	*FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS*
HON MICHAEL J BRADLEY, QC, LL.B	*SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION*
HON THOMAS C JEFFERSON, OBE, JP	*THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT*
HON BENSON O EBANKS	*MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES*
HON W NORMAN BODDEN, MBE	*MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE*
HON CAPT 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 MABRY S KIRKCONNELL	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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*

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

1986 STATE OPENING

TUESDAY

11TH MARCH, 1986

(EIGHTH DAY)

1. PRAYERS

TO BE READ BY THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS.

2. GOVERNMENT BUSINESS

BILLS:-

FIRST AND SECOND READINGS

(1) THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1986

COMMITTEE THEREON

(2) THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1986

REPORT THEREON

(3) THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1986

THIRD READING

(4) THE SUNDAY TRADING (AMENDMENT) BILL, 1986

3. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

(1) PRIVATE MEMBER'S MOTION NO.6/86
APPOINTMENT OF SELECT COMMITTEE OF THE WHOLE HOUSE TO RECONSIDER PROPOSED CHANGES TO THE ELECTIONS LAW, 1983

CONTINUATION THEREON.

(2) PRIVATE MEMBER'S MOTION NO.5/86
COST OF LIVING INCREASES

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY AND SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

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TUESDAY

11TH MARCH, 1986

10:00 A.M.

MR. PRESIDENT: Prayers. The First Elected Member for the Lesser Islands.

PRAYERS

CAPT. MABRY S. KIRKCONNELL: 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 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.

Let us say the Lord's prayer together.

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

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

MR. PRESIDENT: Please be seated.

Government Business - Bills. The first reading of the Criminal Procedure Code (Amendment) Bill, 1986.

Perhaps it may be helpful to Members if, before I invite the Clerk to proceed further, I just say that my understanding from the Clerk is that the copy of the Bill which has, I think, been circulated to Members this morning, is not intended to be a different Bill from the one that was circulated earlier. It is intended that a number of printing errors made in the first version should have been corrected. In fact, by no means all the errors got corrected by the printer and in my copy, at least, and I imagine in Members' copies there are still a number of manuscript corrections.

Bills. First reading - if the Clerk will proceed.

GOVERNMENT BUSINESS

BILLS

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1986.

FIRST READING

CLERK: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1986.

MR. PRESIDENT: A Bill entitled A Bill for a Law to amend the Criminal Procedure Code, Law 13 of 1975, 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) BILL, 1986.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to move the Second Reading of a Bill shortly entitled the Criminal Procedure Code (Amendment) Law, 1986.

As Members of this House know, there are three main planks upon which the system of Law exists in the Cayman Islands. These three main planks are:

The Penal Code - which is the main body of Law setting out the various criminal offences.

The Evidence Law - which sets out what can be said in matters before the Court, and how they can be said, and what is admissible and inadmissible.

The Criminal Procedure Code - which sets down the codes of procedure in relation to criminal matters in the Cayman Islands.

As Honourable Members of this House will recall, last year I brought before the House a Bill to amend the Evidence Law. And at that time, I indicated that in relation to matters which fell within my Portfolio of responsibility as these three Laws do, that it was my intention in accordance with my own feelings and what I felt were the feelings of the Members of this Honourable House, that instead of bringing forward Session by Session, Meeting by Meeting a number of short amending Bills: that I should endeavour to lessen the burden of the House and to make the amendments more comprehensible, by waiting at intervals of at least a year before introducing any amending Bill. But doing so, those amending Bills would of necessity, incorporate a number of proposed amendments, some minor and technical, some of substance and great substance and import in relation to matters not directly connected with each other.

Mr. President, in saying that, I aim to keep the balance between unduly burdening the Members of this House, and the public, with short amendments at ever increasing frequency. And at the same time, not allowing the Law to become fossilised, because I think as we have seen in this Meeting of the Legislative Assembly, that unless one constantly look at ones Laws; unless one constantly updates them and amends them, that they fall into disuse. They are not looked at, they are not enforced. This happened Sir with the Sunday Trading Law, and Sir, if that happens and they are not used and they are not enforced, then in my opinion, the system of Law and Order within the community also falls into disrepute, because a Law if it is there should be used. If it is unsuitable for the conditions of the time, it should be changed.

HON. MICHAEL J. BRADLEY (CONTINUING): The Bill before this House has set out very briefly at the beginning, a Memorandum of Objects and Reasons, which I will propose Sir to read, and then having read, to go into a little more detail in respect of the six or seven different matters appearing in this Bill, because I think it is important that we clearly understand what the Law is, what the proposed changes are, and what those changes will do. Having said that, the Memorandum of Objects and Reasons reads as follows:

> 'Clause 2 of this Bill seeks to increase the jurisdiction of a summary court in relation to the imposition of fines from two hundred to one thousand dollars.
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> In Clause 3 provision is sought to give statutory effect to the common law right of a surety to apply to the court for release from his obligations under a bond.
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> Clause 4 seeks to give the courts the express power to order forfeiture of a bond in any case where a person who has been bonded to appear before it has failed to do so.
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> Provision is sought to be made in clause 5 to restrict the written publication or broadcast of any matter likely to lead members of the public to identify a woman as the complainant in a case involving a rape offence (as defined) and to provide for criminal penalties for contravention.
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> Clause 6 seeks to introduce into Part V of the Code specific provisions in committal proceedings for an accused person to be committed for trial on the strength of written statements of witnesses. Such "short-form" procedures is based on that used in the United Kingdom and contained in the Criminal Justice Act 1967.
>
> Clause 7 seeks to remove from an accused person the right to make an unsworn statement in committal proceedings, and clause 8 contains consequential amendments to section 87 as a result of such removal.
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> This Bill seeks (in clause 9) to amend the Code by allowing an accused person an election to be tried by a Judge alone, instead of by a Judge and jury, in any case where the accused person is of the opinion that a fair trial could not be obtained due to the nature of the case or of the surrounding circumstances.
>
> In Clause 10, provision is sought to be made to clarify the persons who can prefer an indictment.
>
> By clause 11, it is sought to put right an anomaly regarding a reference to section 118 of the Penal Code.'

As you can see, having read this, that there are some matters there which are of technical and procedural importance only, and there are some which are matters which have given me and have given the judiciary, and given the members of the legal fraternity much, much thought.

I will now Sir, with the permission of the House, proceed to go through the clauses and the provosals in a little more detail.

Clause 2 of this Bill, as I have stated, seeks to increase the fining power of the summary court. At present there are in the Criminal Code and in the Penal Code, a number of offences to which the general maximum fining power of the summary court applies, and in respect of which, even though there is power under our present Law, and it is not intended to change it, for the summary court to sentence in respect of these offences for up to two years.

HON. MICHAEL J. BRADLEY (CONTINUING): The maximum fine presently impossible cannot exceed two hundred dollars, and I think when I read out a few of the offences in respect of which this fine of two hundred dollars is the maximum, the Honourable Members will realise that it is fit and proper that the fining power of the Court should be increased. At present the limit of two hundred dollar fine applies in the summary court to the offences of wounding, theft, of handling stolen property, of fraud, of concealing the birth of a child, of taking away a conveyance, of occasioning actual bodily harm, of obtaining property by deception, of aggregated trespass, of killing animals and of malicious destruction of property. This limit presently applies even though the offence with which the person is charged, is not a first offence for that, and even though there may have been a number of previous convictions for the same type of offence. It is therefore proposed that this present maximum jurisdiction to fine two hundred dollars be increased to a thousand dollars. This propocal has got the support of the judiciary and of the private sector. As it is considered, that not only would it bring the section up to date and in to line with the present economic situation; as incidentally the United Kingdom updated and brought their maximum fine in the summary court in general cases up to date in their jurisdiction in 1984, where in 1984 the jurisdiction to fine was increased from one thousand pounds to two thousand pounds. Not only was it up dated, but it is also felt that it would benefit the community because it would result perhaps, if the courts realised that they could fine up to a thousand dollars. The number of custodial sentences impossible by the courts who would be inclined, if they had the ability to fine more heavily, to fine instead of imprisoning. This Sir, I think in view of the crowded state that our prison gets into occasionally, would be no bad thing. Sir, in case any Members of this Chamber feel, as they have felt in the past, that the increase is too drastic an increase, let me remind Honourable Members that it was only yesterday at Committee Stage, that they unanimously voted on the Sunday Trading Law for an increase in the maximum fine there from five pounds or ten dollars to one thousand dollars, which was the unanimous wish of this House, that in that respect it be increased by a thousand per cent. So I hope no Member will say that an increase from two hundred dollars to a thousand dollars is gross and excessive.

Mr. President Sir, clause 3 of the Bill seeks to deal with the situation where a person has executed a bond, and Sir, the power for the court to take a bond and to bind somebody to appear is contained in Section 21 of the Criminal Procedure Code, and that gives the court to require a person to execute a bond with or without security, to make sure that he appears in court on such days as maybe appointed. There is no provision at present contained in our Law to enable a person who has gone surety, who has gone guarantor to apply to the court to be released from the bond of surety which he has entered into on behalf of somebody else. It is felt by the courts, and by me Sir, that it is appropriate to give the court a discretion to allow a surety to apply to be released from his bond, and it is sought to do this by adding the following proviso:

> 'PROVIDED that the court may, on the application of a surety at any time, release him wholly or partially and with or without conditions from his obligations under the bond if the court is satisfied that it would be just to do so.'

This can deal with the occasion Sir, when a person has gone surety for a person, and either the financial circumstances of the surety changes, so that it would be harsh and unconscionable if he were to be held to it.

HON. MICHAEL J. BRADLEY (CONTINUING): Or, if circumstances came to light which if they had been known to the surety at the time the suretyship was entered into, that they would have never entered into it. I consider Sir, that this is a fit and proper amendment to the Criminal Procedure Code.

The next proposed amendment is in clause 4 which deals with forfeiture of bonds. At present Sir, Section 22 of the Criminal Procedure Code merely provides that the non-appearance of a bonded person enables the court to issue a warrant directing that such person be arrested and brought before the court. There is no specific power under our Law to have the recognizance declared to be forfeited. Whereas, in many other jurisdictions including the United Kingdom there is certain specific power in that respect. This is a gap in our Law, which has been brought to my attention by the summary court Magistrate, and based on his recommendation, this amendment is provided for. A further provision of this amendment deals with in the next system forfeiture of bonds which can be forfeited if it were a fine.

Sir, clause 5 of the Bill is brought forward to insert a new section in the Criminal Procedure Code to the effect that there shall be anonymity of complainants in rape and similar cases. This Sir is an important provision, and is a significant provison, but is a provision that without doubt should be brought forward in the interests of justice. It is in the interests of justice that no person should be deterred from laying a complaint where a criminal offence has been committed, by reason of the fact that they fear that it will abound to their detrement later on. In our courts Sir, if a person, a woman complains that she has been raped; if a minor complains that he has been assaulted or abused; whilst there is power and has been recently put into our Law 'power to protect the anonimity of children' no similar power exists in respect of a female complainant. Part of the defence which is open to a person accused of such sexual offences is to cross-examine the complainant, the person who has alleged the offence, who has stated that she was raped, or had a similar sexual offence committed on her, is to cross-examine that complainant with a view to discrediting her evidence and to imply that there was consent made to that act. Knowing that to be a very common line in cross-examination, there without doubt exists in this community Sir, instances where women have been molested, where women have been abused, where women have been raped but where they have not come forward, have been reluctant to make statements, have been reluctant to appear in court because of the fact that they knew that there was publishable in the papers, that there was permitted to be broadcast over the air if it was thought fit, the name and address and not only the name and address of the complainant, but the cross-examination to which they would be submitted. We have in these Islands generally, a very responsible media and I think Sir that where there has been this danger in the past, that the media have exercised due discretion. However, the intention of the proposed amendment is to give a statutory protection to that lady, to that female who was abused, so that she knows that when she goes forward and complains, that there is not a fear and a possibility that her name will be spread over the entire width and breadth of the Islands.

It was noted Sir, that this amendment extend further. It was suggested that in such type of cases, the court, the Magistrate, the Judge sitting be given power to exclude members of the public while certain types of evidence of this kind were being adjust, as there are similar provisions in England.

HON. MICHAEL J. BRADLEY (CONTINUING): Having thought carefully about it Sir, your Government feels that one step at a time is the proper approach to make, but at the moment there should be this very limited statutory provision brought in, which will give the major effect of protecting the anonymity of the complainant, but will not go further to give a power to exclude members of the public lest it be thought that by that, justice was not only being done but being seen to be done. I Sir, have no hesitation in putting this amendment before Honourable Members of this Assembly.

The provision which is sought to be put into the law is a new section consisting of five sub-sections, and the main sub-section I will read Sir:

> 'After a person is accused of a rape offence(as difined), no matter likely to lead members of the public to identify a woman as the woman against whom the offence is alleged to have been committed shall be published in a written publication available to the public or be broadcast except as authorised by a direction of the court.'

And the penalty which is proposed for infringement by the media of that prohibition is a maximum fine of one thousand dollars. I commend this amendment also to Honourable Members of this Assembly.

Clause 6 Sir, seeks to provide a short form of procedure on committal for trial based on written statements. At present Sir, where there is an inditable offence, namely an offence which is tryable either only by the Grand Court or by the election of the accused in the Grand Court, there are two ways in which the preliminary enquiry can be conducted.

The first is the normal way which is used in the majority of cases, and that is by parole evidence being given by the witnesses before the court, subject to cross-examination to establish whether there is a prima-facie case.

The second procedure exists presently under Section 24 of the Evidence Law 1978, whereby written statements can be brought in and read before the court, and read out and over by the court, and the live witness need not appear in those circumstances. There are certain limitations there and there are certain delays in that procedure which even though it is a shorter and more expeditious procedure, have the effect of taking up the time of the court and the time of attorneys and witnesses who can be called, and have to stand by. Because, all these statements are read out in court and then after they have been dealt with, the Magistrate then makes a decision whether to commit or not, based on the evidence which has been read out or summarised.

This new procedure which is proposed by clause 6 seeks to enable by agreement, with the lawyer who is representing the defendant, or if there are more than one defendant, by agreement of all the lawyers who are representing the defendants, and only in those circumstances that a number of statements be received by the court which do not need to be read out, but which can be accepted by the court on the totality of the evidence presented by the prosecution, on the basis of which, the court commits the person for trial. The object of this Sir, is to benefit the administration of justice and also to help accused persons who are being tried for inditable offences. One of the main arguments which is presented against our juratory system of preliminary enquiry, and main trial in the Grand Court, is not only that it takes up the time of the summary court but that the resources of the accused persons are very frequently exhausted by the necessity of having to employ attorneys who are engaged for days and days in the summary court in the preliminary enquiry, when it is abundantly clear from the statements made, and the evidence made, that the person is returnable for trial.

HON. MICHAEL J. BRADLEY (CONTINUING): What this amendment seeks to do Sir, is to enable the prosecution to prepare a totality of written statements, which attenders to the court. And, if the accused and all of them are represented by Counsel and, if there is the consent of Counsel of all those accused, who have examined the totality of the written statements that the court may forthwith instead of taking a week or two weeks on the preliminary enquiry, in the interests of justice shorten the preliminary enquiry and proceed to commit. I will say Sir that I have circulated to Honourable Members a Committee Stage amendment to this. The main effect of which, is to delete the proposed sub-sections 2 and 3 of the new Section 83(a) because, I consider that it is not necessary to insert these into the Criminal Procedure Code as identical wording is already contained in the Evidence Law in Section 24 sub-sections 3, 5 and 6 which deal with the intermediate procedure of each statement being read out and considered individually. Sir, I have no hesitation in presenting this amendment to the court, as this speedy, cheap, expeditious procedure can only take place with the agreement of all accused, who must be legally represented and with the consent of their legal representatives.

Mr. President Sir, clause 7 and clause 8 of the Bill deal with the right such as it still exists, of an accused person to make an unsworn statement from the dock in committal proceedings. Honourable Members of this Chamber will remember that in July 1984 this House passed an amendment to the Criminal Procedure Code at that time, to the effect that an accused person was not entitled to make an unsworn statement in the dock. This was at that time thought by this House to be in the public interest, because it enabled a person to make a statement. To be utterly privileged in whatever defamatory statements he made in that statement from the dock, but not to be subject to cross-examination in respect of it.

Clauses 7 and 8 of this Bill seek to make the necessary consequential amendments to Sections 86 and 87 of this Code, to make it quite clear that such a restriction applies also to committal proceedings. And let me again emphasise that no person is being in any way deprived of the right to speak. No person is prevented from going into the dock, from swearing before Almighty God that he is going to tell the truth, and from giving evidence there.

Mr. President Sir, clause 9 is with respect Sir, in as much as I am able to make a qualitative judgement of the various clauses of this Bill, perhaps the most important proposed change.

Clause 9 of the Bill Sir, seeks to make provision that in certain circumstances a trial may take place in front of a judge alone, without a jury. And, that the choice as to whether a person be tried with a jury or without a jury lies not in the prosecution, not on the bench but with the accused. I apologise Sir, if I am going to take a little more of this House's time, but I do consider that this is a very important provision, and I feel that it is my duty to explain it in a little more detail, and to show Members of this House the reasons why it should be passed.

Mr. President Sir, we are a small territory, we have a small population here. We have a population which is intergrated, who are vocal, who are intelligent and who are acutely aware of what goes on in our community. Being a small community the problems, the evidential problems, the problems of balancing the interests of justice with fairness to an accused person can be totally different from large complex societies like the United Kingdom or Canada, with very, very large populations in the fifty and sixty millions as in the United Kingdom.

HON. MICHAEL J. BRADLEY (CONTINUING): And the occasion does arise Sir, when a crime is committed in a small community that because of the smallness of the community, because of the type of crime and the seriousness of crime, because of the reaction of the population of that small territory to that type of crime, that it can be hard for a person to have a fair trial. Coincidentally, in other small Commonwealth jurisdictions this happened three times in the last three years. There was a case in the Falkland Islands, a charge of murder. There was a case in the Seychelles, a charge of murder. There was a case in St. Helena, a charge of murder and in these cases, the problems and the concern which the community, which the judiciary, which the Legislature expressed was sufficiently great for the Commonwealth Secretariat to commission an enquiry to be made into the problems of jury trials in small jurisdictions, by Sir John Spry. Sir John Spry is a distinguished jurist; President of the Gibraltar Court of Appeal; Chief Justice of St. Helena; one-time Vice-President of the Court of Appeal for East Africa and Chief Justice of the British Indian Ocean Territories. He presented a report last year as a result of his enquiries, and I think Sir, that it is fit and proper that I read some small portions of this to Members of this House. In the early part of his Report, he mentiones the jury system, and I quote:

> "It may be useful to begin with a short note on the jury system. It is unnecessary to go into its early history, but it should be remembered that it developed largely as a protection for the individual against repressive acts of the executive, in the days when Judges were very much the King's Judges. With the growth of the independence of the judiciary, it is no longer so necessary, but it is still a valued and useful institution. Its merits are commonly held to be:
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> a) that a jury is able to bring its collective wisdom into play on deciding issues of fact, particularly regarding the credibility of witnesses.
>
> b) that a jury can on occasion, soften the operation of the Law by a common sense or humanitarian approach, where a judge who has to give reasons for his decisions, is bound to apply the Law as he finds it.
>
> c) that a jury by acquitting against the weight of evidence can act as the voice of the public expressing disapproval of a particular Law, or the bringing of a particular prosecution.
>
> d) the constant change of composition means that each jury comes fresh to a case, where to a Judge it may be just the latest in a succession of similar cases.
>
> e) the system allows the ordinary citizen a major role in the administration of justice, and helps towards a mutual understanding between the Judges and the public.
>
> These merits apply equally to the small territories of the Commonwealth, and in the larger.

HON. MICHAEL J. BRADLEY (CONTINUING):

The criticisms of the jury system are:

a) that jury trials last longer than trials held by a Judge, with or without assessors, and are consequently more expensive.

b) the juries are not equipped to study complicated accounts, or other documentary evidence.

c) that where there are several accused, and particularly where the charge is conspiracy, juries find it difficult to appreciate which parts of the evidence are admissible, against some defendants and not others.

d) that juries may be swayed by sympathy or prejudice, and in extreme cases, by public hysteria.

Of these, the first three are equally valid for large and small territories. The fourth is more liable to occur in the smaller territories, and is the most difficult to prevent."

Those are the words of the Report presented by Chief Justice Spry in his Report to the Commonwealth Secretariat. He goes on, and again I am going to quote directly from him, because I feel that his words can present the matter before this Honourable House far better than my feeble attempts. He goes on and deals with prejudice against the accused:

"The Danger of Prejudice

It is sometimes alleged on behalf of an accused person that he is unlikely to receive a fair and impartial trial because of prejudice felt by the people likely to constitute the jury. Such prejudice may be against the accused personally or against him on account of his nationality, race or religion.

Local knowledge may, but does not necessarily, lead to prejudice. This is not a serious problem in large jurisdictions because juries are drawn from a wide range of people; because dwellers in cities have, as a general rule, little knowledge of or interest in their neighbours; and because if there is local prejudice, it is easily avoided by ordering a change of venue.

In small communities, almost all the potential jurors may know, or know of, the accused. They may know the witnesses, and their reputation for veracity. News of the incident will have spread rapidly by word of mouth, and will have lost nothing in the telling. Even if a potential juror knows nothing about the incident itself, he will probably know the background; the family feud, the quarrel over a right of way, or whatever it may be, and he may know of the accused's upbringing, the company he keeps and his criminal record, if he has one.

Such knowledge does not of itself mean that a jury will be incapable of considering the evidence dispassionately and returning a fair verdict. A criminal record that does not reveal great moral depravity may be ignored and knowledge of an accused person's background may induce sympathy rather than antipathy. The danger of a biassed jury cannot, however, be ignored. If the offence is one that shocks the community and if the accused has been convicted, or even suspected, of similar offences in the past, a jury may presuppose his guilt. And a whole community may have lost patience with a man who is constantly making a nuisance of himself.

HON. MICHAEL J. BRADLEY (CONTINUING): Those Sir again, are the words of the Report of Sir John Spry. I feel I have taxed the patience of Members, in spreading our before them why it is considered that we should change our Law to give an accused person, if he believes that there would be prejudice, to ask for a trial by a judge alone.

In other jurisdictions, it is possible to remove the danger of prejudice by a change of venue. In the United Kingdom it can be moved from one city to another, where the jurors will not know the accused person. In the Eastern Caribbean Supreme Courts which incorporate now, a number of independent Commonwealth countries, the jurisdiction can in fact be moved from one island to another. That a person who is alleged to have committed an offence in St. Lucia can be tried in Dominica. A person who is alleged to have committed an offence in St. Vincent can be tried in Montserrat. We Sir, do not have that luxury.

Sir John Spry in his Report (and Members of this House, I will be happy to give them the Report if any of them wish to read it, after this Meeting has concluded), set out a number of proposals of alternative procedures, one of which is the system which takes place to a great extent on the African Commonwealth Countries, where a judge sits with assessors, who either have a voice in the decision, or whose role is advisory only. However, in his conclusions and in his recommendations as to the need and the desirability of dealing with the problems of jury trials in small jurisdictions.

The Report to the Commonwealth Secretariat which was either accepted or adopted depending on which word you prefer, by the Commonwealth Secretariat and circulated to all small jurisdictions. It says:

"My recommendations are that in small jurisdiations where trials are on inditement or by jury:

a) there should be an alternative procedure;

b) that the alternative procedure should be trial by judge sitting alone;

c) that the accused should have the right to elect whether to be tried by jury or by the judge;

d) that where it is practicable and convenient, reciprocal arrangements should be made between States for the secondment of judges to try cases where the local judges might not be seen to be impartial."

And the recommendations go on:

"And I further recommend that certain classes of offence be excluded from the right to trial by jury. Such offences should be tried by a judge sitting alone. They might include charges of conspiracy and fraud, and charges relating to controlled drugs and possibly other offences, according to local circumstances.:

In relation to those recommendations Sir, Honourable Members of this House will see that the proposal is to give the accused the option for trial in the normal way, by a judge and jury, or for trial by a judge alone. That we have not, your Government Sir, gone further with the recommendation of excluding certain types of offences from the right to be tried by jury. I think Sir, that in certain matters including complex fraud cases, there is very great weight of argument to say that we should do, what in fact the United Kingdom are going to do, and that is exclude those complicated cases from the ambit of a jury.

HON. MICHAEL J. BRADLEY (CONTINUING): But as I have said earlier Sir, let us proceed in our jurisdiction slowly, with temperance, with caution. I think that the proposed amendment that is being made, is again Sir, one which is not only justice being done, but being seen to be done.

I will say Sir, that I have also proposed a minor Committee Stage amendment to this, to provide for the situation and to spell out the fact that if there are a number of co-defendants, that for the election for trial by a judge alone, that it must be made by all of them, and that the mere election by one of a number who are accused, to be tried without a jury would not have the effect of the others being tried without a jury, against their will.

Mr. President Sir, the next provision of the Bill before us is clause 10. At present Sir, it appears under our Law that inditements against persons, either voluntary Bill of Inditements, or more commonly, a Bill of Indictment after a preliminary enquiry, where a person has been returned for trial, can only be preferred either by the court or by the Attorney General.

Clause 10 sought to widen this, to provide that there could be consent be given by the Attorney General for inditements to be preferred by certain officers in his Chambers. Having thought about this Sir, I am seeking the leave of the House at Committee stage to delete this clause, because I wish to give the matter further thought and I feel that at the present time at least, the knowledge that the Attorney General in person has to prefer an indictement against an accused and take responsibility from the preferal of that inditement, is seen by the public as another further safeguard of the rights of the individual. I am thinking about other formulations for it Sir, but at the present time I will seek leave of the House to withdraw this.

The final clause in the Bill Mr. President, is to change Schedule 1 of the Code by substituting certain words. This Sir, is quite frankly necessary because there is an inconsistency between the Penal Code and the words of the Criminal Procedure Code as it is framed at the moment.

Section 118 of the Penal Code provides the offence of taking away a woman against her will for the purpose of marriage or carnal knowledge, and prescribes a penalty of a maximum of ten years. The Criminal Procedure Code presently provides in the Schedule which relates to the mode of trial, a different definition of the offence, and provides the effect that it says the maximum penalty is only seven years. This clearly is inconsistant, this clearly is wrong and it is merely to remove an inconsistency that clause 11 is proposed.

Mr. President Sir, I hope I have not taxed the patience of Members of this Honourable House in trying to set out before them the reasons why each and every clause in this Bill is presented. I think, as I have said before, a number of them are very important changes and a number of them are minor and technical changes. However, this Bill and the provisions in it have been carefully considered by the legal profession, by my Chambers, by the judiciary. They have approval from all those, they have been supported by your Government Sir, and I have no hesitation in moving the Second Reading of the Criminal Procedure Code (Amendment) Bill, 1986.

Thank you.

MR. PRESIDENT: The question is that a Bill shortly entitled the Criminal Procedure Code (Amendment) Law, 1986 be read a second time.

The motion is now open to debate. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Thank you Mr. President.

The Bill before us, a Bill for a Law to amend the Criminal Procedure Code is one which I can support, and I would take this opportunity to congratulate the Honourable Second Official Member and the mover of the Bill, for a most comprehensive presentation. He has covered most areas which I had noted, while perusing and studying the amendments, and I think Sir that as a result, he has made my job much easier, and my contribution will accordingly be brief.

The Member mentioned the three main planks on which a legal system exists. We have made amendments to two of these before, the Penal Code and the Evidence Law, and it would seem fitting Sir that we should now also be looking at the Criminal Procedure Code.

One area which I think Mr. President to which we need to pay very close attention is the amendment of Section 6 of Law 13 of 1975, regarding the increase of the fine from $200 to $1,000.00. In a way Mr. President, this may seem somewhat of a big jump, but I can see where it may be in the interests of some of the people brought before the courts if the Law, or if the judge has the prerogative of sentencing or charging the accused, rather than sending him to prison for two years. It would seem that if an offence is a serious one, that a judge being a human being and not God, may take the view that the punishment should be two years rather than $200.00. So this may work also in the interests of the person brought before the court.

Mr. President clause 4, insertion of new Section 22A. would seem to be fair, especially in view of section 22A.(2) which states the court which declares a bond to be forfeited may at any time, instead of adjudging any person to pay the whole sum in respect of which he is bound, remit the whole or any part thereof either absolutely or on such conditions as it thinks fit. At first Mr. President, I had been somewhat concerned with the foreiture of bond under Section 22A. because it would seem that the purpose of a bond under the court is to ensure that persons bound to appear before the court, and if they do not do this, then their bond would be forfeited. But it did seem somewhat unjust for the individual to also be issued with a warrant of arrest, but Section 22A. would seem to correct this. Section 22A.(3) allows the person whose bond has been forfeited to give the court a satisfactory explanation as to his non-appearance, and thereby, the court may remit the whole or any part thereof either absolutely or on such conditions as it thinks fit.

Clause 5 Mr. President, deals with the anonymity of complaints in rape etc. cases. This is a Section Mr. President, which I feel that great care must be exercised, as women assured of anonymity of reporting sexual offences, could be encouraged to make false reports out of spite, out of dislike or out of malice. But here again, I think that there is a section which covers this. This Section Mr. President generally, is a very good provision, which is to be found in may Commonwealth countries and Commonwealth jurisdictions. The purpose of this provision is to prevent the situation whereby a girl or woman is frightened to make a complaint to the Police, or to give evidence in court because her name could be published in newspapers, or broadcast on the radio, or when we get on to general television.

MR. LINFORD A. PIERSON (CONTINUING): Conversely, it could encourage persons, as I have said, to make false allegations and hide behind this guaranteed anonymity. But I think we need to remember that the following steps have to be taken:

* The evidence of the complainant must be strong enough before charges are laid against any accused person.
* The complainant will have to make a sworn statement, and thereby subject herself to the possibility of a charge of purgery if she is lying. (I am sure the mover of this Bill was going to clarify this point).
* She may have to undergo giving sworn evidence at the preliminary enquiry stage.
* And she will have to give sworn evidence at any trial.

Obviously Mr. President, the possibility of a person making false allegations will exist. It is therefore extremely important that Police Officers are vigilant, professional and are aware of this provision of the Law.

If one is going to introduce this provision Mr. President, then it follows that there has to be penal provisions against any broadcasting or publication which would contravene the provision.

In clause 6 which is the insertion of new Section 83A. this is an excellent provision again, in line with many Common Law and Commonwealth jurisdictions. It saves the unnecessary previous waste of time, and it also saves unnecessary expense to the Government and to the accused person. However, the right to have a long form preliminary enquiry is still open to any accused person. It is extremely important that this right to have a long form preliminary enquiry should remain.

Mr. President clause 7 which is amendment of Section 86. Many people are of the view that the right of an accused person to make an unsworn statement from the dock at trial should not be removed. However, as this right to make an unsworn statement from the dock has recently been removed, it might as well be removed at the preliminary enquiry stage, as it really does not serve any purpose to have this right at the preliminary enquiry.

Mr. President, clause 8. which is the amendment of Section 87 contains the consequential amendment to that Section. I agree with the mover of the Bill Mr. President, that perhaps Clause 9 of the Bill, insertion of new Section 121A. perhaps the most important clause of this Bill. This is a good provision, and may ensure a fairer trial for an accused person who may be very well known in a relatively small community. I know Mr. President, that in certain cases where, if the juror was summoned from that particular area or district, there could be a situation where the individual would be found guilty before even being tried. We have to be very careful in cases like this. I think it is important that we issue one word of caution, that this should not lead to the possible second step of removing the right of an accused person to have a trial by jury.

Mr. President, all in all, I think that the amendments to the Criminal Procedure Code are well fitting. I feel that a lot of thought has been given to this, and I give this amendment Bill my support.

Thank you Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? If not, does the mover wish to... the Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, first of all I would like to offer a word of congratulation to the Member on his comprehensive presentation of this Bill this morning, and in so doing, I rise very cautiously and I trust that you will allow me to develop my argument on the particular area of which I am a little worried.

Mr. President, not for one minute would I have it said that I in any way protect any kind of criminal. When it comes to a person who can or may rape or disgrace a woman in any shape or form, I think they should pay for it. But I do have some concern about the power to charge more than $200 and up to $1000, even though it may be done with some discretion. And, my concern this morning is in light of our development, my concern is in view of the present wage structure in these Islands, a wage structure which in the lower strata of living in these Islands, and I am speaking specifically concerning the common labourer which is playing havoc on homes.

Mr. President, now the Member can correct me and I will give way if I am wrong, but I thought he mentioned things like burglary, theft, robbery and I took it that these are the areas where the judge will have discretion to charge more than the $200 and up to $1,000.00. Mr. President, if we take the Police Report for this year, we will see that these areas of crime are up. Detection is up, and up well, in camparison with other years, and this is another area I guess, where we should offer congratulations to the Police Department. But if we take theft for instance, we see where we had 310 cases reported for last year, and 83 cases cleared up. Burglary was up, and those are the areas Mr. President of which I am most concerned. I believe if one checks one would see that these people do come from the lower strata in our community.

Mr. President, all economic indicators in these Islands are pointing to some good years, but there are complaints from our people, and the **one prime reason** and nothing else is the low pay, the low wage factor in this Country, and Mr. President, in relation to crime it has some effect. Maybe I will be told that I am wrong, but I have to be proven so first. Mr. President, increasing a fine is not helping our society. Putting a person in jail is not helping our society, and as I have said, stealing is on the increase and it will get worse if something is not done about that particular situation. I feel Sir that before we should here this morning, and I am referring only to that one area, before we should come here and say increase, because that is exactly what it is doing from $200.00 to $1,000.00, we should be here doing something about the minimum wage which is $5.00.

Mr. President, I just wanted to bring that to the attention of Members, and I just could not sit down and let the Bill pass without voicing my opinion. I am trying to point out that increasing a fine and putting someone in jail is not helping us. Let us take the other step, and see whether it will not cut down on some of these areas as reported in the Police Report.

The Bill Sir is a good Bill, that one area I have some trouble with, but in general the Bill is well needed.

Thank you Mr. President.

MR. PRESIDENT: I think it may be a convenient moment now to suspend proceedings for approximately fifteen minutes, and I will do so.

AT 11:23 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:44 A.M.

MR. PRESIDENT: *Please be seated.*

Second Reading Debate on the Criminal Procedure Code (Amendment) Bill. Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. MICHAEL J. BRADLEY: *Mr. President Sir, I would just like very briefly to thank the two Members who contributed to the debate, and spoke thereon.*

In relation to the speech made by the Second Elected Member for George Town, he was worried about the amendment creating anonymity for female complainants in rape and allied cases, possibly resulting in false reports being made. I would like to assure the Member that at least, in my opinion, that risk does not arise. First of all, any complaints made to the Police on any matter, when it is the subject of a Police enquiry are confidential and the question of lack of anonymity only arises when a decision has been made based on the evidence that there is enough material information about the commission of an offence to bring it before a court. In that respect false reports to the Police, the situation is no different under the proposed amendment than it is at present.

In relation to the worry that if anonymity is draped around a complainant, that she can go into court and on oath make false allegations against an accused without the risk of her being in any way shown to be making or to have made false statements, that problem is dealt with by the fact that there is specific power in the proposed Section 28A. which says 'no matter likely to identify shall be published, except as authorised by a direction of the court'. And I could Sir, see the court making a direction in a case where there was a false complaint made against a man, that he was charged with rape, that she anonymously gave evidence that the jury or the judge alone acquitted because it was amply demonstrated that there was false and malicious reporting of a sexual assault. That in those cases it would be open to the court, as I am sure the court would in those circumstances, direct that the name of the complainant be published so that it could be demonstrated to the world that the veil of anonymity had been taken away from the person by virtue of the fact that she was demonstrably shown to have made a false and malicious report.

In relation to the speech by the Second Elected Member of West Bay, he had a concern about the raising of fines from the present level up to a maximum of $1,000.00. May I say Sir that the raising is a general raising. It is not just in respect of the offences which I listed in my speech, it is a general power unless there is specific statutory provision for higher or different fines in other Laws. That being so Sir, may I emphasise that the discretion is in the hands of the courts, that the increase in the maximum fine which the court can impose will be used only by the court when it considers that the circumstances are fit and proper, and there are cases where a person appears in front of a court, where it would be clearly inapropriate to impose a sentence of imprisonment, and where the law at present imposes what has been considered by the judiciary, and by the prosecutors and by society to be an inadequate penalty of $200.00. As I see it Sir, the increase in the maximum permissible fine in the Summary Court will grant that court a greater flexibility in sentencing policy, and will result possibly in a benefit to the community, in that further people will be serving custodial sentences.

HON. MICHAEL J. BRADLEY (CONTINUING): May I say Sir in relation to this, that our system of justice is totally divorced from the concept of looking upon our courts, or our administration of justice as a method of raising revenue. Our courts are courts of justice to see that the Queen's peace, that the Law of the land, that the peace and tranquility which each citizen is entitled to enjoy, is observed, and that the fabric of society is not torn. We are not Sir, persons who in the situation of small mid western towns where they look upon their traffic department as a source of revenue, by having radar traps. We do not, and as far as I am concerned we never will look upon the power to fine as anything different from a method of ensuring that the penalty fits the crime.

Mr. President Sir, I commend the Bill to Honourable Members of this House.

MR. W. McKEEVA BUSH: But the evidence is not removed, right.

MR. PRESIDENT: The question is that a Bill shortly entitled The Criminal Procedure Code (Amendment) Law, 1986 be read a second time.

I think the ayes have it.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING

The House will now go into Committee to study a Bill shortly entitled The Criminal Procedure Code (Amendment) Law, 1986.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1986.

COMMITTEE THEREON

MR. CHAIRMAN: Please be seated.

The House is now in Committee. Firstly, perhaps it would be proper for me to repeat that I shall, unless Members wish otherwise, again assume that it is the wish of the Committee that the Second Official Member, be invited to make any necessary corrections to printing errors and the like, and indeed there are a number, because some have been made in manuscript, even though we have not specifically drawn attention to them, and corrected them during our clause by clause examination of the Bill. And secondly, it may be convenient if I say too that I have received one notice of amendment which in fact incorporates amendments to three separate clauses of the Bill. It is a notice that I think all Members will have received, given by the Second Official Member, the mover of the Bill, and as we come to the respective clauses I will invite him to move each part of the amendment as three separate motions.

CLERK: CLAUSE 1 SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill.

QUESTION PUT. AGREED CLAUSE 1 PASSED.

CLERK: CLAUSE 2 AMENDMENT OF SECTION 6 OF LAW 13 OF 1975.

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 21.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

QUESTION PUT. AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4 INSERTION OF NEW SECTION 28A.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill.

QUESTION PUT. AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5 INSERTION OF NEW SECTION 28A.

MR. CHAIRMAN: The question is that Clause 5 do stand part of the Bill.

QUESTION PUT. AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6 INSERTION OF NEW SECTION 83A.

MR. CHAIRMAN: The question is that Clause 6 do stand part of the Bill, and Clause 6 is the first of the Clauses in respect of which the notice of amendment given by the Second Official Member applies. So I would invite him to move the relevant part of the motion.

HON. MICHAEL J. PRADLEY: Mr. Chairman Sir, pursuant to Standing Order 52(2), I move that Clause 6 be amended by -

(a) deleting "(1)" where it appears immediately before "Notwithstanding" in the first line of the proposed new section 83A;

(b) by inserting "and the provisions of subsection (5) of section 24 of the Evidence Law, 1978" immediately after "Part" in the third line of proposed new section 83A;

(c) deleting proposed new subsections (2), (3) and (4) of the proposed new section 83A.

The effect of this will be that there will be just one substantive section 83A, and sub-sections (2), (3) and (4) will be eliminated, because these sub-sections are a repetition of sub-sections (3), (5) and (6) of section 24 of the Evidence Law, and it has been thought by me that the repetition is unnecessary, and could lead to confusion.

The other amendment basically is that it puts in the words which make it clear that 83A is not inconsistant in any way with section 24 of the Evidence Law.

MR. CHAIRMAN: I think on a very minor point, in (b) of the amendment as circulated, fourth line where it says "part in the third line" it should be "second line". I think the draughtsman referred to the typed copy rather than to the printed copy.

It has now been moved that clause 6 should be amended in the manner read out by the Second Official Member. Unless any Member wishes to speak on the amendment, I will put the question that that clause be so amended.

QUESTION PUT: AGREED. AMENDMENTS PASSED.

CLAUSE 6 AS AMENDED PASSED

CLERK: CLAUSE 7 AMENDMENT OF SECTION 86.

MR. CHAIRMAN: The question is that Clause 7 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8 AMENDMENT OF SECTION 87.

MR. CHAIRMAN: The question is that Clause 8 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 9 INSERTION OF NEW SECTION 121A.

MR. CHAIRMAN: The question is that Clause 9 do stand part of the Bill. But this is the second clause in respect of which notice has been given of an amendment, and I will now invite the Second Official Member to move that amendment.

HON. MICHAEL J. BRADLEY: Mr. Chairman, pursuant to Standing Order 52(2), I move that the Bill be amended in Clause 9 by adding the following new sub-section to the proposed new section 121A -

> "(4) In cases where it should be, where there are two or more accused persons joined in the same indictment, the election mentioned in sub-section (1) shall only be exercised by all such accused persons jointly."

The object of this amendment Sir, is to deal with the possibility that there could be a number of persons co-accused jointly of the same offence, and of the persons, not all would elect to be tried by a judge alone. In order that there shall be no artificial splitting of a joint charge, it is proposed that the election shall only be exerciseable where all the accused jointly elect, and I would recommend the amendment to the Members.

MR. CHAIRMAN: Does any Member wish to speak on that amendment? In that case I will put the question that Clause 9 be amended in the manner moved by the Second Official Member.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: I will now put the question that Clause 9 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 9 AS AMENDED PASSED.

CLERK: CLAUSE 10 INSERTION OF NEW SECTION 150A.

MR. CHAIRMAN: The question is that Clause 10 do stand part of the Bill. I hesitated because the third amendment of which notice has been given is a proposed deletion of Clause 10. I am not sure whether in accordance with Standing Orders that that is admissible. I think we have to negative the Clause, do we not, which has the same effect. I think so, so perhaps you would like just to explain briefly to Members why you now consider the Clause should be deleted.

HON. MICHAEL J. BRADLEY: Mr. Chairman Sir, in the Bill as it is presently before the House, the proposed new Section 150A. enlarges the ability of indictments to be preferred, not only presently as they are by the judge or by the Attorney General, but could also be with my written consent, preferred by any person holding the office of Senior Crown Counsel or Crown Counsel. I think that it would be over extending the delegation of jurisdiction, if there was a general power for other members of my Chambers to prefer indictments in my name. I had thought, and inserted this provision, as I consider at the present time Sir that perhaps it gives an over wide power of delegation, and despite what any inconvenience there may be caused by having in each case to prefer an indictment personally, for the present time I would prefer that situation to continue, and occasionally I would like the clause as in the Bill, to be negatived.

MR. CHAIRMAN: So in fact we are not proposing to amend the Clause, and unless any other Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 10 NEGATIVED AND DELETED

CLERK: CLAUSE 11 AMENDMENT OF SCHEDULE 1.

MR. CHAIRMAN: The question is that Clause 11 do stand part of the Bill. I doubt whether it is necessary to move a formal amendment that it should now be renumbered 10. I think that is something to which the Second Official Member would be authorised to attend in the course of correcting printing errors, and the like.
So I will put the question, unless any Member wishes to speak, that Clause 11 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 11 RE-NUMBERED CLAUSE 10 PASSED.

NEWLY RE-NUMBERED CLAUSE 10 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE CRIMINAL PROCEDURE CODE CODE, LAW 13 OF 1975.

MR. CHAIRMAN: The question is that the title and enacting clause do stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee, on a Bill entitled the Criminal Procedure Code (Amendment) Law, 1986. The House will now resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.
Reports.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1986.

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to report that a Bill shortly entitled The Criminal Procedure Code (Amendment) Law, 1986 has been considered by a Committee of the whole House, and passed with three amendments, namely in Clause 6 by one amendment to the proposed new Section 83A(1); and by the deletion of proposed new sub-sections 83(1)(a) (2), (3) and (4). Secondly, in Clause 9 by the addition of a new sub-section 4 to the proposed new section 121; and thirdly, by the deletion of Clause 10 of the Bill.

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

THIRD READINGS

THE SUNDAY TRADING (AMENDMENT) BILL, 1986

CLERK: THE SUNDAY TRADING (AMENDMENT) BILL, 1986

HON. W. NORMAN BODDEN: Mr. President, I move that a Bill entitled a Bill for a Law to amend the Sunday Trading Law, Chapter 161 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Sunday Trading (Amendment) Law, 1986 be given a Third Reading and passed.

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

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO.6/86.
APPOINTMENT OF SELECT COMMITTEE OF THE WHOLE HOUSE TO RECONSIDER PROPOSED CHANGES TO THE ELECTIONS LAW, 1983.

MR. PRESIDENT: Item three, Private Members' Motions. Private Member's Motion No.6/86.

Just before the adjournment yesterday, a Point of Order had been raised. A number of Members had spoken on it, and I had undertaken to consider the representations they made to me, and to announce my decision this morning. The mover of the proposed motion, the Second Elected Member for George Town, represented to me earlier this morning that he had not himself, spoken during the discussion on the Point of Order, and that he would wish to bring his views to my notice before I ruled, since it is his motion, it seems reasonable that he should be allowed to do so, and I will therefore hear any representations he may wish to make before I give a ruling.

MR. LINFORD A. PIERSON: Thank you Mr. President.

Yesterday Sir, I was not fortunate or privy to have a copy of Roberts Rules of Order, but I made sure during the adjournment that I obtained a copy, and last night I spent quite a bit of time studying Roberts Rules on Parliamentary Procedure.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, as I have said, I too have done some research on Roberts Rules of Order, as far as it applies to motions. Mr. President, Roberts Rules relating to motions is quite comprehensive, but I am just learning that these rules were generally accepted in this House, and would now seem to take precedence over Erskine May, which as I understood it, is the Bible of parliamentary procedure. And of course, our own Standing Orders by which we are guided.

I believe Mr. President, that we are opening up a 'can of worms' because hereafter Roberts Rules of Order will be very much in use in this Assembly. I have purchased a copy, and I intend to study it as I have said through and through, and I would recommend to each Member of this Honourable House that they do the same, because I shall in future, God willing, be making very frequent references to these Rules if they are accepted here today. Mr. President, I believe Sir that it is up to you to decide whether or not you intend to establish this precedent in this House. I do not Sir, feel that every time some Member is agrieved by your ruling, that we should be confronted with this rule and the other, which is not commonly used in our Assembly, and of which very few Members have even received or have bought a copy. Be this as it may Sir, it must be understood very clearly that whatever precedents are now set, will have to be applied in the future. This will not only apply to matters relating to motions, but to other matters falling within the scope of Roberts Rules of Order. I should mention specifically that Roberts Rules deal quits specifically with irrelevance. In other words Sir, it states quite clearly that motions and other matters before the House must receive debates, which are directly relevant to the subject. I think it will be difficult for many of us here to stick to these rules.

Mr. President, on this motion, to avoid any embarrassment to you Sir, of being accused of double standards, I would graciously withdraw my Private Member's Motion No.6/86 if I thought that this was necessary. I am prepared to go on the political platform in this Country like any other Member, and defend the action you took on this motion. I am not prepared to sit by in this case and hear anybody accuse you of double standards on this particular issue. The people of the Cayman Islands should be made to understand that anybody can make a technical error. But it was well known and understood in this House in December that the matter was being taken back to the public. Mr. President, I cannot help but feel that the rules in question are being conveniently used to suit the idiosyncrasies of certain Members. I wonder Sir if we would have heard any mention of these rules, had the motion, made to reconsider the tax increases, been allowed by you. I think not Sir. I too Mr. President have had time to examine the Hansards with regard to the Report of the Select Committee on the Elections Law, which was presented to this Honourable House on December 6th, 1985. I too Mr. President, agree that there are certain grey areas surrounding the procedures covered. Specifically Sir, I find it somewhat inconsistent to adopt a Report without accepting its recommendations. But, Mr. President it was specifically noted and made quite clear by you that the reason for adopting this procedure was to allow Members the opportunity to take the matter back to their constituencies, and to obtain their views as to whether or not they wish to introduce singleMember constituencies. My enquiries Mr. President reveal that they do not want singleMember constituencies. If it had been the intention Mr. President to adopt this fully, you would not have found it necessary to have asked us to take it back to the public, if you had already adopted it in this House. Because we all know, the next procedure after adopting the Report would be to write it into Law.

MR. LINFORD A. PIERSON (CONTINUING): This is a technical error, and we can see, anybody who is reasonable about this, can see that it was a technical error. You would not have told us to take this back to our people if you had decided in your mind that the matter had been fully resolved in this House. It would have been an exercise in futility, it would have been nonsense. Therefore any of us can see that this is a technical error, and it is only God who is above making errors. We all understood in this House Mr. President, what you were saying. We understood that we were to take this back to our people. If this was not the case, why did so many other people whom I approached, sign this petition including Members of this House. Mr. President, I cannot help but feel that this is an act of mischievousness.

Mr. President, the Hansards of this House will show that I personally questioned the procedures of adopting that Report, and also being told to take it back to our people. But I was relieved, and I was happy when you told us that we were not accepting the recommendation which formed the substratumof the Report. What is a Report without the recommendations to the Report. What were we accepting? It is quite clear that you told us that we were not accepting the recommendations to the Report, that there was no Report. It is quite clear that it was a technical error. It is quite clear that we are not in breach of Section 24(8) I think it is, of the Standing Orders. There was no matter resolved in this House. If there had been, as in the case of the Budget, then we would not have been asked to take it back to our people.

Mr. President, again, I cannot help but ask the question whether we would have heard any mention of Roberts Rules of Order, had the motion on taxes been allowed. Is this action now in the interests of good parliamentary procedure. You answer that question Honourable Members, time will tell Mr. President.

Mr. President, Standing Order 24(8) is quite clear. It states that no motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved. Mr. President, the key word here is "resolved". This is the operative word, and the Standard Encyclopaedic Dictionary gives the following meaning of the word "resolved":

> *Arived at a decision - no decision was arrived at here.*
>
> *To make up ones mind - if we had made up our minds on it, we would not have had to take it back to our people, so that is also clear.*

It can therefore Mr. President not be concluded that the Select Committee's Report was resolved. At the same time you requested Members to take the matter back to their constituents. I contend Mr. President that Roberts Rules cannot be abstractly applied, they should not even be admitted in this House. The Bible of this House is Erskine May, not Robert, some two-bit engineer out of the United States. It is Erskine May which is the Bible of this House, and Roberts Rules should not be admitted or accepted in this House. We use our own Standing Orders, and if there is any doubt we go to Erskine May. Mr. President, in all cases of Law, as the Second Official Member will bear out, we cannot just use Law without equity. The equity in this case is the understanding which the Members had of the situation. It was our understanding that the matter was not being resolved in this House. Mr. President, why did we not have the benefit and enlightenment of Mr. Martin Roberts on the 6th December, 1985. Mr. President, I do not see where you could reasonably, and I will repeat it, reasonably be accused of double standards, and I will take this to the political platform if needs be.

MR. LINFORD A. PIERSON (CONTINUING): I will let the people of the Cayman Islands know the position in this matter. We cannot have a situation of intimidation in this House, right is right. And when I find that something is wrong, Members here will vouch that I am the first to get up and say it. It does not matter which side of the House it comes from. I support what I feel is good for the people, and I reject what I feel is bad.

Mr. President, while I am willing to have my motion postponed as I have said, I do not see the necessity for it. If I truely felt that this matter had been resolved in December 1985, I would be the first to abide by the Standing Orders which state and of which I am quite familiar, that a matter resolved could not be brought back within six months.

Mr. President, I believe it would be a traviety of justice if Members of this House were not allowed to vote on this motion, or to be able to deal with it. I believe Sir that it would be going against the understanding that we all had here in December 1985, that the matter would be brought back. I further feel Sir that the people of the Cayman Islands will support your action and will see you as a strong speaker. Will see you as doing your duty as you see it to be, without intimidation. Nobody is going to criticise what they see as being fair. I do not see any double standards here. We are talking about apples and oranges, two distinctly separate issues.

Mr. President, you made it abundantly clear that the contents, or recommendations were not being accepted, and so did the Second Official Member, the Honourable Attorney General. We were told to take this matter back to the people of this Country and come back here, whether or not there was a technical error in taking a vote for the adoption of this Report. It was the understanding of the Members of this House that the substratum, that the recommendations of the Report were not being accepted. So it is quite clear that this was indeed a technical error.

Mr. President, as I have said, I feel very happy with this motion. I do not feel that we are doing anything which is wrong in this case, and I have no hesitation in moving that this motion continue, and I would therefore ask for the full support of the House in supporting the motion if you allow it Sir.

Thank you.

MR. PRESIDENT: The Member must not move his motion yet, we are not at the moment debating any motion. It is simply a Point of Order which has been raised. I do not want anybody to misunderstand the position. The Second Elected Member for Bodden Town quite rightly raised an important Point of Order. It seemed to me to be sufficiently important for me to hear the views of Members on it, but no Member speaking needs to solicit the support of Members of the House, or to hope that they will vote for him, because there is not a vote to be taken on the issue. If the motion is allowed ~~proceeded~~, then of course you can move it and then we shall come to.....

MR. LINFORD A. PIERSON: Will we be allowed to speak twice on this Point of Order?

MR. PRESIDENT: I have taken it on the Point of Order, the normal rules which preclude speaking more than once on a motion, because it is not a motion do not apply. But I do not want to encourage a lot of further long speeches, I will allow the Second Elected Member for Bodden Town who first raised the issue, to make any final representations he wishes. I did say final, because I can forsee that we shall go on for a long time.

MR. LINFORD A. PIERSON: With respect.....

MR. PRESIDENT: All I really need is to have my attention drawn to any relevant rules in our Standing Orders, in Roberts, in Erskine May, to any rules any Member thinks are relevant. And I really have had my attention fairly fully drawn to most of them.

MR. LINFORD A. PIERSON: The reason I mentioned it Sir, is that I have cut mine short, but I have some left here.

MR. PRESIDENT: (LAUGHTER) Well I think we were treated to a fairly full exposition for which I am very grateful. I would not risk wishing to have to rule you out of order for repetition.

MR. G. HAIG BODDEN: Yes Mr. President, I appreciate the opportunity to reply.....

MR. PRESIDENT: No, please your not.....

MR. G. HAIG BODDEN: Since I had moved the Point of Order, I would like to say that if you examine our Standing Orders which should have first preference in dealing with this matter, you will see that the options open in 72(5) is that when a matter is being dealt with there are three options; that the recommendations contained in the Report be adopted, modified or rejected. And without going to Erskine May or Roberts Rules of Order, our Standing Orders make it clear that a Report from a Select Committee can be adopted, modified or rejected. I would ask you Sir, to accept that in this particular instance the Report had been adopted by the House. Furthermore, the motion which is being presented to the House at this time relates to a Petition by the Member which accepts the fact that the matter had been adopted, and this is very important, because the Petition asks that we now reject that Report. This is found Sir, on the last page of the Petition, which says in the paragraph before the last "Wherefore your Petitioners pray that your Honourable Assembly will reject the proposed amendment to Section 4 of the Election Law, 1983 as contained in the Committee Report". So how can they now ask that this Report be rejected and be sent back to a Select Committee, if it had not been adopted originally, and I would ask you to consider that Sir.

HON. BENSON O. EBANKS: Mr. President, could I make one observation Sir,

MR. PRESIDENT: If it is very brief, because really I...

HON. BENSON O. EBANKS: Yes Sir, I would just like to call your attention to my interpretation as to what was done in November, was the adoption of a modified version of the Report.

MR. PRESIDENT: I shall have to speak at some length I am afraid, to deal adequately with this matter, but as it is of some importance I hope the House will bear with me as I do.

The Point of Order raised was that under Standing Order 24(8), no motion may be proposed which is the same in substance as any motion which during the past six months has been resolved, and it was represented that a debate which followed the laying of the Select Committee Report on the Elections Law in December 1985, was of such a nature that that Select Committee Report on the matters dealt within it had been resolved last December.

MR. PRESIDENT (CONTINUING): When I reread the Hansard of that Debate to refresh my mind, it seemed to me as indeed my understanding is, that it has seemed to many Members of the House that all of us were clear during December that what we intended doing was, to enable the Elected Members of this Assembly to go back to their constituents and to the public. To take soundings about the recommendations, and in particular about one controversial recommendation which had been made by the Select Committee, in order that they should be able the better to determine whether or not the Law should be amended in accordance with that recommendation. To put it another way, the intention of the House it seemed to me from the Hansard of that debate, was to bring the matter back to the House in due course, after Members had had an opportunity to ascertain public reaction to the proposals made, and to determine whether they wished to go ahead and implement those proposals, or whether they wished to alter them.

Now, my attention has been drawn to a number of learned works, and to various Standing Orders. Perhaps first it would be best if I dealt with the question of Roberts Rules of Order. My understanding is, that the particular Rule to which my attention was being drawn was that which is contained on page 224 of the addition which I have of Roberts Rules, and which says:

> "If a Report contains recommendations not in the form of motions, they should all be placed at the end of a Report, and the proper motion is to accept the recommendations".

My understand is as I have explained already, that when the House discussed the Select Committee Report last December it did not do so on the basis that it was adopting recommendations and that there was no motion before it to adopt the recommendations. It is therefore very possible that we were not following the course advocated in Roberts Rules of Order. But the fact of the matter is that certainly it seems to me, we were certainly not following that course. Moreover, whilst I find them an interesting and in some ways helpful guide, I am most doubtful whether Roberts Rules of Order have any application to our procedure and practice here. Our own Standing Orders as has been generally acknowledged, are what we must first look to for guidance about what procedures we should follow. And our own Standing Orders do contain a specific order which says that in any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House. Now the Bible, so far as the practice and the procedure of the House of Commons is concerned, is Erskine May, and it is therefore, by Erskine May rather than by Roberts Rules of Order that I would be guided, when guidance was necessary.

My attention was drawn also to our own Standing Order 72(5), and perhaps I may read that in full, as the Member only quoted a part of it. That particular paragraph says:

> "The 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. PRESIDENT (CONTINUING): Paragraph six continues:

"A motion moved and seconded under paragraph 5 shall, where it is opposed be deemed to be an original motion of which notice has been duely given".

Now paragraph 5 which I read out, provides for two things. First, for a Report to be laid, and the Select Committee Report was duly laid last December, and I do not think there is any question about the propriety of what was done so far as that was concerned. But the second part of paragraph 5 provides for the Chairman, or any member of the Select Committee forthwith and without notice to move that the recommendations contained therein in the Report be adopted,modified or rejected. The motion therefore, should be that the recommendations in the Report be adopted, modified or rejected, which is in fact very much what Roberts Rules said too. But that is not what in fact was moved last November. Now what was moved, was that the Report be adopted, and it now seems to me as I did I think say briefly yesterday, that the motion was very possibly out of order. I will come later to the question of whether I definitely think it was. But it was possibly out of order, or at any rate, it was not covered by the procedure laid down in paragraph 5 of our Standing Order 72. If any Member had last December brought it to my notice, or if I had noticed it myself, I dare say I would have ruled the motion out of order. But frankly, I did not notice it, nor did anybody else and therefore the Second Official Member was allowed to continue. And indeed, if you read the Hansard I think there was even some uncertainty in a number of people's minds about exactly what if any motion was being moved. The one thing which is quite certain, if you read them, is that nobody believed that there was a motion to accept, adopt, modify or reject the recommendations in the Report.

Against that background, it seems to me that one cannot say that in December 1935, the House intended to resolve the matter, and as I read out earlier, it is only where a matter has been resolved during the previous six months that a motion, the same in substance, may not later be moved. I did however, out of interest, look at Erskine May to see what procedure can be followed when Select Committee Reports are brought to the House of Commons, and it was of interest to me to find that Erskine May, and this is the twentieth edition at page 719, that debates on Select Committee Reports now usually take place upon motions to take note of a Report. And in fact I think that probably is the sort of motion which we should have had last December, and it may even be the sort of motion which Members believed they were debating. If they did not think that they were intending to accept the recommendations, then they probably thought that they were taking note of the Report, even though we used the word "adopting", or abused the word adopting. There is also in Erskine May on the same page 719 twentieth edition, a paragraph about recommittal of Reports, which says that the Report of a Select Committee or part thereof may be recommitted to the Committee, or it may be recommitted and the order of reference amended, and the effect of recommitting a Report is to undo all that which has been previously done in the House with reference to the Report, and to throw back the subject into the hands of the Committee for revision or completion, or for whatever purpose the recommittal may be ordered. That was a procedure which we could have followed perhaps last December, but quite certainly we did not think we were doing that at the time, because there was no reference to recommittal.

MR. PRESIDENT (CONTINUING): I mention it only because it is something of which we might usefully all be aware for the future, in that if similar circumstances arise where it is not wished to accept the recommendations made by a Select Committee, but is wished to enable public consultation or further debate upon the issue, that perhaps is a possible way of arranging the matter.

Against that background I have after the study which I have done, confirmed the provisional view which I mentioned yesterday that this motion is in order and that it is not ruled out under the terms of Standing Order 24(8).

As it is now a quarter to one, I will suspend proceedings for lunch until approximately two fifteen.

AT 12:48 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT: Please be seated.

I think that the Second Elected Member for George Town had moved his motion, and that the Point of Order was taken before it was seconded. So I will now invite the Second Elected Member of Executive Council to second the motion formally.

SECONDING
OF
PRIVATE MEMBER'S MOTION NO.6/86

HON. BENSON O. EBANKS: Mr. President, I beg to second Private Member's Motion No.6/86, moved by the Second Elected Member for George Town.

MR. PRESIDENT: Private Member's Motion No.6/86 dealing with the appointment of a Select Committee of the whole House to reconsider proposed changes to the Elections Law 1983, is now open to debate. Does the mover wish to speak to his motion?

MR. LINFORD A. PIERSON: It will be very short Mr. President, as I will save my comments for winding up if this is necessary.

I think most Members of the House are aware of the contents of the motion. The motion is seeking to refer the decision in the Report contained in a Report which was presented here in December, back to a Select Committee, and I would just like to briefly cover these points, to refresh the minds of the Members in accordance with Standing Order 24(9)(2).

It is moved that a Select Committee of the whole House be appointed to consider, in accordance with Standing Order 15(4) that the Petition of members of the public against the suggested introduction of single Member constituencies as contained in the 1985 Select Committee's Report on the Elections Law, 1983 regarding proposed changes to Section 4 of the Elections Law, 1983 and further, that the terms of reference of the Select Committee be expanded to include all other matters relating to the Laws of the Cayman Islands, regarding elections including the Report of the previous Select Committee.

MR. LINFORD PIERSON (CONTINUING): Mr. President, we have gone into the detail of this Private Member's Motion, and I would ask that the Members of this Honourable House give this motion their support.

Thank you Mr. President.

MR. PRESIDENT: The motion is open to debate. Does any Member wish to speak? The First Official Member.

HON. DENNIS H. FOSTER: Mr. President, when the Report of the Select Committee was presented in December, it was definitely the intention and I do not want to be repetitious, so I will not read the sections of the Hansard of that day, that this matter would be taken back to the constituencies by each Member, to get their input on the matter and then it would come back to the House. By the terms of this motion which seeks to revive virtually, the Committee to go back into that and other points, seems to fit in and solve the problem very nicely.

Mr. President, I support the motion.

MR. PRESIDENT: The Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support the motion Sir, but I would ask Members, all Members to be sure and attend the Select Committee. If all Members had attended the meetings of the Select Committee we would not have this motion before the House today. So my request is that all Members please attend the Select Committee, and thank you Sir.

MR. PRESIDENT: Does any other Member wish to speak? The Second Official Member.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I also rise to support this motion. As Chairman of the previous Select Committee I have spent, as did all the other Members who attended it, a considerable amount of time and thought in trying to present a constructive and helpful report to this Honourable House.

I would reiterate what the previous Member said. If the attendances through no fault of their own, of Members were not as great as they should be on those occasions when we met as a Select Committee before, it then may have produced an effect that the Members who did attend were voting how they felt, and expressing their feelings. But that even though it was a Committee of the whole House, that inadvertently through abstentions, that those decisions and recommendations made and brought back to this House were not decisions or recommendations with which the remainder of Members were necessarily in concurrence. I think Sir that it is less than fortunate if there is a Select Committee of the whole House, and that Select Committee uses the techniques and procedures of informality, of confidentiality that are open to it in Select Committee, that having been given those advantages, if the Select Committee presents a Report which does not meet generally, with the wishes and thoughts and ideas of the Members of the House as a whole. This maybe, and I am not prejudging any issues, but this maybe what may have happened with a number of the recommendations in respect of the previous Select Committee.

I would, however Sir, as well as recommending and urging Members to be diligent in their attendance, and I know how difficult it could be, to urge whatever Chairman is appointed by you Sir and I personally hope to be attending as an ordinary Member, and listening to deliberations under a Chairman.

HON. MICHAEL J. BRADLEY (CONTINUING): I think Sir that what I would urge that Chairman to do, is not to convene this Select Committee if it is so appointed, until he is satisfied that all the necessary consultations, all the necessary meetings which I stated in my Report to this House from the previous Select Committee had taken place. I think if we are going to adopt this slightly unusual step of basically having another Select Committee of the whole House consider matters which have at least in part, been considered by a previous Select Committee, that this time the Select Committee through its Chairman should make it absolutely clear that the timing of the deliberations of that Select Committee are such, that the process of consultation which I, which the Government and which Members thought advisable nay necessary had taken place, so the Members of the Select Committee were fully informed of their constituents wishes, of the feelings of the people of this Country before in that Select Committee, they made their informed decisions.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I am proud today that I was one of the four Members who staged a walkout in December of 1985, on the day that this Select Committee Report was adopted by this House. That Select Committee proposed substantial changes to our Elections Law, and had it not been for the courage of my colleague from Bodden Town and two other Members, today we would not be discussing sending back that Report to another Select Committee. We would have been passing a Bill which would have amended our Elections Law to introduce the evil practice of gerrymandering.

The motion which is before the House flows from a Petition which the Second Elected Member from George Town brought to the House during this Meeting, and in that Petition, the Petitioner and the other signatories accused the Government of gerrymandering, and I was really surprised to see the Second Elected Member of Executive Council as a Member of the Government seconding a motion which accused the Government of gerrymandering. The Petition reads:

> "The proposed amendments to Section 4 of the Elections Law 1983, as contained in the Report of the Select Committee of the whole House, appointed to study certain recommendations with a view to preparing an amending Bill, could have the effect of introducing gerrymandering within electoral districts multiple seats."

Also in another part of the Petition on the second page in paragraph 3(b) the accusation is made again. It reads:

> "Secondly, the proposed amendment goes much further, to the extent of having the effect of splitting up the electoral districts of George Town, West Bay and Bodden Town into single Member constituencies. Under such a system we could conceivably have a situation where election results could be predetermined through gerrymandering."

Gerrymandering, although an evil practice has not heretofore raised its ugly head in the Cayman Islands. Most scholars know that the word 'gerrymandering' comes from a former Governor of Massachusetts who lived between the years 1744 and 1814.

MR. G. HAIG BODDEN (CONTINUING): This man Gerry Elbridge was the Governor of Massachusetts between 1810 and 1812, and during his term of office he rearranged the electoral boundaries to the disadvantage of his opponents, so that his party, the Republican Party would have a distinct advantage in the next election, over the Federalists. However, like the motion before the House, he was caught red-handed with his pants down and with his hand in the cooky jar like a little child. And this is why the Government has rushed to support this motion, and to second it, because they know they have been caught red-handed.

HON. BENSON O. EBANKS: Mr. President, could I call your attention to the Standing Order regarding irrelevance. We are not here to debate the Petition, the contents of the Petition.

MR. PRESIDENT: I did think about that, but I came to the conclusion that as we are debating a motion which seeks to refer the Petition to a Select Committee, it is not wholly irrelevant to mention the contents of the Petition. I hope the Second Elected Member for Bodden Town will not mention them at too great length, otherwise I should start to think he was straying. At the moment, I think he is in order, just.

MR. G. HAIG BODDEN: Yes Mr. President, thank you. I understand the Members concern, because he is foremost among the Members who have been caught red-handed.

HON. BENSON O. EBANKS: Mr. President, I bow to your ruling Sir, but I would ask you to read the contents of this motion again, and it is against the suggested introduction of single Member constituencies, as contained in the 1985 Select Committee's Report on the Elections Law. We are not dealing with the interpretation which might be drawn from those who signed.

MR. PRESIDENT: With respect, the motion as I understand it is that a Select Committee be appointed to consider the Petition, against this and that, and therefore I think the Member is entitled to mention the Petition, and therefore I stick by what I have said. We are appointing the Select Committee to do the studying of the Petition, we are not really debating its merits here. The Member is in order to refer to it. As to substantial allegations he is making, other Members will get a chance to answer them.

MR. G. HAIG BODDEN: Thank you again Mr. President. The First Elected Member of Executive Council may quibble as much as he likes about semantics, and he may quibble as much as he likes about parliamentary procedure. The fact is, having accepted the motion of the Select Committee, the House is guilty of accepting a Report which, had the Report followed its natural course after its adoption would have opened up our Elections Law to where electoral procedures could have been manipulated, and this is gerrymandering. And while I do not want to put too much emphasis on the word, I think I should say in passing that the second part of that word 'mandering' comes from Salamander, and the salamander is an animal like a snake whose body is very plyable and supple, and can be changed into any shape, and distorted as election boundaries could be.

So, I support this motion which will send the Select Committee Report back to another Select Committee, in the hope that our Elections Law will not be changed as had been suggested in the Select Committee Report which had been Tabled and presented to the House in December of 1985.

MR. G. HAIG BODDEN (CONTINUING): Members were quick to say that it was their intention to take this Select Committee Report to the public, but their actions belie their statements, because when this Report was brought to the House in December it came on a morning when we were in the midst of the reply to the Budget Address, and the Second Reading of the Appropriation Bill. My colleague from Bodden Town moved a motion in this House which requested that the debate on the Select Committee's Report on the Elections Law be postponed or adjourned, so that we could go on to debate the reply to the Budget. Had that motion been passed by the House, I could believe that the Members wanted to take this matter to the members of their constituencies. That motion, had it been passed could have saved the red faces and the jumping up and the braying which has continued ever since. But the House did not see fit to allow the adjournment on that election motion, and it is my contention that the House not only wanted to, but did in fact, proceed with that motion and disposed of it as quickly as they could, for fear that the contents of the motion might be exposed, and that their faces would become redder when the public found out and the passage of the amending Bill to change the Elections Law would have been much more stormy than the thoughts which are racing around in their minds today.

I agree with sending this Report back to Select Committee. In fact I see no need to change our Elections Law in this particular respect. Our Elections Law has been in operation from the 1960's and has served the Country well. Many honest elections have been conducted under this Law. In 1983 there was a substantial revision of the Law, a revision which was well accepted by the public, and under which the 1984 Election was conducted. It is quite clear that the Elections Law worked well, because there was a substantial change in the Government, and not a single election petition was filed at the time of the last General Election. So there is no question as to whether our electoral system under the 1972 constitution and the 1969 I believe it was, Elections Law and the revised form in 1983 have served this Country well.

Some Members have raised the point that they hope all Members will attend the Select Committee, if this motion results in the matter going back to a Select Committee, and some Members have even gone as far not perhaps here today, but in their general conduct to imply that Members are failing in their duty if they miss a Select Committee. Everyone knows that the Members in the minority of the House are not well received in Select Committee. I have had Sir the closure motion moved to prevent my debate from being aired in Select Committees, this is a fact. When a Member attends a Select Committee in a minority position he has the right to have his say, and to put forward his views regardless of how ridiculous they may be, in his own manner once he abides by the rules of that Committee. But abuse has been heaped on Members in Select Committees, far more than publically. If I do not choose to attend every meeting of every Seleat Committee it does not mean that the Select Committee has a right to produce a preposterous report, and I maintain that the report which is the subject of deliberations in this House is indeed a Report not in keeping even with the desires of the Members of this House. Because, if my memory serves me right, sometime ago a Private Member's Motion was introduced on the floor of this House, which sought to introduce the one Member constituencies, and that Private Member's Motion was defeated, yet we see the same idea creeping back into the Select Committee Report, and finding its way on to the floor of this House.

MR. G. HAIG BODDEN (CONTINUING): I have heard stories told here of how the tail wags the dog, and I am wondering what is happening when we see a motion of this type brought to the House in December, dealt with not laid aside, not adjourned, not postponed, not aired on Open Line, not advertised in the press and the Members just sit here and vote for it because they have that end block voting machinery known as collective responsibility under our constitution. And Sir, I congratulate the Member from George Town who introduced this motion today, although I had my misgivings about certain procedural matters, which I will not go into. But I congratulate the Members courageous stand in moving this matter, this important matter back into a Select Committee, and I would trust Sir that when this matter is approved, as I know it will be approved because the Government has to save its face now, when this matter has been approved and will be recommitted that you will call the attention to the passages in Erskine May dealing with the recommittal of Reports, and that they will have special instructions from the House to carry out specific actions with this Report, and perhaps it may be necessary for you to adjourn to study this matter before we finalise the debate, if it should be finalised today.

One Member has sought to divorce the motion from the Petition, but it is my opinion that it is the Petition of the citizens of this Country which has triggered the motion which is before the House, and while some Members may search in vein for some ancient ruling or precept. We cannot separate the Petition which triggered the motion which is before the House, and which hopefully, will reverse the recommendations of the Select Committee as far as the Elections Law is concerned.

I was greatly alarmed by that Select Committee Report in more ways than one, because not only did it make possible the practice of gerrymandering, but it sought to tolerate favouritism. A special case had been made out for the district of the Lesser Islands, so that they would be exempt and if for no other reason, this motion needs to be brought today because that practice could never be. If we are going to split up the district of Bodden Town, we must also split up the district of Cayman Brac. Because, in dealing with these matters the cardinal principle of English Law is that not only must justice be done, but it must also appear to have been done.

That Select Committee Report must go back, not only for the reasons I have previously mentioned but there is a recommendation that the Attorney General would have the right to make consequential amendments to the Elections Law....

HON. MICHAEL J. BRADLEY: On a Point of Information, my memory Sir, is that the Attorney General would have the right to propose consequential amendments to incorporate in the Bill. There was no proposal that he had the authority to change the Law.

MR. G. HAIG BODDEN: Mr. President, I would like to refresh the Members memory, on the exact wording of that Report, and on page 6(2)(c) amongst other recommendations it says:

> "The Committee makes the following recommendations that the Honourable Attorney General have the authority to make any necessary consequential amendments to the Elections Law".

It does not say that he has the right to propose amendments. The recommendation was that he has the right to make necessary consequential amendments, and this is a serious matter.

MR. G. HAIG BODDEN (CONTINUING): If, there is no such word as relevant where this is concerned It says that the Attorney General have the authority to make any necessary consequential amendments to the Elections Law, and this would be a bad practice. We have in our Laws, most of them, a provision whereby the Executive Council as a whole can prescribe certain matters by regulation. But, in an important Law like the Elections Law we should not give one person, no matter how competent he is, no matter how honest he is, and I am not questioning the integrity of any officer of the Government. But we must never delegate the responsibility, which is the responsibility of the Parliament, to a single person.

There were many other minor matters which I will not go into in any great detail, but just to mention two of them in passing. There was a recommendation that we have a full-time Supervisor of Elections, which would be utter nonsense. Why employ a man fulltime, have him on the Government's payroll, even if one pays him by the day to supervise elections, which are held one day in every four years - this would be a waste of public funds. Another recommendation was that there would be a Deputy Supervisor, who I imagine would also be paid 365 days a year.

What this motion is showing today is that this Select Committee Report was a bit premature. I do not want to be critical of Select Committees because they are part of the House, and I know the disadvantage to which a Select Committee is put in that its matters cannot be discussed publically until after the report has been made to the House. But here we seem to have had recommendations which were far reaching and which would have made very dramatic changes some of them not for the better in my opinion, brought forward, pushed through the House in one day the 6th December. Members not even having the right to adjourn the debate for a couple of days, and it is no wonder today that the Government has gone to extremes to support this motion, to second it something unheard of. I have never seen any other Private Member;s Motion from this side of the House seconded by a Member of Executive Council...

HON. BENSON O. EBANKS: The original copy of the famous Tower Bill was like that.

MR. G. HAIG HODDEN: ...which shows Mr. President, that the First Elected Member of Executive Council is suffering under a great degree of pressure today, because he has been caught with his pants down over this motion.

HON. BENSON O. EBANKS: You will find out whose pants are down.

MR. G. HAIG BODDEN: So the motion before the House seeks I imagine, to set up a new Committee. The motion perhaps, because it was hurridly brought seems to be deficient in spelling out the terms of the work of the Committee, but this Sir can be improved upon if Members will the second time around pay diligence to the matter, and it appears to me that while criticism has been leveled at a few Members on this side of the House who did not attend the Select Committee, that the criticism should have been leveled at those who attended. Because those who did not attend appear to have done a better job than those who attended, because those who attended produced the report which is not acceptable to the people of this Country. Those who attended have turned out a document which does not reflect the best interests of the people of this Country.

MR. W. McKEEVA BUSH: What about a minority report.

MR. G. HAIG BODDEN (CONTINUING): Those who were absent will come out in the long run as being the saviours of this Country, in that our strong action in resisting Governments actions on 6th December have brought this matter to the forefront of the public's eye, and the entire population of these Islands will be watching the results of the new Select Committee. Whenever the public is vigilant, and whenever the public scrutinises Governments action there is a guarantee that the public will get from its Select Committee, or from its representatives the kind of Government which the public of our fair land deserve. I would not like to be in the position of the Government Members today, particularly the Elected Members of Executive Council, because they did not have the courage in December to adjourn the debate in this important matter. They did not have the courage to do what they should have done, and so today they have been forced to acquiesce, and to accept the criticisms in the Petition. They have been dubbed as people who gerrymander, and by the action of the Second Elected Member of Executive Council, who have come out and endorsed the Petition, and endorsed the motion of my good friend here from George Town. This is not the first time the House has rejected Select Committee Reports, and I doubt whether it will be the last, because our Standing Orders make provision for the House to accept, to reject or even to modify reports.

Mr. President, I find great pleasure in supporting the motion to send this Report concerning election matters back to another Committee, in the hope that the new Committee will be able to find a better solution than the original Committee did. It is my sincere hope that our electoral boundaries and our electoral matters concerning the dual constituencies will not be interfered with, and if it is still the feeling of some Members that they must do something to improve on our present system which has served us well for 154 years, that before they make any changes they will advertise these matters to the public.

We have had representative Government and elected Members since 1832, and I would be sorry to see any major departure from the system of Government we have had for all these years, and I would hate to see any interference with our Elections Law whereby people could be accused whether rightly or wrongly of gerrymandering or fixing election results.

Thank you Sir.

MR. PRESIDENT: I think perhaps it may be a convenient moment to take our customary afternoon break, so I will suspend proceedings for approximately fifteen minutes, before inviting any other Member to speak.

AT 3:17 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:38 P.M.

MR. PRESIDENT: Please be seated.

The debate on Private Member's Motion No.6/86 may continue. Does any other Member wish to speak? The Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I have listened with interest to my learned colleage, the Second Elected Member from Bodden Town, and I would like to congratulate him on his voiciferous and verbose interpretation of the recommendations made by the Select Committee on the Elections Law, which he did not attend.

Mr. President, we have heard a lot about the reason for the walkout in March, and I have heard three people of the four so far, claim to be the leaders of thatwalkout. It is a good thing that we have double doors on the front of the Assembly, so that they could all leave at the same time. The only one who has not claimed to be the leader of that walkout is the Elected Member for East End, who is usually absent, and just happened to be here for that walkout.

Mr. President, I need not remind Members of my stand on single Member constituencies. I was the author of the Private Member's Motion in March seeking single Member constituencies. I have no apologies to make for that Sir. I am convinced now, as I was then, that single Member constituencies are in the best interest of continued good Government in this Country, and Mr. President as usual I lose one battle in a war, I do not necessarily give up nor do I bend to the wishes of the majority, if my convictions on the matter are strong enough as they are on this. Mr. President, I presented my case to the Select Committee and I argued with the Select Committee. I was successful in convincing the Select Committee to give this matter further thought, and not just kick it out of the door as was done in the Private Member's Motion in March. Mr. President, this is proof of the democratic process which transpires in the Select Committee. It is proof that if one attends Select Committees, if one puts ones case forward in the Select Committees, consideration will be given to ones point of view, and in some cases one will be successful. It is clear proof Sir that the voice of a minority and the vote on this issue, my motion in March where I was the only one who voted in favour of the motion, so I was clearly in the minority in that instance, and can in fact influence the decision of the Select Committee. Mr. President, as the elected representatives of the people it is our duty, it is our responsibility and it is in our own best interest to attend the Selct Committees, be use Mr. President if one cannot contribute when one attends, once certainly cannot contribute if one is not present.

Mr. President, the Second Elected Member for Bodden Town had a lot to say about the gerrymandering et cetera, et cetera, which would be allowed if single Member constituencies were introduced. I do not subscribe to this idea, but I would just like to remind the Member of what he would like to have seen in my motion which was brought in March, when he suggested Sir that what he would like to have seen were national elections, being that the whole Island vote for twelve candidates and have no electoral districts at all. Mr. President, I wonder what would happen to the North Siders, the Cayman Bracers, the people from Little Cayman, the people from East End in a national election where constituencies like West Bay, George Town with three and four thousand voters could swamp four hundred voters in North Side, and they would wind up with no representation at all. Sir, I believe that that kind of a system would allow for much more gerrymandering than single Member constituencies within electoral districts.

Mr. President, the section concerning what the Attorney General is impowered to do under the recommendations of the Committee, I think it says that the Attorney General is impowered to make consequential amendments. Mr. President, there is nothing wrong with this. The word 'consequent' means following as a natural result or effect there from, and he was confined to making amendments which are a consequence of the amendments which were recommended by the Committee.

MR. D. EZZARD MILLER (CONTINUING): To say Sir that the Report was a proposterous Report; it is rather unfortunate Sir that we poor mortals who produced this Report were not graced with the great intellect and experience of the four Members who did not attend most of the Select Committees, and therefore Sir we produced this terrible Report because we were not privileged to have their verbose input into the process which we had established.

Mr. President I have no problem supporting this motion. I will stick to my guns. When the Report goes back to the Select Committee I will continue to fight for single Member constituencies, because I believe Sir that they are in the best interest of these Islands.

Thank you Sir.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, as the seconder of Private Member's Motion No.6/86 I rise to support this motion. It was always my understanding from the beginning that the Report from the Select Committee was being Tabled to enable Members to solicit more input from the public on this important matter, and It was my understanding that in due course this would be brought back to be dealt with by the Select Committee, which I feel is the proper place for dealing with such an important matter. From the very beginning, I never ever supported single Member constituencies, and I will never ever support any move for George Town to be divided up. I think that when this matter was being discussed in December, the Hansards of this House will clearly reveal my position in this matter. I did not support it then, I do not support it now, and I will not support any such move in the future.

The nature and importance of this matter was such that it was Government's position from the very beginning, that a free vote should be allowed, and Mr. President, as the Member who seconded this good motion, who has come in for a lot of reprimanding and ridicule, I think it is only fair that I stand here and say that as an Elected Member of the people of George Town I have certain rights and privileges in this House, which I intend to exercise, and that there is no amount of shouting or any form of dramatics from any Member which will deter me from carrying out my responsibility as an Elected Member of this House. I do not feel that the Second Elected Member of Bodden Town should be surprised that this motion was seconded by myself. There is nothing whatsoever in this to be surprised about. I support the mover of this motion in his views regarding single Member constituencies, and I firmly believe that if the interests of this Country are to be served, and the interests of the people are to be met, that it will take the combined efforts of Members on both sides of this House to achieve it. So I cannot understand the surprise, but I was invited by the Second Elected Member from George Town to second this motion, I felt that it was perfectly in order, I so did I have no apologies to make to anyone, and I am beginning to wonder if the Second Elected Member from Bodden Town, if his annoyance was not due to the fact that he was not so invited by the mover of this motion. Mr. President, I feel that this motion is quite in order. I am pleased to see this matter being taken back to a Select Committee, and I give this motion my support.

MR. PRESIDENT: Does any other Member wish to speak? If not, I shall invite the mover to exercise his right of reply if he wishes. Does any other..... the Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I would congratulate the honourable mover and his seconder, on bringing this motion. I think we are not debating the merits or the demerits of the Report, so I do not have too much to say on this particular Report. I will however, reply to some of what has been said by the Second Elected Member for Bodden Town.

Mr. President, everyone knows that I took a stand against the single Member constituencies, unless I could get the support of my people. I said that I would abide by the wishes of the people, whether they wanted single Member constituencies or whether they did not, and to have the temerity, to have the audacity, to have the nerve, to have the unconscionableness, to have the shamelessness to infer that all Members of that Committee were in agreement with the Report, when he well knows that I put in a minority Report, and in all fairness to me, could have said so. Really, the Member does not surprise me.

Now Mr. President, the Member from North Side said that he had brought a motion to get in effect, the same thing which the Report was suggesting, and he said that he was not ashamed of it, it was his belief and he still holds that belief. When I seconded the motion for him, I told him that I would listen to the wishes of my people. But you know something Mr. President, we are wasting time in this House, and they really are not telling the whole truth. The truth of this whole matter is, and I am not afraid to say so because I have no connections with anybody on whose toes I might be afraid of stepping. The truth of the matter is that Members of this House are scared to death of foreign people becoming Elected Members under the single Member constituencies, and everyone has beateb round the bush and has beaten up the bush saying something else. Mr. President, if any Member in this House believes that our people are not asking for change, or that they are not aware of what is happening in this Country politically, then they are not down in their constituencies listening to their people, because people are demanding changes, and the sooner we accept that in this House the better it will be for this Country. On this particular issue, if my people tell me they want it I am satisfied. Once they are satisfied that they do not want it I will fight with every bit of strength I have to see that it is not done. Now you tell me what this would have done to our system of Government, and youare talking about foreigners being elected in this House. We would have had a House full of foreigners under that system. Now Mr. President I will bow to your ruling, but I am repeating, or I am referring to what he has said, and I do not expect to be called out of order Sir.

MR. PRESIDENT: You were inviting me to tell you various things. I am afraid I cannot tell you things like that, you must invite the Member concerned.

MR. W. McKEEVA BUSH: No, no not you Sir.

MR. PRESIDENT: That is what you said, you said "you tell me", you must address the Chair otherwise you are out of order.

MR. W. McKEEVA BUSH: I was addressing the Chair. You are in the Chair Mr. President.

MR. PRESIDENT: That is right.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, I do not want you to sidetrack me Sir, because that is what you are doing. You are in the Chair and I am referring to you, because I have to speak to the Member through you. Well, I said you, meaning the Chair.

MR. PRESIDENT: Since the Member has been slightly interrupted, he should know too that he is straying somewhat far from the terms of the motion to which he ought to return, as quickly as possible.

MR. W. McKEEVA BUSH: I heard somebody go all the way to Massachusetts just now. I am not going to be long Mr. President, because I believe that the mover, the Second Elected Member from George Town is going to do a good job in his winding up, and I will leave it to him. But I want to put it on record that it is a fact, that it is the whole fact and every Member may be scared to say so; I am not because I do not care whose toes I step on let me put it that way. They do not give me anything this is a fact. They are scared to death and they should come out and so so. They should be man enough to stand up and say so. I have said so before, I have said so in the debate on the Report. Let us say that we only want Caymanians in the House, and that you will amend the Constitution and you will amend the Elections Law to say just that. But all this time we are wasting here debating these little fine points, because there is some big issue at the back of our minds. Are we afraid to sell our goods, are we afraid to sell insurance to the foreigners, so that we are not going to say anything - this is the whole problem. Why do they beat around the bush. I just want to remind the Members of this House of this one issue. If we had a National Election, we would have a house full of foreigners because they could vote from every point in this Country, instead of from within the little boundry one has in ones constituency. If I am outvoted, or the people decide they want constituencies split, and I am outvoted and outvoted in the Committee, well, that is democracy, and I will have to fight on that particular issue, but I dare say, and I feel that I would stand as good a chance as either of the two other Members from West Bay. They should tell the people what they really mean, instead of hedging their bets and hoping to sell insurance and hoping to sell their goods, so that they do not step on the toes of the foreign people in this Country.

I am not afraid of any person in this Country, because I support my family and nobody gives me anything. I do it honestly.

Mr. President, I would not have raised this, except that it had been inferred that all Members supported the Report. I have brought other motions to the House, and that Member would not support them. He would not agree that any of the ten motions which I brought to this House were good for the people. But I brought them in all honesty, and for the betterment of my people.

I support this motion wholeheartedly.

MR. PRESIDENT: Any other....the Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Mr. President.

I will not have too much to say, but I hope you are not going to rule me out this evening either.

MRS. DAPHNE L. ORRETT (CONTINUING): The Private Member's Motion No. 6/86, regarding the appointment of a Select Committee of the whole House to reconsider proposed changes to the Elections Law 1983, until yesterday Mr. President I must say, I was a little confused. I had been of the opinion originally that this matter had not been resolved in this Chamber However, after having listened to the Second Elected Member for Bodden Town, I was a little confused and wondered whether in fact some technical error had been committed. But with your timely and clear explanations this morning, I could support your views.

However Mr. President, and coupled with the fact that I am now in a position to support the motion as has been put forward by the Second Elected Member from George Town, I thought that I would at the same time like to clear a few things which I felt were not exactly put forward in the way that they ought to have been by the Second Elected Member from Bodden Town.

The Member mentioned that in Select Committees the minority is not given an opportunity to speak. In fact Mr. President there have been a number of occasions when my constituents have told me what they have heard on the radio, and the impressions they had received as to the attitudes and actions of Members. One of my frequent comments is "I wish you could see the Members in the Common Room as well as in the Select Committees, because they act altogether differently." Mr. President, in Select Committees, and I have been able to attend most of those which we have had, and we have them fairly often, because I think it is a vital arm of governing our people here. But, time and time again when Members who might call themselves in the minority, are there, they are allowed to speak, they are allowed to speak freely, they are allowed to pass on their views. Other Members listen to them, and I have seen nothing to indicate that there views are not respected. I cannot recall any closure motion to bar a Member from speaking. So I really have been a bit confused. I think that I would just like to make it clear. In Select Committees, each and every Member sitting in that Committee has an opportunity to speak, and to make his contribution. The fact that he is not there for whatever reason, be that as it may, but when any Member of the House is there, they are allowed to speak. Rather than have it be said that I am repeating myself, Mr. President, I would just like to re-emphasise that every Member in the Committee has an opportunity to speak, and each one is heard.

Thank you Sir, and I support the motion.

MR. PRESIDENT: Does any other Member wish to speak? The First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I do not intend to go to Massachusetts Sir, to support my argument, but I intend to go a little bit around the Cayman Islands, and hope I will be given the latitude to do so.

The Second Elected Member for Bodden Town in his contribution on this motion, said that if he had not the courage to stage the walkout in December, we would probably have been debating the amending Bill to the Elections Law today. For the sake of the records Mr. President, I would like to make it clear that the walkout was not staged in connection with the Report, or the contents of the Report before the House in December. The walkout was staged because the Business Committee of the House followed Standing Order 14 and placed the items on the Order Paper of the day as set out in Standing Order 14. This ment that presentations of the Reports of Select Committees came before Question Time and Other Business.

HON. BENSON O. EBANKS (CONTINUING): The controversy arose because, as I have said, the Business Committee set down the orders for the day, in the way Standing Order 14 dictates, and had that format been followed the First Elected Member for Bodden Town who had been debating the Throne Speech, or the Budget Speech the day before would have been denied some of the time which he would have had during that day to debate the Budget. But Mr. President, he would have been entitled to his full time on the debate, but as I understand it, he was leaving the Islands that afternoon and wanted to catch the plane, so that was the reason for trying to rearrange the order of business for the day. Naturally, the House opposed the motion and that is when the walkout took place. Nothing contained in this Petition caused the walkout. Had the Member stayed Mr. President, maybe he would have been better informed than he is today on the whole matter of the motion before the House.

MR. JAMES M. BODDEN: Mr. President, the Member does not know if I am informed or not, I have not spoken, so how can he be presupposing something. He is talking about my colleague the Second Elected Member for Bodden Town who spoke, not me. Wait until I speak before he presupposes what I am going to say.

HON. BENSON O. EBANKS: Mr. President, I thought the Member would have understood that I was talking about the Second Elected Member for Bodden Town, when I said that if he had stayed he would have been better informed than he was today.

The First Elected Member for Bodden Town will have an opportunity to show how ill informed he is later on. The Second Elected Member for Bodden Town Mr. President, made one valid point in his contribution, and I want to make sure that the House and the people who will be listening to this debate do not miss it, and that is when he said that the contents of our deliberations of the Select Committee could not be made public until they had been placed before the House. And Mr. President, that is where the rub in this whole controversy lies. When the Report was brought in December, and the contents were made public, it was only after then that Members of the Assembly could go back and canvass their constituents on matters contained in the Report. This is why the question which was placed before the House on that day was modified in such a way, as to make it clear that Government was not committing itself to any action, until such time as Members had canvassed their constituents on particularly, the matter of single Member constituencies.

The motion before us Mr. President, in my opinion could have avoided a lot of debate, because this motion merely makes reference to a Petition submitted on behalf of, and the motion says 'members of the public', and for the record I would like to make it clear Mr. President, that the Petition which I received said that it was presented by the Second Elected Member for George Town on behalf of Mr. Alfred Lawrence Thompson Senior and 383 other signatories. As I understand the motion, the motion seeks to get this Petition placed before the reconstituted Committee to consider the views of those 383, or 4 or 5 as the case may be, if one is going to include the Second Elected Member for George Town in the number, to be considered at the same time as other Member's findings from their constituents are going to be considered. So, we should not have gone, in my opinion, into the merits or demerits of the Petition. The reference to gerrymandering in the Petition Mr. President can only be the view of the 383 people who signed this Petition. A very small minority of the registered voters in this Country.

HON. BENSON O. EBANKS (CONTINUING): Nevertheless Mr. President, their views will be taken into consideration. Mr. President, I think in December I made it clear that I personally support the concept of single Member constituencies, and let us get it clear, we are not talking about reducing West Bay to one representative, or George Town to one representative. What we are talking about is dividing these constituencies in a fashion where you have three constituencies within that electoral district. As I said in December, this would be done by an Electoral Boundaries Commissioner, an expert with experience in these matters, and the boundaries would be so defined that each electoral district would comprise persons of different economic standing; probably different ethnic origins and so on, so that we would not have an unbalanced group in any one constituency. I too Mr. President, made reference in December to the Report of the Constitutional Commissioner the Rt. Hon. the Earl of Oxford and Asquith in 1971, when he visited the Country to advise on the present constitution which we have. I was able to quote fairly accurately from memory what he had to say about the single Member constituency, but Mr. President I now have in my hand a printed version of his Report, and I would like to read for the benefit of Members Section 40 of that document, dealing with the organisation of constituencies. It says:

> "There are at present six constituencies which vary in size and return one, two or three members according to their population. It has been suggested that those returning more than one member should be divided so that in future all constituencies are single-member constituencies. I discussed this idea with the present elected members and most of those now representing multi-member constituencies were opposed to it."

Mr. President I will get back to this later, because I want to underline 'most of those now representing.'

> "Among members of the public, I found few who held strong views either way, although a fair number felt that with single-member constituencies they might get better attention and more service from their members.
>
> In the absence of political parties or strongly marked divisions of interest, the present system seems to work quite satisfactorily; but I consider that, in the long term single-member constituencies would be preferable and likely to reflect more closely the wishes of the electorate. Under the present system, a well-organised party with superior electioneering tactics could secure a majority of seats in the Assembly by gaining control of only three constituencies with a small majority of their votes, although, in the colony as a whole, two-thirds of the votes might be opposed to it. Under a single-member system, the chances of such "unfair" results would be much less; while a form of proportional representation with transferable votes, could avoid them altogether. A single-member system would give the advantage, noticed above, of a closer relationship between constituents and their members.
>
> The matter is at present regulated not by the Constitution but by the Elections Law, and although the law has in any case case to be revised before the next elections, it is doubtful whether an amendment to this effect would be approved by the present Assembly."

That is the Assembly in 1971, Mr. President.

HON. BENSON O. EBANKS (CONTINUING):

"If therefore it were decided to make the change, it might be preferable to provide for it in the Constitution. The re-drawing of constituency boundaries, together with the registration of electors in these new constituencies, would, however, take some time and it seems unlikely that this could be completed between the time when the new Constitution was approved and the date, in April 1972, when the next elections are due to take place. Although I consider the matter to be of some importance, I do not regard it as one of urgency and do not therefore wish to press that the change should be made before the next elections. I recommend, however, that during the lifetime of the next Assembly a change should be made in the electoral system (whether by way of amendment to the Elections Law or amendment to the Constitution); and that such change should provide either for the abolition of multi-member constituencies or, if preferred, for a system of proportional representation."

Now Mr. President, I was one of the Members in 1971 who was not amongst those now representing multi-member constituencies, who opposed the view. I held the view in 1971 that a single-member constituency where one person had one vote, could best represent the wishes of the electorate, and that it would give the electorate better and closer representation from their members. I hold that view today Mr. President, and similarly, as I did not force this issue in 1971, I do not intend to force it today. But I intend to put the matter again fairly and squarely before the electorate in my constituency, and have their reaction. I have lived under this Constitution from 1972 when it was introduced, and if it is the wish of the majority of the electorate in this Country, that it remains as it is then I will abide by the wishes of that majority. But it is a matter of significant importance Mr. President, and significant enough in my opinion to warrant Members taking it back to their constituencies, after 15 years or 16 years as the case may be, to canvass their views again.

I have already announced in my last public meeting in West Bay that I will be calling with my colleagues a meeting, specifically to discuss this matter, and I will put the pros and cons fairly and squarely before them, and I will abide by their wishes.

I could go on Mr. President, and say that in our system, or under our Elections Law where shut-ins, sick people and absent people are permitted to vote by postal ballot, it is my opinion that the outcome of all three seats in a multi-member constituency could be won by the party or vote which secures the most of those votes, and it is my humble opinion that those votes Mr. President, do not always represent the wishes of the voters whom they purport to represent, and splitting the constituencies would make this outcome less likely. But Mr. President, I can see where such a system as we have would suite Members who like that type of gerrymandering of the vote.

Now Mr. President, I believe that that question of absentee/ill postal ballots is probably more often used in my constituency than it is in others. So maybe some Members have not really focused on this point. But as an example Mr. President, on Election Day 1984, 124 postal ballots were handed in in one single batch in my constituency, and it is my opinion that those ballots did not represent the view of all the voters which they were purported to represent.

HON. BENSON O. EBANKS (CONTINUING): In those circumstances Mr. President, one can understand why I might support such a view. Mr. President, I would also crave your indulgence Sir to read one other chapter from that Report. Since we got as far as Massachusetts, and somebody got their hand jammed in a cookie jar, I would like to show how some people can jam their hands in cookie jars right here in the Cayman Islands. Section 30 of Lord Asquith's Report deals with Administrator's power to act contrary to the advice of Executive Council (Section 10 of the Constitution).

MR. PRESIDENT: I will listen for a minute, but I hope the Member is going to be able to relate this to the.....

HON. BENSON O. EBANKS: To the trip to Massachusetts.

MR. PRESIDENT: No, to the motion. I think the trip to Massachusetts was fairly related to the motion.

HON. BENSON O. EBANKS: Oh yes.....

MR. PRESIDENT: It took us a long way I know, but I think that it was proper.

HON. BENSON O. EBANKS: Well, we will get to that.

MR. PRESIDENT: I will listen for a minute, but let us come back to the motion quickly.

HON. BENSON O. EBANKS: I am using this Mr. President, to show two points, and the strongest point is that when this Constitution was canvassed, that the Commissioner who came here went throughout the Islands to seek for himself, with the permission of the Government and the assistance of the Government, to ascertain the views of all the people in the Country, and as there were opposing views, I would like to put both sides before the House.

MR. PRESIDENT: Opposing views about what subject?

HON. BENSON O. EBANKS: The Administrator's power, I could read it for you Sir it will be interesting.

MR. PRESIDENT: But I do not think it is clearly going to be relevant to changes in the Elections Law.

HON. BENSON O. EBANKS: But Mr. President we went to Massachusetts...

MR. PRESIDENT: We went to Massachusetts to gerrymander, and I do think the trip to Massachusetts was a good deal more relevant, than the Administrator's power sounds likely to be.

HON. MICHAEL J. BRADLEY: Mr. President Sir, on a point of information, is there a different time zone in Massachusetts, because my watch says four thirty.

MR. PRESIDENT: Yes, I think in fact it is about to be four thirty anyway, so perhaps we can postpone the discussion on whether the Administrator's powers are relevant, and you may come and see me immediately after the Meeting, and seek to persuade me of their relevance if you wish. But meanwhile, since it is just four thirty, under Standing Orders I 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 a.m. tomorrow morning.*

MR. PRESIDENT: *The question is that this House do now adjourn until 10.00 a.m. tomorrow morning.*

QUESTION PUT: AGREED. *AT 4.30 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 12TH MARCH, 1986.*

STATE OPENING AND FIRST MEETING OF THE (1986) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON WEDNESDAY, 12TH MARCH, 1986 (NINTH DAY)

PRESENT:

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, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON, OBE, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM-- AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

1986 STATE OPENING

WEDNESDAY

12TH MARCH, 1986

(NINTH DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. QUESTIONS

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

NO. 35: CAN THE HONOURABLE MEMBER STATE HOW MANY PERSONS WERE RECIPIENTS OF OVERSEAS MEDICAL AID FROM JANUARY 1977 UNTIL JANUARY 1986, GIVING A BREAKDOWN OF HOW MUCH WAS SPENT FOR EACH PERSON AND THE NATURE OF THE AILMENT?

3. GOVERNMENT BUSINESS

BILLS:-

THIRD READINGS

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1986

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PRIVATE MEMBERS' MOTIONS:-

(1) PRIVATE MEMBER'S MOTION NO.6/86
APPOINTMENT OF SELECT COMMITTEE OF THE WHOLE HOUSE TO RECONSIDER PROPOSED CHANGES TO THE ELECTIONS LAW, 1983

CONTINUATION OF DEBATE THEREON.

(2) PRIVATE MEMBER'S MOTION NO.5/86
COST OF LIVING INCREASES

TO BE MOVED BY THE SECOND ELECTED MEMBER FOR WEST BAY AND SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE.

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WEDNESDAY

12TH MARCH, 1986

10.05 A.M.

MR. PRESIDENT: Prayers. The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: 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. Let us pray the Lords Prayer together.

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

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

MR. PRESIDENT: Please be seated.

Questions. The Second Elected Member for West Bay.

QUESTIONS

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

NO. 35: Can the Honourable Member state how many persons were recipients of overseas medical aid from January 1977 until January 1986, giving a breakdown of how much was spent for each person and the nature of the ailment?

ANSWER: During the period January 1980 (the earliest date for which information is readily available) to January 1986, a total of 363 persons were referred for medical aid overseas.

Details of the cost of each overseas referral and the nature of the ailment (as far as could be ascertained to date) is provided on the annex sheets attached.

SUPPLEMENTARIES

MR. W. McKEEVA BUSH: Supplementary Mr. President. Can the Member say who determines how people receive overseas medical aid?

HON. BENSON O. EBANKS: Mr. President, if in the opinion of the Chief Medical Officer the ailments cannot be treated or properly diagnosed within the Islands, the patients are referred to specialists overseas.

MR. W. McKEEVA BUSH: Supplementary Mr. President. Can the Member state if any of the persons on this list have an income in excess of $25,000.00?

HON. BENSON O. EBANKS: No, Mr. President. A persons' income in my opinion, does not affect whether they are sent overseas for medical treatment or not. Now it would affect whether or not they pay the cost, but these include in my opinion, all persons sent overseas.

MR. D. EZZARD MILLER: Supplementary Mr. President. Could the Member state whether anything is being done to try and standardise the charges, because one will find items on this list such as CT scans varying, and whether any attempt is going to be made to try and get contract prices such as DRG's et cetera?

HON. BENSON O. EBANKS: Yes Mr. President. As the Member knows, the current trend in the United States is to have as he quoted, DRG's and PPO's and all sorts of things which give basically at least a base rate for most ailments, and the Department is taking steps now to try to establish services for which we have needed treatment overseas, and it would be our intention to approach the major providers of these services, particularly in the Miami area, to have competitive bids made, for providing the services.

MR. W. McKEEVA BUSH: Supplementary Mr. President. In an answer to a supplementary, the Member said that if in the opinion of the Chief Medical Officer, the problem could not be treated here, then the person is sent off the Island. I am wondering whether problems such as hypertension, dental problems and ailments of that nature cannot be treated here in this Country?

HON. BENSON O. EBANKS: Mr. President, certainly common fillings, extractions and cleaning and so on, but it would depend on the severity of the ailment Mr. President. There are, in my opinion, for example dental problems which might need overseas referral.

MR. W. McKEEVA BUSH: And hypertension?

HON. BENSON O. EBANKS: Likewise.

MR. W. McKEEVA BUSH: Mr. President, this is a lot of information, and I want to publically congratulate the Portfolio for going through it. But the problem which I was looking for is well hidden and I cannot find it. I am wondering whether the Member could say whether somebody went abroad for a tonsillectomy, and if they did go abroad, why could the operation not have been performed here, and who authorised that particular overseas medical aid, and whether the bill was paid in full by Government?

MR. PRESIDENT: I think it is a pity that if the Member wanted simply that information, he did not ask the question accordingly in the first instance.

MR. W. McKEEVA BUSH: Yes Mr. President, but that was some of the information I was looking for. If you remember the question, I had names down which would have given me the information I needed. You ruled that out of order Sir.

MR. PRESIDENT: You cannot name people, but you have just asked a question without naming people a moment ago.

HON. BENSON O. EBANKS: Yes Mr. President, I did not see the question in the original form, but if it did contain names, you were perefectly right in ruling it out of order. If names were given Mr. President, it would be a breach of the very confidential nature of medical records, and those are sacrosanct. Neither myself nor the Health Services Department can divulge an individuals medical record or any ailment for which they have been treated.

MR. W. McKEEVA BUSH: Yes Mr. President, I am well aware of this, and when the question was sent back to me it was gladly put in the form it is in today. However, my supplementary is not asking for a name. My supplementary is, did someone not go abroad for a tonsillectomy, and why could the operation not have been performed here. Who authorised that particular overseas medical aid, and was the bill paid in full by Government? I am not asking for a name.

HON. BENSON O. EBANKS: Mr. President, if it does not appear on the list, being the ailment to which the Member is referring, I am unable to help him. It might be under some of these very technical names Mr. President, but I myself would break my jaw in trying to pronounce them.

MR. PRESIDENT: I think with all respect to the Member, if he had asked in the first instance the precise questions that he has now sought to ask as supplementaries, it might have been possible for the Member to have obtained the information. But he has sought so much information that really I can well understand that the Member cannot answer in the precise detail he now wants.

MR. W. McKEEVA BUSH: I have another supplementary Mr. President.

MR. PRESIDENT: Well ask it, or I.....

MR. W McKEEVA BUSH: You will agree that this is a vast amount of information, and give us a little time to go through it Sir.

MR. PRESIDENT: The Third Elected Member for West Bay, is she seeking to ask a supplementary?.

MRS. DAPHNE L. ORRETT: Thank you Mr. President. I wonder if the Member might be able to shed some light on Item 156, 1985, $67,281.15. It indicates here that there is no information available in the docket. But for sixty seven plus thousand dollars, this seems a little bit unusual, and I wonder if the Member might be able to shed any further light on this?

HON. BENSON O. EBANKS: Mr. President, I understand that that was a neonatal case and the cost of treating this is very expensive in the United States where this procedure took place. The information was found subsequent to the compilation of this sheet, and I have just been made aware of it by a member of my staff.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I wonder if we could have some assurance from the Member that, in the future, records are going to be kept more adequately because there are quite a few asterisks on this sheet which amount to several hundred thousand dollars for which information is not readily available.

HON. BENSON O. EBANKS: Mr. President, I can give the House the assurance that every attempt will be made to improve the record keeping system at the Hospital.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Would the Member state whether it is a policy of Government to arrange for patients sent abroad for overseas care, to make repayment where this is possible?

HON. BENSON O. EBANKS: Yes Mr. President, that is correct.

MR. PRESIDENT: Does the Second Elected Member for West Bay have any more supplementaries?

MR. W. McKEEVA BUSH: Mr. President I have quite a few supplementaries, but I guess I will be told exactly the same thing I have been told before, and I am not going to ask them. But, I would say this, that I have had problems, or problems have been reported to me - I am getting to a supplementary Sir - I need to state the position. I have had problems reported to me, I have checked them out with the Chief Medical Officer, and in checking them out with him he agreed that there was a case, although borderline, there was a case for the Government to step in and do what they could for the person. When he did come back to me it was decided between him and the Portfolio I believe that it could not be done. One of them was a Civil Servant Mr. President who.....

MR. PRESIDENT: This does not sound very like a question, it sounds like a long tale. Turn it into a question quickly, or I shall have to ask you to sit down.

MR. W. McKEEVA BUSH: Well, one of them was a Civil Servant, and the machine which she was on went out of use, they could not use the machine so she took it upon herself to go abroad. The Chief Medical Officer tells me that yes, in his opinion she was due for some sort of aid, but when they went to the Portfolio, he came back and said that he was sorry but they did not have a case. I mean, if they have a straight position where they are going to take, then Mr. President....

MR. PRESIDENT: This has not.....

MR. W. McKEEVA BUSH: The portfolio should.....

MR. PRESIDENT: The Member must sit. This still has not become a question dispite my warning, and I must ask the Member to stop as we really cannot have long statements in the guise of supplementaries.

HON. BENSON O. EBANKS: But Mr. President, Sir. In as much as what has been introduced might reflect adverely on someone. Could I make a simple statement.

MR. PRESIDENT: Very well.

HON. BENSON O. EBANKS: Mr. President I do not know to what the Member is referring, but I can assure the Member that the Portfolio does not attempt to influence medical opinion, and if the medical personnel advise that someone should go overseas, then that case is treated in the same light. All cases are treated equally and fairly. What cannot happen Mr. President, is for someone to leave the Islands of their own volition and then try and turn it into a case where the medical departments sent them overseas.

MR. D. EZZARD MILLER: Supplementary Mr. President. Is the Member saying that this has never happened in the past?

HON. BENSON O. EBANKS: To the best of my knowledge Mr. President, that is so.

MR. W. McKEEVA BUSH: Well in future, when the Hospital machines break down, what do you want the people to do, sit down and die?

HON. BENSON O. EBANKS: Mr. President, I am confident that the Hospital staff would not allow anyone whose life, in their opinion, was at risk to remain at the Hospital whether it is because of a breakdown in machinery or otherwise.

MR. W. McKEEVA BUSH: Well Mr. President, I am not telling a lie t o this House. It was told to me by the Chief Medical Officer, and the Member should be able to give the question.....

MR. PRESIDENT: Order, order.....

MR. W. McKEEVA BUSH: ....this morning. I have not been able to put it.....

MR. PRESIDENT: Order, order.

MR. W. McKEEVA BUSH: Yes Sir.

MR. D. EZZARD MILLER: Supplementary Mr. President. Item 78. in 1982, it appears that $40,000.00 plus was spent on a gall bladder operation. Is this a misnomer?

MR. PRESIDENT: 79 I think you mean.

MR. D. EZZARD MILLER: Item 79. yes, $40,416.46 for a gall bladder operation. I think there is somethina wrong there Sir.

HON. BENSON O. EBANKS: Mr. President, the Member is obviously on his toes. My information is Mr. President that although the diagnosis in the first instance, was that of gall bladder, but when the procedure was carried out in Miami it was found that the gall bladder was in fact malignant, hence the high cost of this procedure.

MR. PRESIDENT: If there is no further supplementary, we pass on to Government Business. Bills, Third Readings.

GOVERNMENT BUSINESS

BILLS

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1986

THIRD READING

CLERK: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1986.

HON. THOMAS C. JEFFERSON: Mr. President, with your permission Sir, I move **that a Bill entitled** The Criminal Procedure Code (Amendment) Bill, 1986 be given a Third Reading and passed.

MR. PRESIDENT: The **question is that** a Bill entitled a Bill for a Law to amend the Criminal Procedure Code, Law 13 of 1975, be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: I think the ayes have it.

MR. G. HAIG BODDEN: Mr. President, may I have a division please.

MR. PRESIDENT: Yes.

DIVISION NO.10/86

AYES	NOES
Hon. Dennis H. Foster	Mr. James M. Bodden
Hon. Thomas C. Jefferson	Mr. G. Haig Bodden
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Hon. Vassel G. Johnson	
Mr. W. McKeeva Bush	
Mrs. Daphne L. Orrett	
Mr. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
11	2

MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1986, GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: Other Business. Private Member's Motions. The continuation of the debate on Private Member's Motion No.6/86 which dealt with the appointment of a select Committee of the whole House to reconsider proposed changes to the Elections Law, 1983. The First Elected Member of Executive Council was speaking.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO.6/86
APPOINTMENT OF SELECT COMMITTEE OF THE WHOLE HOUSE TO RECONSIDER PROPOSED CHANGES TO THE ELECTIONS LAW, 1983

CONTINUATION OF DEBATE THEREON

HON. BENSON O. EBANKS: Mr. President, at the adjournment yesterday Sir, I was attempting to make the point that if the proposal to divide multiple Member constituencies into single Member constituencies, it would not be done in an adhoc manner. It would be done only after the widest publicity and discussion with the electorate and in the final analysis, it would be done by an Electoral Boundries Commissioner, an expert with experience in the area. I was using as my proof of that, reference to the Constitutional Commissioners Report 1971, which is the Report by the Rt. Hon. the Earl of Oxford and Asquith, which formed the basis for the present constitution which we now have, and of course, the present electoral system. I had reached a point Mr. President where I was saying that despite the fact that Members had canvassed their constituents fully, that Committees had been set up by the House to study the matter. The Committee requested that a Constitutional Commissioner, someone who is well experienced in constitutional matters be brought to the Islands to advise the Committee after he had himself, canvassed public opinion. Mr. President if one looks at that Report, it will be seen that the consultations by the Commissioner spread over a month, including talks with the Administrator, Senior Officials and meetings on several occasions with Elected Members of the Legislative Assembly and interviews with members of the public, including lawyers in private practice and Members of the Chamber of Commerce. He made himself available for interviews with all the main centres of population in the Islands, and about 100 people took advantage of these opportunities. In that way Mr. President, the Commissioner was able to determine that the views expressed by the Members of the Assembly, coincided very closely with those views expressed by the public with whom he spoke. He did indicate that he had encountered Mr. President remarkably few who were in favour of any radical change. So that basically, he was able to move on the information which had been given to him by Members of the Legislature and reinforced by his visits to the constituents. In fact, Mr. President, at one point he did say something to the effect that he had encountered one small group more radically minded than the rest who had made some rather novel suggestions to him. Mr. President, if one reads that Report, and then referrs to the 1972 Election Manifesto of the, what I would consider and I think in those days they were called 'Help' and more recently became known as 'Unity'.....

MR. PRESIDENT: I hope the Member will be able to convince me soon that this is relevant, because what the 'Help Team' put in its 1972 Minifesto does not seem to have a great deal to do with the Select Committee to look at the Elections Law.

HON. BENSON O. EBANKS: But Mr. President, in the debate yesterday Sir, it was suggested that if the present Government had had its way, we would have instituted these changes without reference to Members, or to the public, and I am basically tying it in with that, and I am coming straight on to it Sir.

MR. PRESIDENT: I am sure you are entitled to explain what the present Government's attitude to consultation is, but it does not for the purpose seem to me to be altogether necessary to go back to what happened at the time of the 1972 elections.

HON. BENSON O. EBANKS: Mr. President, you know I am using more time than I would have done, had I been allowed to finish that sentence. I was only saying that the identity of the persons in that group could be made.

I see the Second Elected Member for Bodden Town looking in amazement Mr. President. I am aware that he did not sign it, but it is the published manifesto. But the First Elected Member for Bodden Town Did.

MR. JAMES M. BODDEN: And proud to have done so Sir.

HON. BENSON O. EBANKS: And it is well known Mr. President that when the First Elected Member gets a sore throat, the Second Elected Member gets whooping cough.

MR. JAMES M. BODDEN: What does your group get - chicker pox.

HON. BENSON O. EBANKS: So, Mr. President today what we are hearing is not novel, it goes back a long time.

Mr. President, I will summarise my contribution to this debate Sir, and say that I support this motion wholeheartedly. As far as I am concerned, we are only doing what was envisaged when the Report of the Select Committee was presented to the House in December 1985. The Second Elected Member for George Town obviously beat most other Members to the starting gate, and he canvassed opinion early, and to prove his point, he brought it in the form of a Petition, which of course Mr. President, if one reads the motion which we are debating, it is clearly stated that he expects that his views will be taken into account at the same time as the views of all other persons in the Islands are submitted to the Committee, and this is democracy at work.

I said yesterday Mr. President, that I personally favour the single Member concept, but I believe that in a democracy everybody has a right to their opinion, and if there is a majority against, I abide by the decision.

Mr. President, there was one point made yesterday by the Second Elected Member for Bodden Town, which I think I should attempt to clear up; and that is the recommendation in the Committee's Report that the Second Official Member who was Chairman of the Committee, be authorised to make subsequent amendments to the Law, as a result of substantive amendments made by the Committee. The Member gave the impression that the Committee had delegated to the Second Official Members, powers to legislate. Now Mr. President, it should be well known and understood that there is only one body in these Islands who can legislate laws, and that is this Legislature. The Legislature can by Law delegate regulation making powers to the Governor in Executive Council. But, it should be clearly understood by all that what was merely being done by that recommendation, was to request the Second Official Member to place in any amending legislation which was being brought to the Committee and subsequently to this House, those consequential amendments which could not be made at the time.

HON. BENSON O. EBANKS (CONTINUING): Because, for example, it was not known whether the concept of single Member constituencies would be accepted. If they were accepted, it would call for many consequential amendments. But Mr. President, the Second Official Member could not bring those amendments into Law, they would have to go through this House in the form of an Amending Bill. There is no question but that an Amending Bill will have to be brought to the House to cover many of the areas recommended in that Report. Because, Mr. President, it is well known that the present version of the Elections Law is riddled with typographical errors and other inaccuracies. The wrong form being quoted in the wrong section, and the wrong section being quoted in forms and so on....

MR. W. McKEEVA BUSH: Their Members were nominated by the candidates.

HON. BENSON O. EBANKS: And Mr. President, Members will recall that to get over that hurdle in 1984 I think it was an errata to the Law was published for the guidance of officials and voters. We would be remiss in our duty if we did not make those deficiencies in the present Law right. As I have said, I support the motion, and certainly while I personally do not subscribe to all the views expressed in the Petition, they will certainly be given my fullest consideration at the time that they are being considered in the Committee again.

I hasten to give all my assurance that in anything to do with the constitution, or Election Law, regardless of my personal feelings, I will be guided by the majority of the electorate of these Islands.

Thank you Sir.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I rise to support Private Member's Motion No.6/86. A motion to appoint a Select Committee of the whole House to reconsider proposed changes to the Elections Law, 1983.

Mr. President, I did not feel it was necessary that this motion should have been brought, but since it is before the House, I support it. But I would like to explain the position I took in the Select Committee. As it has been explained in this House by other speakers, we were unable to consult our constituents about the single Member constituencies being established, while it was still in Select Committee, and could not have been done until after the Report had been brought back to the House. I said then, that we did not feel that it was workable within the Third Electorial District which comprises Cayman Brac and Little Cayman, and I say that because we have quite a unique situation. As all Members know, there are two Islands. Each Island is over ten miles long, so it is over twenty odd miles from the east to the west end with ribbon development along the two Islands. Most of the population or the largest part of the population being in the eastern end of Cayman Brac, and just how one would divide the electoral districts there, makes it hard for me to see how it would work. But nevertheless, fulfilling my obligation to my people, I did attend the Select Committee Meetings, and made my contributions there, which is more than all the Members of this House can say they did. I made my views plain there, that I was only speaking my own personal view then, and had to first consult with our members, before we could actually say what they wanted.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): I will be completely guided by the decision of my people, whether they want to be a part of it or not. But I personally do not support single Member constituencies, I must be very frank about it. A lot of what I have heard Members say takes place in Grand Cayman, it does not take place in Cayman Brac. In a General Election, at the counting of the votes, we open our Civic Centre to the public, provide them with tally sheets and pencils, if they desire to tally the results, they are welcome to come. They are not bored, they are not locked outside and guarded and the doors are not guarded by the Police or anything like that, they are welcome. It is their election, we are their candidates. We have all the confidence in our people there, and I feel that they are satisfied with the method by which they elect their candidates, and that is the reason why I took the stand which I did in Select Committee.

So Mr. President, with those few words I look forward to further discussing this with my people, and in the new Select Committee.

Thank you Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: In speaking on this motion, I would like to make it plain at the beginning that I do agree with the principles of this motion, and at the end of the debate when the vote is taken I will probably be voting in favour of it.

The objection I wish to make Mr. President is that in my opinion this motion is basically the same in content as the motion which was placed by my colleage from East End, and which this House was not allowed to debate. In my opinion the ruling to allow this motion to be debated at this time rather than to have set it over for the next sitting of this House, constitutes partiality. I will hope that sometime in the not too distant future, this House will begin to operate on a different basis. I can readily understand why the motion brought by the Elected Member from East End was not allowed to be debated in this House, because it would have been embarrassing to the Government of the day to debate the onerous tax measures which have been inflicted on our people.

My colleage from Bodden Town and myself brought to your attention at the beginning of this debate, several reasons why we thought that this motion should not have been debated at this time, and I would suggest that you should have read Erskine May's a little bit more thoroughly than you did. Page 895 of Mays, page 379 of Mays would have both given some other indication as to the manner in which this motion should have been dealt. But I will refer all Members of the House to page 79 of Mays, and once you read page 79 of Mays, I am sure you will recall, that that is the basis under which this House operates. For the benefit of Members, I will read it at this point:

> "In the year 1593 in reply to the usual petition of the Speaker, Sir Edward Coke, the lord keeper said-
>
> Liberty of speech is granted you, but you must know what privilege you have; your privilege is to say "aye" or "no"."

That is the privilege which we have in this House, and is getting to be the only privilege.

MR. JAMES M. BODDEN (CONTINUING): One Member in speaking, spoke I would say against Roberts Rules of Order. I have never been acquainted with the Roberts who wrote the Roberts Rules of Order, but in the forward I see that he happened to have been a General in the United States Army. So he could not have been some petty individual. To have attained that rank, whether it was in the American Army or even the Cuban Army or the Jamaican Army, the man should have had some ability. I can only say that Roberts Rules of Order has been used extensively throughout the free world, and maybe also in the communist areas.

One Member spoke on the Members of this House in speaking against this motion, as being mischievous. Are we going to be called mischievous because we look at an argument from both sides. A Member said that he would stand against anyone who said that you as President of the House was biased with regard to making a decision. Well Mr. President, I am here to state that I think there has been some bias in the decisions which have been made in this House, in this Sitting, as well as in the previous Sittings of the House.

Roberts Rules of Order has been quoted and used extensively in this House, and the Hansard will bear me out on that submission. The Member said that no mention would have been made of Roberts Rules if the motion placed by the Member from East End had been allowed to have been debated. Mr. President, that may have been so, but the fact remains that although the two motions were basically one and the same thing, the one put forward by the Member from East End was not allowed to be debated in the Chambers of this House. He said that we cannot have intimidation in this House. I rightfully and readily agree with that assertion, but the intimidation is coming from a source higher than the Members of this House. It is your obligation Mr. President, as the President of this House to protect the right of the minority. It is enshrined in the Standing Orders of this House, and it is enshrined in Roberts Rules of Order and also in Erskine May.

One Member in speaking said that he was in favour of the single Member constituency, but against the present system, because one political group could get all the seats. I really wonder what was meant by that statement Mr. President, in view of the fact that democracy must have been carried out in the 1984 Election, because that particular Member along with his slate of candidates was elected in that District. So is he going to discard and throw away the same thing which has been good for him. Is that what he is speaking about?

Mr. President, the Committee which was formed to study the Elections Law, was formed with the intention of preparing changes in that Law. To adopt them and then for the changes to be drafted and brought back to the House. There is no doubt that that was the intention, and we would have had before us probably at this Sitting, a new Election Law being discussed, rather that a motion to go back into Committee, if a few Members on this side of the House had not objected to certain things in the Committee's Report.

The Members at this time cannot say that that Committee Report was to be modified and be changed, and that it really meant nothing because they voted in favour of it. Members voted in favour of the House adopting and accepting that that recommendation of that Committee's Report, and when one votes in favour of adopting something one is giving ones consent, and one cannot come back a few days later and say that although one voted for it, one did not agree with it, and there is another meaning to be attached to ones action.

Mr. President, here is the wording of the recommendations of the Committee which were presented to this House by the Honourable Second Official Member:

MR. JAMES M. BODDEN (CONTINUING): The Committee makes the following other recommendations and it goes on to state what those recommendations were. Under No.6 on page 7 of that Report it says that the Committee agreed that the Honourable Attorney-General prepare an amending Bill for presentation to the House as soon as possible in 1986. There is no mention of this going to the public. There is no mention of any input into it from the other Members of the House in the future. It says that we are adopting the recommendations of the House, and we are recommending that as soon as possible, a new Elections Law be drafted and presented to the Assembly. So it is ridiculous for Members to stand in this House now and say that they did not vote in favour of accepting the recommendations. They might not agree on second thoughts with the recommendations, but they did agree to accept them. They agreed that this House would adopt them.

I have been in many Committees of this House since the year 1972, and I am quite familiar, having been on both sides of the House, as to how Committees operate. I do not need a "wet behind the ears" Member, who has just entered the House to tell me what the rules of the Committee are. My colleague from Bodden Town and myself since 1972, have worked as a team, and there has never been and never will be a reason for us to go outside Bodden Town to get anyone to second a motion for one or the other of us. We intend to continue to take that stand in this House. One Member, as usual, thought he could be quite cute in reading from Lord Asquith's Report. Mr. President, I can tell the people of this Country at any time my political beliefs and my stand. I am proud of my stewardship of this Country for the last 14 years. I am proud of every manifesto to which I have attached my signature, and have stood on for election. I was a Member, and very proud to have been of the Help Organisation. I have been a part of the Unity Team and very proud of it. So what does the Member think he is going to get from it by getting up and reading from a Meeting which we had with Lord Asquith in 1971. I can tell the House, and I can tell my people in Bodden Town as I have done, I can tell the people of the Islands what I told Lord Asquith. If I had had any trepidation in my spirit to think otherwise, I would have been like some of them, I would have hidden and not told him anything.

One Member was speaking and said that consequential amendments to the Law really had no meaning. Mr. President, that is being a bit ridiculous. One Member said that any consequential amendments which would have been made in the Elections Law, and carried out by the Honourable Attorney General would have had to come back to this House to be ratified. Mr. President, that is incorrect; if we read the Minutes of that Committee, and that which was reported to this House, and what the intention of the House was when they adopted that Committee's Report. Mr. President, I believe that the workings of this Parliament or any other free democratic Parliament is sacrosanct, and I believe that the power rests in the hands of the Elected Members, whether we agree or disagree, this is democracy. I do not agree that the Honourable Second Official Member with all the respect I have for him, or you or anyone else, should have the right over the heads of the elected people to amend or change any Law which is on our books, and I will read the Report which came from the Select Committee which was Tabled in this House, and was adopted by this House, and it says under other recommendations on page 6 of the Committee's Report, I think it was October 9th 1985, that the Honourable Attorney General has the authority to make any necessary consequential amendments to the Elections Law. Let me give you and the House the definition of "consequential" as it is is given in the dictionary. There are four descriptions in the dictionary.

MR. JAMES M. BODDEN (CONTINUING): 1. Following as the natural effect. 2. Having the consequence jointly connected with the premises. 3. Assuming the air of a person of importance. 4. (Which is the important section of the definition) Important. So, how can this change the definitions of the words in the dictionaries which we have always been taught from, and say that today in 1986, the Members of your Government are capable of changing the meaning of the word 'consequential'. Instead of it being important to say that it is not important.

Mr. President, this Meeting has been a stormy Meeting, and we are coming to an end of it. Yesterday evening I took some time to read the Hansards of the last Meeting of this House, and to read the Hansards of this Meeting. I was shocked at some of the things which I saw in those Hansards. I was literally thrown out of the Chambers of this House for standing on my belief. Yet, Mr. President, if anyone will take the time to read the Hansards of the first Meeting of this Assembly this year, one will see that certain Members of this House were allowed to say more or less anything they wished to say with regard to the Members of the Unity Team who are also Elected Members in this House. And not at one time were the Standing Orders ever levied against them. They impuned our character, they impuned us as individuals, they impuned us as politicians and no ruling was ever made from the Chair.

Mr. President, the other morning when we clashed head on in this Assembly I will admit, my temper readily soared, and I wondered why the ruling had been made from the Chair with regard to what I had said. When I said that we were sick and tired of the biased way in which the Legislature was working, and that in my opinion, my colleague from Bodden Town had a right to have his questions answered. I have listened to those tapes at least a dozen times, and find no reason why you should have taken affront at what I had said at that point. Later on Mr. President, I did say some things which you could take affront to, and for that, in one sense I will apologise but I do not apologise for my first action, and neither do I apologise for my last action. I bring this out, and you may say that it is irrelevant to my discussion, but I bring it out because I am still of the opinion that the rulings of this House are against the minority, and when this Parliament Session is over, I will be submitting to London, the Hansards of the last Meeting of this House and the Hansards of this Meeting of the House, to prove my point. I am sure that there will be no justice done from London either. But, I am prepared to go there and plead my case, because I feel that the Members of the Unity Team who are still Elected Members of this House have been dealt with unjustly since the 1984 Election with regard to the rulings of the Chair.

Mr. President, I submit my feelings in their entirety on this matter.

MR. PRESIDENT: Does any other Member wish to speak? The Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I too would like as my colleagues on this side of the House have done, to support Private Member's Motion No.6/86, appointing a Select Committee of the whole House to reconsider proposed changes to the Elections Law 1983.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, although I am supporting this motion, I would like to make it quite clear that although I signed the Report of the Select Committee which recommended the Single Member constituency, it was with the clear indication Mr. President, that this matter in my candid opinion, was looked upon as a national issue, and that no issue in this Country which would be looked upon as a national issue, should be dealt with as a simple matter. No recommendation of a Select Committee could be submitted to this Honourable House, laid on the Table and followed by amendment legislation. This Mr. President, was borne out when the motion on the adoption of the Select Committee's Report was taken here. I made it quite clear in my contribution to that particular debate, that I would not be supporting it if it was the intention of the public to oppose such a move, to move away from the multi-Member constituencies and to create all single Member constituencies, especially in Grand Cayman. Mr. President, I think that was the feeling on the Government bench, and I was not singular in this respect. However, it seems as though it was a golden opportunity for another Petition, and so the matter was torn completely out of proportion, and taken to the public. There is no objection to that Mr. President, for I regard it as a national issue and by all means, the public must have an input as to whether they agree with the system or not.

I should say too Mr. President, that we saw a Petition laid on the Table of this Honourable House signed by three or four hundred people. We have not yet been able to examine those petitio s very carefully, to see if all the signatures are genuine, whether there are duplications, whether they are signed by under aged individuals, although there is belief that all these are applicable to that Petition. But Mr. President, if we are going to seek the input of the public, certainly we cannot accept that Petition as the views of the public, for we have in these Islands over nine thousand registered voters, and we have a population of approximately twenty thousand people. When we are comparing three hundred signatures, unknown signatures some of them, to that number of registered voters, or the population, we are talking about a very, very small minority view of the public.

I think it was clearly understood here Mr. President, that in order to decide whether the recommendation would be acceptable, that we should have the view of the public, and that Members were asked to take it to the public and canvass the public for their views, and they would come back to this House for further examination. But of course, Mr. President, those who led the Petition took the lead and came back saying that the public are objecting to the single Member constituencies. I am personally aware Mr. President, that whatever my views may be, that there are many people within these Islands who support the single Member constituencies, and we have not yet tested the waters, as far as the issue is concerned. But I must say that the motion which is presented here is something which this Government would have done in any case. For it was already agreed that the single Member constituency issue would be well tested before the matter is ever raised again.

Mr. President, it is well known that the Government bench was split in their views on this issue. So I am not too sure what the great hullabaloo is. I know it brought a lot of political rhetoric and another opportunity for the sound of petition. Mr. President, in passing, I should also say that I was very distressed when I read the editorial in the Compass Newspaper of a few days ago, and especially in one of the last paragraphs which said that the Chair needs to be exceedingly sensitive to avoid such clashes in the future, and needs to be scrupulously impartial. Mr. President, I have been in this House for a long, long time, longer than any other Member sitting here at the present time.

HON. VASSEL G. JOHNSON (CONTINUING): I have always known this House to be conducted in a very disciplinary manner, and every Member has had the greatest of respect for the Chair, and the Chair has had the same respect for the Members, because there must be respect on both sides; the Chair for the Members and the Members for the Chair. If this is not the case Mr. President, we will find that the Legislative Assembly will lose its appeal to the Country, in the same manner as when the dignity of the Court goes.

We, in this Chamber must at all times have respect for the Chair, and I am quite satisfied that throughout these Meetings since I am back here as an Elected Member, that the Chair has exercised diligence in representing what it stands for in this Honourable House. I am very disturbed when the press would cast these sorts of remarks about the Chair. You can accept it Mr. President, that I have every regard for the Chair and the manner in which this Assembly is conducted. It does not matter what any other Member wants to say.

Mr. President, I must also say that the Second Elected Member from West Bay, speaking yesterday, said that there was something deeper behind the clashes over single Member constituencies. That one of the reasons is that Members wish to avoid foreigners sitting in this Chamber. Mr. President, be that as it may, in my opinion single Member constituencies would offer a greater assurance that this would not happen, because there is no area in any of the constituencies of these Islands where one will find nothing but groups of foreign persons living, and that is the only way Mr. President, that single Member constituencies could ever return a non-Caymanian to this House. I know that fingers have been pointing at me because I was not born in these Islands. Mr. President, I have repeated this over and often again, that I have lived in this Country for 52 years. I have served this Country in many respects for over 40 years. I sat in this Legislature for 17 years as an Official Member. Mr. President, I do not think anyone here needs to worry about a repetition of my case, because it is peculiar in every respect, and so nobody should compare it.

As far as the individual is concerned Mr. President, I will say this, that the voice of the people of George Town replied to that criticism that I was not qualified to represent the people of these Islands, and it is not only the people of George Town, because this was a popular view throughout the Cayman Islands. But I would ask Members here that if there is any excitement about a similar case to mine happening again, that this can be dismissed because there will be no other case like mine.

MR. PRESIDENT: I think if the Member is planning to speak for a little further time, this may be a convenient moment to interrupt him We have gone slightly beyond the time at which we normally suspend proceedings. So I will suspend them now for approximately fifteen minutes.

AT 11:29 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:59 A.M.

MR. PRESIDENT: Please be seated.

Continuation of the Debate on Private Member's Motion No.6/86. The Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I am sorry that I broke concentration when the adjournment came up. Anyhow I have but very little more to say, because I am sure that the subject has been thoroughly debated already this morning, and the mover is still to wind up the debate.

I would like to say Mr. President, that on the question of who sits in this Chamber, and who should not. It is entirely a matter for Legislators to decide. I must say this though, that I have always been a supporter of the view that the Legislature should consist of people who were born in these Islands, and on the basis of that view Mr. President, I remember back in the early 1970's, it could have been in 1970 I was asked by two Members of the Legislature of that day, Captain Eldon Kirkconnell and Mr. Burns Rutty if I would assist them to draft their resolution which they wanted to present to this House, and that resolution clearly was requesting the Assembly to agree that there should be an amendment to the Elections Law, and to the constitution, to allow only persons who were born in the Cayman Islands to be eligible for election to the House. Although the motion did not succeed in achieving its aims, out of the motion many good things came, one of which was the Caymanian Protection Law. So, Mr. President, there is no question about it, that I have always been ready to support that view. Mr. President, much water has passed under the bridge since those days, and I think the Legislative Assembly has fared very well in avoiding people who were not born here having a seat in the Assembly. Because as I have said before, I am perhaps the exception, and I doubt very much whether any Member here will have any problems or any fear that a similar case will bother them in the future.

Mr. President, in closing, I would say again, that it is with deep regret that the Chair has been chastised today, because as far as I am concerned, I think the Chair did its duty and did it well in maintaining discipline in this House. I hope that the strength of the Chair continues to maintain discipline here. I know Mr. President, that when things do not suit us we can make that known, and we can also make things difficult for others. But that is the case in all Parliaments, and with all that has been said about our meetings here Mr. President, past or present, I think we have one of the finest Legislatures and one of the most disciplined Legislatures throughout the Commonwealth.

Mr. President, I support the motion and I look forward to being one of the Members to re-examine the Elections Law.

Thank you very much.

MR. PRESIDENT: Does any other Member wish to speak? In that case, I will invite the mover of the motion to exercise his right of reply, if he wishes.

MR. LINFORD A. PIERSON: Thank you Mr. President.

Firstly I wish to thank all Members for their very constructive contributions to this debate, even though at times it was difficult, and I found it difficult to ascertain what matter was being debated. I found quite a bit of the debate to be somewhat irrelevant to the motion, but I understood exactly where the sentiments were coming from.

MR. LINFORD A. PIERSON (CONTINUING): The Second Elected Member from West Bay intimated or implied that perhaps I would have a long winding up. I am sorry to disappoint him, because I believe that much has already been said on this motion, and I gather from the debates that perhaps I will get the unanimous support of the House in the passage of this motion, or at least a majority.

However, Mr. President, there were a few points raised which I feel I should try to clarify. One was made by I think it was the Second Elected Member for Bodden Town, with reference to the Petition, that the Petition accused Government of gerrymandering. I would like to state that what the Petition actually said was that an amending Bill underlines all the recommendations made by the Select Committee, could have the effect of the introduction of gerrymandering. I think that this should be made specifically clear. It did not accuse the Government of gerrymandering, it said that it could have that effect.

Another point raised by the same Member, was with reference to paragraph 3(b) of the Petition, where again it was said that the Petition accused the Government of gerrymandering. What the Petition actually said was that such a system could, conceivably have a situation where election results could be predetermined through gerrymandering. So Mr. President, you will see that that is distinctly different from what was said by the Member.

Mr. President, I have noted the sentiments expressed by Members regarding their wish and hope that all Members will attend the Select Committee. I do not believe Mr. President, that after what we have seen here today, and in the past debates, that we will have too much to worry about. I believe that this is one Committee which will be attended fully.

Mr. President, mention was also made regarding the number of signatures to the Petition. I would like to clarify any misgivings which Members might have had concerning the 384 signatures which were presented to the House, out of the 737 total signatures. These were in fact checked against the election list. So there is no question Mr. President, that some of these signatures may have been signatures of children. These were signatures of all eligible voters, and people registered on the registration list. But Mr. President, to comment on this point, I believe that Members would appreciate that it would not have been possible for any one Member of this House to have gathered all the signatures which they may have wished to have gathered, because of the lack of time and because of other constraints on their time. This is one of the reasons Mr. President why it was stated specifically in the last paragraph of the Petition, that if the Members of the House were not satisfied that a majority was represented in the Petition, then perhaps an official polling of voters should be carried out. I believe that this may be a matter for us to discuss in Select Committee, if this motion is passed, that this maybe the best way to have this done, because it will be very difficult for most Members to contact all the registered voters in the Country, and also to have an official polling done, it will avoid any doubts as to the authenticity of the signatures on the Petition.

Mr. President, with reference to the comments made on the 1971 Report of Lord Asquith& Oxford, I can only say here Sir that that Report was at that time rejected, and I believe that the best forum to discuss this, would be at the Select Committee stage. I do not think we should go into a full debate, as to the pros and cons of Lord Asquith & Oxford's Report.

MR. LINFORD A. PIERSON (CONTINUING): It would seem Sir that the people of this Country should decide on whether or not we should have single Member constituencies. After all, they were responsible for the system of Government which we have here today. It has done well over the many, many years in which it has been in existance, and I find it difficult for any one individual, regardless of whether he is Lord Asquith or otherwise, to tell us within a month what is best for us in this Country. The people of this Country Mr. President, must decide on what is best for us.

On the point Mr. President, raised by one of the Members concerning paragraph 3(c) on page 6 of the Report made by the last Select Committee on a point of consequential amendments to the Law. I too Mr. President, took the liberty of checking out the meaning of this word, and to confim in my mind that I had the right definition. It says Mr. President that it means an effect or result, and it would seem to me Sir that this consequential amendment to the Law would have been one resulting from something which had already occurred, and it would not have been bringing new issues, but would have been based on something which had happened before. But this is a technical matter Mr. President, and here again this is a matter which we can resolve in the Select Committee stage.

Also Mr. President, mention was made regarding one of the Members position on your ruling Sir. I feel since I was that Member who made the reference, that I would support your ruling and I did not see it as a matter of double standards in this House. I stand here to support that. What your ruling on this motion can not by the wildest stretch of the imagination be regarded as double standards. I know, as has been said, the Chair was subjected to an amount of chastisement this morning, but I think that in this partiaular issue it is unwarranted, and Mr. President I stand in support of what I have said. These two issues are distinctly separate issues, and I believe that most Members understand this.

I also said Mr. President in my debate on the Point of Order, that I did not feel that any mention would have been made of Roberts Rules had the motion on the taxes been allowed. Mr. President, my position on this has not been altered, I still feel that way, but I will not make any further comments on it. When I referred Mr. President to intimidation in this House, I did not level this at any particular individual, because as the Hansards of this House will show, I myself have had differences of opinion in this House. But I feel Sir, regardless of this, that due respect must at all times be shown to the Chair, and the intimidation can come from any side of the House.

One Member made a remark about other Members being wet behind the ears. Mr. President this is true, but I hear a lot of Members in this House saying that they have been here for 15 years, 20 years and so on. But exmerience is not necessarily as a result of the number of years one has spent in any particular organisation or even been born. One can have a situation where six months or a year is multiplied by the time of the years one has been in operation or have been alive. So one can have somebody who has been in a position for fifty per cent of the time, perhaps being more knowledgeable in that position, but I will not follow this up because I do not think the Member was referring to me.

Mr. President, one Member, and I do not know whether he was supportive of single Member constituencies or not, because he seemed to have supported the idea, but at the same time he said he was rejecting it. This Member was also concerned that there were ulterior motives to this motion.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, as the mover of this motion I think most Members know that I am straight forward. There are no ulterior motives, and I feel that we need to look into all aspects of the proposal under the proposed motion. I believe that the second paragraph of the motion will allow for the terms of reference to be expanded, to allow for various other discussions, and I believe that that is good for the Country Mr. President, because we in the Cayman Islands want to ensure that things are done in the best interests of this Country and for the people of this Country. I am not here Mr. President, to castigate foreigners, but I am one of the Caymanians who feel that anyone who sits in this Assembly should be a Caymanian. But this is a different issue Mr. President. I have seen proposed amendments on this subject from the Young Caymanian Businessmen's Association, and Mr. President perhaps during the deliberations of the Select Committee, if this motion is passed, consideration should be given to some of the points raised in this.

Mr. President, it was David Butler who said in his missive on democracy at the polls that an electoral system is a means of translating the popular will into an elected Assembly. The nature Mr. President of the electoral system adopted by democratic countries, varies tremendously, and can be based on the single Member constituency principle, majority principle, proportional or semi-proportional representation et cetera. All of these numerous variants Mr. President have their advantages and disadvantages. A system Mr. President which is good for one country, or a particular culture, may not necessarily be suitable for another of the same identical demographic and geographical proportions. Mr. President, the establishment of constituency boundries is one of the most fundamental elements of the electoral system in a Parliamentary democracy. The major and specific issue before us is whether or not multi-Member constituencies should be replaced by single Member constituencies, and the wisdom and the rationale behind the introduction of single Member constituencies. Also Mr. President, the inherent dangers in a small country such as the Cayman Islands. Mr. President there are many factors which must be taken into consideration in determining constituency boundries. A major one being equality among the constituents. While in principle Mr. President the one man one vote is adopted in certain countries, as I have said, it does not necessarily mean that what is good for one country is good for another. If one took all possible variants Mr. President into account, under the principle of proportional representation for example, we could conceivably have a situation occurring in George Town for example, where it was seen to be necessary to establish seven or eight seats as it would be in West Bay, when we compared this area or this constituency with say one of the single Member constituencies like North Side, which is perhaps the smallest one within the Cayman Islands. A major fact Mr. President which must be considered is equality amongst the constituents. One must consider the geographical size and the population density of the various constituencies.

A major factor Mr. President, is the one man one vote system in single Member constituencies and the inherent danger of gerrymandering. We have heard much said about gerrymandering, and I believe Sir that more has been said on this since my time here in this Assembly from November 1984, and since the introduction of this motion and the Petition than ever before, and this is because this matter might have then been highlighted, and I do not believe that we have had the question of single Member constituencies before now. But Mr. President, I have had the experience of travelling to many of our Caribbean Islands, and I have seen the dangers of gerrymandering in many of those islands.

MR. LINFORD A. PIERSON (CONTINUING): I have seen the leaders of Government change electoral boundries overnight to suit their own purpose, Mr. President, this is one of the dangers of playing around with electoral boundries. Mr. President, we cannot also ignore the possible social ill effects. But Mr. President, as I have said, many of the issues which may arise under this motion, and will no doubt be discussed in the Select Committee have been aired here today, and I believe Sir that the Members will give this Committee their full support. That the Members will also support this motion so that we can again look at this very important subject. The subject Mr. President of our Elections Law is perhaps one of the most important to us as Legislators, and I believe that it cannot be skimmed over, it must be looked into in great detail, and I believe that the wishes of the people must be looked at closely. I believe Mr. President, as I have said earlier, that in order for us to satisfy all Members of this House that an official polling will be necessary, because each Member with his own individual views will indeed try to influence the electorate to his way of thinking. This is only natural.

Mr. President, in closing, may I again thank each Member for the contribution which they have made to this motion, and I would ask for their full support in voting for the motion.

Thank you Mr. President.

MR. PRESIDENT: The motion before the House is Private Member;s Motion NO.6/86 dealing with the appointment of a Select Committee of the whole House to reconsider proposed changes to the Elections Law, 1983. The terms of the motion were read out by the mover at the time he moved it.

QUESTION PUT: AYES

MR. PRESIDENT: I think the ayes have it.

MR. W. McKEEVA BUSH: Can we have a division Mr. President.

MR. PRESIDENT: Certainly.

DIVISION
NO. 11/86

AYES	NOES
Hon. Dennis H. Foster	
Hon. Michael J. Bradley	
Hon. Thomas C. Jefferson	
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Hon. Vassel G. Johnson	
Mr. W. McKeeva Bush	
Mrs. Daphne L. Orrett	
Mr. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	
Mr. G. Haig Bodden	
Mr. D. Ezzard Miller	
13	0

MR. PRESIDENT: I declare the motion carried.

AGREED: PRIVATE MEMBER'S MOTION NO.6/86 PASSED.

STANDING ORDER 69(2)
NOMINATION OF CHAIRMAN FOR SELECT COMMITTEE OF THE WHOLE HOUSE
(RE: PRIVATE MEMBER'S MOTION NO.6/86)

MR. PRESIDENT: Standing Order 69(2) provides for me to nominate the Chairman of any Select Committee which is appointed. Despite his reluctance or his disclaimer, I think that Members might wish me to ask the Honourable Second Official Member again to Chair the Committee, having Chaired the last one.

MR. W. McKEEVA BUSH: Is he going to come to the Meetings Sir.

MR. PRESIDENT: I am sorry.

MR. W. McKEEVA BUSH: Is he going to come to the Meetings.

MR. PRESIDENT: I expect he is going to come to the Meetings, because his attendance record was remarkably good.

My recollection is that it has often been my practice to prescribe a quorum at the same time, am I correct about that. I cannot find the Standing Order which gives me the power to do so actually, nor indeed the Standing Order which provides how a quorum should be prescribed. There is a Standing Order.....

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President you should make it the whole House or not at all Sir.

MR. PRESIDENT: (LAUGHTER) I think I will leave the... Can I leave the Select Committee to determine its own quorum. There is not anything, I am sure there is not which says who prescribes what a quorum shall be. Standing Order 69 is sidelined appointment and quorum, but does not mention the word quorum afterwards. Standing Order 70(3) says in ascertaining whether there is a quorum present the Member in the Chair shall not be excluded, but nothing says, or nothing that I can find says who lays down the quorum. I shall leave the Committee to determine its own quorum.

HON. VASSEL G. JOHNSON: What if the Committee cannot raise a quorum to make decisions Mr. President?

I think that it would be quite in order to suggest that the quorum be the quorum of the House, and that is seven Members.

MR. PRESIDENT: Well, that is our normal practice certainly, perhaps it would be wiser to do that then. All right I will stick to that. That is, I think has always been our practice, seven Members.

I think we have time to start item 4(2), Private Member;s Motion No.5/86. The Second Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO.5/86
COST OF LIVING INCREASES

MR. W. McKEEVA BUSH: Mr. President, I would like to move Motion NO.5. standing in my name.

WHEREAS the retail cost of propane gas, gasoline and electricity has recently been increased;

AND WHEREAS it has been alleged that the increase was due to higher licence fees;

BE IT RESOLVED that the Government appoint a special committee to establish the facts and to report back to the Legislative Assembly.

MR. D. EZZARD MILLER: Mr. President, I beg to second the Motion.

MR. PRESIDENT: The Motion is duely moved and seconded. So Private Member's Motion No.5/86 is now open for debate, and the mover may speak to it.

MR. W. McKEEVA BUSH: Mr. President, this motion is intended to clarify and hopefully if necessary, to put right some of the suspicion and controversy which has developed in this Country since the Budget Session last year, when several fees were increased. It will be remembered Sir that I at the time did not support some of these measures because I knew that they would be passed to the consumer in a highly profiteering manner. Mr. President, rightly Government has committed itself to continue with a system of no direct taxation. This leaves Government with very limited sources of revenue, the main one being the Import Duty imposed on imported goods and services. Wherever or however this duty is imposed. Of one thing we can be sure and that is that it will ultimately be paid by the consumer. That Mr. President includes all of us. Under the system and in the absence of any kind of price control we only have to depend on competition to keep prices and costs to a minimum. I believe that it is working relatively well, working well except of course where there is no competition, where in fact there are virtual monopolies such as the propane gas. It is so easy Sir for the suppliers to take advantage of our system and earn what may very well be excessive profits. A good example Sir has been the recent flood of letters in the press in recent months in which it was demonstrated that the extra revenue imposed on the suppliers of propane gas amounted to 14 cents per cylinder. Yet the cost to the consumer was raised by two dollars. Mr. President these are the people who are crying crocodile tears for the man on the street. I fail to see in the light of the information from the supplier that the fee raise amounted to 14 cents per cylinder, how the two dollar raise per cylinder can be justified.

Mr. President, the most defenceless group in our Country today are the consumers, they stand naked to the four winds of heaven, and with nobody to protect them. The price charged to the consumer is something with regard to which the consumer has no protection whatsoever. Mr. President, fair and reasonable profits are proper. Consideration must be given to the cost to the company, but there are no explanations which could be given for this wide spread, and wide spread over the past years. The supplier in particular of the propane gas has said that the increase was levied because of the fees increased to him by Government. And fees have been increased over the years with the excuse that the cost to the supplier was rising. Well Mr. President, propane gas is very cheap in other countries.

MR. W. McKEEVA BUSH (CONTINUING): In Jamaica which has a very high cost of living index, it is in our money some 17 Dollars for a cylinder of gas. In Mexico it is some four dollars per cylinder. Now, Honourable Members should ask themselves why in the word in the Cayman Islands it has to be 38 Dollars.

Talk about the cost to him, and how much was spent by him on salaries and so on, has also been aired in certain letters. Mr. President maybe it is high time in this Country that a Price Review Board be set up, whose function would be to look into increased prices, and the case of any particular commodity as the increases are brought to the Board's attention. In other countries such a Board examines the books, the profit and loss statements and the cost accounting material of the particular industry concerned, in order to find out whether or not increased wage costs and increased costs of the materials warranted the increase which was being imposed upon the public.

Mr. President, I guess if I were to recommend such a Board, you would hear that Government would be interfering with private enterprise. But in such cases, such as the propane gas, what is there to protect the public. Mr. President I am a strong believer in free enterprise, but more than that Sir, I believe in free competitive enterprise. I do not believe that one can have free enterprise in the truest sense of the word unless there is competition. Therefore when we talk of free enterprise, the word competitive is extremely important, because enterprise cannot be free without competition.

The purpose of the Motion then Sir is to have Government appoint a Committee to look into the increases, to ensure that they are fair and just to our people, and that the tax burden is distributed as fairly as is possible under our present system. There must be some kind of policing in this Country, and Government must be the watchdog, because we have no price control, or no other kind of consumer protection. Mr. President, I know that Members have been waiting diligently on this particular motion, and so I have given them the opportunity now to say their piece. I trust though, that when the debate has ended, they will cast a 'yes' for this motion.

Thank you Sir.

MR. PRESIDENT: Does any other Member wish to speak? The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the Government accepts the motion and will appoint a special Committee to investigate the matter as requested, and will report back to this Honourable Legislative Assembly.

In reply to some of the remarks made by the mover Sir, I would like to make a few remarks. He spoke of the defenceless consumer. I would like to say Sir, that with regard to that remark, competition normally takes care of the consumer, and the prices which are charged. We have no price control here, neither do we have any wage control. The propane plant it is true, is a monopoly here. When I say monopoly it is the only plant in the Cayman Islands, but it is not a monopoly precluding others from establishing a propane plant if they so desire. So it is open to the public if they would like to establish a propane plant here.

I would also like to point out to this Honourable House that electricity is regulated and controlled by a licence between Caribbean Utility Company Limited and Government. There was an increase of one and a half per cent in the basic price to the consumer, which amounted to an increase of 59 cents for consumers using 250 kilowatt hours per month.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): There was an increase of $1.07 for consumers using up to 500 kilowatt hours per month, and consumers using 1,000 kilowatt hours, there was an increase of $2.02.

I have Mr. President, a letter here from the Managing Director of Caribbean Utilities Company Limited, stating that he was applying to the Financial Secretary to allow the Company to alter the fuel factor. This alteration Mr. President, in the fuel factor will mean a reduction in consumer billings which as predicted, will be reflected in the April billings. This reduction will more than offset the increase in the base rate. There will be a savings to consumers using 250 kilowatt hours of 86 cents per month. To consumers using 50 kilowatt hours there will be a savings of $1.72 per month, and consumers using 1,000 kilowatt hours per month, there will be a saving of $3.44 per month. The impact of the fall in fuel prices, as I have said before, will start in the April billing, and as the Members will readily see, the savings in the fuel factor will more than offset the increase in the base price.

Mr. President, I see no problem in complying with the request of this motion, and I will gladly welcome it, and will assist the Members in every way possible to get the information which they have sought in this motion, and we will bring back a Report to this Legislative Assembly.

I support the motion Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I oppose this motion and am not a bit surprised that the Government has jumped to support it. In a similar fashion, to the way in which they jumped to support the one about the Elections Law.

MR. PRESIDENT: I wonder, without wishing to inconvenience the Member, if he is going to speak at some length probably it would be advisable that we take lunch. If he was only going to be a minute or two...

MR. G. HAIG BODDEN: Sir, I shall be speaking for a considerable time.

MR. PRESIDENT: So I suspected. In that case perhaps before you get into the full flow of your discourse, let us suspend proceedings until approximately two fifteen.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:21 P.M.

MR. PRESIDENT: Please be seated.

Resumption of the debate on Private Member's Motion No.5/86, dealing with cost of living increases. The Second Elected Member for Bodden Town had just begun speaking.

MR. G. HAIG BODDEN: Mr. President, I feel there is no need to set up a Committee in order to establish the facts which are alleged in this motion. The motion says that it has been alleged that the increase in the price of propane, gasoline and electricity has been due to higher licence fees.

MR. G. HAIG BODDEN (CONTINUING): If I were not in the Legislative Assembly I would have laughed at this motion, because it is ludicrous. The whole of the Cayman Islands know the reason for their increases in the prices of these products, and it is time that the Legislative Assembly accepts the fact that the Assembly together with the Executive Council caused many of these increases.

Only a couple of weeks ago, on the front page of the newpaper there was an item which stated that the cost of living index had gone up in these Islands. This should be no surprise. The present Government has been working very hard to send up the cost of living index in these Islands. Ever since the November 1984 Election many of the actions of Government resulted in increased costs to the local people. Economic growth starting from the very first meeting in 1984, there was one in November and one in December, and then throughout 1985, and in many of the meetings of Executive Council in addition to those, Government ruthlessly and continuously increased taxation on this Country. No one will ever know the extent of these taxes, but in the Budget Session there were many millions of dollars. Taxes had been increased in every area that it was possible to increase, and the result which follows from increased taxation has to be inflation, because of the nature of our indirect taxes on consumer goods.

When Government increased the Import Duty on gasoline it must have known that the price of gasoline would rise. When Government agreed with Caribbean Utilities to collect from them duty on diesel oil which had previously been exempt, they must have known that the cost of diesel oil would go up, and would naturally affect the fuel escalation clause. When Government agreed with CUC to charge them Import Duty on items which had hitherto been exempt, Government must have known that the price of electricity would rise, or that if the price of electricity fell it would be because the world price of oil had fallen, & that the price of electricity would have fallen much lower had not the Government imposed Import Duty.

So we do not need any Committee to tell us this, we only need common sense, and a look at Government's position. When Government imposed increased taxation on business licences for bulk fuel plants they must have known that someone would have to pay. What alarms me Sir, is that the Members who have presented this motion were strong supporters of those increases.

MR. W. McKEEVA BUSH: The Member is misleading the House.

MR. G. HAIG BODDEN: And one of them even went as far as to say that the price could have gone even higher on the propane plant. Certainly, any sensible person would know that somebody has to pay for these increased prices. When Government increased the price on the garbage fees which are to be paid by these businesses, Government must have known or should have known that someone would have to pay those increases, and that the increases would eventually trickle down to the consumer. When Government increased the stamp duty measure which was fully supported by the Second Elected Member for West Bay, Government must have known that those increased taxes under the Stamp Duty Law....

MR. W. McKEEVA BUSH: On a Point of Order Mr. President...

MR. G. HAIG BODDEN: Would be.....

MR. PRESIDENT: Is this not a Point of Order. If it is not a Point of Order I will stop him, but you must give way.

MR. W. McKEEVA BUSH: Mr. President, the Member is not dealing with something which is relevant to the motion before the House.

MR. PRESIDENT: I have taken your Point of Order. I think its relevancy is remote, but I think that it is reasonable, and I will allow him to continue.

MR. W. McKEEVA BUSH: Yes Sir, as long as you give me the same latitude Sir, and do not stop me mid way through my speech.

MR. PRESIDENT: Order, order. The Member knows that he gets plenty of latitude.

MR. G. HAIG BODDEN: Mr. President, I know you understand my speech, and hopefully other Members do as well. But for the benefit of the Second Elected Member of West Bay who does not comprehend what I am saying, the relevance of this line of argument is that increased taxation on businesses ultimately result in increased prices to the consumer on the goods which are produced or delivered by those businesses.

So the motion today should not have been to set up a Committee to establish the facts concerning the increase, but it should have been to examine Government's fiscal policy of taxation, which is inflationary and has resulted in these increases. If I had been a Member who had supported the many taxes put forward since November 1984, I too would welcome this motion, because it shifts the spotlight from the Government to the businessman, or the business firms. This motion tries to change the focus which should be on Government's action since 1984, to the poor unfortunate businessman, or firm which is now the victim of Government's harsh tax measures.

I have mentioned before that one of my favourite comic characters is a little guy called 'Pogo', and he once said that we have found the enemy and the enemy is us. We know the cause of these increases. Why not tell the public that the increased prices which we now have, not only on these items but in all other areas concerning consumer goods, have been caused by Government's policy which was to let the public pay, as was written out in the Budget Address in March, when the Honourable Financial Secretary said that the public would be asked to contribute something towards Governments revenue.

This motion is an insult to the integrity of honest businessmen in this Country, who have invested their capital over the years, who have toiled long hours far in excess of eight hours a day to provide the services of which this Country is so proud. The motion is filled with suspicion and controversy.

Already it has been pointed out in this debate that the three areas mentioned, do enjoy monopolistic positions, and I know that in a free enterprise system the best situation for the consumer is one where there is fair and adequate competition. On the other side, on the other extreme is the situation where there is a monopoly. However, not all monopolies are bad, and in fact some of them are very necessary. For example, our local telephone system could not operate because of technical reasons in any other situation than in a pure monopolistic position. The production of electricity in a small community cannot operate efficiently unless the company has a monopolistic position. We are now reaping certain benefits because Caribbean Utilities now has increased demandfor their services, and as a result, they are able to buy larger generators which produce the electricity more efficiently and at less cost, and this is only possible because they are in a monopolistic position.

MR. G. HAIG BODDEN (CONTINUING): If we had three or four other companies around these Islands selling electricity, we would not have a better service. We would probably have no service at all, and we would probably be paying a lot more for it.

So, in some businesses monopolies are inevitable. Electricity, gas, water, telephones and any competition in some of these areas would be nothing but wasteful duplication of effort. So it is necessary that in certain special areas a certain degree of security is provided by the firm being in a monopolistic position.

Now let us examine the three areas which have been complained of in the motion. In the case of electricity supplied by Caribbean Utilities, while it is true that they have a monopoly, they are also to a great degree controlled by a Government franchise, a franchise which protects them against competition and a franchise which protects the consumer against unfair prices. Their present franchise is in my opinion, in the best condition it has ever been in, and when I say that I mean that the public has some assurance that the Government will see to it that the company charges a fair price, and the company itself will have a protection against competition. This is necessary because there are places where electricity is supplied by different producers of electricity, but I do not think that any of them fare any better than in our little Islands where we have a single producer. Here the market is too small to support more than one firm. Similarly the Cayman Islands are so small, we may find that in one little town there might not be room for more than one movie theatre. So an item like electricity which requires substantial initial investment in capital, we cannot criticise them because of their monopoly position. We should rather appreciate the benefits which come from a monopoly in this particular instance.

Now in other goods such as the sale of food and clothing and small items it is good to have competition. But in particular services such as the telephone, where high technology is demanded and where equipment is expensive and out dated sometimes within a few years, it is necessary to have monopolies. So while electricity here is produced under a monopoly situation, we have to remember that being in a monopolistic position does not always guarantee the earning of monopolistic profits. It is not because only one person is selling coca cola or pepsi cola or heineken beer, that that person can mark his prices and receive whatever profit he wants. So the price which CUC receives depends on factors which may not be evident unless one has studied it for some time. Nevertheless, they are real factors. The price depends on the demand for the service. If the price of electricity is too high, people just cannot buy it. They will pay small increases, and perhaps even substantial increases sometimes, but they will never pay what is unreasonable. They will find other means of existance. If we look at the sale of gasoline in these Islands, we find the same situation. Everyone knows that no country in the world consumed as much gasoline as the United States until the Arabs imposed their oil embargo, and that country had to take matters in hand...And where the prices of oil had been going up rapidly they had to find means of combatting the price increases which they did by getting their reserves at home which could now be mined in a competitive fashion with the imported oil. They had to get smaller cars and so on. They had to go back to using less efficient.....

MR. PRESIDENT: I think the Member knows that really he is straying a bit. I was doubtful whether he was relevant several times. I have given him the benefit of the doubt so far, but a lecture on the oil industry may take us a bit.....

MR. G. HAIG BODDEN: All right. Mr. President, I simply want to make the point that Members referred to these industries as enjoying a monopoly situation. I gathered from the two Members who have spoken so far on the Bill, and probably from others who may come, to whom I will not be able to reply, that they felt because propane gas is sold by one person, or gasoline by two people, or electricity by one firm, that monopolies are bad for the Country. I am trying to answer that question, and thus let them see some of the virtues of monopolies. Of course, until I spoke, some of the Members did not know that there were any virtues at all in monopolistic positions. But I cannot help what they do not know. But I will not push that subject any more, there is so much more to talk about. (LAUGHTER).

The gasoline which is complained of here is sold by two firms, and no one can really claim to have a monopoly. However, we know that firms in this position can be in collusion and fix their prices so that the consumer pays them both the same price. This is much better than trying to cut the throats of each other, in which case, neither one might make a profit.

Finally, I would like to touch on propane, which has been complained of so bitterly, and which has been the subject of letters in the newspaper. The propane business in these Islands does not have the advantage of a Government franchise, neither does the bulk gasoline nor the diesel fuels, which means, that there is nothing to preclude any other entrepreneur from entering the propane business. But what is forbidden in that business is the high capital cost of setting up the plant, and not only the high capital cost of setting up the plant but the high cost of distribution of the product on the local market. Now I have seen letters on the subject with which we are dealing recently, which were utter nonsense. Some of these letters said that Government action would result in an increase of 11 cents a cylinder of propane, and the price of propane had risen by two dollars per cylinder. What has happened is that the people who arrived at those erroneous figures only mentioned one item and one of the factors in the total cost to the producer of the propane: only mentioned one cost which had been increased by Government. They did not mention that the entire cost of living index had gone up, which would affect him in every area. That the truck which he drives to deliver his propane he would have to pay a hundred odd dollars a year in increased taxes. None of this had been mentioned. They did not mention that his garbage fees had gone up, they did not mention that if he had to fly in a part by air, the air freight had gone up because Government had imposed duties; they have forgotten all of this. That is why, in a sense, although as ludicrous as this motion seems, I am glad it has given me an opportunity to remind the public that these are not the only areas where you will see increases. One is going to find increases in every item in the supermarket, and in fact, there is going to be a big increase in CUC rates next year when they begin to feel the affect of paying Import Duties on expensive pieces of equipment. We will not feel that this year, because the Government has announced that it gave them an exemption on the plants which they have already agreed to purchase. But, one is going to feel it, and of course, if the price of oil on the world market goes the other way, one will also feel a pinch from that.

Now this motion asks that Government appoint a special Committee. I am glad that it did not ask to appoint a Select Committee, because under our Standing Orders a Select Committee has the power to call witnesses, to send for persons, papers and records, and I am glad the motion reads 'a special Committee'. Because, had they requested a Select Committee we would have been treading on very dangerous ground.

MR. G. HAIG BODDEN (CONTINUING): Because of the confidential nature of bussiness in a tax haven, I feel it would be wrong for this Committee to examine the books of CUC and the books of Captain Theo and the books of Esso and the books of Texaco. So this Committee hopefully will not have the power of a Select Committee which can order the production of records. Being a Special Committee to establish the facts I cannot see how this Committee will be able to establish the facts when they cannot demand the books of the people whom they are going to investigate. In fact, this will be a very impotent Committee. It will be a Committee with no power other than to go out and talk amongst themselves and come back with a Report which may say, or may not say that they have proved the allegation in the "WHEREAS" Section of the Report, or they have been unable to prove it.

I would make another suggestion. If the House does agree, and I am trusting that it will not, but if it does agree to the setting up of this Committee, that the Committee will be comprised of the two Members who brought the motion.

I give notice that I will not serve on this special Committee.

It is peculiar that only three items have been singled out for the type of treatment which this motion sets out to give. When, as I mentioned earlier, the entire cost of living index is up and is getting higher. Why not a Committee to examine why the price of goods brought in by air have risen since Government put on the tax on the freight? Why not set up a Committee to investigate all consumer items? Are they afraid that the Committee would find that Government has been responsible not only for the increases in propane, gasoline and electricity, but in every consumer item? If Members care to search the records, they will find that I for one predicted this inflationary spiral which we now have, and if Government's policies continue unchecked and unchanged, we will find that the next time the Honourable Financial Secretary publishes a Release on the cost of living index, that it will be up again.

In conclusion Mr. President, I would just like to say that I sympathise with the Members who brought the motion, even if they get it passed, because, they have made statements in this House which show that they are strong supporters of the Government in some of their tax measures. Just let me quote from a speech made by the Second Elected Member from West Bay. He said that the extra five cents on cheques I believe would put no burden on anyone, and he goes on to say about another tax, that it could not affect locals rich or poor.....

MR. W. McKEEVA BUSH: Finish reading it....

MR. G. HAIG BODDEN: And the Member for North Side said:

> 'Now Mr. President, much has been made of the argument that the revenue bills are going to affect these unfortunate people so terribly'.

But Sir, any Government can but deliver to its people that which it got from its people. On the same day the Member went on to say :

> 'The fact is that when a banking licence goes up my banking charges go up. When my banking charges go up as a merchant (notice that word), as a merchant in this company the prices in my store go up. When the prices in my store go up, the little man has to pay more for the goods, which he buys from my store. So it all winds up on the little man'.

MR. G. HAIG BODDEN (CONTINUING): So he admits that Governments inflationary tax measures will increase the cost to the consumer. The Second Elected Member from West Bay said on another day:

> 'I cannot see what great amount of hardship will be put on the people. I do not believe the populace would quibble about a few cents'.

So, if this is their philosophy, when the tax measures are being imposed, it follows naturally that they support the tax measures. But when the reaction comes from the tax measures in putting up the cost of living index, or increasing the price of electricity, or increasing the price of propane, or increasing the price of gasoline, or increasing the price of diesel they then bring a motion to find out why. I think they need that motion, because they know why.

MR. PRESIDENT: Does any other Member wish to speak? The Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I would like to take this opportunity to congratulate the Second Elected Member for Bodden Town for his extensive lecture in economics, in which he demonstrated his lack of knowledge about economics.

Mr. President, what I said before in this House I am not ashamed of. I was being honest Sir. It is the Unity Team which in years gone by has been increasing taxes to the people through banking licenses and increased company fees, and telling everyone that it was not going to affect the little man. Not me, I said it was going to affect the little man and it has. They have been saying for years that it was not going to affect the little man.

Mr. President, in the Member's great dissertation about the world market of petroleum products, he has neglected to mention the one, single most important part of this issue, and that is that all the other petroleum related products being gasoline and electricity, and because of the world market situation in petroleum products, have been reduced in spite of and even with Governments increases in all these fields. But in this one instance of propane gas, a known stalwart, a flag carrier of the Unity Team The price has been inflated out of proportion to all costs in relation to Government fees, by that marked person Mr. Theo Bodden (because I have not seen his Captains Licence), has admitted in the public press, in terms of the quantity which he has imported into this Country. They are not my figures Sir. I did not manufacture them. He published them, if they are wrong, he published them.

Mr. President, I have no apologies about bringing this motion concerning propane gas, gasoline and electricity. I agree that if we were putting the motion into words today, we would probably have left out gasoline and electricity, because both of them have seen a reduction in price since this motion was worded, but certainly, that is not the case with propane gas.

Mr. President, let us not kid ourselves. There are honest merchants in this Country who price their products accordingly. But Mr. President, we have our share of those unscrupulous ones. Those who since the Government increased its fees, are now charging a dollar for three slices of fried bacon, because prior to the 31st December we could get two eggs, two slices of bread and three pieces of bacon for $2.89, and after the 1st January one only gets the two eggs and the two slices of bread for the $2.89. If one wants the three slices of fat bacon one has to pay an extra dollar. This is the kind of thing which needs to be investigated, and he is another Unity Team supporter. He is another flag carrier of the Unity Team.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, in cases like this where monopolies exist as in propane gas, I will agree, it is not controlled through a licence by a monopoly, but there are certain restrictions. I think it is the only company which supplies bulk propane et cetera. Why does only one company have it? In cases like this Sir, with products such as these, which are consumed by everyone on these Islands in some form or another, and when this type of outlandish profiteering is passed on to the consumer, I feel that Government has a responsibility to investigate it, and to find out what is going on. Because Sir, propane is a waste gas of a refinery, and if those products which are being refined through the process are going down in price, certainly the waste product should go down even further in price.

Mr. President, what my recommendation to the consumers in this Country would be, is to boycott propane gas, buy electric stoves until the price goes down. Then we do not have any competition amongst the suppliers Sir, so the consumers in this instance can take the bull by the horns, buy electric stoves and keep the propane stored up there, then the price will go down.

MR. PRESIDENT: I am not sure that reference to boycotts is any more relevant than tours of oil producing countries, and the other matters which I spoke to the Second Elected Member for Bodden Town about. So, if you could come back to the motion.

MR. D. EZZARD MILLER: Mr. President, this motion asks Government to establish a Committee to look into the reasons why this price increase, and it is not me Sir who said that a price increase was due to Government fees. That is what they claim, and that is why we are asking Government to investigate and see if that is the reason why, or is it just being used as an excuse.

Mr. President, I support the motion and I trust that Government will bring a Report back in May as to why the price of propane gas, the one petroleum product which is increasing in cost to the consumers of this Country, while all the other petroleum products are decreasing in cost to the consumer.

I support the motion.

MR. PRESIDENT: Does any other Member wish to speak? The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I had hoped to allow this motion to pass without speaking Sir; but I am now compelled to speak, after the Second Elected Member for Bodden Town has spoken, to clear up a few areas in which, in my opinion, the public might be misled and in others where he was not specific.

The cost of living index Mr. President, published by the Financial Secretary gave an increase of half of one per cent on the September to December quarter. Car licences and business licences were increased during that period.

The Member also said that duty imposed by Government had caused the price of gasoline to rise, and also the increase in the licence fees on the bulk distributors of gasoline and diesel. The fact is Mr. President, no price rise registered on the meters other than the five cents which Government put on gasoline, and of course, gasoline has since been reduced in price to the consumer by I think it is, 19 cents inclusive of course of the five cents which Government put on.

HON. BENSON O. EBANKS (CONTINUING): Similarly Mr. President, the price of electricity has gone down because of the reduction in the price of diesel. Mr. President when Government took these steps, there was a clear indication that world prices of petroleum products were on the decline, and would possibly fall dramatically as they have never done.

So Mr. President, Government is getting some duty which it will pass on to the public in the form of improved services and amenities, and still the public is not paying any more, but paying less for those two items.

Mr. President, for the sake of emphasis, I would repeat that a half of one per cent increase in the cost of living index between September and December 1985 was identified by the Statistics Department as being attributable to Government increases in fees mainly on vehicle registration and annual fees. So let us examine Mr. President, what this means. It means that if a person spent $100, before this they would spend an extra 50 cents. This is what it means Mr. President and it is not an enormous amount.

Mr. President, I was hoping that somewhere in the back of my mind I would have been able to remember the number of cylinders which were admitted to have been cylinders of propane gas, and which were admitted to have been imported during 1985. I do not have it, but I did calculate that $4,000 increase on the licence fee divided among the number of cylinders admitted to have been imported, amounted to 14 cents. The Second Elected Member for Bodden Town sought to say that the difference between the 14 cents and the $2.00 was the $100 a year which was placed on the truck that carried the cylinders around. Mr. President, to me it is a simple mathematical exercise. If 14 cents per cylinder yields $4,000 then the $100 on the automobile would represent .0035 of one cent per cylinder, or seven two thousandths of a cent, and Mr. President, if anybody can find it in their heart to pass that on to the public, I wonder how it could be explained.

MR. G. HAIG BODDEN: Tell them about the other charges which you have put on.

HON. BENSON O. EBANKS: Such as?

MR. G. HAIG BODDEN: Taxes on his garbage fees.

HON. BENSON O. EBANKS: Does he pay garbage fees?

MR. G. HAIG BODDEN: Every business pays.

HON. BENSON O. EBANKS: I wonder. In any event if he did, it could not amount to much , it would probably be about .000075 of a cent per cylinder. So there is no way that one can get $2.00 out of that.

Mr. President, the important thing is that the increase in other areas of consumer items by the increases which Government put on, could not amount to more than one per cent of the consumer price index over the following year, provided that the base price of all items remain the same. But Mr. President, those of us who are in business have already noticed that the initial cost of items are beginning to fall because of the reduction in the cost of petroleum products. So that the overall effect of any increases which Government might have imposed in December last year will be more than wiped out by the decrease in manufacturing costs overseas, resulting in less duty and all the rest of it. So, the Caymanian public Mr. President, in a couple of months will be smiling at the amount of extra money they have left to spend from their weekend budget.

HON. BENSON O. EBANKS (CONTINUING): As I have said, maybe there has not been a shipment of propane since the prices have begun to decrease, I am not sure, but if there has, I would have expected too to have seen a decrease in the cost of propane gas. But even without it Mr. President, I must join the Member who moved the motion, in querying how in Jamaica a cylinder of gas can sell for CI$17 when it costs CI$38 in the Cayman Islands. I think this is a question which should be asked, and should be answered.

Mr. President, I am happy to have heard the Member, the Second Elected Member for Bodden Town expounding the virtues of the monopolies which Caribbean Utilities, Cable and Wireless and to a lesser degree the oil companies enjoy. I can remember listening to him expounding the opposite view in this House. But, I am also happy to hear him say that the franchise which CUC now has is in the best condition it has ever been in, and that was the franchise signed just a few weeks ago, to which he must be referring. Mr. President, when the opportunity presents itself, we also intend to have a look at the franchises which other franchisees have in this Country. Because Mr. President, we are dealing with 20 and 25 years down the future, and we would be lacking in our duty if we did not protect the interests of future generations in these franchises. I agree Mr. President, that I could not have done a better job myself Mr. President in expounding why it is a good thing to have only one company providing electricity, one company providing telecommunications and a telephone service, and the only thing which was missed in dealing with the oil companies Mr. President, was to have said that there were three companies here at one time, but because of the small market one of them left. So there was not sufficient volume for three.

If this motion can be criticised fairly Mr. President, it is that I am sure the motion was written prior to the effects which have been seen from the decline in oil prices of petroleum products, because they have all drastically reduced.

The contribution made some time ago Mr. President, by the Member for North Side was used by the Second Elected Member for Bodden Town to try to indicate or to suggest that this Government had further raised the cost of living to the small man by the imposition of large increases in banking fees. Mr. President, it is well known and well understood and well documented, that the increased fees put on by this Government on those entities have been minimal. The drastic increases which took place were between 1976 and 1984, and while we admitted that they could have had possibly some effect, the Government from 1976 to 1984 made their followers believe that it would not have any increase at all. Now if increases of over $20,000 per licence did not affect people, I fail to see how $1,500 and $2,500 are going to do it.

So Mr. President, with those few words I support this motion.

MR. PRESIDENT: Does any other Member wish to speak? The First Elected Member for Bodden Town. Perhaps, actually before you start speaking, it might be better to take our break, so that I do not break into your speech. I had not realised how late it was getting.

I will suspend proceedings for approximately fifteen minutes.

AT 3:36 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 4:00 P.M.

MR. PRESIDENT: Please be seated.
Continuation of debate on Private Member's Motion No.5/86. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, this is a motion which probably should have been ruled out of order before it was ever presented to this House. This is supposedly a free society, this is a society where the market tends to dictate the price. To the best of my knowledge the suppliers of propane gas in this Country do not have a franchise with Government. Government is in a position to do something about price control, if Government has an agreement in the form of a franchise. But this is not true in this case. This man operates a business just like so many other people operate a business in this Country. We have no price control and we are told that the information given to the statistical arm of Government is supposedly kept under lock and key, and not for the eyes of the people of this Assembly and so forth. So how are we going about getting the information. Are we going to send the Police down and escort Captain Theo to the Government Administration Building while we apply nails under his fingertips to get him to testify as to the amount of money he makes.

If we proceed with this motion, I am hear to protect the rights of the people in every way that I can, but if we proceed with this motion in this House today, we are not doing Captain Theo Bodden and his company damage, we are doing damage to what has been sacrosanct in this Country for years, and that is the privilege to operate a business freely without controls, and I can only assume as I have gathered from the speeches of a couple of the Members in this House, that this is another case of personalities. It is another case of vindictiveness, another case of victimisation of a Unity Team supporter. They have tried to discredit and to destroy the Unity Team. They have made a shambles of the administration and the benefits, and everything which was accomplished under that administration, and now they are going into the private sector to destroy the individuals who are our supporters. I gather this from what the Members have said Mr. President, and what they have said in speeches just a few minutes ago. This is ridiculous, and this motion should have been ruled out of order.

Mr. President, the affect of increases could have had adverse affect in many areas. This is a philosophy which we have preached in this House from time to time. If one stops something here, something here is going to open. If one increases the price here to where a profit cannot be made, it is going to be tacked on over there, and this could be attributed to the many high taxes which this Government has put in force in the last two years. This may be a laughable matter when I say it, but it could have been that the heavy taxes on motor cars has affected the sale of cars in his other businesses, thus lowering his profit, and there had to be a profit made in some place to protect his investment.

One Member spoke about the terrific increases in banking licences from the year 1977 to 1984, and the adverse affect that that had on the economy, and that we had told our people that the taxes we had put on had not affected the man on the street. I told them that then, I tell them that today. If I remember correctly, the licence fee for an 'A' licence Bank in 1977 was $10,000.00. In 1984 it was $25,000.00. This is not in line with the $5,000.00 and the 500 per cent increases in taxes which we have seen levied in this House. This was more or less keeping pace with the cost of living in this Country.

MR. JAMES M. BODDEN (CONTINUING): So why make such an argument out of a $15,000.00 licence fee increase over a period of eight years, to a banking institution. Yet I heard one of the other Members argue that a hundred dollars here or there in a business would not affect the price of anything to the public. When we think about the increase which was usually put on at the rate of $2-3,000.00 a year, when that increase was spread over the millions of dollars which the banks commonly handled in the run of a year, there was no cost passed on to the people of this Country in the increase in those fees. This is ridiculous foolishness that these people will talk about. They will go to any length to discredit people. The same thing holds true as mention was made of company fees. Company fees increased a hundred dollars or so, it would be hard to figure what the cost would be on any individual item in a business. Besides, the increase which went on the companies, most of it was from people who had land holding companies from abroad, or exempt companies and so forth. It did not affect the cost of living to the average man on the street.

I see this motion Mr. President, as a usual tactic of the Members of the so called Dignity Team. The team who would give a utopia if they were successful, to this Country. But my God, we are looking in even seeing that utopia, much less reaching it. All we see is personal character assassination by the First Elected Member for West Bay, and the other movers of this motion. I have seen criticism leveled in the press, and it was only personalities against Captain Theo Bodden, a senior citizen of this Country. It is true Captain Bodden like many other Caymanians may have accumulated some wealth, but in doing so he has also done a lot for this Country. He has spent a lot of his own time working freely for many, many years with the Mosquito Research Unit. He helped build and provide the money for the Hell Post Office in West Bay. He has had a long involvement with the cruise ships. I know some of the Members will be quick to say that he got paid for it, and I am sure he did. But if we did not have the cruise ships anchoring every day in this port, this Country would be losing a lot of money, and he has also helped us over the years to bury our dead. Why this vindictiveness, it is hard to understand Mr. President.

One Member spoke about the Unity Team's flag carrier, where he had lost his bacon. I do not know who the owner of the restaurant is. I do not know why he has let the Elected Member for North Side lose his bacon, but as many restaurants as have been opened under the Dignity Team, and since they have thrown the gates wide open under the Liquor Law, I do not see where there will be any shortage of him finding a restaurant which will serve him bacon, and maybe give him an extra strip of bacon if he wants it. I hate to even have to reply to something like this in this House, but it does get ridiculous to hear this type of foolishness. I do not know whether that particular restaurant owner is now charging a dollar for three strips of bacon, where he gave it away before, because he is having to pay two dollars more for a cylinder of gas. I do not know if that is the reason why the argument was brought in, or not, but it was quite irrelevant.

We have heard the accusation of profiteering. Mr. President and Members of this House, may I ask you what is the profit being earned in the pharmacies of this Country? Do we have control over it? I am sure we do not, and people have to buy medicine. They can go without their propane gas, they can go back to the caboose if they have to, but if they need their medicine they have to buy it, and yet no one has moved a motion in this House to tie the hands of free enterprise by saying 'lets investigate the pharmacies and see what their rate of profit is'.

MR. JAMES M. BODDEN (CONTINUING): One Member spoke about the price of gasoline, and that it has been reduced 19 cents. But may I remind him that if it had not been for the increase in taxes under this Administration, it would have decreased 24 cents, because the increase is roughly about five cents a gallon, according to what I have heard in this House. So they cannot cover what has been done, because we were lucky enough that the oil prices worldwide went down. Caribbean Utility rates would have decreased tremendously if the new taxes were not levied on them.

The First Elected Member for West Bay spoke about the Cayman people smiling in a couple of months. It would be the first time since November 1984 that they will have smiled, if they are going to smile in a couple of months, and I hope they will be able to smile. The Member said they would be smiling about the extra money left after spending. I am going to ask that particular Member and the other Members of this House, how will they be able to smile after spending, when most of them have no work, and they have no money; what are they going to smile about - poverty?

I see from the delivery given by the First Elected Member for West Bay that we have been given a warning, and I imagine that we can expect another heavy fee to be levied against the telephone company and the water company, because they are the only two other companies which have franchises with Government **that** I know of. If we are going to increase the telephone bills any more than they have been, we might just as well shoot down the satellite.

Mr. President, I will apologise for some of my speech, because it is not the type of thing which should be debated in this House. But this motion should never have been allowed to come to the House, because it infringes on the rights of free enterprise.

MR. PRESIDENT: Does any other Member wish to speak? In that case does the mover of the motion wish to exercise his right to reply.

MR. W. McKEEVA BUSH: Mr. President, I had hoped that there might have been a more responsible attitude on the part of the opposition, but I knew there would be opposition. But instead, they have come here to protect their political allies. They are good politicians, so I guess they are allowed to do that, they have done so over the many years I have been in public life. But, the main opposition to this motion came as is usual, like all the other motions I have brought to this House, from the two Elected Members from Bodden Town.

Mr. President, I have brought some ten motions to this Honourable House. Motions which will do a lot of good for this Country, and they have not seen fit to support them, and in turn, they have degraded me to the lowest, and yet they stand up and talk about political victimisation of their Unity Team members. Mr. President, I will forget all about what they have said, it is their usual rhetoric. I am not going to reply to their foolishness, but I do have something to lay down here, and I trust that when we reach four thirty, Standing Orders will be suspended in order for us to finish the work here this evening.

The Second Elected Member for Bodden Town stood and argued against himself, and argued against everything which he has been expounding over the last couple of months, **when he** was screaming about the cost of electricity, screaming about the cost of gasoline. He even walked out in December and would not even debate the Budget. Now he has come back and is now expounding the virtues of a CUC monopoly.

MR. W. McKEEVA BUSH (CONTINUING): One does have to wonder about him sometimes; a Jekyll and Hyde. On one occasion he is one thing and on another occasion he is something else....

MR. G. HAIG BODDEN: But a fool does not change.

MR. W. McKEEVA BUSH: I am glad to see that you have changed then.

MR. G. HAIG BODDEN: It shows that you have not changed.

MR. W. McKEEVA BUSH: You bet.

MR. PRESIDENT: Order, order.

MR. W. McKEEVA BUSH: Mr. President.....

MR. PRESIDENT: Members should address the Chair.

MR. W. McKEEVA BUSH: Mr. President, I have not changed my position from November, and I am not a fool, but he would not read that speech to you.

Let us look at the Member's rational for opposing this motion. It is ludicrous he said, and ludicrous the dictionary tells me means foolishly, funny, laughable. Mr. President, let us examine his motion on CUC and see which is the most foolish. He went on to expound the virtues of all monopolies in the world, even those in communist countries. I am not so much against monopolies Mr. President, what I am against, and I stated it in November or in December of last year. What I stood against then, I stand against today, and I will continue to stand agnst it. I stand aginst the way in which these monopolies continue to impose unjustified and unwarranted increases in cost to the man on the street. This is what I stood against and it is what I still stand against. My motion seeks to ask Government to examine the situation. His motion sought to ask Government to let CUC continue as it has over the years, bringing everything in and not paying Government anything. So what happens, the public is deprived of money which could be well spent on services to the people. I will come to some of these later on.

Mr. President, using figures supplied by the Propane Gas Company itself, the increase in licencing fees for this Company amounted to only 14 cents per cylinder of gas, which is sold to the public. These figures cannot be disputed, and I believe that it is high time for us to look at this situation, and Government must do it in the absence of price controls or any other form of protection which is not available to the public. That licence fee which Government increased by the equivalent of 14 cents a cylinder, in my estimation, was only an attempt by the Government to get back a little of the huge profit which this Company is making from the people who buy from them. According to the figures published by the Company, the Propane Gas Company has an over 90 per cent markup on a tank of gas. This amounts to about $18.00 profit on each cylinder of gas. Mr. President, tell me today, does that sound to you as if they are being hurt, that they are being victimised; victimised by whom, hurt by whom? Does it sound as if they are concerned about the people, when they increase the price to the public on that same cylinder of gas, by two dollars. Mr. President, Government must have revenue to meet the increasing demand for better schools, for better hospitalisation and better social programmes, but the people who have made and are making large profits in this Country, are the same people who are crying crocodile tears for the little man: they do not care about the little man.

MR. W. McKEEVA BUSH (CONTINUING): After all Mr. President, they do not need the services in this Country. They can, and they do fly their sick overseas. They send their children to private boarding schools and they really have no need for these services which Government must provide for the people. So you see the noise is not for the benefit of the people, it is only made because the new Government has made that particular Unity Team supporter pay. Mr. President, this is what has happened over the many years. Their supporters have got away, the big supporters the ones who wind up the little man and sends him on his way to campaign against this particular Government. I am talking about the big ones, the important ones. What has happened down through the years, is that the previous Government took off the duty on chicken, they took off the duty on potatoes, they took off duty on every item on which they could take off duty, and who got the benefit? I wish that the Member from Bodden Town had gone just a little bit further in explaining these things, but he knows when to stop, that is one good thing about the Member. This Mr. President, has been the mentality of those people. Government took off duty, or put on in this instance, duty on cigarettes and before the new shipment came in the duty had been added and who was responsible for that - their big supporter, their big supporter.

Mr. President, it is time that our people be taken care of. All they were concerned with, and when I say they I mean the previous Government. All they were concerned with was pacifying the little man, telling him "You see what we have done for you, we took the duty off chicken". And what happened, the price was never passed on to him, it was increased in some instances. So they fooled the man, making him believe that they were doing such a great job for him, and now they are screaming victimisation, they say. Mr. President, this is one Member who cannot victimise anybody. I have been more kind to Unity Team supporters than maybe I have been to my own.

Mr. President, the Second Elected Member for Bodden Town says that we are tying the hands of free enterprise, and infringing on the free enterprise system. Mr. President, I do not know how he never did it, but he intended to certainly. If one lookes at one of his manifestoes which asks for price controls, I wonder why they did not institute it. They were always able to fool the people with their little chicken and potato laws, and where the people received no benefit.

I have been against, and I will continue to be against these high profiteering people Mr. President.

Mr. President.....

SUSPENSION OF STANDING ORDER 10(2)

HON. DENNIS H. FOSTER: Mr. President, in accordance with Standing Order 83 I would like to move that Standing Order 10(2) be suspended so that we can finish the Business of the House this evening Sir.

MR. PRESIDENT: If the Member really intends to speak for some further time we will need to. I make it about two minutes to go, and I thought he was going to finish.

MR. W. McKEEVA BUSH: I really do not know how long I will take Sir. I have quite a few notes.

MR. PRESIDENT: Well in that case, perhaps we had better put the motion which the Honourable First Official Member has just moved, that Standing Orders be suspended in order to enable the Business to be completed tonight.

Does any Member wish to speak to that?

MR. G. HAIG BODDEN: Mr. President, I have to oppose the suspension of these Standing Orders because everyone knows that I have advertised a meeting in Savannah tonight, and it is necessary to make arrangements for it. I did not expect that this request for a suspension would have arisen, and I therefore must leave. So I personally cannot support the motion.

MR. PRESIDENT: Does any other Member wish to speak? I will put the question.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: I think the ayes have it.

MR. G. HAIG BODDEN: Mr. President may I have a division please.

MR. W. McKEEVA BUSH: Wasting time.

MR. PRESIDENT: Yes of course you may.

DIVISION NO. 12/86

AYES	NOES
Hon. Dennis H. Foster	Mr. G. Haig Bodden
Hon. Michael J. Bradley	
Hon. Thomas C. Jefferson	
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Mr. W. McKeeva Bush	
Mrs. Daphne L. Orrett	
Mr. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
11	1

MR. PRESIDENT: I declare the motion carried. Standing Orders have been suspended in order to enable the Second Elected Member for West Bay to complete his speech, and indeed, to enable the Assembly to complete their Business tonight.

AGREED BY MAJORITY: STANDING ORDER 10(2) SUSPENDED TO ENABLE THE BUSINESS OF THE HOUSE TO BE COMPLETED

I hope the Member will not take that as an encouragement to speak too long.

MR. W. McKEEVA BUSH: Mr. President, I want to thank the House for extending its time. I can assure them that I will not be too long.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, we have heard talk of character assassination from the two Bodden Town Members, and those two Members should be the last to talk about character assassination. The only reason why they are not assassinating the characters of the present Government is because we are here in this House and can defend ourselves. But they assassinated everybody, and maybe some whom we do not know about.

Mr. President, we have heard talk about the raising of fees, and those two Members again should be the last two to talk about the raising of fees. They campaigned Mr. President in 1975 and 1976. They marched, and what happened, when they got in they raised the hospital fees they raised the licencing fees. So Mr. President, they raised it on gasoline, they raised it on liquor, they raised it on the Post Office. I could go on and on. They raised the bank fees $15,000.00 and they said that it would not hurt the little man, and they said they would take the duty off chicken and potatoes and satisfy him. While they were doing all these things Mr. President, no one suffered more in this Country than the little man on the street, who had to buy or had to have the services of those items which I have just mentioned.

Now Mr. President, they talk of character assassination, and I want to answer it Mr. President, because last week in a question here in the House what I had said was misrepresented. We had one troublemaker wearing a hat, and going by the name of a poodle who was calling the relatives of that person to try and cause all sorts of problems down here. So, let it not be construed that this motion is a personal attack on any particular person in our Country.

I see that our people are being charged, and charged and charged and there is nothing to protect them. Do not fool yourself, salaries are not going up.

Mr. President, in closing let me state my case again. I believe in free enterprise, but more than that, I believe in free competitive enterprise and I do not believe that one can have free enterprise in the truest sense of the word unless there is competition. Therefore, when we talk of free enterprise, the word 'competitive' is most important, because enterprise cannot be free without competition. Propane gas in this Country has no competition, and the reason why prices have not been raised to him is exactly as those Members have put it, because he has been a flag carrier of the Unity Team.

Well, I am here to do what is right for all my people. I will not stand by and see people who can afford it, keep our little man down, as has been going on over the past years. In my short time here in this House, I will continue to do as I have done these past sixteen months, I will continue to bring motions which I feel are necessary for the benefit of my people. We have passed the Pension Motion, a Motion for a Labour Law and these two have been opposed by the two Members from Bodden Town. Nevertheless, I will forgive them of their sins.

Mr. President, I recommend this motion to the House, as I feel it is a good motion. It is not a character assassination. It is not a victimisation of my one person in this Country, but the time has come when these people must see that there are people who represent the Country, who will do the right thing for its people.

Thank you Mr. President.

MR. PRESIDENT: The motion before the House is Private Member's Motion NO.5/86, dealing with cost of living increases. The terms of which were read out by the mover at the time he moved it.

QUESTION PUT: AYES

MR. PRESIDENT: I declare the motion carried.

MR. LINFORD A. PIERSON: Mr. President, may I have a division please.

MR. PRESIDENT: Certainly.

DIVISION NO.13/86

AYES	ABSTENTIONS
Hon. Dennis H. Foster	Mr. Linford A. Pierson
Hon. Michael J. Bradley	
Hon. Thomas C. Jefferson	
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Mr. W. McKeever Bush	
Mrs. Daphne L. Orrett	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
10	1

MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY: PRIVATE MEMBER'S MOTION NO.5/86 PASSED.

TRIBUTES TO THE HONOURABLE FIRST OFFICIAL MEMBER

MR. PRESIDENT: That is the end of the Business on today's Order Paper, and indeed, as I understand it, the end of the Meeting. But before this Meeting is adjourned, and therefore before I invite the Honourable First Official Member to move the adjournment, I should like to recall the attention of the House to the fact that it will be the last occasion on which we now expect that Member to be present with us. Our next Meeting is due to begin on the 20th May, and he will be retiring on the 30th April.

He has for many years now, been a valuable and valued Member of the House, whose good humour and patience, and occasional impatience too, but always I am sure many Members would wish me to say, 'well justified', has been particularly noted and has particularly endeared him to all Members.

Tributes were paid to him at our Commonwealth Parliamentary Association Dinner, less than a fortnight ago I think. But I am sure Members would wish me to pay a tribute within the precincts of the House itself, to wish him every happiness in what I regard as his rather premature retirement. To say that even though he may be going off to live in Costa Rica, we hope he will revisit the Cayman Islands often, and not just the Brac, but to come to Grand Cayman too.

MR. PRESIDENT (CONTINUING): We are indebted to him for all he has done for us, and we wish him and his family every happiness in the future.

Thank you.

MR. W. McKEEVA BUSH: Mr. President, I would also like to add my congratulations to the Member on his retirement, and to wish him God's speed, and God's blessing.

I have only been acquainted with the Member for some 16 months in this capacity. I think I have learnt to know the reason why certain things were done before, which I could not understand at the time.

Some people have asked whether I will miss him, and I will say Mr. President, that I will miss his presence in this House, but I cannot say whether I want him to come back or not.

Mr. President, at times in the House we have had heated debate, and I have had to think to myself 'Well why did the Member take that particular line'? But, we have a House comprised of Civil Servants with Elected Members, and so he has to defend the Civil Service and he has done a good job of defending the Service.

Mr. President, I wish him Gods Blessing on his retirement.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Mr. President.

I count it an honour to be able to wish the First Official Member everything which is good on his early retirement. I think I came to know Mr. Foster when he was persuaded to move to Grand Cayman to work in the old Administration Building, and for the first few months I did not think it would take very much for him to leave, but he seemed to get used to the idea of being here. I have to honestly say, that one of the deepest impressions which this gentleman has left with me is that he is truely a very dedicated Civil Servant, and I say that with all honesty, that he was truely a very dedicated Civil Servant. I wish him every happiness and God's Blessing as well as upon his lovely, faithful and beautiful wife and his daughter, and trust that he will be here to look us up fairly often, if only to sit in the spectators seat upstairs.

Thank you.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I too would like to wish the First Official Member a long, happy retirement. I have worked for this Member in one capacity or another during the last 14 years. Even in here he is my boss in committees. It has been a love hate relationship. We have had many good times. We have had some heated debates. He has offered me much advice on many occasions, and Sir he told me a few nights ago that he was going to retire to do all those things which he has not done. Knowing him over the past 14 years, I do not believe that there are many things which he has not done. But Sir, I truely wish him, and I believe this Country owes him a great debt for his services, and I sincerely wish him a happy and a long retirement.

Thank you.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I too would like to congratulate the Honourable First Official Member on a long and dedicated career to the Cayman Islands. I have had the privilege of knowing him all my life. It gives me a funny feeling when I come to give retirement blessings to someone in my age group. I realise that I am getting up the ladder myself. But nevertheless, having known him all my life, I learnt to appreciate him. When he moved to Grand Cayman we considered it a terrific loss to Cayman Brac in the initial stage, soon we realised we had gained a genuine representative in Grand Cayman.

He has truely earned the respect of all Caymanians everywhere during his long career, and I do wish for him a very long and happy retirement. He knows, without me having to say it, that he is always welcome in Cayman Brac. He has promised us that he will come there before he retires, and I look forward to the opportunity of having more to say at that time. But for him and his family, I do wish for them all the very best for the future.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I too wish to offer my sincere congratulations to Mr. Foster. I believe that with perhaps the exception of a very small minority in this House, I have known Mr. Foster as a Civil Servant in an official capacity much longer than many, and I can only say that during the period I have known him, he was most helpful. He was always a gentleman, a person in whom one could deeply rely upon. I remember that I got to know him really well during the late, perhaps early 1960's when I was the Internal Auditor for this Government. On my visits to Cayman Brac he took good care of me, and at that stage I was of course, much younger. I needed that support and he gave it to me, and also when he was moved to Grand Cayman, I believe that the position he left when he was promoted to his present position of Chief Secretary, I was then promoted to that position being Principal Secretary for Health, Education and Social Services. So all in all, I have had a very enjoyable working relationship with Mr. Foster, and I have found him to always be a gentleman. Somebody in whom one could rely upon.

Mr. Foster, I would wish for you and your family a very happy retirement. We are going to be missing you. You will be Costa Ricas gain and our loss. I would have hoped to have seen you one of these days as the Speaker of this House, because I have heard the present Speaker say on many occasions that he wants some relief. But I do not believe that you are going to find a motion being brought to this House to have him relieved. You would perhaps have been the best person to have done that.

Mr. Foster, again I want to offer you my sincere congratulations, and I wish you all the best for the future.

Thank you Mr. President.

MR. PRESIDENT: Well, the Third Elected Member of Executive Council caught my eye first.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, today I have mixed feelings. Mr. Dennis our First Official Member has worked hard, has served this Country well, and he has been a very dedicated Civil Servant.

HON. CAPT. CHARLES L. KIRKCONNELL (CONTINUING): He has been a personal friend of my father and mother. He was the last person to hold the hands of my father when he departed this world. His kindness then, I shall never forget.

Mr. Foster has done an excellent job and he can rest assured that it has been appreciated, if not by all, by most of us. He has represented our Islands well, Cayman Brac and Little Cayman in particular. He has seen our Country move forward. In the last 15 years it has moved forward 50 years, and he has coped with it well. We are going to miss him Sir, because what he has is something which one does not get in a book - experience. We will only miss him when he is gone. I am just sorry to know that this experience is not going to be tapped, it is too precious. I do hope that we will find some position for him where this experience can be used. He certainly has left his footprints Sir in the Cayman Islands, and like the great poet said once:

'Lives of great men all remind us,
We can make our lives sublime,
And departing leave behind us,
Footprints on the sands of time.'

MR. PRESIDENT: First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I too would like to offer my good wishes to Mr. Foster on his retirement.

My association, or my personal contact with Mr. Foster goes back some 30 or 31 years. I remember Mr. Foster coming to Grand Cayman on a short attachment before he went to Turks Island. Then in 1964 when I went to the Brac in a private capacity, that is within the private sector, I found Mr. Foster's knowledge and concern of great value. There was a specific case Mr. President, when a safe in the bank stuck shut, and we had to bring the locksmith from Jamaica to drill the door, and Mr. Foster stayed there until about one o'clock in the morning until the job had been completed. Not just looking on Mr. President, but helping. Mr. Foster came to Cayman sometime after, and from 1969-1976 when I was in Executive Council, and of course since 1984, it has been my pleasure to work with him. For the period 1972 to 1976 I think it was, he was Principal Secretary of the Portfolio of HESS, and I believe Mr. President that I would not be boasting to say that as a team we made significant progress and a contribution, and much of it was due to Mr. Foster's advice and his ability to get things done. Of course I can add four years on to that, 1980 to 1984 when I have worked here in the Assembly with him.

Mr. Foster is among the few remaining in a breed of Civil Servants who have really given dedicated and unstinting service to this Country, in whatever capacity he was called upon to do. One Member mentioned something Mr. President about feeling a bit difficult, or funny when saying farewell to Members, when they realise that they too are getting old. I do not believe that Mr. Foster is getting very old Mr. President, although he has reached retirement age.

I believe that why we always seemed to have quite a bit of fun together in addition to our work, and what we were able to achieve, was because Mr. Foster believed in keeping young. But in spite of all of that Mr. President, the welfare of the people and this Country, were always uppermost in his mind, and always of the greatest concern.

I think that this Country owes Mr. Foster a debt of gratitude. It is true Mr. President, that for the last several years, one might be able to say that Mr. Foster was reasonably well paid, but if one looks back to the time when he joined the Service, one can understand very easily that he had a dedication to these Islands, not found in many of his day.

HON. BENSON O. EBANKS (CONTINUING): Or he would not have been with us here today retiring at the level at which he is retiring. If he had been looking for money and fortune Mr. President, he would have done what many others of his day did, and that is seek it abroad.

I would like to publically thank him for all that he has done for this Country. I believe that when he has enjoyed a bit of relaxation and freedom, we might yet see him back in this House in a different capacity, although he is now vowing not to do so. I look forward to the day when we might hear that Mr. Foster has been nominated as a candidate in one of the Districts for election in this Country.

I wish for Mr. Foster, Mr. President, and his family, a long, happy and well deserved retirement.

Thank you.

MR. PRESIDENT: The Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I too would like to join other Honourable Members in offering my sincere congratulations to the Honourable First Official Member, our Chief Secretary Mr. Dennis Foster.

Mr. Foster, I feel has served this Country well. I am sure that his colleagues in the Civil Service will miss him. The public will miss him for his sound advice and kind assistance.

I think Mr. Foster has been wise in taking his retirement at the time when he has, when he is still able to hear all these nice things being said about him, and to see the people who are saying these nice things, and for the many years that he has left to enjoy, with his fine family, a well earned retirement.

As I have said before at another place and time, I feel that Mr. Foster has been a fine example to all Civil Servants, and in fact, to all Caymanians, of the heights which can be reached for those who are willing to apply themselves well. I would also like to take that a step further, and to point out that it has been determination and hard work for 36 years, which has brought him to his present position.

In closing, I would just like to point out that it is not as if he is leaving the Cayman Islands to go and live in Costa Rica. As Honourary Counsel for Costa Rica and the Cayman Islands I would advise the Costa Rican Government to only allow him to stay there for three months at a time. So I am expecting him to be back here quite frequently.

In closing, I offer my sincere congratulations to Mr. Foster, and wish him and his family every happiness in the future.

MR. PRESIDENT: The Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, although I have already paid tribute to Mr. Foster on another occasion, I feel that I should complete the round of Elected Members here, and pay a few words of tribute myself.

Mr. President, reflecting back over the years, we see able, dedicated and loyal Officers of Government moving into retirement, and making way for younger people. This is what Mr. Foster is doing now on his proposed retirement.

HON. VASSEL G. JOHNSON (CONTINUING): Mr. President, I would say that the wealth of experience taken out by people like Mr. Foster and his retirement cannot really be purchased for love or gold. Those who are left behind, nevertheless can emulate people like Mr. Foster in cultivating the sort of loyalty and dedication which we find in him. For Mr. President, in so doing, they will also gain ability and experience to do their job well.

I personally want to thank Mr. Foster, Mr. President because he has been a tower of strength in this Government. I am sure that he can retire with pleasant thoughts, for the work and the services which he has rendered to Government and to the Country over the years. I have no doubts that Mr. Foster assisted in building and making stronger the fabric of public trust in the Government of the Cayman Islands, and I only hope that others will continue that fine example.

I would like to wish Mr. Foster and his wife, happy and pleasant retirement. I would also hope that they will live their retirement in pleasant thoughts, because Mr. President pleasant thoughts to everybody and to every thing is what we know as the real art of living.

It reminds me of the words of William Barclay, when he said that the accent of love will penetrate where the tone of anger will never find a way.

I wish Mr. Foster every happiness in his retirement. We hate to see him go, and we will miss him too Mr. President. We will miss him here in this Chamber, we will miss him in Executive Council and we will miss him in the Office of Chief Secretary. Nevertheless, may I say farewell and pleasant retirement.

Thank you Sir.

MR. PRESIDENT: The Second Official Member.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I of all the people in the House today am the person who is probably least able or least worthy to join in the tributes which I have heard, because I have known Dennis Foster, I have been privileged to know Dennis Foster only a short four years.

When Sir, I was in my regional job in the Eastern Caribbean, and making my farewell tour when I knew I was coming to the Cayman Islands, people in Antigua, in Belize, in the British Virgin Islands, in Turks and Caicos and other places, said, 'you must look up Dennis Foster, he is a great friend of mine'. And that Sir is what Dennis is, a great friend, a great person to have. I think the quality of friendship is not judged in years, but in how it develops between people, and I hope that I can say to Dennis that it has developed between us.

He Sir, has served the Civil Service of the Cayman Islands, and when you serve the Civil Service of the Cayman Islands you serve the people as well as the Government of the Cayman Islands. For a long, long time he has been an ambassador for his Country in many parts of the world, in London, in Turks and Caicos where ever he has gone. He has been a prime example Sir of service above self. He has been an honour and a credit and a flag carrier of a selfless Civil Service, they looked up to.

And Sir, it was not until I was sitting here listening to these validictory speeches, that I realised quite the number of Elected Members in this House who had served under him as a Civil Servant, and I could not help but speculate whether the Master would follow in due course, the same paths as they had taken.

HON. MICHAEL J. BRADLEY (CONTINUING): In Executive Council Sir, I had the privilege, as we all had, to sit with him and often as you know we got ourselves into lengthy complicated intricate discussions, and it was at moments like those that the simplicity and directness of mind of the Chief Secretary was invaluable, because he used to cut across a discussion with one simple sentence and go directly to the point.

I Sir, am proud to have sat beside him here in this Assembly. To have listened to him as leader of Government Business and the tolerance, humour and patience which he brought to that job, and for the refreshing interchange of comment that we had as we sat here. I feel Sir that perhaps the only disadvantage that the Cayman Islands has in its right decision not to seek independence is that it will not have the privilege of according to Dennis Foster, the supreme accolade of honour which I feel he would no doubt deserve and get. I only hope Sir that Dennis, upon his retirement will have that retirement brought to the notice of the appropriate authorities, so that Sir, some single honour may be given to him as a person who rightly deserves it.

Mr. President Sir, I too wish Dennis good fortune, good speed and say 'Well done though good and faithful servant'.

HON. THOMAS C. JEFFERSON: Mr. President, it is certainly going to be a sincere loss to the Civil Service, to have Mr. Foster depart on his retirement in about six weeks time. He has helped to mould the Civil Service into what it is today, and he should take full credit for it. In recent years I have worked very closely with him, having an office next door to his, and I must say the guidance which he has given me over the years, but particularly in the last four years has been invaluable. His judgements, his cordiality and his guidance on occasions I think saved my bacon.

I wish for Dennis, Reba and Carla a long, healthy and enjoyable retirement. We hope Mr. President that he will call upon us from time to time just to make sure that what he has moulded and left behind is still on the same track.

I am sure that all members of the Civil Service who will later have their own farewell for him, will be holding him in the respect which this Honourable House does, and Mr. President, again, I wish for Dennis and his family good health, long retirement and lots of prosperity.

HON. DENNIS H. FOSTER: Mr. President, I am very sorry that we are having to keep everybody over time, but I will be very brief Sir.

I would like to thank you and all the Members Sir, for the kind words which have been spoken. I have occupied this seat here during meetings for the last ten years. It has been most enjoyable, educating and rewarding. Yes Mr. President, I received quite a few licks during those ten years, I gave a few too, but the beauty about it was that always after, we could have a lovely conversation or a mutual conversation with the person who gave the licks.

Perhaps, the most exciting experience that I can recall during that ten years was one morning we were about to start a new Session, and we came down as usual a couple of minutes before and the Clerk had suddenly become ill and we had no deputy, and I was faced with a dilemma. Anyway Sir, I hurriedly got one of the Clerks who is now an Executive Officer here on the present staff, sat her down there and told her what she had to do, and we managed to get through the day without any hitches.

HON. DENNIS H. FOSTER (CONTINUING): Mr. President, it has been a pleasure working with the Members, and the staff past and present, and thank God, I was always able to get on pretty well with all of them Sir.

Mr. President, I do not want anybody in the Cayman Islands to get the impression that I am leaving the Cayman Islands Sir. I simply have a little place over there with plenty of good fruit where I would like to enjoy a couple of months out of each year. For the time that I am going to be away from here Sir, I do not think that anybody will really even miss me.

Mr. President, I would like all the Members to know that I will be constantly praying for them, that peace and harmony will exist in this House, all for the betterment of the people and the Country.

Mr. President, in closing, let me say this Sir. Together we stand, divided we fall. It takes a long time to build up but it does not take long to break down. To the Members, work together.

Thank you.

MR. PRESIDENT: Thank you.
May I invite you to move the adjournment now.

ADJOURNMENT

HON. DENNIS H. FOSTER: Mr. President, I move the adjournment of this House until Monday May 19th 1986.

MR. PRESIDENT: I think actually Monday the 19th is a Public Holiday we have discovered belatedly. I think the adjournment should be until Tuesday 20th. He is trying a trick on us because he is not going to come back, that is what it is.

MR. D. EZZARD MILLER: Yes, yes he wants us all to show up here with the Building locked.

HON. DENNIS H. FOSTER: I am sorry Mr. President, I move the adjournment of this House until Tuesday, May 20th 1986.

MR. PRESIDENT: The question is that this House do now adjourn until Tuesday 20th May.

The ayes have it, but before Members actually adjourn, perhaps I may say to them that our hope is, and the hope of the staff of the Assembly too, that they will all take just a few minutes to spend in the Members Room on the way out, where they will find something waiting for them.

QUESTION PUT: AGREED. AT 5.20 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. TUESDAY, 20th MAY, 1986.

SECOND MEETING OF THE 1986 SESSION
OF THE LEGISLATIVE ASSEMBLY
TUESDAY, 20TH MAY, 1986
(FIRST DAY)

PRESENT:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON JOHN LEMUEL HURLSTON	THIRD OFFICIAL MEMBER RESPONSIBEE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

SECOND MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

(Commencing Tuesday, 20th May, 1986)

1. PRAYERS

TO BE READ BY THE THIRD ELECTED MEMBER FOR WEST BAY

2. ADMINISTRATION OF OATH

HON LEMUEL HURLSTON - THIRD OFFICIAL MEMBER (ADMINISTRATIVE SECRETARY RESPONSIBLE FOR THE PORTFOLIO OF INTERNAL AND EXTERNAL AFFAIRS)

3. PRESENTATION OF PAPERS AND REPORTS

FINANCE COMMITTEE REPORT (Meeting held 9th April, 1986)

TO BE LAID ON THE TABLE BY THE HON THOMAS C JEFFERSON, OBE, JP, CHAIRMAN OF THE STANDING FINANCE COMMITTEE, FINANCIAL SECRETARY, FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

4. QUESTIONS TO HONOURABLE MEMBERS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 36: CAN THE HONOURABLE MEMBER SAY WHAT IS THE TOTAL AMOUNT OF REVENUE COLLECTED DURING 1ST JANUARY TO THE 31ST APRIL, 1986?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 37: WOULD THE HONOURABLE MEMBER SAY WHY DID GOVERNMENT NOT PUT A SIDEWALK ON NORTH CHURCH STREET IN FRONT OF THE BUILDING NOW OCCUPIED BY THE DEPARTMENT OF AGRICULTURE?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 38: CAN THE HONOURABLE MEMBER STATE WHETHER THE FINANCIAL CONSULTANT IS COMPLETING HIS CONTRACT?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 39: WOULD THE HONOURABLE MEMBER STATE WHAT IS THE COST OF CONSTRUCTION OF EACH CEMETERY VAULT BY GOVERNMENT, AND ITS SALE PRICE?

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

NO. 40: *WOULD THE HONOURABLE MEMBER GIVE THE COMPARATIVE PRICES CHARGED TO GOVERNMENT BY EXECUTIVE AIR AND BY ANY OTHER COMPANIES USED FOR AIR AMBULANCE SERVICES?*

5. *GOVERNMENT BUSINESS*

BILLS:-

FIRST AND SECOND READINGS

(1) *THE PATENTS & TRADE MARKS (AMENDMENT) BILL, 1986*

(2) *THE PRISONS (AMENDMENT) BILL, 1986*

(3) *THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1986*

(4) *THE PENAL CODE (AMENDMENT) BILL, 1986*

(5) *THE MISUSE OF DRUGS (AMENDMENT) BILL, 1986*

(6) *THE FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT (AMENDMENT) BILL, 1986*

SUSPENSION OF STANDING ORDER 46(1)

(7) *THE JUDICATURE (AMENDMENT) BILL, 1986*

SUSPENSION OF STANDING ORDER 46(1)

(8) *THE AFFILIATION (AMENDMENT) BILL, 1986*

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TUESDAY

20TH MAY, 1986

10:00 A.M.

FIRST DAY

MR. PRESIDENT: The Assembly is in Session. I invite the Third Elected Member for West Bay to say prayers.

PRAYERS

MRS. DAPHNE L ORRETT: 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 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.

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.

ADMINISTRATION OF OATH
OF ALLEGIANCE

MR. PRESIDENT: Administration of Oath. The Honourable Third Official Member.

HON. JOHN LEMUEL HURLSTON: I, John Lemuel Hurlston, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to Law. So Help me God.

MR. PRESIDENT: On behalf of the House, may I welcome Mr. Hurlston, the Administrative Secretary as a Member.

Please be seated.

PRESENTATION OF PAPERS AND REPORTS

MR. PRESIDENT: Presentation of Papers and Reports. Finance Committee Report - the Honourable First Official Member.

REPORT OF THE STANDING FINANCE COMMITTEE

(Meeting held 9th April, 1986)

HON. THOMAS C JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Finance Committee Report of 9th April, 1986.

MR. PRESIDENT: So Ordered.

HON. THOMAS C JEFFERSON: Mr. President, the Finance Committee approved on Wednesday, 9th April, 1986, CI$281,820.00. The details of that sum, Mr. President, are as follows:

Head 07 (Police) - Capital
Sub-Head 40-018 - Vehicles

A sum of CI$60,000 was revoted from the 1985 budget because the vehicles were ordered in 1985, but are due to arrive in 1986.

Head 10 - Sub-Head 10-001 - Compensation

A sum of CI$21,000 was provided for an Immigration Officer who sustained injury at the time of carrying out his official duties.

Head 16 - Personnel Health

A sum of CI$113,740 to defray the operational costs of the NCSS Pines Rest Home Extended Care Unit for 1986. Funds were erroneously omitted in the budget for 1986.

Head 19 - Sub-Head 01-051 - Stray Dog Programme

A sum of CI$28,330 was provided to assist the cost of the Stray Dog Programme, and Honourable Members and the public will no doubt **recall** the difficulties experienced early this year along Seven Mile Beach with stray dogs. I am happy to report today, Mr. President, that the situation appears to be arrested.

Head - Capital - Sub-Head 41-013 - Harbour & Docks
Sub-Head 41-020 - Purchase of Lands

A sum of CI$68,750 was approved. CI$53,750 to meet the cost of procurement and payment of stamp duty on the properties Block 1D, Parcel 34 and Block 1E, Parcels 35 and 4. This property, Mr. President, is being purchased to provide a boat basin and launching ramp intended to meet the needs of local boat operators and, in the future, cruise ship tenders and to enhance the facilities during Million Dollar Month Fishing Tournament, now an annual event.

The 'Lady Michelle'

Finance Committee also agreed that a motor vessel named Lady Michelle, confiscated on drug charges, and the Courts having dismissed the appeal by the owners, was forfeited to Government. Finance Committee agreed that the motor vessel be retained to be used by the District Commissioner and the Police Department in Cayman Brac for the purpose of offshore duties and for use in rough weather when the present smaller launch cannot operate. The estimated value of that motor vessel, Mr. President, is CI$30,000.00.

NCSS Pines Retirement Home

Finally, Mr. President, Finance Committee agreed to a request which was made by NCSS. During 1983, Government granted a loan of CI$300,000 to facilitate the completion of the Pines Rest Home and Finance Committee approved that that loan agreement be amended or modified. Those modifications, Mr. President, are as follows:

- *That the two year moratorium on repayment, approved by Executive Council on 11th April, 1985, be cancelled.*
- *That the interest rate of 6% per annum, agreed upon to be applied to the reducing balance outstanding, be rescinded with retroactive effect.*
- *That the monthly rental of $1,656.62 withheld by the Treasury for the period of April to December, 1985, amounting to $13,109.58, plus the receipt of a cheque for $4 890.42 making a total of $18,000 be accepted by Government as a principle repayment for 1985 and that the balance outstanding be reduced accordingly.*
- *That as of 1st January, 1986 the rent for the Geriatric Unit ($1,656.62) plus a payment from the Pines of $43.38 per month making a total of $1,500 per month or $18,000 per annum, be applied for reducing the ongoing balance outstanding; and*
- *That the arrangement as set out in the above paragraph, continue for the next 14 2/3 years, thereby keeping within the time-frame of 16 2/3 years over which the loan should be repaid as agreed to in 1984.*

The request was made as a method of improving the cashflow of the NCSS.

Thank you, Mr. President.

MR. PRESIDENT: *In accordance with the provisions of Standing Order 67(4), the recommendations are deemed to have been approved.*

QUESTIONS

MR. PRESIDENT: *Questions. The Second Elected Member for West Bay.*

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 36: *Can the Honourable Member say what is the total amount of revenue collected during 1st January to the 30th April, 1986?*

ANSWER: *The revenue collected for the period 1st January to 30th April, 1986 amounted to $27,601,116.00.*

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: *Mr. President, may I ask the Honourable Member if he can tell us how this figure compares with the collections during the same period, that is January to April 1984 and 1985?*

HON. THOMAS C. JEFFERSON: *Mr. President, I am able to give the comparison for January to April 1985, and the answer is $22,298,226.00.*

MR. G. HAIG BODDEN: *Mr. President, although the Honourable Member may not have the exact figures for January to April 1984, can he say whether the figures January to April 1984 were more or less than the figures for 1985 and 1986?*

HON. THOMAS C. JEFFERSON: *Mr. President, if I give the wrong answer I hope the Member will speak to me again as I was trying to determine whether we had a ballpark figure to give him for the similar period in 1984. I am afraid we do not, but it is about the same amount - it is about $20,000,000.00.*

MR. PRESIDENT: *I wonder whether the Honourable Member would care to undertake to obtain and provide the questioner with an accurate figure if that is possible?*

HON. THOMAS C. JEFFERSON: *Yes, Mr. President, happily.*

MR. PRESIDENT: *If there is no further supplementary, I invite the Second Elected Member for Bodden Town to ask the next question.*

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 37: *Would the Honourable Member say why did Government not put a sidewalk on North Church Street in front of the building now occupied by the Department of Agriculture?*

ANSWER: *The Agricultural Department moved into their new offices during the week of 17th February, 1986. The work on the building has not yet been completed and Government intends to put the sidewalk in front of the offices of the Department of Agriculture at some future date.*

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: *Mr. President, may I ask the Honourable Member if he knows whether it is correct that the Planning Department insisted on the Henderson property, which is adjacent to the offices of the Agricultural Department, providing a sidewalk before the occupied premises, and whether a double standard exists?*

HON. VASSEL G. JOHNSON: Mr. President, there is a main difference between the two properties; one is a new building and the other is a renovated building. I am aware that it was a condition of planning approval that the Henderson property build a sidewalk as a part of the planning approval, and I am also aware that the same stipulation was made for the renovation of the offices now occupied by the Agricultural Department.

MR. G. HAIG BODDEN: Mr. President, do I understand the Honourable Member to say that it was a stipulation that the sidewalk be put down before the Henderson property be occupied and that the other property which is owned by Government can take its own sweet time and put down the sidewalk, if it likes, in the future?

MR. PRESIDENT: I do not really think that was a supplementary, it was more in the nature of a statement.

If there is no further supplementary, the Second Elected Member for West Bay may ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 38: Can the Honourable Member state whether the Financial Consultant is completing his contract?

ANSWER: The Financial Consultant completed his last two-year contractual engagement with this Government on 31st December, 1985. However, he was granted a three month extension which would have expired on 31st March. This extension was subsequently cancelled, as the Financial Consultant proceeded on leave without first obtaining my permission.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: So you fired him then?

MR. PRESIDENT: Order! Order! The Member must ask questions. He must not make statements.

MR. W. McKEEVA BUSH: Mr. President, that was a question. Did the Honourable Member proceed to get the Financial Consultant's contract terminated then?

MR. PRESIDENT: I think that is what has been stated already in the first answer.

MR. W. McKEEVA BUSH: So you fired him?

(LAUGHTER)

MR. PRESIDENT: That was your statement.

MR. D. EZZARD MILLER: Could the Honourable Member state, Mr. President, whether the Financial Consultant who was discharged or terminated, or whatever, received the full sum of the $9,000 gratuity that was voted for in 1986 before he left?

HON. THOMAS C. JEFFERSON: Mr. President, the Financial Consultant received gratuity to 31st December in keeping with the successful completion of his original contract.

MR. D. EZZARD MILLER: Can the Honourable Member state what was the sum of gratuity paid to the Financial Consultant?

MR. PRESIDENT: I do not really think that the Honourable First Official Member can be expected to answer detailed questions like that unless you put down substantive questions. I will allow him to answer if he has the figure, but I think it is unreasonable to expect him to come armed with figures like that unless you give him notice that you are going to ask.

HON. THOMAS C. JEFFERSON: Mr. President, I must say I do not have the actual figure.

MR. D. EZZARD MILLER: Can the Honourable Member state why an announcement was not made in the press that the contract was terminated?

HON. THOMAS C. JEFFERSON: To the best of my knowledge, Mr. President, there are no Government procedures which require that the terminations of any contractual officer be put in the paper.

MR. W. McKEEVA BUSH: A supplementary, Mr. President. Can the Honourable Member say whether that position is now open?

HON. THOMAS C. JEFFERSON: The answer, Mr. President, is yes.

MR. D. EZZARD MILLER: Can the Honourable Member state when it is going to be advertised as a vacant post in Government?

HON. THOMAS C. JEFFERSON: It depends on the Head of Department's view as to whether the services at that level are required.

MR. PRESIDENT: If there is no further supplementary, if the Elected Member for North Side really wants the precise gratuity figure, I am quite prepared to ask the Honourable First Official Member to obtain it and provide it for him. Do you .....?

MR. D. EZZARD MILLER: No, Sir. I am just interested to notice the difference in the treatment between foreigners and Caymanians.

MR. PRESIDENT: Order! Order!
If there is no further supplementary, the Second Elected Member for Bodden Town may ask the next question.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 39: Would the Honourable Member state what is the cost of construction on each cemetery vault by Government and its sale price?

ANSWER: The cost of construction of each cemetery vault built by Government during 1985 was $425.00. An additional $25.00 was charged for the plot making the final sale price of each vault $450.00.

In 1986, the cost of construction of each vault was increased by $25.00 making the final sale price for each vault $475.00.

SUPPLEMENTARY:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if these figures also apply to Cayman Brac?

HON. VASSEL G. JOHNSON: Mr. President, the cost in Cayman Brac differs from the cost in Grand Cayman. Labour I think is cheaper in Cayman Brac, and so vaults can be built at a lower cost.

MR. PRESIDENT: If there is no further supplementary, I 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 ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 40: Would the Honourable Member give the comparative prices charged to Government by Executive Air and by any other companies used for Air Ambulance services?

ANSWER: For the past two years, all Air Ambulance services have been booked and paid for through Executive Air Services. During this time the number of Government-arranged transfers amounted to thirteen (13) at an average cost of CI$5,376.74 for each transfer. Therefore, no comparative prices exist.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary Mr. President. Is it possible for the Honourable Member to give the figure which was charged before this arrangement?

HON. BENSON O. EBANKS: No, Mr. President.

MR. W. McKEEVA BUSH: Mr. President, I wonder if the Member would undertake to give it to me in writing? I know what it is, but for the record.

HON. BENSON O. EBANKS: If such a figure is available Mr. President, I will undertake to get it.

MR. PRESIDENT: If there is no further supplementary, we pass on to item 5. Government Business - Bills, First and Second Readings.

GOVERNMENT BUSINESS

BILLS

FIRST READING

CLERK: THE PATENTS & TRADE MARKS (AMENDMENT) BILL, 1986

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Patents & Trade Marks Law, Law29 of 1975 is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE PATENTS & TRADE MARKS (AMENDMENT) BILL, 1986

HON. W. NORMAN BODDEN: Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to amend the Patents & Trade Marks Law, Law 29 of 1975.

The Memorandum of Objects and Reasons states that this Bill seeks to amend the Patents & Trade Marks, Law 29 of 1975, by providing for a system of recording service marks under the existing provisions of that Law. parallel to that existing for Patents & Trade Marks.

Mr. President, as all Honourable Members are aware, under the Patents & Trade Marks Law, Law 29 of 1975 a system of registration has been set up, whereby the rights to patents and trade marks which are registered in the United Kingdom are extended to the Cayman Islands. However, to date there is no provision for similar treatment to be extended for service marks. Just the same as a trade mark is a mark used in relation to goods; a service mark is used in relation to services in order to show the connection with some person or company as having a right to such registered service mark. It is stated that a service mark can be a device, a name, signature, word, letter, numeral or any combination of any of these. I believe a good example of a service mark is the logo of our national Airline, Cayman Airways. The registration of this Cayman Airways logo in the United Kingdom, which would extend rights to the Cayman Islands, indicates that Cayman Airways is the owner of such a logo, and that it cannot be used by other persons or companies without permission from them.

This short amending Bill Mr. President, seeks therefore to provide a system for the registration of service marks, the same as is already in place for trade marks and patents, by introducing a new section numbered in the Bill, as 10A which is set out in Clause 3. There are also consequential changes in the long title, to substitute the words "and Trade Marks" for "Trade Marks and Service Marks". Also, in Clause 4 there is an amendment to add the words "Service Marks" after the word "Patent". This is a very straight forward and reasonable Bill Mr. President I recommend the Bill to the House, and would ask Members to give it their support.

Thank you.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Patents & Trade Marks Law, Law 29 of 1975 be given a Second Reading.

The motion is open for debate. No Member wishes to speak. I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE PRISONS (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE PRISONS (AMENDMENT) BILL, 1986

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Prisons Law, Law 14 of 1975, is deemed to have been read a First Time, and is set down for Second Reading.

SECOND READING

CLERK: THE PRISONS (AMENDMENT) BILL, 1986

HON. JOHN LEMUEL HURLSTON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Prisons Law, Law 14 of 1975.

The very short Memorandum of Objects and Reasons in connection with this Bill Mr. President, has one sentence only, and it reads:

> "This Bill seeks to delete from the Prisons Law a reference to the Finger Prints Law 1964, which due to the repeal of that Law is now unnecessary."

One could, therefore, refer to this amending Bill Mr. President as a consequential amendment, very brief. The clause which contains the amendment seeks to remove the reference to the Finger Prints Law 1964.

The Finger Prints Law was repealed during the December sitting of this House, and came into operation on the same day as the Evidence Amendment Law came into operation. The Finger Prints Law 1964 was repealed in favour of new provisions made in the Evidence Amendment Law which enables the Police to prove previous convictions and give evidence about the Finger Prints of accused persons.

Section 27A of the Principal Law to which this amendment refers, is the Section which makes provisions for certain documentation of prisoners. That Section is quite short, and I will just read it for the benefit of the Honourable Members. It says that a convicted prisoner on reception into Prison, at the commencement of his sentence and at such subsequent time as the Director may require, shall be photographed, measured and not withstanding anything to the contrary contained in the Finger Prints Law 1964, shall have his finger prints taken.

Having repealed the Finger Prints Law, 1964 the reference in this particular section to it now becomes redundant, and this short amendment Bill Sir, seeks to remove the reference to anything not withstanding anything to the contrary contained in the Finger Prints Law, so that the section would then simply read that as the Director may require, prisoners shall be photographed and measured, and shall have their finger prints taken.

I commend the Bill to the Honourable House Sir.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Prisons Law, Law 14 of 1975 be given a Second Reading.

The motion is open for debate. No Member wishes to speak. I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1986

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Legal Practitioners Law, 1969 is deemed to have been read a First time, and is set down for Second Reading.

SECOND READING

CLERK: THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1986.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move the Second Reading of a Bill shortly entitled The Legal Practitioners (Amendment) Law 1986.

This Mr. President, is a short Bill, and as can be seen from the Memorandum of Objects and Reasons, there are three parts to it.

Clause 2 of the Bill seeks to remove from the principal Law, the necessity for the approval of the Governor in Council to the admission as an Attorney-of-Law of any person who does not possess Caymanian Status.

Clause 3 seeks to make a minor amendment to Section 12A of the Law, as a necessary consequence of the passing of the Caymanian Protection Law, 1984, and by Clause 4 it is sought to increase the annual practising fee to CI$500.00.

With your permission Sir, I propose to go into the changes and the reasons for the changes in these three clauses in a little more detail.

With relation to Clause 2, which reads:

> "Section 3 of the Legal Practitioners Law, 1969, in this Law referred to as the principal Law, is amended by deleting everything appearing after the word "qualification" in the third and fourth lines of subsection (3)."

As that subsection (3) of Section 3 of our 1969 Law presently stands, it reads:

> "The Judge may for due cause refuse to admit any applicant to practise as an Attorney-at-Law notwithstanding that he may possess the prescribed qualification and shall not admit any applicant who does not possess Caymanian Status within the meaning of the Caymanian Protection Law, 1971 without the consent of the Governor in Council."

The amendment seeks to omit the last words, so that it would simply read "The Judge may for due cause refuse to admit any applicant to practise as an Attorney-at-Law notwithstanding that he may possess the prescribed qualification".

The Legal Practitioners Law was passed in 1969, and at that time made for the first time within the Cayman Islands provision for the admission of persons to practise as Attorneys-at-Law and provided for the rights duties and obligations. It set out at that time the qualifications which were needed to enable you to be enrolled here, and also provided that certain persons who were at that time carrying on the business of Law Agents, should upon the coming into force of the Law, be enrolled as Attorneys-at-Law. At that time we had no organised or regulated legal profession. At that time the commercial and financial infrastructure which is now self evident in the community, had barely started to develop. So it was thought fit and appropriate at that time, since it was new to the Cayman Islands, the concept of Attorneys-at-Law described by statute, that a safeguard should be built in there, that the Governor in Council, the executive arm of Government should be aware of, and should approve applications. This was, I presume at that time designed to ensure that there was a watch and a control. However, that Law Sir, anti-dated by two years the 1971 Caymanian Protection Law, and in the 1971 Caymanian Protection Law, which is still on our statute book now, and has been looked at, revised and improved and modernised many times, as the needs of our community developed.

HON. MICHAEL J. BRADLEY (CONTINUING): In that Law, was set up a Protection Board, and now at the present time when any person who is not possessed of Caymanian Status seeks to work within these Islands, there is a requirement that such person shall under Section 24 of the Caymanian Protection Law, that such a person shall require a Gainful Occupation License.

In the law there are provided the criteria which that Board must apply to Attorneys-at-Law as well as to any other person in deciding whether or not to grant such license. And a number of the criteria set out in Section 27 of the Caymanian Protection Law are important and relevant. They shall in considering any application and subject to any general direction which the Governor may from time to time give in respect of the consideration of such applications, take into account the availability of the services of persons already resident in the Islands, the protection of local interest, the economic and social benefit which the applicant may bring to the Islands, or enhanced by his presence, and generally, the requirements of the community as the whole. Not only are those criteria to be taken into account when the Board considers whether or not an Attorney-at-Law should be given a Gainful Occupation License. There have been under the authority directions, general directions by the Governor in Council, and in relation to the grant and renewal of Gainful Occupation Licenses, there were fresh directives made in February of last year, and those directives include as No. 7 that persons or organisations applying for the grant or renewal of Gainful Occupation Licenses shall satisfy the Board that (a) no Caymanian staff in their employment are suitable, capable or able to fill the position for which the application is made. (b) They have made efforts including advertising for at least two issues in two consecutive weeks in a local newspaper to ascertain that firstly, no suitable, capable or able Caymanians are available outside the organisation and secondly, failing such availability, that no suitable, capable or able residents are so available, and in order to satisfy the Board, shall forward with any application, copies of all responses received from Caymanians and residents, and (c) adequate staff training programmes where appropriate have been instituted to reduce the future need for overseas recruitment.

Those are general directives, not only are there general directives to the Caymanian Protection Board, but there were made in May of last year directives relating in particular to applications for Gainful Occupation Licenses in respect of Attorneys-at-Law. And there is this directive to the Board. In the case of an application made under Section 25 of the Law in respect of an Attorney-at-Law, the following provisions shall apply:

> "(a) the Board shall consult with the Attorney General; (b) the Board shall establish a policy of not giving a partner of a firm any greater security of tenure than any of its former employees; (c) the Board shall ensure that no license is granted if the result would be to create a situation whereby the legal profession became dominated by one or two firms; (d) the Board shall notify the Attorney General of every license applied for or granted. (e) no License shall be granted except in exceptional circumstances to persons wishing to enter into self-employment; (f) no license shall be issued to any person who is not ordinarily resident in the Islands, or who does not intend to be so ordinarily resident."

It was thought Mr. President, Sir, that with the experience and with the reputation and thoughtfulness and carefulness and integrity, that the Caymanian Protection Board has that there should be appropriate at this time for there to be removed the qualification and restriction presently contained in the Law, that the executive arm of Government should have the power of veto of applications for a particular form of employment, namely Attorneys.

HON. MICHAEL J. BRADLEY (CONTINUING): When such veto power or restrictions are not in place in respect of any other type of professional or other employment in these Islands.

It is not intended to open a floodgate of expatriate lawyers coming in here. It is not, and will not and cannot be used because the Board has firstly under the Law, the general criteria to consider under Section 27. The Board secondly, has the general directionsgiven to it and the Board thirdly, has the general directions given to it in respect of Attorneys-at-Law.

I, Mr. President Sir, as you know am as Attorney General, responsible for the Cayman Islands Law School. It is a responsibility which I take very seriously, and a responsibility of which I am proud. I think that in the four years that the Cayman Law School has been established with the aim of locally training and qualifying Caymanian Attorneys, that it is proven to be an outstanding success and a success that is signified by the fact that we have reached agreement with a leading University in the United Kingdom, namely Liverpool University, that the course of training and examinations undertaken for the course of Attorney-at-Law of the Cayman Islands in our Law School, will qualify towards the awarding of an external Bachelor of Laws degree from that University.

I am determined Sir, that every Law Student who qualifies in the Law School as an Attorney-at-Law, and the Law Students who qualify abroad, and there are still several of them coming back, will have the opportunity and the ability to enter the profession and to be members of that profession, and not to be deterred or handicapped by having to compete unnecessarily with expatriate lawyers. It is the hope, that without any damage to our commercial or financial interests that over the years, as the Law School turns out qualified lawyers at the rate of four or five a year, that these lawyers will be absorbed into the profession as a whole, and the need which does exist and has existed in the past, and will exist for a number of years, to support our very complicated, very intensive and of a very high standard, legal fraternity here, will continue.

I would not be standing here moving this, if I thought Mr. President, Sir, that there was any danger or any possibility that by removing the restriction, by removing the executive control of the admission of Attorneys, that in any way, the people of whom I am so proud, the newly about to qualify Caymanian Attorneys, would be in any way at a disadvantage. What I am seeking to do, is to place the legal profession in the same category as all other professions who seek to have expatriates admitted to work within these Islands.

Mr. President, Sir, the second Clause of the Bill, I do not think need be something that we take much time over. It is merely up dating a cross-reference to the Caymanian Protection Law, by substituting the year 1984 which was when the last Caymanian Protection Law was passed for the word "revised".

The third change made, or proposed to be made by this Bill is to increase the fee for the Annual Practising Certificate of an Attorney-at-Law in the Cayman Islands, from the present level of CI$300.00 to a new level of CI$500.00.

Rumour has it Mr. President that Attorneys-at-Law practising in the Cayman Islands are not the most underprivileged community within our shores. I think that an increase from CI$300 to $500.00 is something which is perfectly acceptable to the profession, and especially, since the reason for the increase is to be able to help fund the new series of Cayman Law Reports, the first volume of which, will come out in the middle of this year, and it is hoped to have an annual volume each year.

HON. MICHAEL J. BRADLEY (CONTINUING): The cases which are being reported and judged upon in our own Grand Court, the Court of Appeal and in the Privy Council where they relate to the Cayman Islands, are of sufficient importance, and of historic worth that the time has come to have such annual series of Law Reports rather than rely on the off chance that it may be included in the West Indian Law Report series.

Mr. President, Sir, may I commend this Bill to the Members of this House.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Legal Practitioners Law, 1969 be given a Second Reading.

The motion is open for debate.

DEBATE ON SECOND READING

MR. W. McKEEVA BUSH: Mr. President, on receiving the Bill I did have some serious doubts and concern regarding the Bill. The Honourable Attorney General has sought in detail to explain what the Government felt it was right to do.

Mr. President, the Executive Council in this Country is elected by the people, the majority of Executive Council that is, and there are certain areas where the buck cannot and must not be passed. I feel that this area under present circumstances is one area where they should be on top. As I have said, the buck should not be passed to some other arm of Government.

We have a Law School here from which Caymanians will soon be graduating, native born Caymanians that is, who, and I am casting no aspersions on anybody, who if this amendment is passed may find themselves in a field crowded, so crowded that their hard-earned qualifications could become useless.

I heard the debate and the reasons given, but it still does not stop my concern Sir, and I must pose the questions which I have had in my mind since the beginning. What is the use of spending on a Law School to train students who will wish to become lawyers and then open up the flood gates, because this is the possibility. No matter what excuse can be given this time, that is the way I see it, and that is a possibility.

I just cannot accept the reasons given, and I am not going to support it. Mr. President, I have some lawyer friends, and some who would prefer to see me extinguished. Nevertheless, I have a duty to perform, and I have to go according to how I feel, and I feel that this is not right at this time.

Mr. President, the other matter with which I am not too satisfied is the fee which is prescribed here, moving it from CI$300 to CI$500. Mr. President I think the Attorney General put it correctly when he said that they are in a very lucrative business. CI$500 Mr. President for a lawyer in this country today, whether it is a certificate or whatever else he is getting, is a little bit too little too little. We have just raised taxes on our people, the people are not finding it easy to meet some of the raised fees. Some of the businesses I have talked to some people - small businesses I am talking about. They are finding it hard to operate, and we are going to charge these people who can make CI$16,000 to CI$18,000 off one case alone, no that is not right. I cannot support it. It should read at least CI$2,000 Mr. President, at least CI$2,000.

MR. W. McKEEVA BUSH (CONTINUING): Before closing Mr. President, I will say that I have some good feelings about the Protection Board. I believe that they will use their discretion, that is today. We do not know what will happen next year, or the next. So as far as allowing people in here, and saying that the Protection Board will have the last say because of the work permit, is not good enough for me. I hold these people responsible, because the people outside are holding me responsible. They are not holding the Protection Board you know, they are holding me - I am going to hold them.

I am not going to support it.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, the Bill before us, a Bill for a Law to amend the Legal Practitioners Law, 1969 has one or two good parts in it. But I see that there are also some objectionable clauses in this Bill.

Mr. President, under the Memorandum of Objects and Reasons, Clause 2 of this Bill seeks to remove from the Legal Practitioners Law, 1969 the necessity for the approval of the Governor in Council to the admission as an Attorney-at-Law of any person who does not possess Caymanian status. This Mr. President, amends Section 3 of the Legal Practitioners Law, 1969. In my opinion, Mr. President, this is the most objectionable part of this Bill. My question Mr. President, is why is this Law being amended in this manner at this time?

The second question Mr. President, is what is the real motive behind this amendment? Thirdly, Mr. President why remove the restriction and safeguards contained in the Legal Practitioners Law, 1969 whereby it was necessary for admission of Attorneys who do not possess Caymanian status to be approved through the Executive Council?

I congratulate the mover of the Bill Mr. President, in his presentation but I am still to hear from him the real reasons for the amendment. In opening his presentation, he mentioned that he would give the reasons for the changes, or the purpose of the changes and the reasons. The purpose of the changes was fairly well outlined, but I cannot say that I have received a satisfactory explanation of the real reasons for the amendment.

Mr. President, whilst it might be viewed as undesirable, to have control of admission of Attorneys in the hands of Executive Council Members, it is equally undesirable or maybe worse, to have control of this sensitive issue in the hands of the Law Society and other major legal firms in this Country. These people will invariably make recommendations to the Protection Board in their own favour.

If the amendments proposed today Mr. President, are approved by this House, we the Members of this Legislative Assembly will be taking on the responsibility of reducing our own graduates and fellow Caymanians to second class citizens in this Country. We will indeed, be opening a floodgate for all and sundry to enter and practice as Attorneys in the Cayman Islands.

By the admission of the Honourable Second Official Member of this House, he has stated his concerns in the positive, that there will be no problem with people coming into this Country. I wonder Mr. President, if there is a reason for him making note of this particular concern. It could be that he sees the possibility of this danger creeping in to this Country.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, I have kept a very close scrutiny and attention on all the directives which pass from yourself to the Caymanian Protection Board, and I believe the Attorneys are well protected under some of the directives which have been passed to the Caymanian Protection Board.

Mr. President, there should be a clear directive to the Caymanian Protection Board that grant or refusal of a work permit is not based solely, or influenced by the recommendation or otherwise of the Law Society. This is one of my greatest concerns Mr. President, this has to be borne in mind. Executive Council is ultimately answerable to the people of the Cayman Islands, the Law Society is not, and I would like to emphasise that point.

Mr. President, if this amendment is passed today it would be tantamount to say that Executive Council was abrogating their responsibility to Caymanians who are already lawyers, and who will in future qualify as such. They will be leaving the major decisions to individuals within the law Society and other major legal firms, who could have their own selfish motives. There are very few expatriate lawyers in this Country Mr. President, who do not find the Cayman Islands a very nice place to live in, and who are not making a very lucrative way of life, or salary or standard of living. It is therefore, not in their best interests to want to have Caymanians remove them out of these positions. It is therefore incumbent on our Government to protect our people, thus the reason for having an arm of Government called the Caymanian Protection Board. Many times Mr. President, some of the actions we see we wonder how protected the Caymanians are, and whether the name should not have a more appropriate change.

Mr. President, it is a fairly well established fact that certain law firms in this Country will not accept lawyers in their firms unless they happen to be from Ivy League Universities. There is this arrogance in this Country Mr. President, and of the average of five attorneys whom we have coming out of our Law School, they are not fortunate to be from these Ivy League Universities. We have an average of five over the next four years, which will give us a total of 20 and there are more. What are we planning to do with these lawyers? Will they be given the menial task of running to the Land Registry and taking the little ganja cases, and doing odd bits and pieces around the office. When in fact, they will be awarded their LL.B. degrees through an English University. One of the first questions we hear Mr. President, is the lack of experience. But when and where will they get the experience if they are not given the opportunity.

MR. PRESIDENT: Does the Member expect to continue for some further time, if so, would it be convenient for him if we took a break now?

MR. LINFORD A. PIERSON: Yes Mr. President.

MR. PRESIDENT: Very well then, I will suspend proceedings for approximately twenty minutes.

AT 11:25 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:57 A.M.

MR. PRESIDENT: Please be seated.

The Second Reading debate on a Bill for a Law to amend the Legal Practitioners Law. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, it is not my intention to make a long debate or speech here today, because like Lord Mancroft. I believe Sir that the speech is like a love affair. Any fool can start it, but to end it requires considerable skill. So I want to end this speech while I feel that I am still ahead.

When we broke a while ago for refreshments, someone said to me that I should not give them too much hell. Well, I retorted that I never give them hell, I just tell the truth and they think it is hell.

Mr. President, what we have here is a very serious and delicate issue. My objection to certain areas of this Bill is not intended to be reflective of any insensitivity on the part of those concerned with the Bill, or with the mover of the Bill. This is certainly not my intention Mr. President, because I feel that the mover of this Bill made the presentation with sincerity and is indeed a man of integrity.

Mr. President, I have before me here a letter from Mr. O.L. Panton who is the past Chairman of the Caymanian Protection Board, and I think Mr. President it is very appropriate to what we have before us today. In this letter, I will not go into the details of it because each Member of this Assembly has been given a copy of this letter, but he too is expressing his grave concern at the proposed amendment to the Legal Practitioners Law. He asked the question 'must we not think of our own flesh and blood?! Mr. President, I echo those same sentiments. Does charity not begin at home, and other questions. Mr. President, even in his civil position, even in his position of not being connected in any way politically at this time, he as a concerned citizen of this Country is expressing his grave concerns.

Mr. President, I would not want it to appear that I am opposed to expatriate Attorneys in this Country, this would be a wrong impression. As a matter of fact I have a number of friends who are expatriate Attorneys in this Country, but the issue before us today goes much further than friendship. It is an issue of national importance, it is an issue which will affect each Caymanian lawyer who will in future come out of our Law School, or qualify in some other manner. My position Mr. President is not new to this House, because I have in the past expressed my strong support in favour of Caymanians. But I also made it quite clear, even in my political manifesto that the answer is not replacement of expatriates, but it means working together. In my political manifesto which I published for the General Elections in November 1984, I made it quite clear that I believe in integration of Caymanian professionals and not the replacement of the expatriates. But such integration Mr. President does not mean that Caymanians must take a second place position in their own Country. I said in my manifesto that, and I quote:

> "In our rapidly developing financial community it is not reasonable to suppose that we can produce in the short term the required number of lawyers, accountants, bankers and others locally with the necessary expertise to ensure a proper expansion and development of this Country. I believe that the key to successful long-term development of the financial industry, is integration of the Caymanian professional, not replacement of the expatriate."

The term "expatriate" here Mr. President is used in its broadest sense. Many of us when we refer to expatriates feel that we are only talking about English expatriates. But this is not the case here. We are talking about expatriates in its broadest sense. whether they be Canadian, English, Americans, Jamaicans or whatever. I am using this term in its broadest sense.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, there are certain expatriate employers who feel that they are doing Caymanians a special favour, employing them in senior positions in their firm. This arrogance, this type of attitude must cease, and it is the Members of this Assembly in general, and in particular, the Members of Executive Council who must see to it that this attitude is minimised. That everything is done to reduce or to minimise the attitudes which now prevail within some of the firms, especially within some of the accounting firms, and also the legal firms. It is time Mr. President, that they realised that Caymanians must be recognised on merit, and not casually brushed aside. This is my main concern Mr. President. Not the fact that they will not be given some position in some firm, but the fact that they will not be properly and adequately recognised on the basis of their merit. They will be left in some menial little job in the office, drafting this contract or the next, running to the Land Registry and so on and so forth.

While on the subject of this amendment Mr. President, it must be borne in mind that voting, and I stress this. voting in the Law Society is not representative of the wishes of local legal firms. The result is that the larger law firms in this Country carry the majority of votes, and effectively control the decisions of the Society. We may here say that the Society is made up of Caymanians and expatriate lawyers alike. But the truth of the matter is that the larger firms in this Country are dominated by expatriate Attorneys who effectively control the Law Society, and they call the shots. This is why it is so important that this sensitive area, and this sensitive issue is under the umbrella & control of people we know, Members of our Executive Council.

Mr. President, it is most important that applications from law firms to the Caymanian Protection Board be viewed very carefully, and that the law firms be required to advertise the positions in the local media, and when I speak of advertising Mr. President, I am not talking of token gestures. I am not talking of a situation where a lawyer has already been interviewed, but to satisfy the requirements of the Protection Board, an advertisement is placed in the Caymanian Compass. I am talking of genuine advertisements, and that these should be treated with the seriousness which they require.

Mr. President, I believe that even with Caymanians, that their positions in this community, the financial community and in our society should be on the basis of merit. But Mr. President, the only way in which this can work justly, equitably, is if the Caymanians are given an equal chance.

Mr. President, in my opening remarks I stated that my main objection was in respect of Clause 2 which seeks to amend Section 3 of the Legal Practitioners Law, which will effectively delete the section dealing with the supervision and approval through Executive Council. Clause 1 of the Bill is the short title, there is no problem with that. Clause 3 of the Bill seeks to amend Section 18A, which would seem to be a consequential change, and Clause 4 of the Bill Mr. President, is amended by substituting CI$500 for CI$300, which would seem to be reasonable, in view of the fact that lawyers also have to pay a trade and business license as a professional.

In closing Mr. President, in the circumstances I am not satisfied that there is justifiable cause for amendments proposed to Section 3 of the principal law.

Specifically Mr. President, I feel that it would be in the best interests of Caymanians to have admissions of expatriate Attorneys approved by our Executive Council.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, I further feel that this amendment was designed and inspired to satisfy the wishes of certain privileged individuals who are in the minority. Mr. President, with those few words I cannot in my best conscience support the amendments to the Legal Practitioners Law, 1969 as proposed.

Thank you, Mr. President.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I am not easily surprised by the actions of the Government. But this Bill really astonished me. It seeks to liberalise the procedure for Attorneys-at-Law to practice in the Cayman Islands, and the Bill astonishes me because it comes at a time when the Government should be seeking to further control the admission of foreign Attorneys.

We have heard about the good work being done at the Law School, and we know that next year in August, five students will graduate as Attorneys-at-Law from that school. In 1988 four more students will graduate. In 1989 another five students will graduate, and in 1990 yet another five students will graduate and so on. So the school seems to be about ready to train and put into the work force an average of five new lawyers per year. The admission of lawyers in the past seemed to have doubled up since the last Election. Between November 1983 and November 1984 there were five lawyers who did not possess Caymanian status enrolled as Attorneys-at-Law. Out of these, three were replacements and in that year only two additional new lawyers were admitted. But since December 1986 until the present time which is less than two years, we find that six new additional lawyers have been admitted. In fact, eleven in all were admitted, but we need not count the additional ones. What I am concerned about is the actual growth in numbers. So that while between 1983 and 1984 we only had two admitted. We find in the next one and a half years we have six additional lawyers admitted, and for the size of the profession which we have, the percentage increase seems to be abnormally high. I would think that the Government would have been concerned about the phenomenal growth in this profession, and would have taken action contrary to that which has been proposed in this Bill.

The Honourable Second Official Member gave some of the history behind the Legal Practitioners Law, which was introduced in 1969. What this Law did at the time was to not only make the present law agents Attorneys-at-Law but effectively controlled the admission of Caymanians into the field of Law. Because, it is my understanding that it would have been very difficult for any Caymanian other than a very rich one to become an Attorney-at-Law, because with the law as it existed between 1969 and 1976 the Attorney-at-Law would have had to be trained in London or some other place. So the Legal Practitioners Law made it very difficult, made it impractical for Caymanians to enter this field, unless they had the resources to be trained abroad. However, after the 1976 Elections certain changes were made to the Legal Practitioners Law which allowed Caymanians to be trained in the Cayman Islands by the Law School which was established, and so after being excluded for many years by circumstances created by the 1969 Law, there is now a ray of hope for Caymanians to be trained in the field of Law, and so enter into the work force here.

The Government would not dare to shut down the Law School as it has done in some other areas which provided much needed training for local people under local circumstances, where the knowledge could be gained without costly schooling abroad.

MR. G. HAIG BODDEN (CONTINUING): But the Government has done worse than shut down the Law School. With this amendment they have opened the floodgates to foreign Attorneys who will now be able to enter the services here, providing they satisfy the Caymanian Protection Board, and the Judge of the Grand Court.

One speaker, and I believe maybe two, mentioned that the Caymanian Protection Board is not answerable to the electorate, and so the voting public cannot remove them from office, if they perform badly. The Elected Members of Executive Council are subject to the control of the electorate, and are answerable for any area in which they fail to perform well. What is really happening here is that now there can be, as far as the electorate is concerned, no say at all in the admission of people into this sensitive area of the work force. I am not going to make any guesses as to the reasons why the Executive Council is now, by this Bill, shedding their responsibility to the electorate of this Country. I can only say that it is a fact that, like Pilot, they are washing their hands clean.

We have law firms in this Country who continually clammer for the admission of expatriate lawyers, and is Executive Council afraid to say no? It is my understanding that lawyers can be found very easily in the United Kingdom. Can be brought here and worked at very low salaries under contracts which would frighten anybody else. I hear that there are even restrictions as to where the lawyer can work when his two-year contract is up, and prohibitions on many other things. But because of the surplus of lawyers in the United Kingdom, the firms are able to find lawyers, some of them very good, to work for them in the firms here.

But this question goes much deeper than meets the eye. I see it as a matter of policy for the Government. This is one of the most important areas of the work force, because these Islands are a tax haven, they are a financial center, and therefore the lawyers who work here, or the numbers who come here should be a matter of policy for the Government, and it is my full belief that if Executive Council washes its hands of this important policy matter, they would not be able to fulfill Section 7(1) of the Constitution, and would not be in a position to advise the Governor as recommended on the formulation of policy matters under Section 7(1) of the Constitution.

The Honourable Second Official Member tried to make it simple by showing that in order to be admitted, the lawyer must not only have Executive Council permission, but must also satisfy the Protection Board and the Judge of the Grand Court. I think reference was made that this type of control does not exist with other professions, but I do not believe that that is so, because in the instance of Insurance Agents they have to obtain a license under the Insurance Law which is issued by Executive Council. Should Council feel that there were too many Insurance Agents and too many applications for foreign agents, Council might well deny an application in that field. Also, other professionals like the doctors for instance, are subject to the control of a Medical Practitioners Board, and cannot practice medicine unless they receive a license or a permit from the Board.

Executive Council cannot get rid of this responsibility which has dogged the heels of every Executive Council over the last 17 years, so it is my position that Council has a responsibility to the people of these Islands to guarantee that when the Law School starts turning out its lawyers, that the Executive Council can find themselves in a position where they can set the policy, so that the new lawyers will not have difficulty in finding work.

MR. G. HAIG BODDEN (CONTINUING): The other amendment to this Law seeks to increase taxation and on principle, I have to oppose it. We have heard that the Law is a lucrative field, and I have no doubt in my mind that it is. But, it does not become lucrative until after many years of hard work and study. We have seen young Caymanian lawyers trying to go out in the Cayman Islands to make a living, and some of them have suffered during the early years of their practice. Because we know that the Banks and the Trust Companies who control most of the lucrative work, channel this work only to selected lawyers, and the young Caymanian putting out his shingle in this hostile climate, finds it very difficult to make a living during his early years, and the increase in this fee is not going to hurt the established lawyer who is making a quarter of a million dollars a year. It is going to hurt those young Caymaniana who are coming out of the Law School next year. They are the ones who are going to feel the pinch, and I am not for putting this fee to CI$2,000 as has been recommended. I am not for putting it to CI$500 as recommended in the Bill. If it is considered that the CI$300 now in existance is too much, let us make a reasonable increase and put it to CI$350. I saw this happen in an instance which I know of personally, when we increased the fee for Insurance Agents by 50 per cent at the Budget Session. It was not the established Agent who was hurt. The Agents who were hurt were the new ones. I know of one school leaver who had paid the CI$100 fee in October, and was asked on 1st January to pay another fee of CI$150, and he had not earned in that three months commissions equal to CI$250, although he had been earing a salary. These are the people we have to consider. So, when we say that lawyers make a lot of money, this is not always true. The lawyer does not make a lot of money until after he is well established in his practice, and has put a few years behind him. Then, we have to remember that there are Caymanians abroad, whom I believe are studying law and who may not be earning any money during this period, and they come back here and they are faced with loans to pay off. They are faced with setting up an office, if they are going to work for themselves, and many of them do struggle to get their foot in the door. This is why we cannot tolerate this attitude of 'tax and be damned'. We must consider the people at the bottom of the ladder.

Now, we know with the students who are coming into the workforce shortly, that if things go well for them in another ten years or so, they should be well established and quite able to pay any fee. But, I am in sympathy with these people, and as the Law covers all of them, they will have to pay this fee. And in fact, I see this increase in this fee as another blow to the students who will come out of the Law School. Not only will they have to compete with people who will be vying for the job from abroad, perhaps some of them with degrees, even better that our law students may acquire. But, they will be hit by this new fee, and I am really wondering who it is the Government is trying to help? Is it the Caymanian who is struggling to make something out of himself? Are they trying to help the ones who spend many hours in study, hoping for a better position? Are these people being given any encouragement at all by the Government. I trust that as there has been no support at all for this Bill, that the Government will see fit to withdraw it.

Also, there is a letter which has come to me, as it went to other Members of the Assembly, from a local Attorney. A man who had started from scratch in the profession, and has earned the respect of his fellows at the Bar. He is concerned, perhaps there are other Attorneys out there just as concerned, but perhaps not as outspoken. I believe the students at the Law School must be trembling with fear and trepidation, but they are not opening their mouths because they fear the repercussions which might come if they are too vocal in their criticisms.

MR. G. HAIG BODDEN (CONTINUING): This one letter is an indication to me that there is concern out there, and the Elected Government has the responsibility to not let this important issue fall outside their hands.

MR. PRESIDENT: I think, rather than invite another Member to start speaking now, and perhaps have to interrupt him quite shortly thereafter, it may be convenient if I suspend proceedings for lunch, and suggest that we resume at approximately two fifteen.

AT 12:40 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:23 P.M.

MR. PRESIDENT: Please be seated.

Second Reading Debate on the Bill for a Law to amend the Legal Practitioners Law. Does any other Member wish to speak? No other Member rises. I shall.....the Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I have listened with interest and intrigue to the debate on a Bill for a Law to amend the Legal Practitioners Law, 1969.

Whilst I can agree with some of the sentiments expressed by the previous speakers, I am glad Sir to see the Bill before us, which is going to remove the approval of Attorneys from Executive Council. I never felt in my own mind Sir, that this was right. I think, like the doctors and other para-professionals in the medical field, we are all licensed by a Health Practitioners Board, but that in no way gives us the right to work, and the Country has not been flooded by applications from doctors to be registered here. Even though in this instance the lawyers will now be licensed by the Grand Court Judge, et cetera, I do not think that there is going to be a flood of professionals, because it should be made clear to these people at the time, or if they are called to the Bar, that they will still require a work permit issued by the Caymanian Protection Board, in order to work in the Cayman Islands.

Now, some of the statistics heard this morning Sir, one in particular was that in 1984 there were only two Attorneys licensed by Executive Council, whereas since January 1985 until now there have been eleven licensed. Now Sir, I am not here to lay accusations as to why that was. Certainly, I have heard many people expound on how strong the economy was in 1984, and how the Country was booming during 1983 and 1984. So the blame cannot be laid on an economic footing. It leaves one to wonder if there may not have been some victimisation through the control of the number of Attorneys being licensed by Executive Council.

Mr. President, I believe in free enterprise, supply and demand, as many of my colleagues in this Honourable Chamber do, and I think we should allow supply and demand to work here within the confines of the work permit having to be issued by the Caymanian Protection Board. I do not want us to get into any socialist areas of Government, where the Elected Members who have the majority on Executive Council, do in fact, determine when a person can be licensed as at Attorney. Because Mr. President, it is true that they could keep foreigners from being licensed here, but it is also true Mr. President, that they could also keep Caymanians who qualified at the Law School and in other fields of endeavour from obtaining a license from Executive Council, if that particular lawyer or law student happened to be a vocal person who spoke out against the policies of Government or something similar.

MR. D. EZZARD MILLER (CONTINUING): So Mr. President, there are two sides to the coin, and I would prefer to see, as this Bill does, the lawyers or attorneys treated like all the other professions. They are licensed by their peers, so to speak, and are subject to the test of a work permit by the Caymanian Protection Board.

I agree too Sir, with increasing the annual practicing fee, but I also feel, while recognising that they do in fact pay the Business and License fees and other fees payable to Government, I also believe that they are not among the least fortunate of the professionals in this Country. I believe they could stand a little more than CI500. So if an amendment was brought forward to increase it, I would support it.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I rise to support a Bill for a Law to amend the Legal Practitioners Law, 1969, simply because I believe that regardless of which way it is termed or interpreted, in my view actually, the control technically and legally remain in the hands of Executive Council. To my mind this Bill seeks to regularise an anomaly in as much as the Caymanian Protection Board should deal with applications for gainfull occupation licenses in all categories of labour, whether they be accountants, bankers, insurance agents, lawyers or domestics.

I am satisfied Sir, that this amendment does not diminish in any respect, protection afforded to local attorneys. Since, in any event, provision is made for Executive Council to issue directives to the Caymanian Protection Board, and any Board which is seen to be too liberal in this or in any other regard, the authority still remains with Executive Council to act as they see fit to correct any unacceptable situation which might develop.

I feel Sir, that in some respects, it is a duplication of procedure, and as I have said, this amendment does not diminish in any respect, protection afforded to local attorneys.

As regards the increase to the fee from CI$300 to CI$500, spread over a period of a year, the additional CI$200 is a negligible amount, and I do not believe that any attorney would squawk at having to pay this additional amount, whether they are an old established firm or just hanging out their shingle to start their business. I do not believe that this will adversely affect the situation, Mr. President and I give this Bill my support.

MR. PRESIDENT: First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I rise to support this Bill Sir. I know that much has been read into it, but I think it is innocuous and appropriate.

In 1969 when the Legal Practitioners Law was introduced, there was no Caymanian Protection Board, and it was appropriate at that time that somebody be regarded as the regulatory body, as to the numbers and as to the necessity for persons of non-Caymanian status having the permission to work. The Government of the day thought that that was best placed in the hands of Executive Council. From 1971 we have had a Caymanian Protection Board, formed under the Caymanian Protection Law, which in all other respects controls whether or not persons of non-Caymanian status work within the Country, and it seems only appropriate that this provision as regards Lawyers be placed within the Protection Board as well.

HON. BENSON O. EBANKS (CONTINUING): Executive Council has not passed the buck, or shirked its responsibilities in any way Mr. President, by this proposed action. The Caymanian Protection Law gives to the Executive Council the statutory right to pass directives on to the Board, that is general directives, and to me it is only fair that Attorneys-at-Law be treated in the same fashion as any other occupation. To whom would they apply or appeal if Executive Council is pronouncing on them in the first instance. As the last speaker said, it is an anomaly, the appellate body of the Cayman Protection Board is the Executive Council, and it is a case of, as it now exists, of 'appealing to Caesar unto Caesar'. This does not in my estimation diminish in the least the protection which Attorneys-at-Law of local origin will be afforded. As the mover pointed out, apart from the general requirement which the Board must take into consideration, that is the availability, suitability and qualifications of local persons to do the job, there are specific directives in this instance which govern such things as the Board making sure that no one or two firms of Attorneys-at-Law become too large and monopolise the practice.

Mention was made of medical practitioners, but Mr. President, medical practitioners are not licensed by Executive Council. They are licensed under a Medical Practitioners Board. That Board does no more in respect of medical practitioners, than pronounce on their fitness and qualifications than does the Court in the case of an Attorney-at-Law. The authority which really decides whether they work in the Country is the Caymanian Protection Board. That is whether their services are needed within the community, so it will now be with the lawyers.

Mr. President, I do not fear that because of this change, our law students will be discriminated against. After all, many of our law students are articled to these same expatriate lawyers, as I think they are referred to. So, if there was no intention of seeing these people become qualified, and that they fill their place in the community, I doubt that they would be articling the local students. If the students have any fears in this regard Mr. President, I assure you that they are quite at liberty to voice their concern. This Government is not a Government which victimises people for speaking their opinions.

The mover, Mr. President, in my opinion covered just about every area to be covered in this Bill, and anything which I could add would only be repetition, and with these few words of support which I have given, I support the Bill in its entirety.

MR. PRESIDENT: Does any other Member wish to speak? In that case I will ask the mover of the Second Reading whether he wishes to exercise his right of reply. The Second Official Member.

HON. MICHAEL J. BRADLEY: Yes, Mr. President, Sir.

This Bill in front of us is a short Bill. It is a brief Bill and it is one which I thought the House once they had heard my opening address, would have dealt with in an expeditious manner.

The House however, in its wisdom, to use a coloquialism Sir 'made a meal of it'. I think the reason why they made a meal of it was because they were anxiously and avariciously chasing after all the red herrings which have been popped up in the course of the debate, and they are red herrings.

The basic question in relation to the second clause is whether to keep a dog and bark yourself. If you have got, and if you as a Government appoint from the Caymanians in your community people of experience, people of wisdom, people of probity and appoint them to a Board, whose title speaks for itself, to protect the interests of Caymanians, and if that Board is given the responsibility of doing that job under the law and the directives, then it should be untrammeled from outside influences.

HON. MICHAEL J. BRADLEY (CONTINUING): We have heard a lot Sir about how this will open the floodgates. How the law students, the few who are left are coming back from overseas, and the ones who are coming out from the Law School will be penniless and without jobs. I think this is a fantasy projection, and one which cannot be based on any rational analysis of figures. If I may Sir, just spell out for the benefit of all Members here and of the Law Students themselves, a few facts concerning the profession of Attorney-at-Law in the Cayman Islands.

At the present time Sir, there are some 55 Attorneys-at-Law with practicing certificates. Of those, 23 possess Caymanian status, and 32 do not. You have therefore 32 persons here subject to work permits of between two and three years each. You have on the other hand Sir at the present time, two law students who will come back, one in 1987 and one in 1988 from overseas, and you will have hopefully next summer, the summer of 1987 the first batch of our own law students through our own Law School who started away back in 1982. The figures quoted here earlier by one of the Members opposite were correct. If they all pass their examinations every year on time there will be in 1987 a maximum of five from the Law School; in 1988 a maximum of four; in 1989 a maximum of 5 and in 1990 a maximum of five. That with the two students from overseas makes a maximum of 21 Caymanians who will qualify in the remainder of this decade and the beginning of the next. Of those, two in the Law School and two outside are bonded to Government, and will be in Government service for periods up to three or four years, and as an aside Sir, there are already four young Caymanian lawyers in Government service, two of whom are presently directly in my Chambers, one of whom is in the Courts Office and one of whom is in the Registry of Lands division. But even if we assume that of the total of 31 lawyers, that all of them elect to go into practice with firms already here, and not one elects to put up their shingles; but even if we presume that our commerical field remains static and there is no increase in the amount of work demanding an increase in the amount of lawyers; even on those two hypothesis there will still be spaces for every one of those students, and spaces for another eleven or twelve.

Let me go back to this point, "the even if there is no increase". You can produce facts Sir, the facts speak for themselves, but at times they speak with differing voices. One of the Honourable Members here drew from the statistics which were produced, that in the year between November 1983 and November 1984 there were five Attorneys-at-Law who were expatriate, admitted with the authorisation of Executive Council. Of whom three were replacement lawyers and two additional lawyers. There was a further correct statement that in the period from November 1984, in 18 months to the present time, there was a total of eleven expatriate lawyers admitted, of whom five were replacements and six were additional lawyers. Those facts can have many inferences drawn from them, and I am not going to favour any particular inference. One inference could be that since (and I presume this is the date Members are thinking about) 16th November, 1984 the policy has been too liberal, or before that, the policy was too strict, or before that, the economy did not justify the increases in additional Attorneys, or after that, the economy did justify inareases. Everybody may have their own opinions, but there is one fact which I must get clear to Members here. That the facts as presented were correct, in that the number of enrollments were those. But in the eleven people who were admitted as Attorneys-at-Law of the Cayman Islands since November, 1984, in those numbers there were two in respect of whom authorisation had been given by Executive Council in the middle of 1984.

HON. MICHAEL J. BRADLEY (CONTINUING): So, if you are looking not at enrollments, but at authorisations by Executive Council, the figures are that there were seven authorisations in a twelve-month period and nine authorisations in an eighteen-month period.

Mr. President Sir, red herrings were drawn in here about the Cayman Islands Law Society, about it being in the hands of expatriates, and several firms. I am neither going to comment on those or discuss them. All I will make is a statement of fact, and that is that the Cayman Islands Law Society does not have control of the admission of Attorneys-at-Law, whether expatriate or local to practice in the Cayman Islands, and that there is no input by the Law Society either to the Caymanian Protection Board or to Government.

Another Member questioned the timing and the motives. How the word 'motives' differs from 'reasons' I am not quite sure. I think they are indistinguishable. That the motives and the reasons are the same, and that is to remove an incongruity, to remove an irrationality. Any person can say 'why was this Bill, why was this amendment brought at this particular time', and that can be said about any amendment and any matter, and there is no answer to that except that you decide what is an appropriate time, you decide a time when pressures of other work in the House admit it. You decide in the judgement of Government that it is appropriate.

Can I go back Sir, to say that in relation to the increase for the fees, the annual practicing certificate of Legal Practitioners, I am pleased to find a general acceptance from Members for this small increase. There was a suggestion made that perhaps consideration ought to be given to the concept that younger qualified Attorneys who qualify in the near future, may wish to set up their own shingle, and may find even the sum of CI$500 burdensome. I have taken that on board Sir, and I will consider seriously once our Caymanian Attorneys from the Law School join us as friends and as colleagues, whether there would be logic, and I will do it in consultation with my learned friend the First Official Member, in introducing a system which is not unknown in other jurisdiction, whereby your practicing certificate fee increases in cost, depending on the number of years that you have been qualified. It is something which should not be rushed. It is something which should be discussed, because it, equally well if rushed could be too hastily done.

In conclusion Sir, can I say that I urge all Members to support this Bill. To support basically what it is doing, and that is giving a vote of confidence to the Caymanian Protection Board, and an assurance that this Government wishes by this amendment in Clause 2 to place the legal fraternity and the control of expatriates who join it as professionals, in the same position as regards lawyers as they are for every other sphere of work activity within the Cayman Islands.

Mr. President Sir, I beg to move the motion.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Legal Practitioners Law, 1969, be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. LINFORD A. PIERSON: May I have a division Mr. President.

MR. PRESIDENT: Of course.

DIVISION
NO. 14/86

AYES	NOES
Hon. Thomas C. Jefferson	Mr. W. McKeeva Bush
Hon. Michael J. Bradley	Mr. Linford A. Pierson
Hon. John Lemuel Hurlston	Mr. G. Haig Bodden
Hon. Benson O. Ebanks	Mr. John B. McLean
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Mrs. Daphne L. Orrett	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
9	4

MR. PRESIDENT: I think four Noes. The Second Elected Member for West Bay, the Second Elected Member for George Town, the Member for East End and the Second Elected Member for Bodden Town, I think. Is that correct? In any event I declare the motion carried.

AGREED BY MAJORITY: THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1986 GIVEN A SECOND READING.

MR. PRESIDENT: We can continue with Item 5, Bills, No.4.

THE PENAL CODE (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE PENAL CODE (AMENDMENT) BILL, 1986.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Penal Code, Law 12 of 1975 is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: THE PENAL CODE (AMENDMENT) BILL, 1986.

HON. MICHAEL J. BRADLEY: Mr. President, Sir I beg to move that a Bill shortly entitled the Penal Code (Amendment) Law, 1986 be read a Second Time.

This Bill Sir, is seeking as the Memorandum of Objects and Reasons states, to make three unconnected amendments to the Penal Code, Law 12 of 1985.

The first clause is the short title. The second clause seeks to give the Court power in the circumstances therein mentioned, to award compensation under Section 28 of the Penal Code to a person injured by an offence, which on a conviction for a similar offence is taken into consideration by the Court.

Clause 3 of the Bill seeks to amend Section 68 of the Penal Code, so that the mere possession of a prohibited weapon for whatever purposes would be an offence, and in Clause 4 the opportunity is taken to put right an anomalous situation that exists at present, due to the juxtapositioning of three words in Section 177(1) of the Penal Code.

If Sir, Members will bear with me, I would hope to deal with this short Bill in the same way as the previous Bill, though hopefully, not at such great length.

HON. MICHAEL J. BRADLEY (CONTINUING): At present, Section 28 of the Penal Code reads:

> "Any person who is convicted of an offence may be adjudged to make compensation to any person injured by his offence. Any such compensation may be in addition to or in substitution for any other punishment".

Under this as it present stands Sir, if a person is convicted and there has been injury to another person, the person convicted may be ordered to pay compensation to the person injured by his offence.

However Sir, there is a system which operates in the Courts which briefly is that whenever a person is convicted of an offence, that he can ask for other offences which have been committed by him to be taken into consideration. What he does is, that after conviction he is asked if he wishes the other offences which he has committed, or is alleged he has committed, to be taken into consideration. If he agrees, the list of the offences and a brief description of them are given to the Court and the Court when convicting and sentencing for the offence which was tried before the Court, in deciding upon the penalty whether he be fined, imprisoned, or both, takes into consideration all the other offences which he has admitted to. The advantage of this Sir is that basically it wipes the slate clean for the offender. It gives him the opportunity to start afresh, and to know that there are no other charges hanging over his head in relation to which he is in danger of being brought before the Court again. It has the advantage for the system of law enforcement of justice, in that again, it clears off the slate a number of offences in an expeditious manner that they believe have been committed by a particular person, and which otherwise would have to be dealt with by separate trials.

The one defect in this system at the moment is that when a person is so convicted, and asks for other offences to be taken into consideration, that even if persons have been injured as a result of those other offences admitted, there is presently no power on the part of the Court taking them into consideration to order compensation to be paid. This Clause 2 before this House now, seeks to remedy that by inserting in Section 28 the words:

> "Or by any other similar offence committed by him which is taken into consideration by the Court in determining sentence",

immediately after the word "offence" in the second line. So if passed, this amendment would have Section 28 read:

> "Any person who is convicted of an offence may be adjudged to make compensation to any person injured by his offence, or by any other similar offence committed by him which is taken into consideration by the Court in determining sentence. Any such compensation may be in addition to or in substitution for any other punishment."

I commend this amendment to the House.

Clause 3 of the Bill seeks to amend Section 68 of the Penal Code. Section 68 of the Penal Code deals with prohibited weapons. It says:

> "Whoever -
>
> (a) imports into the Islands, manufacturers, sells or hires or offers for sale or hire, or exposes or has in his possession for the purpose of sale or hire; or
> (b) wears or carries in public
>
> any prohibited weapon is guilty of an offence and liable to imprisonment for a term not exceeding five years or to a fine not exceeding CI$1,000 or both."

HON. MICHAEL J. BRADLEY (CONTINUING): This deals with prohibited weapons, and Sir, 'prohibited weapon' is defined in the previous section as meaning, and I quote from the Law:

"Any machine gun, sub-machine gun, automatic rifle or any weapon of any kind or description, adapted for the discharge of any noxious liquid or gas and includes any black jack, bludgeon, flick knife, gravity knife or knuckle duster".

I consider Sir that there is an anomaly in the Law, that whilst you can be sentenced to five years imprisonment or fined CI$1,000 or both fined and confined for importing, manufacturing, selling, hiring, offering for sale, exposing, having in your possession for the purpose of sale or hire, or even wearing or carrying in public, that that penalty applies. But that if you possess it, and have it in your possession, that you are not guilty of any crime at all.

The Clause 3 before this House seeks to amend Section 68 so as to read, very simply:

"That whoever imports, manufacturers, sells or hires or offers for sale or hire, or has in his possession any prohibited weapon, is guilty of an offence et cetera".

I think this brings logic into Section 68. I commend this also to Honourable Members of this House.

The third change is in Clause 4, and in Clause 4 the subject which is dealt with is Section 177 of the Penal Code. In sub-section (1) that section presently says:

"A person is not deemed to have killed another if the death of that person does not take place within a year and a day of the cause of death."

It has been pointed out to me by the judiciary that the proposition which the sub-section is intended to set out is not of the 'not deeming kind', if there be such a creature, but rather 'of positively deeming not to be' the case in Law, something which as a matter of fact may be the case. The amendment before this House seeks to change the wording and the juxtapositioning of the words to say:

"A person is deemed not to have killed another if....."

It is a simple, logical and grammatical change which does not alter the substantive law, but makes sense as to meaning.

Mr. President Sir, I commend this Bill to Members of the House.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Penal Code, Law 12 of 1975 be given a Second Reading.

The motion is open for debate. If no Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1986.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Misuse of Drugs Law (Second Revision) is deemed to have been read a First time, and is set down for Second Reading.

SECOND READING

CLERK: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1986

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to move the Second Reading of a Bill shortly entitled The Misuse of Drugs (Amendment) Law, 1986.

I have said Sir, in moving Second Readings of other Bills before the present meeting of this Honourable House, that they were short Bills, and they were simple Bills. This Sir, is a short Bill but I cannot in all truthfulness claim that it is a simple Bill. However, if Honourable Members will bear with me, I shall try to go through it and explain the provisions which are contained in the four substantive clauses.

May I seek first to read out to Members again, the Memorandum of Objects and Reasons, as printed in the Bill published in the Gazette, and it says:

> "This Bill seeks to make consequential amendments to the Misuse of Drugs Law (Second Revision) relating to the newly created offence of 'Possession with intent to supply' and to the rewording of the final paragraph Section 3(1) by the introduction of the words "assisting or being concerned in".

When these amendments were made by Law 19 of 1985, the second schedule of the principal law was not consequentially amended to provide specific penalties relating to them. The purpose of this Bill is to seek by Clause 5 to do this. At the same time, the opportunity is taken in Clause 2 to make a declaration to clarify the definition "hard drug". The opportunity is also taken to make it plain which sentencing provisions apply to the offence of possessing utensils and to the offences under sub-section 3(2) when they occur in relation to hard drugs, and this is done by Clause 3.

Finally, it is sought to correct an ambiguity as to the sentencing power of the Court, upon trial on indictment under Section 26, and this is done by Clause 4.

Sir, drugs are a problem world-wide. The Misuse of Drugs Law in our jurisdiction has been amended from time to time and has been amended so as to deal with the increasingly fluid and complex problems which arise in controlling and suppressing drug trafficking which has arisen through the creation of new types of drugs, and through the various methods which are used by drug abusers and drug traffickers, to avoid the consequences of their criminality.

Sir, in relation to Clause 2, the purpose of this clause is to amend the definition section, Section 2, so as to make it plain that the expression "hard drug" includes not only, and I quote:

> "(a) coca leaf, cocaine, codeine, dipipanone, heroin, morphine, or opium as listed and defined in the First Sechedule, or
> (b) any preparation or other product containing a substance or product of any of the controlled drugs mentioned in paragraph (a)."

But also the various chemical derivatives of those drugs presently listed in paragraphs 2, 3 and 4 of the First Schedule, for example the stereo-isomeric form (paragraph 2), esters and ethers (paragraph 3), the salts (paragraph 4).

This is to meet a point mentioned recently in the Law, whereupon the Magistrate decided that the definition of "hard drug" did in fact extend to these various derivatives. In doing so he followed the English Common Law developed to deal with a different but cognate point as set out in the case of Regina against Greensmith, in the United Kingdom in 1983.

HON. MICHAEL J. BRADLEY: The point is of great general importance because cocaine in these Islands as in North American generally, is imported and taken in the form of Cocaine Hydrochloride a salt of Cocaine. Practically all cocaine cases in the Islands have concerned this form of the drug. It has always been assumed by all parties and without question that Cocaine Hydrochloride was a hard drug. This amendment is to clarify this understanding, and to give statutory effect to that general assumption.

In Clause 3, the amendment is intended to make plain what sentencing provisions apply to certain ancillary offences when such ancillary offences are concerned with hard drugs. The ancillary offences concerned are:

> "(a) possessing et cetera, any pipe, utensil or thing used in the preparation or consumption of any controlled drug".

That is set out in Section 3(1) of the Law, and (b) the offences under Section 3(2) of the Law:

> "Of being the occupier or concerned in the management of premises, and permitting certain activities concerned with drugs to take place on those premises and,
>
> frequenting any place used for the purpose of consuming any controlled drug."

The present ambiguity in the Law arises from the phrasing of Section 13(4) which says:

> "Notwithstanding the provisions of subsection (1), where a person is convicted of any offence that -
> (a) is contrary to any provision of this Law; and
> (b) is in relation to a controlled drug that is a hard drug, the sentence shall on summary conviction include a term of imprisonment and a fine in accordance with the provisions of Part B of the Second Schedule."

On the face of it, this is out to catch the ancillary offences where they relate to hard drugs. The difficulty is that although Part B lists various offences and relates them to amounts of the drug concerned, it does not refer anywhere to those ancillary offences. It is sought by this amendment to clarify this ambiguity, by making it quite plain that Section 13 sub-section (4) only applies to the offences actually specified in Part B of the Second Schedule. The ancillary offences would then fall under the general and lesser penalty for Section 3 offences, contained in Section 13(1) which is CI$3,000 or three years. The explicit reference to sub-section (4) sub-section (2) in that Section suggests as a matter of course, that this is what the Legislature originally intended anyway, but that intention has become clouded by inadvertently sub-section (1) being made subject to sub-section (4).

Clause 4 seeks to deal with an omission which appears always to have existed in the law, but which has only recently been noticed.

Section 28 confers a right of trial by jury in certain cases. This would be trial on indictment. The offences concerned all relate to hard drugs, under the offences of, and I quote:

> "selling, dealing in, distributing, supplying, dispensing, storing, issuing a prescription for, administering, importing, exporting, producing, attempting, contrary to Section 3(1)."

The problem is that the penalty section for hard drugs Section 13(4) as mentioned above only refers to sentence on summary conviction. This is not apt to include conviction on indictment on a strict interpretation, the Grand Court has no power to sentence at all. This omission has only now come to light, because recent amendments to this provision have widened the category of cases in which there may be trial by jury.

HON. MICHAEL J. BRADLEY (CONTINUING): Section 8 of the Misuse of Drugs (Amendment) Law, which this Honourable House passed in 1865, so widened the categories. It may also be Sir, that we are now getting more hard drugs cases.

This amendment in Clause 4 seeks to correct a technical deficiency which has crept into the Law as it has grown through many amendments. It is assumed that the Legislative Assembly of the Cayman Islands always intended, that after a trial by jury the Grand Court would have power to impose a proper sentence. The new sub-section therefore declares what that power is, and always has been.

Lastly Sir, Clause 5. This Clause seeks to amend the Second Schedule to the Law. That Schedule is concerned with setting out lists of offences to which the penalty provision contained in Sections 13(2), (3) and (4) of the Law, apply. The basic list of offences under the Law is contained in Section 3(1). That list has recently been amended by the addition of a new Section 3(1) paragraph (m) which created the offence of possession with intent to supply.

Section 3 subsection (1) was also amended at that time to delete the cumbersome and superfluous list of ways in which offences could be committed. I quote:

> "Or who attempts or offers so to do, causes, procures, solicites, entices, aids, abets, permits or suffers any other person so to do, is guilty of an offence."

And replaces it with the simpler:

> "Or who attempts, assists or is concerned in any such matter is guilty of an offence."

And that was contained in Section 3 of the Amendment to the main Law which this House passed in 1985.

Unfortunately Sir, neither of these amendments was refrected properly in the Second Schedule, which therefore:

a) omitted to refer to the new offence of possession with intent to supply, and

b) did not refer to 'assisting or being concerned in'. Although it did have 'attempting', because of its presence in the previous wording.

This omission has the consequence that for soft drugs the new offence could only be penalised under Section 13(1), CI$3,000 or three years. While in the case of a hard drug, the only penalty section which can apply is Section 14, the general penalty of CI$1,000 or one year. This is clearly unacceptable, and this amendment in Clause 5 seeks to put both omissions right by:

Inserting a reference to the new offence 'possession with intent to supply', into Part A of the Second Schedule. (That part is a list of offences for soft drugs, and is referred to in Section 13(2) and (3)). The new offence will now be listed at small paragraph (vii) sub-paragraph (a).

And by further amending Part A of the Schedule by removing the obsolete wording 'offering, causing et cetera' and substituting the new wording 'changing or being concerned in'.

Thirdly, again in Part A, slightly changing the paragraph concerned with attempting et cetera, to include the new offence of possessing with intent; as already introduced into the list, by sub-clause 5(a) above, by inserting into Part B the penalties for hard drug offences the new offence of possession with intent to supply where relevant and again, by inserting in Part B the new wording "assisting or being concerned in" again, where relevant.

HON. MICHAEL J. BRADLEY (CONTINUING): That Sir, believe it or not, is an attempt to explain logically the very complex and technical provisions which this amending Bill seeks to introduce into a Law which itself has become technical and complex as it has been amended over the years.

I speak for myself Sir, when I say that I think the time has come that the acritans and the barnacles and the difficulties of application and interpretation of our Misuse of Drugs Law, is such, that perhaps we ought to try and find time to look at the Law afresh and without altering any of the principles or offences contained therein, revamp and redraft the Law to make it, what all Laws should be Sir, inteligible not only to the lawyer but to the persons who can be affected by it.

Sir, I beg to move the Second Reading of the Misuse of Drugs (Amendment) Law, 1986.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Misuse of Drugs Law, be given a Second Reading.

The motion is now open for debate, but I think before inviting any Member to speak, if any Member wishes to, it may after that long and learned explanation be convenient to take our customary short break, and I will therefore suspend proceedings for approximately 20 minutes.

AT 3:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:50 P.M.

MR. PRESIDENT: Please be seated.

Second Reading debate on a Bill for a Law to amend the Misuse of Drugs Law. Does any Member wish to speak? No Member wishes to speak, I will put the question. The question is that a Bill for a Law to amend the Misuse of Drugs Law be given a Second Reading.

QUESTION PUT; AGREED. THE MISUSE OF DRUGS (AMENDMENT) BILL, 1986 GIVEN A SECOND READING.

THE FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT (AMENDMENT) BILL, 1986.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend The Foreign Judgments Reciprocal Enforcement Law (Revised), is deemed to have been read a First time, and is set down for Second Reading.

SECOND READING

CLERK: THE FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT (AMENDMENT) BILL, 1986.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to move the Second Reading of a Bill shortly entitled The Foreign Judgments Reciprocal Enforcement (Amendment) Law, 1986.

Hopefully, Mr. President, my Second Reading speech in relation to this Bill will be slightly less complex than the previous Bill which received its Second Reading.

Very briefly, the Foreign Judgments Reciprocal Enforcement Law received its assent and passed through this House originally in 1967, and as Law 32 of 1967.

However, throughout that Law, there is reference to certain things that the Governor may do by Order in Council. Now Sir, 'Order in Council' is a term which carries in our relationship with the United Kingdom as a dependent territory of the United Kingdom, a certain direct meaning, and that is:

An Order in Council is an Order made under the Royal Prerogative by Her Majesty the Queen in Privy Council. Perhaps the best known example of an Order in Council is our Constitution which is technically the Cayman Islands Constitution Order in Council.

The words 'Order in Council' which appear in this Bill are anomalous and very briefly, this amending Bill seeks firstly, to put in a definition of 'Governor' as meaning Governor in Council and secondly, wheresoever the words 'Order in Council' appear, to delete them and replace it with the simple word 'Order'. Thus making it clear that the delegated authority under this Bill is given to the Governor in Council to make the type of subsidiary legislation called 'Orders', and that there is no reference in the Bill to Order in Council, which is a term used not in this Country, but by prerogative acts of Her Majesty in Council.

With that short explanation Sir, I beg to move the Second Reading.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend The Foreign Judgments Reciprocal Enforcement Law, (Revised) be given a Second Reading.

The motion is open for debate. If no Member wishes to speak? I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: I think the next item requires us to suspend Standing Orders. I wonder whether the Second Official Member would care to move that.

SUSPENSION OF STANDING ORDER 46(1) & (2)

HON. MICHAEL J. BRADLEY: Mr. President, Sir, in accordance with Standing Order 93 I beg to move that Standing Order 46(1) & (2) be suspended to enable a Bill shortly entitled The Judicature (Amendment) Law, 1986 to be given a First and Second Reading.

MR. PRESIDENT: Would it be possible in the single motion to cover both the two Bills that are going to require this suspension?

HON. MICHAEL J. BRADLEY: Indeed it would, Sir. I was moving it singly in case there were some Members who felt they could vote for the suspension of one and not for the other. But if you feel that it is fit, proper and safe so to do, I will amend my motion to say 'to enable the First and Second Readings of the Bills shortly entitled The Judicature (Amendment) Law, 1986 and The Affiliation (Amendment) Law 1986 to be given their First and Second Readings'.

MR. PRESIDENT: Let us take the risk.

The motion before the House is that in accordance with the provisions of Standing Order 83, Standing Order 46 (1) & (2) be suspended in order to enable The Judicature (Amendment) Bill, 1986 and The Affiliation (Amendment) Bill, 1986 to be given a First and Second Reading.

If no Member wishes to speak? I will put that question.

QUESTION PUT: AGREED. STANDING ORDER 46(1) & (2) SUSPENDED.

MR. PRESIDENT: We can continue therefore with Item 5(7) on the Order Paper.

THE JUDICATURE (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE JUDICATURE (AMENDMENT) BILL, 1986

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Judicature Law, is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE JUDICATURE (AMENDMENT) BILL, 1986

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move the Second Reading of a Bill shortly entitled The Judicature (Amendment) Law, 1986.

The Judicature Law was originally enacted in the Cayman Islands in 1975, and was amended thereafter in 1976. As the long title of the Bill indicates, it is a Law to regulate the administration of justice.

One of the parts of the administration of justice is the process of Jury Trial, the empaneling of jurors and their duty to serve as jurors in this jurisdiction.

At present Sir, the section of the Judicature Law which relates to the panel of jurors for Court Sessions is Section 14, which says:

> "At least twenty-one days before each session of the court, the Clerk of the Court shall take from the jury list the names of thirty-six jurors who have not served as jurors in the last six preceding sessions, and shall summon them to appear on the day fixed for the next session of the court."

At present the jury panel is so prepared and 36 jurors are summoned to appear. When they appear Sir, there are some who are excused by reason of infirmity, of ill health or business. As a general practise, the effective jury panel is not more than 30.

That Sir, seems an adequate number out of which a jury panel of 12 may be chosen, when one considers a single person being tried, or even perhaps two persons being tried jointly. However, the difficulty arises when there are a number of co-defendants. There can be situations which will happen in the Cayman Islands within the next few months, whereby there are several co-defendants charged. Now, each defendant in a jury trial is allowed to have 12 peremptory challenges, and the Crown is accorded a similar privilege.

HON. MICHAEL J. BRADLEY (CONTINUING): A pre-emptory challenge is a challenge to stand aside without having to show any cause why the juror is being challenged. This is distinct from a challenge for cause, where you show to the court that the person should not serve upon the jury, because of some good reason. In a pre-emptory challenge you need have no reason shown. It is a safeguard for defendants, but in a situation like the one I have postulated where there were say, three defendants, that means there could be a total of 36 preemptory challenges by the defence and 12 by the Crown - 48. If there were four defendants, there could be 48 by the defence and 12 by the Crown - 60, and of course there are not that number of jurors on the panel.

What happens if you run out of jurors, you have not got 12, if there have been a number of challenges, and there are not 12 left who could be sworn in? Then Section 17 of the Judicature Law applies, and it is called an entitled talesman, and it makes very interesting reading, because it says:

> "If on the trial of any matter, the number of jurors available is for any reason reduced below the number required, the jury panel shall be made up by talesmen selected by the Clerk of the Court from bystanders or others attending the Court and eligible for jury service and any talesman who refuses to serve is guilty of an offence and liable to a fine not exceeding CI$30.00."

If you cannot find from the panel a full 12 jurors, that is the procedure that is adopted. In my opinion it is a thoroughly unsatisfactory procedure, and one which should be used as a last resort. It is not even a very effective procedure, because I can imagine if a person who was 'caught' if I may use the word, as a talesman, being a bystander or sitting in court, to serve on the jury, would elect to pay a fine not exceeding CI$30.00 rather than perhaps serve for days.

So Sir, what this short amendment seeks to do is to amend Section 14 to provide that instead of the jury list containing the names of 36 jurors, that it shall contain the names of not less than 36, nor more than 72 jurors. If passed, this will enable the Clerk of the Court before she prepares a jury list, to look at the court list for the sessions for which the jury panel is being summoned, and to determine whether in the interests of justice, the court list is such that a number greater than 36 should be empanelled. If so, she will then have the discretion to list a number of names which shall not be less than 36 nor more than 72 to serve as jurors of their peers in criminal cases before the Grand Court.

I apologise to Honourable Members of this House for having had to ask them to suspend Standing Orders to enable this short Bill to be taken. However Standing Orders are our servants, not our masters, and in my opinion the interests of justice were such that it was imperative that this amendment be made, so that the process of justice and the workings of the courts should not be unnecessarily hampered, brought into disarray or disrepute.

Honourable Members I commend this Bill to the House.

MR. PRESIDENT: The question is that a Bill for a Law to amend the Judicature Law be given a Second Reading.

The motion is open for debate. No Member wishes to speak? I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING

MR. PRESIDENT: As we have already suspended Standing Orders, it is possible to proceed with Item 5(8).

THE AFFILIATION (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE AFFILIATION (AMENDMENT) BILL, 1986

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Affiliation Law, 1973, Law 10 of 1973 is deemed to have been read a First time, and is set down for Second Reading.

SECOND READING

CLERK: THE AFFILIATION (AMENDMENT) BILL, 1986

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move the Second Reading of a Bill shortly entitled The Affiliation (Amendment) Law, 1986.

As Members will have seen from the white copy which was circulated to Members some time ago, or indeed hopefully, from the green copy printed as a supplement to the Gazette which should now, at this moment in time, be in the hands of Members.

The Objects and Reasons of this Bill are to amend the Affiliation Law, 1973 by increasing the amount of the weekly sum of money that a putative father may be ordered to pay for the maintenance and education of a child.

At present Sir, the Law in Section 5 sub-section (2) provides:

> "If the court adjudges the man to be the putative father, it may also, if it sees fit, having regard to all the circumstances of the case, proceed to make an order (hereinafter called an affiliation order) on the putative father for the payment to the mother or guardian of the child of a sum of money weekly, not exceeding twenty dollars a week, for the maintenance and education of the child."

That Law Sir, was passed in 1973, and assented to on the 2nd August. It is now 13 years later, the cost of living, inflation, had reduced effectively the monetary value of such maximum order, and this short Bill before the House seeks to do in relation to illegitimate children, what this House saw fit to do on 22nd May, 1985 when it considered an amendment to the Maintenance Law, which provided that the maximum amount of maintenance that a parent could be called upon to pay in respect of a child, the subject of a marriage, was increased from CI$20.00 to CI$50.00 a week.

This Law seeks to bring the Affiliation Law into line with what we have already provided in respect of the Maintenance Law, because there is no logical reason why the Court should have power only to order CI$20.00 a week for an illegitimate child, while it may order CI$50.00 a week for a legitimate child.

May I commend this Bill to the Honourable Members of this House. Thank you.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Affiliation Law, 1973, Law 10 of 1973 be given a Second Reading.

The motion is open for debate. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

HON. THOMAS C. JEFFERSON: Mr. President I move.....

MR. PRESIDENT: I am so sorry, I thought the Honourable Second Official Member was trying to say something to me, but....

HON. MICHAEL J. BRADLEY: I was Sir. I was merely saying that I have been having a private discussion with the Honourable First Official Member, and seeking an agreement of views between our two selves as to whether in this unique situation Sir, that we have actually finished a days business before four thirty, whether there is any need formally to move the adjournment of the House, or does it not take place automatically, there being no further business to be discussed?

MR. PRESIDENT: Well it is a nice point. I think it might be safer if we adjourn, for two reasons. Firstly in theory, it gives a Member an opportunity to raise something on the adjournment, nobody having given me notice two days before, there will not actually in practice arise anything of the kind. Secondly, it does fix when we are to meet next I suppose - that is perhaps fixed anyway. But I think it can do no harm to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: I will try again Mr. President. I move that the House do now adjourn until 10.00 a.m. tomorrow.

MR. PRESIDENT: The motion is that this House do now adjourn until 10.00 a.m. tomorrow.

No Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. AT 4:22 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 21ST MAY, 1986.

SECOND MEETING OF THE 1986 SESSION
OF THE LEGISLATIVE ASSEMBLY
WEDNESDAY, 21ST MAY, 1986

(SECOND DAY)

PRESENT:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	*FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT*
HON MICHAEL J BRADLEY, QC, LL.B	*SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION*
HON JOHN LEMUEL HURLSTON	*THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS*
HON BENSON O EBANKS	*MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES*
HON W NORMAN BODDEN, MBE	*MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE*
HON CAPT CHARLES L KIRKCONNELL	*MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION*

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 MABRY S KIRKCONNELL	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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*

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

SECOND MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

SECOND DAY

WEDNESDAY, 21ST MAY, 1986

1. PRAYERS

TO BE READ BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. QUESTIONS TO HONOURABLE MEMBERS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 41: WOULD THE HONOURABLE MEMBER STATE WHETHER THE POSITION OF CHIEF PRISON OFFICER AT THE PRISON WAS ADVERTISED?

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

NO. 42: WOULD THE HONOURABLE MEMBER STATE WHAT PROGRESS IF ANY, HAS BEEN MADE ON THE DRUG REHABILITATION PROGRAMME?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 43: CAN THE HONOURABLE MEMBER SAY WHAT WAS THE TOTAL AMOUNT OF TOURIST ARRIVALS FROM JANUARY TO 30TH APRIL, 1986 AND WHAT IS THE COMPARISON OF THE SAME MONTHS FOR 1984 AND 1985?

3. GOVERNMENT BUSINESS

BILLS:-

COMMITTEE THEREON

(1) THE PATENTS & TRADE MARKS (AMENDMENT) BILL, 1986
(2) THE PRISONS (AMENDMENT) BILL, 1986
(3) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1986
(4) THE PENAL CODE (AMENDMENT) BILL, 1986
(5) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1986
(6) THE FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT (AMENDMENT) BILL, 1986
(7) THE JUDICATURE (AMENDMENT) BILL, 1986
(8) THE AFFILIATION (AMENDMENT) BILL, 1986

REPORTS THEREON

(9) THE PATENTS & TRADE MARKS (AMENDMENT) BILL, 1986
(10) THE PRISONS (AMENDMENT) BILL, 1986
(11) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1986
(12) THE PENAL CODE (AMENDMENT) BILL, 1986
(13) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1986
(14) THE FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT (AMENDMENT) BILL, 1986
(15) THE JUDICATURE (AMENDMENT) BILL, 1986
(16) THE AFFILIATION (AMENDMENT) BILL, 1986

THIRD READINGS

(17) THE PATENTS & TRADE MARKS (AMENDMENT) BILL, 1986
(18) THE PRISONS (AMENDMENT) BILL, 1986
(19) THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1986
(20) THE PENAL CODE (AMENDMENT) BILL, 1986
(21) THE MISUSE OF DRUGS (AMENDMENT) BILL, 1986
(22) THE FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT (AMENDMENT) BILL, 1986
(23) THE JUDICATURE (AMENDMENT) BILL, 1986
(24) THE AFFILIATION (AMENDMENT) BILL, 1986

4. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:-

(1) PRIVATE MEMBER'S MOTION NO.7/86
SAFE AND LEGAL PILOTAGE IN CAYMAN TERRITORIAL WATERS

(2) PRIVATE MEMBER'S MOTION NO.10/86
CIVIC CENTRES

5. ADJOURNMENT

TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS, AT 3:30 P.M.

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WEDNESDAY

21ST MAY, 1986

10.00 A.M.

MR. PRESIDENT: Prayers. The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: 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.

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

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

MR. PRESIDENT: Please be seated.

Questions. The Second Elected Member for West Bay is not here, has he....I see that the Elected Member for North Side has been asked to ask his questions. Very well.

QUESTIONS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

ON BEHALF OF THE SECOND ELECTED MEMBER FOR WEST BAY, THE ELECTED MEMBER FOR NORTH SIDE ASKED THE QUESTION.

NO. 41: Would the Honourable Member state whether the position of Chief Prison Officer at the Prison was advertised?

ANSWER: The answer to the question is, yes.

SUPPLEMENTARY

MR. D. EZZARD MILLER: Supplementary, Mr. President. Could the Member state whether any consideration has been given to recruiting a local to be trained for this position?

HON. THOMAS C. JEFFERSON: Mr. President, perhaps in order to give a fuller explanation of the facts, I should begin by saying that the post was advertised in the Compass on 28th May, and 3rd June, 1985, with a closing date of 30th June, 1985. Qualifications were 'O' Level passes in English and Mathematics, an experience in a Category 'B' Prison with at least five years experience at Chief Officer level. The response was disappointing, although this was to be somewhat expected. Two expatriate persons applied locally, but it was felt that bearing in mind the importance of the post, a broader field should be investigated. The vacancy was notified to the Florida Prison Service and the Canadian Service. Response from Florida was not encouraging, only one retired officer of 58 years of age would be available. However, the Canadian Service response was encouraging, as they were prepared to consider a secondment from the Canadian Service to the Cayman Islands Government. This eventually was the way the post was filled.

The nature of the post makes it very important in the structure of staff in the Prison. It is the link between operations and management, and carries responsibility for the day-to-day operation of prisoners and prison staff.

MR. PRESIDENT: If there is no further supplementary, I will call on the Second Elected Member for West Bay to ask the next question.

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

NO. 42: Would the Honourable Member state what progress, if any, has been made on the Drug Rehabilitation Programme?

ANSWER: Progress continues to be made in areas of planning for the development of a permanent drug and alcohol rehabilitation facility. At the same time, existing methods of dealing with drug abuse and its effects continue to improve, for example, the visits of the Psychiatric Consultant have been increased from once to twice per month.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Can the Member state how far this progress has reached?

HON. BENSON O. EBANKS: Mr. President, I am not sure that I understand the full implication of the question. But maybe it would help if I say that statistics continue to be collected. There is an ongoing relationship between the Lions Club and the Government in respect of fund raising for the building of such a facility, and with the Psychiatric Consultant visiting more regularly, a project document is being prepared which will be the basis for seeking technical or financial assistance from technical or financial institutions.

MR. D. EZZARD MILLER: Supplementary, Mr. President.
The answer says 'for the development of a permanent drug and alcohol rehabilitation facility'. Is the Member referring to a mortar and bricks building or a programme?

HON. BENSON O. EBANKS: Mr. President, it is envisaged that we will have a mortar and bricks building as well as a programme. There is a detoxification programme in the works.

MR. D. EZZARD MILLER: Supplementary, Mr. President.
I wonder if the Member would give some consideration to the utilisation of all the vacant civic centers around Grand Cayman, and get on with the planning of the programme, and forget about the bricks and the mortar side of it for now?

HON. BENSON O. EBANKS: Mr. President, I am not aware of any of the Civic Centers having any residential quarters which would allow for the normal detoxification programme of which I spoke.
If the Member is talking about advice and lectures, this is ongoing at the hospital at the moment Sir.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Mr. President, I wonder if the Member might be able to say whether or not the visits by the Psychiatric Consultant in meeting with those persons requiring his help and expertise - what I would like to ask here is if those persons needing such help, are meeting with this Consultant on a voluntary basis, or is there a concerted effort made on the part of the Social Services Department, to find such people and get them to the Psychiatric Consultant, for consultantion and or treatment?

HON. BENSON O. EBANKS: Yes Mr. President, there is a combination of the two, and in fact, in some instances the Police have cooperated in getting these people to the clinic to ensure that they receive their treatment.

MR. W. McKEEVA BUSH: Supplementary, Mr. President.
Can the Member say in what time scale can we expect to see something more tangible than the Psychiatric Consultant?

HON. BENSON O. EBANKS: No, Mr. President. It is impossible for me to put a specific date on this at this time.

MR. W. McKEEVA BUSH: Mr. President, supplementary.
We all know that this is a serious matter today in this Country, and Mr. President I would hope that.....

MR. PRESIDENT: I hope the Member is going to ask a question. He must not make a statement or a speech in the guise of a question.

MR. W. McKEEVA BUSH: Mr. President, but you must give me a chance you know.

MR. PRESIDENT: The questions should be quite short. They do not have to be proceeded by speeches, as the Member very well knows.

MR. W. McKEEVA BUSH: If the questions on the Order Paper were the right way from the beginning, we would not have to take a round about way in order to get an answer.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Could the Member state what the projected cost is of the mortar and bricks side of this programme?

HON. BENSON O. EBANKS: I do not think that a final figure has been put down, but it is certainly envisaged to be in excess of a quarter of a million dollars.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Mr. President, I would like to ask the Member whether or not he feels that at this point, the present situation warrants more frequent visits by the Psychiatric Consultant. More than perhaps twice a month, and if so, would he be able at this time, to say whether or not this might come about within a short period of time?

HON. BENSON O. EBANKS: Mr. President, at the moment this is all the finance which has been made available to permit...

MR. D. EZZARD MILLER: Supplementary, Mr. President. I wonder if the Member is aware that for a quarter of a million dollars, we could treat approximately five to six hundred such affected people adequately, in fact treatment is guaranteed by institutions in South Florida.

HON. BENSON O. EBANKS: No Mr. President, I do not have that on any authority.

MR. D. EZZARD MILLER: I wonder if the Member would like me to provide such a programme for him, and maybe we can start treating people?

HON. BENSON O. EBANKS: Any assistance which can be offered in this area Mr. President, will be greatly appreciated.

MR. D. EZZARD MILLER: You will get it next week Sir.

MR. PRESIDENT: If there is no further supplementary, then I 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 TOURISM, AVIATION AND TRADE

NO. 43: Can the Honourable Member say what was the total amount of tourist arrivals from January to 30th April, 1986 and what is the comparison of the same months for 1984 and 1985?

ANSWER: Tourist arrivals from 1st January, 1986 to 30th April, 1986 are as follows:-

Air Arrivals	61,301
Cruise Ship Arrivals	103,727
	165,028

This represents a 16% increase in Air Arrivals over the same period in 1985 and a 17.4% increase over the same period in 1984, and 0.9% increase in Cruise Ship arrivals over the same period in 1985 and 37% over the same period in 1984.

MR. PRESIDENT: Unless any Member wishes to ask a supplementary, we can pass on to the next item of business. In that case Government Bills, Committee Stage, and the House will now go into Committee to consider a Bill entitled The Patents & Trade Marks (Amendment) Bill, and various other Bills.

GOVERNMENT BUSINESS

BILLS

THE PATENTS & TRADE MARKS (AMENDMENT) BILL, 1986

COMMITTEE THEREON

MR. CHAIRMAN: Please be seated.
The House is now in Committee. I will ask the Clerk to read the clauses.

CLERK: CLAUSE 1. SHORT TITLE

MR. CHAIRMAN: I am so sorry, I should have prefaced this by saying that I propose to assume, provided that the Committee agrees, that it would be the wish of Members that we should as usual invite the Second Official Member to correct what are clearly printing errors and the like. I have noticed a number in some of the Bills. Certainly I have noticed at least one in one of the clauses in the Bill which we are now considering, a Bill for a Law to amend the Patents & Trade Marks Law. Unless any Member wishes to comment, I think perhaps we can take it that we will proceed on that basis, and that it will not be necessary to identify and correct any of the printing errors and the like. Is that alright? Very well then.
I am sorry, the question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF LONG TITLE.

MR. CHAIRMAN: The question is that Clause 2. do stand part of the Bill. If no Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. INSERTION OF NEW SECTION 10A.

MR. CHAIRMAN: The question is that Clause 3. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. AMENDMENT OF SCHEDULE.

MR. CHAIRMAN: The question is that Clause 4. do stand part of the Bill. If no Member wishes to speak. I will put that question.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE PATENTS & TRADE MARKS LAW

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That completes proceedings in respect of that Bill, and we turn next to the Prisons (Amendment) Bill.

THE PRISONS (AMENDMENT) BILL, 1986

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 27A OF LAW 14 OF 1975

MR. CHAIRMAN: The question is that Clause 2. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE PRISONS LAW, LAW 14 OF 1975.

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes the proceedings in respect of the Prisons (Amendment) Bill, and we turn next to The Legal Practitioners (Amendment) Bill.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1966

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 that question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2. OF LAW 9 OF 1969.

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.

MR. LINFORD A. PIERSON: Mr. Chairman, I think I made my position abundantly clear yesterday, when stating why I felt that the amendment to Section 3. of the Legal Practitioners Law is not in the best interests of this Country. I know it received the unanimous approval of this House, or the majority voted in favour of this Section. I am still convinced Sir that the motives behind it are not clear, and I believe that it will not be in the best interests of the people of this Country, and accordingly Sir, I cannot support the approval of Clause 2. as standing part of the Bill.

MR. CHAIRMAN: I had assumed that you and perhaps others who agree with you will be voting against it. Under those circumstances there is no need for a motion for an amendment, because a vote against has the same effect.

MR. W. McKEEVA BUSH: Likewise Mr. Chairman, I too cannot support this Section.

MR. CHAIRMAN: Well perhaps we had better....I imagine some of the Members will wish a vote on this. I mean a division.

MR. LINFORD A. PIERSON: Or they can speak if they wish to Mr. Chairman.

MR. CHAIRMAN: Indeed. But really....yes they can indeed, but not make Second Reading speeches. Certainly they can say that they oppose the particular.....

MR. W. McKEEVA BUSH: No, no Mr. Chairman I really do not want to waste the time of the House. I know that the Bill is already passed, but for the record, for the sake of the record I would just like to reiterate that I do not feel that we are doing the right thing in removing that Section of the Law from our Executive Council, people whom we have elected to govern us, who are responsible to the people, and then to move it to the Protection Board, whom we have no say over. Unless there is an amendment to the Law, I cannot support that sort of situation. I am not casting any aspersions on the Protection Board, but I feel that the buck stops with the Executive Council, regardless of what any Member of that side wants to say.

MR. CHAIRMAN: In that case I will put the question that Clause 2. do stand part of the Bill.

QUESTION PUT: CLAUSE 2 AYES AND NOES

MR. JOHN B. McLEAN: Can I have a division.

MR. CHAIRMAN: Yes certainly we can have a division.

DIVISION NO. 15/86

AYES	NOES
Hon. Thomas C. Jefferson	Mr. W. McKeeva Bush
Hon. Michael J. Bradley	Mr. Linford A. Pierson
Hon. John Lemuel Hurlston	Mr. G. Haig Bodden
Hon. Benson O. Ebanks	Mr. John B. McLean
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Mrs. Daphne L. Orrett	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
9	4

MR. CHAIRMAN: I declare the motion carried, and Claue 2 therefore, does stand part of the Bill.

CLAUSE 2 PASSED BY MAJORITY VOTE.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 12A.

MR. CHAIRMAN: The question is that Clause 3. do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED BY MAJORITY.

CLERK: CLAUSE 4. AMENDMENT OF THE THIRD SCHEDULE.

MR. CHAIRMAN: The question is that Clause 4. do stand part of the Bill. Unless any Member wishes.....

MR. W. McKEEVA BUSH: Mr. Chairman, to get the record straight, can the legal mind in the House, explain the reason for the CI$200 increase.

MR. CHAIRMAN: It was explained during the Second Reading.

MR. W. McKEEVA BUSH: I cannot remember Sir.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, one of the motivations for the increase will be to fund the new proposed series of Cayman Law Reports. It is felt fit and proper that the legal fraternity contribute towards the extra cost involved by Government.

MR. CHAIRMAN: Unless any other Member wishes to speak I will put the question. The question is that Clause 4. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 4 PASSED BY MAJORITY.

CLERK: A BILL FOR A LAW TO AMEND THE LEGAL PRACTITIONERS LAW 1969.

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill. If no Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes the Committee proceedings in respect of the Legal Practitioners (Amendment) Bill, and we turn next to The Penal Code (Amendment) Bill.

THE PENAL CODE (AMENDMENT) BILL, 1986

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 that question.

QUESTION PUT: AGREED. CLAUSE 1. PASSED

CLERK: CLAUSE 2. AMENDMENT OF SECTION 28.

MR. CHAIRMAN: The question is that Clause 2. do stand part of the Bill. Unless any Member wishes to speak, I will put that.....

MR. LINFORD A. PIERSON: Mr. Chairman, my only comment on this is in the Memorandum of Objects and Reasons, even though I appreciate that the Honourable Second Official Member did a fairly good job in presenting this. It seems to me that it could be made a little clearer in future, so that we Members can really fully understand as far as is possible, what we are trying to accomplish here. Because when one reads the Memorandum of Objects and Reasons on the change to Clause 2, which is an amendment of Section 28, it is pretty confusing, and I personally had to read it over about four or five times, before I could even begin to understand what was trying to be accomplished. I am sure it could be made in much simpler terms.

MR. CHAIRMAN: I take the Member's point, and I am sure that the Second Official Member will be happy to do what he can to ensure that Memoranda of Objects and Reasons do, in future, present as clearly and as simply as possible, what the objects of each clause are.

HON. MICHAEL J. BRADLEY: I would.....

MR. CHAIRMAN: ...sometimes not easy.

HON. MICHAEL J. BRADLEY: I would indeed Sir, and I would also invite all Members of the House, if at any time they have any doubt as to the exact meaning, or intent or effect of a particular clause, to contact me.

MR. CHAIRMAN: In fact I am sure the Member knows that the Objects and Reasons will not get printed with the Law itself when the time comes, so it does not affect that, but it is a good and useful point to have brought up.

MR. CHAIRMAN (CONTINUING): I think I probably still have to put the question that Clause 2. do stand part of the Bill. As far as I can remember, I said I was going to, but I had not actually put it. So, the question is that Clause 2. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 68.

MR. CHAIRMAN: The question is that Clause 3. do stand part of the Bill. If no Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 3. PASSED.

CLERK: CLAUSE 4. AMENDMENT OF SECTION 177.

MR. CHAIRMAN: The question is that Clause 4. do stand part of the Bill. If no Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 4. PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE PENAL CODE, LAW 12 OF 1975.

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill. If no Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes the Committees proceedings in respect of a Bill for a Law to amend the Penal Code, and we can turn next to The Misuse of Drugs (Amendment) Bill.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1986

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 that question.

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. If no Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 13.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill. If no Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 3. PASSED.

CLERK: CLAUSE 4. AMENDMENT OF SECTION 26.

MR. CHAIRMAN: The question is that Clause 4. do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 4. PASSED.

CLERK: CLAUSE 5. AMENDMENT OF SECOND SCHEDULE

MR. CHAIRMAN: The question is that Clause 5. do stand part of the Bill. If no Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 5. PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE MISUSE OF DRUGS LAW (SECOND REVISION).

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill. If no Member wishes to speak, then I will put that question.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes proceedings in respect of The Misuse of Drugs (Amendment) Bill, and we can turn next to a Bill for a Law to amend the Foreign Judgements Reciprocal Enforcement Law (Revised).

THE FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT (AMENDMENT) BILL, 1986

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2.

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 3.

MR. CHAIRMAN: The question is that Clause 3. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3. PASSED.

CLERK: CLAUSE 4. AMENDMENT OF SECTION 5.

MR. CHAIRMAN: The question is that Clause 4. do stand part of the Bill. If no Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 4. PASSED.

CLERK: CLAUSE 5. AMENDMENT OF SECTION 10.

MR. CHAIRMAN: The question is that Clause 5. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5. PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT LAW (REVISED).

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes proceedings in respect of The Foreign Judgments Reciprocal Enforcement (Amendment) Bill. We can turn next to The Judicature (Amendment) Bill, but before we proceed with it, perhaps I could seek advice from the Second Official Member. My recollection is that yesterday we suspended Standing Orders in order to enable us to proceed with the First and Second Readings of that Bill, and of the Affiliations (Amendment) Bill. Do we need now to suspend Standing Orders, in order to proceed with the Committee stages and the rest?

HON. MICHAEL J. BRADLEY: My understanding Mr. Chairman, is that we needed to suspend Standing Order 46(1) and 46(2) in order for a Bill to get its First and Second Readings, but that thereafter, once that had been complied with by the suspension of Standing Orders, it was not necessary, because there are no time limits stated in relation to Committee Stages once Readings have taken place.

MR. CHAIRMAN: So, in that case we can safely proceed without further delay.

THE JUDICATURE (AMENDMENT) BILL, 1986

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

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

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 14.

MR. CHAIRMAN: The question is that Clause 2. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE JUDICATURE LAW, LAW 11 OF 1975 (REVISED).

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes proceedings in respect of The Judicature (Amendment) Bill, and we can turn last in Committee to The Affiliation (Amendment) Bill.

THE AFFILIATION (AMENDMENT) BILL, 1986

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

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

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 5.

MR. CHAIRMAN: The question is that Clause 2. do stand part of the Bill. If no Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE AFFILIATION LAW, 1973, LAW 10 OF 1973.

MR. CHAIRMAN: The question is that the Title and the Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes the Committee Stage proceedings in respect of that Bill, and concludes the proceedings in Committee generally. The House will now resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated. Reports.

THE PATENTS & TRADE MARKS (AMENDMENT) BILL, 1986

REPORT THEREON

HON. W. NORMAN BODDEN: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend The Patents & Trade Marks Law, Law 29 of 1975 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 PRISONS (AMENDMENT) BILL, 1986

REPORT THEREON

HON. JOHN LEMUEL HURLSTON: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Prisons Law, Law 14 of 1975 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 LEGAL PRACTITIONERS (AMENDMENT) BILL, 1986

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to report that a Bill shortly entitled The Legal Practitioners (Amendment) Law 1986, 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 PENAL CODE (AMENDMENT) BILL, 1986

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled The Penal Code (Amendment) Law, 1986 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 MISUSE OF DRUGS (AMENDMENT) BILL, 1986

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled The Misuse of Drugs (Amendment) Law, 1986 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 FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT (AMENDMENT) BILL, 1986

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled The Foreign Judgments Reciprocal Enforcement (Amendment) Law, 1986 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 JUDICATURE (AMENDMENT) BILL, 1986

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled The Judicature (Amendment) Law, 1986 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 AFFILIATION (AMENDMENT) BILL, 1986

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to report that a Bill shortly entitled The Affiliation (Amendment) Law, 1986, was considered by a Committee of the whole House, and passed without amendment.

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

Bills, Third Readings.

BILLS

THIRD READINGS

THE PATENTS & TRADE MARKS (AMENDMENT) BILL, 1986

CLERK: THE PATENTS & TRADE MARKS (AMENDMENT) BILL, 1986.

HON. W. NORMAN BODDEN: Mr. President, I move that a Bill entitled a Bill for a Law to amend the Patents & Trade Marks Law, Law 29 of 1975 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend The Patents & Trade Marks Law, Law 29 of 1975 be given a Third Reading and passed. I will put the question.

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

THE PRISONS (AMENDMENT) BILL, 1986

CLERK: THE PRISONS (AMENDMENT) BILL, 1986

HON. JOHN LEMUEL HURLSTON: Mr. President, I move that a Bill entitled a Bill for a Law to amend The Prisons Law, Law 14 of 1975 be given a Third Reading, and passed.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Prisons Law, Law 14 of 1975 be given a Third Reading and passed. I will put that question.

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

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1986

CLERK: THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1986.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled The Legal Practitioners (Amendment) Law, 1986 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Legal Practitioners Law, 1969 be given a Third Reading and paseed. I will put the question.

QUESTION PUT: AYES AND NOES

MR. JOHN B. McLEAN: Can we have a division please?

MR. PRESIDENT: Certainly.

DIVISION NO. 16/86

AYES	NOES
Hon. Thomas C. Jefferson	Mr. W. McKeeva Bush
Hon. Michael J. Bradley	Mr. Linford A. Pierson
Hon. John Lemuel Hurlston	Mr. James M. Bodden
Hon. Benson O. Ebanks	Mr. G. Haig Bodden
Hon. W. Norman Bodden	Mr. John B. McLean
Capt. Charles L. Kirkconnell	
Mrs. Daphne L. Orrett	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
9	5

MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY: BILL GIVEN A THIRD READING AND PASSED.

THE PENAL CODE (AMENDMENT) BILL, 1986

CLERK: THE PENAL CODE (AMENDMENT) BILL, 1986

HON. MICHAEL J. BRADLEY: Mr. President Sir. I beg to move that a Bill shortly entitled The Penal Code (Amendment) Law, 1986 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Penal Code (Amendment) Bill, 1986 be given a Third Reading and passed. I will put the question.

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

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1986

CLERK: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1986

HON. MICHAEL J. BRADLEY: Mr. President, Sir. I beg to move that a Bill shortly entitled The Misuse of Drugs (Amendment) Law, 1986 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Misuse Of Drugs (Amendment) Bill, 1986 be given a Third Reading and passed. I will put that question.

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

THE FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT (AMENDMENT) BILL, 1986

CLERK: THE FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT (AMENDMENT) BILL, 1986.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to move that a Bill shortly entitled The Foreign Judgments Reciprocal Enforcement (Amendment) Law, 1986 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Foreign Judgments Reciprocal Enforcement (Amendment) Bill, 1986 be given a Third Reading and passed.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: May I have a division please.

MR. PRESIDENT: Of course.

DIVISION NO. 17/86

AYES	NOES
Hon. Thomas C. Jefferson	Mr. James M. Bodden
Hon. Michael J. Bradley	Mr. G. Haig Bodden
Hon. John Lemuel Hurlston	Mr. John B. McLean
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Mr. W. McKeeva Bush	
Mrs. Daphne L. Orrett	
Mr. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
11	3

MR. PRESIDENT: I declare the motion carried.

AGREED BY MAJORITY: THE FOREIGN JUDGMENTS RECIPROCAL ENFORCEMENT (AMENDMENT) BILL, 1986 GIVEN A THIRD READING AND PASSED.

THE JUDICATURE (AMENDMENT) BILL, 1986

CLERK: THE JUDICATURE (AMENDMENT) BILL, 1986

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to move that a Bill shortly entitled The Judicature (Amendment) Law, 1986 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Judicature (Amendment) Bill, 1986 be given a Third Reading and passed. I shall put the question.

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

THE AFFILIATION (AMENDMENT) BILL, 1986

CLERK: THE AFFILIATION (AMENDMENT) BILL, 1986.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to move that a Bill shortley entitled The Affiliation (Amendment) Law, 1986 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Affiliation (Amendment) Law, 1986 be given a Third Reading and passed. If no Member wishes to speak? I will put that question.

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

MR. PRESIDENT: That concludes the Third Readings. It is a moment earlier than we normally take our morning break, but since this is a fairly natural point at which to interrupt proceedings, it may be convenient for the House if I do now suspend them for approximately 20 minutes, and I will do so.

AT 11:10 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12:05 P.M.

MR. PRESIDENT: Please be seated.
Item 4, Other Business, Private Members' Motions. Motion No.7/86, the Member for North Side.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION No.7/86
SAFE AND LEGAL PILOTAGE IN CAYMAN TERRITORIAL WATERS

MR. D. EZZARD MILLER: Mr. President, I wish to move Private Member's Motion No.7/86 concerned with Safe and Legal Pilotage in Cayman Territorial Waters. It reads as follows:-

> 'WHEREAS the Cayman Islands have just completed the introduction of Marine Parks, to protect our beautiful reefs and thereby the Tourist Industry;
>
> AND WHEREAS it is important to protect the safety of ships, their crew and passengers and it is in the interest of the tourist industry to continue to attract cruise ships;
>
> BE IT RESOLVED that Government re-enact regulations under the Port Authority Law or amend the said Law if necessary to control, regulate and provide for Safe and Legal Pilotage in all Territorial Waters of the Cayman Islands.'

MR. W. McKEEVA BUSH: Mr. President I second the motion.

MR. PRESIDENT: Private Member's Motion No.7/86 has been duly moved and seconded. The mover may wish to speak to it.

MR. D. EZZARD MILLER: Mr. President, it is unfortunate that this motion had to be brought here because some months ago, Executive Council made what I consider a backwards step, in removing the regulations concerning pilotage in the Cayman Islands, and a dangerous step in doing so while there was a case pending before the courts.

Mr. President, I believe that safe and legal pilotage is absolutely necessary for the continued successful operation of the ports in the Cayman Islands.

Mr. President, I seek Members support for the motion to re-enact the regulations, to allow for safe and legal pilotage in all territorial waters of the Cayman Islands.

MR. PRESIDENT: Does any Member wish to speak? The Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I regret that the Government cannot support the motion to consider re-enacting regulations which have just recently been amended and repealed. The decision to amend and repeal the regulations relating to pilotage, by the Government and Board of Directors of the Port Authority was not done hastily or without first giving careful consideration to all the implications.

We were advised by the legal department that serious consequences could arise if we failed to establish a proper framework for the appointment and the licensing of pilots, and that we should also enact legislation which would not impose any liability on the Government or the Port Authority, for any loss occasioned by the acts or defaults of the pilot.

The Government and Directors of the Port Authority are satisfied that the safety of ships, their crew and passengers are being taken care of by the local ship agents who appoint competent pilots. The Directors of the Port Authority feel that ship owners should be allowed to employ pilots of their own choice, and to date there has been no representation made to the Government or the Port Authority by the cruise ship operators, requesting that a pilotage service should be established. Government is therefore, not prepared at this time to enter into a commitment to reintroduce legislation to make pilotage compulsory.

However, Mr. President, this matter will be kept under constant review, and should it be necessary at some future date, when berthing facilities for cruise ships have been established, we will take the necessary steps to ensure that a regularised pilotage service is provided.

I thank you Mr. President.

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I am concerned about the action taken, and I question the reasons for removing the regulations.

Why remove the regulations before having the desired law? The Cayman Islands, Mr. President Sir, have a great seaman's heritage, and proper pilotage could employ several unemployed Captains. Mr. President, we owe the seamen of this Country a great debt for the building up of this Country, and for putting it on the map, as the overseas ambassadors that they were.

Mr. President, I question it, in view of the setting up of recent Marine Parks. Mr. President, I find it quite hard to accept that a fisherman cannot anchor his little 16 foot fishing boat in 16 feet of water on a sandy bottom. But these big ships can drop big anchors with long lengths of chain which did destroy and continues to do damage to the harbour and the popular dive site known as Eden Rock.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, this action should not have been taken. When I learnt of it, regardless of what anybody might say, I felt it was wrong, and I did not hesitate to second the motion of the Member for North Side. This action I consider as a retrograde step, and it destroys or has the potential to destroy all the so called gains of the Marine Parks, which created some hardship for the local fishermen.

Mr. President, what the Honourable Third Elected Member of Executive Council has given as the reasons, I cannot agree with, because I feel that the regulations should not have been removed before the desired law. So, I support the motion Mr. President, and I hope all Members on this side will give it support, in order to get a passage through.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, I am completely against the motion before the House, for several reasons.

I wonder if the mover of the motion has really considered the added responsibility this will create to Government, should there be an accident in our harbour. Secondly, I honestly wonder if this is necessary at this time. We have had a system Mr. President, that has worked well, and I honestly cannot agree with the reasons given in the first clause, where Marine Parks are being used as an excuse for the establishment of pilotage. We are aware that Marine Parks have been established throughout these Islands, and we are also aware that there is only one area which is designated as a harbour. So, how can we honestly tie the two together.

I would like to go a little further, and to remind Members of the many thousands of dollars which Government spent not too long ago, to purchase huge anchors which I understood at the time, would be used to establish permanent moorings especially for the tourist ships. What are we going to do with these? Are we going to take them and let them sit on the dock, or are we going to dump them?

MR. W. McKEEVA BUSH: That does not stop the pilotage.

MR. JOHN B. McLEAN: Mr. President, you know I am just disgusted with nasty interruptions in this House. I think the Member has had his chance to speak.....

MR. W. McKEEVA BUSH: You are not here that often.

MR. JOHN B. McLEAN: .....and it is only fair when people are speaking that he keeps quiet.

Mr. President, Government's action on regulations; in this case I must say they should have been commended. I think it was a wise move, and I support it, and I hope and trust that they will do no less for the remainder of their term.

Again I say, I cannot support this motion as is. Thank you.

MR. PRESIDENT: Does any other Member wish to speak? In that case.....The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, Private Member's Motion No.7/86, Safe and Legal Pilotage in the Cayman Territorial Waters, I cannot support this motion as presented, Mr. President.

CAPT. MARRY S. KIRKCONNELL (CONTINUING): We have heard a lot in recent months about added cost to the people here in the Cayman Islands. Compulsory pilotage of all ships arriving in the Cayman Islands, will again force freight rates up, which means that grocery on the shelves will increase together with other increases.

I am very confident that the pilots now serving as pilots here, are capable and qualified. I think the Port Authority is quite capable of monitoring the situation. If the need arises for a change, it certainly will be made, and I support the action taken by the Port Authority, and I feel it is incumbent upon us not to create additional expenses, as the Cayman Islands is a very costly port. As it is, everybody's expenses here are high, the cost of living is increasing and if we on every whim and fancy tend to make it more expensive, eventually we will price ourselves completely out of the market.

So with these few words Mr. President, I cannot support the motion.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, the system of anchoring ships, or docking them in Grand Cayman and Cayman Brac seems to have worked quite well in the past. The ship owners employ if necessary pilots, and the Port Director has control under the law as to where a ship can anchor.

As far as I am aware, there have been no accidents caused by lack of pilotage. The ship which ran aground, the Rhapsody, did so simply because the crew of the ship made some errors. This did not happen because there was no system for providing pilots, and the matter has worked well in the past, so I cannot support the motion which is here today.

I agree that the Government could in the future, if shipping increases to such an extent that it is necessary, review the position and have the law amended, or have a special law covering this subject.

I do not think we should go about changing a system which, while not flawless, has certainly worked well in the past. The people who work as pilots seem to be competent, and undoubtedly there are many other Caymanians who are equally as competent, and can take on this job when called upon by the ship owners to do so.

I am alarmed at recent events which have led me over the last eighteen months, to think of the Government as a mail order catalogue where people simply mail in requests, and the requests are granted, rather than a system of where a policy is defined and action taken because of circumstances rather than individual requests. I think that Government has dipped its finger in too many pies recently and need not get into this matter at this time.

I certainly agree that the safety of ships plying our waters, or using our ports should be of the utmost importance to the Government. Nevertheless, I cannot see the Government setting up a system for the licensing of pilots, having to set up another authority to do so, to create another burden and to increase the cost of operating a ship in these waters. At the present time we have some very large cruise liners coming in here. We have some very large shipping companies sending their ships here, and they must have confidence in the system which now exists, and I am certain that they would not risk their ships in this area, if they did not feel that the port could accommodate them, and that facilities were here, adequate to the needs and that we had the proper management of the harbour, and that there was proper pilotage for the ships.

MR. G. HAIG BODDEN (CONTINUING): I see no need for this motion, but I will agree that the Government must watch the situation closely and if there is increased activity in our ports, maybe one day down the line, they could examine this matter again. But as of today, I would suggest that we leave the matter as it is.

MR. PRESIDENT: Does any other Member wish to speak? In that case..... does the mover wish to exercise his right of reply?

MR. D. EZZARD MILLER: Yes, Mr. President but in the light of what has transpired, I wonder if it would be possible to take the luncheon break now because I would like to do some additional research. If it is not possible, I am prepared to ad-lib it, but I would like to get some copies of laws, because of certain things which have been intimated.

MR. PRESIDENT: Well it is within five minutes of the time when we normally break for lunch. I expect the Members would be willing to acquiesce and to meet you. Yes I see. I think that is perfectly reasonable. So, I will suspend proceedings until approximately two fifteen.

AT 12:28 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:35 P.M.

MR. PRESIDENT: Please be seated. Resumption of the debate on Private Member's Motion No.7/86.

HON. MICHAEL J. BRADLEY: Mr. President Sir, the Honourable Member for North Side has kindly indicated that he would permit me to make a very brief point, before he commences his reply.

MR. D. EZZARD MILLER: Yes Mr. President, as long as I can have the map to which he is going to refer, when he has finished.

HON. MICHAEL J. BRADLEY: Mr. President Sir, he may on loan, but not for keeps.

MR. D. EZZARD MILLER: No problem Sir. I have all of them at home. I just was not prepared for this controversy today.

HON. MICHAEL J. BRADLEY: The secret of law Sir, is not knowing the law but knowing where to find it.
Mr. President Sir.....

MR. W. McKEEVA BUSH: Yes, because you have hidden the laws.

MR. PRESIDENT: Order. Order.

HON. MICHAEL J. BRADLEY: Mr. President Sir, in the course of the debate, it was mentioned by an Honourable Member that there were no areas designated for cruise ships as an anchorage. May I just draw the attention of Members to the Port Amendment No. 2. Regulations, 1986 which were published as a supplement to the Gazette of April 14th, 1986, and therein there is declared a port anchorage area for the Port of George Town, and the cadastral survey and map attached show that it is an area extending out from the shoreline from a point approximately half way between the Port and the Seaview Hotel on the south, to a point just north of Pageant Beach on the north side of George Town. I just wanted briefly to mention that, in case the wrong impression was given that there had been no designated port area. Thank you.

MR. PRESIDENT: In that case, I had called the Member for North Side to reply, and he may now do so.

MR. D. EZZARD MILLER: Yes, Mr. President. Just to assist the learned Second Official Member; as he has just said, the secret of knowing law is not to know the law, but to know where to find it. I want to tell him how we came to get designated, these anchorages before I start getting to the meat of my reply. It was because I went to the Director of the Port and asked if there was designated anchoring for the Port of George Town, and I was told that there was not. If we notice, this is dated the 25th March, 1986. The Marine Conservation Laws came into effect a while before that as did the Marine Parks. The only thing available prior to this Sir was an old Admiralty chart and a five-line statement made by the Director of the Port which said that the best anchorages were located between 200 degrees and 230 degrees from the lighthouse. So this is all after the fact, because the Port Regulations which were removed by this Government, were removed on the 25th day of February, 1986. So this is closing the gate after all the horses have left the pasture.

Now Mr. President, I am perplexed by the staunch Government has taken on this issue here today, because very recently I was in the office of the Member responsible, and I was told that laws are now being drafted for this very purpose. But Mr. President, what concerns me is dual standards. Mr. President, we have a law on the books of the Cayman Islands which dates back many years, which clearly, and I will proceed to point out that to operate in this Country as a pilot without an appointment or a license by the Port Authority is illegal. This Government and the past Government have allowed it to happen, and if we can turn a blind eye to that, then lets turn a blind eye on Mr. John Powery's turtles and let the man sell his turtle meat. Because one cannot have one standard for some people because they are higher up in the strata than some others....

HON. MICHAEL J. BRADLEY: Subjudicy matters.

MR. D. EZZARD MILLER: Which one? I have not made any statements Sir, I said 'double standards'. We are going to get hot on that Sir, before the evening is out. Mr. President.....

MR. PRESIDENT: I think I must remind....I am not saying that the Member need withdraw anything he has said already, but I must remind him about subjudicy matters, and he must bear in mind that the one matter that he did mention has to be regarded as subjudicy.

MR. D. EZZARD MILLER; Thank you Sir. But one wonders if subjudicy applies to Executive Council or not? Mr. President.....

MR. PRESIDENT: It applies generally.

HON. MICHAEL J. BRADLEY: I did not realise they had been charged with anything.

MR. D. EZZARD MILLER: Could the Member repeat that Sir. I would like the public to hear what is being said you know.

Mr. President, the Port Authority Law was passed in late 1976. It was assented to on the 15th September, 1976 by the then Governor, Mr. T. Russell. Mr. President, Section 13 of this Law makes it quite clear that the Governor in Council may make regulations prescribing, and there are a number of items; number eight is pilotage. So there is no doubt in anybody's mind that there is a Law which allows the Governor in Council to make regulations concerning pilotage.

MR. D. EZZARD MILLER (CONTINUING): What prompted this Law Mr. President? Was it a condition of the loan from the Caribbean Development Bank. If my memory serves me right, they brought in an expert from I think it was the Canadian Coast Guard to help them draft the Law. I guess I will have to write to the Caribbean Development Bank and ask them how they feel about the pilot regulations being removed.

The Law and the Port Regulations under this Law Mr. President are again, very specific. I have had these Port Regulations interpreted by the learned Second Official Member of Executive Council, the Attorney General and his Chambers. I have had them interpreted by members of the legal fraternity in private practice. I have had to force an explanation from the Legal Draftsman, in the presence of witnesses, that it could be done, and in the presence of the Member and his Principal Secretary that it could be done. This is what the Regulations say Sir. Under Part 2. of the Regulations - Navigation: 'Pilots to be duly appointed or licensed.' And it says under No.19:

> 'No person other than a duly appointed pilot, (and note, duly appointed pilot) or a pilot licensed by Law may offer his services as such.'

Mr. President, it is ludicrous for the Member responsible to suggest that the shipping companies should ask for pilotage, when the Law says 'no person may do so, unless appointed by the Port Authority'.

Section 20. of the Regulations go on:

> 'No person other than a lawfully licensed pilot afloat, and on duty may display a pilot flag of which is under half white, lower half red. Nor shall any vessel display such a flag unless under lawful pilotage.'

So Mr. President, there can be no question in anyone's mind, that the Regulations, and the Law as it was, and as it was intended to be, allowed for legal pilotage and the appointment of pilots. There should be no doubt that pilotage is compulsory, because the Law goes on. It goes on, and there was a lot of hay made here this morning about the excess cost to Government to appoint pilots, and to the shipping companies. Also, a big thing was made out of the fact that Government and the Port Authority would be responsible, and that they would have so much liability, if they fulfilled the requirements of the Law and appointed pilots to ports in our territorial waters.

Mr. President, Section 22. of the Regulations make it quite clear:

> 'Vessels navigating under pilotage, are answerable for any loss or damage caused by fault of navigation'.

So, how in anybody's wildest imagination - Government is going to be responsible or liable if they appoint a pilot as is provided for under the law. Mr. President, I used to have a professor in University who talked about wings flapping but no birds flying. That is what happened here this morning, and has been happening for the last year. There are a lot of wings flapping, but there are no birds flying, and it is time that we get some birds to fly.

Mr. President, International Maritime Law removes any liability for damages. This has been tested in the highest courts internationally. The pilot is not responsible. He is an advisor, he is on the bridge in an advisory capacity, anywhere else in the world excepting the Panama Canal.

Mr. President, I sat here and heard arguments from the Elected Member for East End and from the Second Elected Member for Bodden Town, and I wondered where they were, when their Government were making these regulations. Do not tell me that the regulations were made and they did not know what was in the regulations.

MR. D. EZZARD MILLER (CONTINUING): Did they not understand what they were making. How many times has this happened in their Administration? I guess Sir, that it is better to be absent and keep ones mouth shut and be though a fool than it is to open it and confirm it.

Mr. President, it has been suggested that what we need to do is to license pilots, not appoint them. We need to set up a whole bureaucracy, a whole new Board of Examiners to license pilots, we cannot appoint them, **but the Law** allows you to appoint them or license them. Yet, they are trying to tell me and members of the public that it is the appointment which is going to cost them. The appointment will be made by the Board which is presently being paid to run the Port Authority, no added expense to Government. Now if you are going to set up a whole new bureaucracy, that is added expense. If you cannot find competent people to put on the present Board, to appoint competent people, where are you going to find them to put on a Board which you are going to have to create all over again. You are going to bring them from England, or Canada or Jamaica I guess.

Mr. President, I believe that the First Elected Member for Cayman Brac hit the nail on the head, and I have been going round in circles with this thing for about two years, and I believe that he hit it right on the head when he said it is going to cost the shipping companies. Not the shipping companies, because he also went on to say that they would pass it on to the 'little man' whom everybody here defends, and he is going to have to increase the cost of living and everything else. But Mr. President, there again, there is no need to do that, because the regulations also provide for that. Whoever wrote these regulations knew what they were doing. It is obvious that it was not certain Members of the past Government because they do not know what is in the regulations. But Regulation 23 says that ships of non-Caymanian registry and not being men-of-war berthing in the Islands, may be made subject to pilotage unless exempted therefrom by the Director. So it is compulsory in here already that they must have a pilot, unless they are exempted, and it says ships of non-Cayman registry, and ships of war. So it is assumed there that ships of Cayman registry, and of Cayman ownership can be exempted by the Port. So we do not have to worry about what it is going to cost them. This is just another smoke screen, just more wings flapping, and the bird is going nowhere.

Mr. President, a lot of the speakers who spoke before are well satisfied that pilotage is being done properly. I have already pointed out that it is being done illegally, because there is only one man in this Country who has been appointed and that was revoked two weeks afterwards. But they say it is being done 'competently'. Mr. President, within the last couple of years we have had a number of shipping accidents in this Country. Some could have been very catastrophic to the future of this Country. The super **tanker loaded** with crude oil which went aground between Cayman Brac and Little Cayman. If she had had a proper qualified legally appointed pilot on her, she would not have gone aground. What would have happened to the beaches of this Country, or to our marine waters had those thousands of gallons of crude oil spilt out of that vessel. The Rhapsody went aground in our own port. If the Law had been fulfilled, compulsory pilotage, he would have had to keep that anchor there until they pilot had returned. But here in this Country, with all of our great maritime heritage, we have got people out there in a little dory with a walky-talky and another on the bridge. "Follow that little boat going in there, when he gets there drop the anchor into that little white hole", instead of telling the man so many degrees to port and so many degrees to starboard, as any professional would do. And make no bones about it, we are made fun of internationally. Seamen are making fun of us internationally.

MR. D. EZZARD MILLER (CONTINUING): I have been on the bridge of ships in Miami, and the Chief Mate of one of the passenger ships came aboard to relieve the Captain, and he made fun of the way ships are anchored in George Town harbour - by two people and a walky-talky.

We had one of the Hyber boats come into the harbour, too fast I guess and tore bits out of the dock. More damage could have been done, who was responsible for that? We had another one of the Hyber boats come in, said they never had any reverse gear when they got near to the docks - ran it aground. If we had been fulfilling the Law, the Captain would have had to stop a mile out and pick up pilotage. He would have known then that the ship did not have any reverse thrust on his propellers, so the accident could have been prevented. What are we waiting for, for one of them to wind up in the 'Yanky notion'. We had another one, where a car ship itself got damaged, and the port got damaged. But everybody is satisfied that the pilotage is safe and it is illegal. We are all worried, we are all concerned about the liability to Government. What is the liability to Government, when we have on our books a Law which says that pilotage is compulsory, and the pilot must be appointed, and we are allowing somebody to go out there and impersonate an Officer of the port, and pose as a pilot without the authentication of being appointed by the Port. Who is liable in that instance?

The Regulations, the Law goes on Sir to provide for those kind of people under Section 14(2). 'Whoever impersonates an Officer' (and Mr. President, if the Law says you have to be appointed as a pilot and you are not appointed as a pilot and you go out there and you say "I am a pilot" you are impersonating an Officer of the Port.) It says "whoever impersonates an Officer is guilty of an offence and is liable on summary conviction to a fine not exceeding CI$1,000 or to imprisonment with or without hard labour for a term not exceeding one year or both". Why is the man not arrested? Some people can break the Law, some people cannot. I do not go for that Sir. What is good for the goose must be good for the gander. I wish that statement was subjudiay Sir.

Mr. President, before I go any further, let me put something in perspective. I have been told by the Governor, I have been told by members of the public that the only reason why I am doing this is because I am promoting some member of my family. Now let us put this out in the clear. I am not ashamed that Captain Harris Alan McCoy is a cousin of mine. I have nothing in that to be ashamed of. He is a member of my constituency, and I am helping him solely as his representative. If they are going to outlaw representation from members of your family, I could not represent half of my constituency, because both my grandmothers and other grandparents were heavy breeders Sir. So let us put it in perspective. He happens to be a member of my family, there is nothing wrong with that. But that is not the reason why I am concerned about it. I did not go out on the international scene, and get his many licenses and many certificates he has. He earned those on his own merit, and he is not the only one whom I was fighting for. I was fighting for members of the George Town constituency as well, who were members of the association which he formed. I just want to get that out in the clear so that the public know where I stand, because I have been hearing it on the street corner. Mr. President, I do not want to hear, as I have heard from the Honourable Second Official Member just before the break, that somebody must make a complaint, because somebody made a complaint. Somebody put it in writing to the Chief of Police, gave him 30 days, got no action, wrote to him again, got no action, went and filed a civil case in court. Mr. President, that is where it gets interesting, because the case was set down for mention on the 28th February, 1986, and Mr. President this is what I hold against the present Executive Council Members. On the 25th day of February 1986, they removed all the Regulations which mentioned pilotage or anything else in the Port Authority Law.

MR. D. EZZARD MILLER (CONTINUING): Now Mr. President, they had to let that case go to fruition. The man was not asking that he be appointed, that was not the point of his case. He was asking for a judicial interpretation of the Law. Because, his lawyers were telling him one thing, Government people were telling him another thing, and Government people were telling me the same thing that his lawyers were telling him. So he wanted the judge to decide what was in the Law, and what was not in the Law. If it was in the Law then he asked for an enforcement order to be issued. Fortunately, we will never know because the regulations were removed, and Mr. President, I consider that a serious threat to the judicial system in this Country, and a very dangerous precedent, to remove regulations under which a case is filed in court. I am not telling the public anything which I have not told him. But what is even more subtle Sir, is that this matter was done on the 25th February, the case was mentioned for the 28th, it was put off and it was not publicised until the 31st January.

Mr. President, we have heard that the Regulations, the Law did not allow appointments, the Law allowed only licenses Sir. Yet, Mr. President, on the 30th day of July 1985, the present Executive Council under the provisions of the Port Authority Law, 1977 drafted a set of regulations which said:

> 'These Regulations may be sited as the Port (Amendment) (No. 2.) Regulations, 1985. The Port Regulations are amended by inserting the following new regulation immediately after regulation 21.'

Regulation 21 is to do with the pilotage, fareways and whatnot. Appointments of pilots, 21(A):

> 'The Authority may appoint as a pilot, any person who:
> (a) possesses a Masters or Mates Certificate which the Authority considers appropriate.
> (b) has had at least three years experience as a Captain or a Mate of an ocean-going vessel.
> (c) has sufficient knowledge of local conditions to qualify him to take charge as a pilot of any vessel within the territorial waters.
> (d) is of good character and sober habits.
> Provided that no appointment shall be made under this Regulation until the Authority has first obtained a certificate from the Chief Medical Officer that the eyesight and general physical condition of the person to be appointed are such as to enable him to perform the duties of a pilot'.

Now Mr. President, the Law did not allow appointments of pilots et cetera, et cetera. Why draft this regulation in June 1985? Now this, in my mind, is an outright admission that the Law and the previous Regulations allowed and required pilots to be appointed. Yet today pilotage is being done, I cannot argue with the safety of it or the adequacy of it, but it is certainly being done illegally, because no one has been appointed, except Captain McCoy, who was appointed one week, and two weeks later he received a letter saying it was null and void. The person who gave him it, should not have done so.

Mr. President, this business of safe, legal and adequate pilotage in the Cayman Islands can have serious repercussions on this Country, despite the fact that it is a disgrace on our mar time heritage. Should we have an accident in that Port which cost lives, or we have great spillage of crude oil et cetera, I hope that the Members of this Honourable House can sleep with a clear conscience after it has happened, and they have destroyed the future of this Country.

MR. D. EZZARD MILLER (CONTINUING): Now Mr. President, the Second Elected Member for Bodden Town talked about Government being like a mail order catalogue. Now, I am not sure exactly what he was getting at, but I can only draw my own conclusions. I do not know whom he thinks is making the orders out of the catalogue, and who is filling them. But Mr. President, that might have been the way it was under the Unity Team, that the Members of their Government had to wait until they came here and opened their little box from National Bellasheas or from the Unity Team, and pulled out their orders for the day - what they were going to say and what they were going to do. Mr. President, I am not that kind of representative. If I see a problem, it does not matter to me whether Government want to accept it or they like it. It is my duty as a representative to raise it, and to raise it in the strongest possible way that my convictions allow.

Mr. President, people in this Country can look around and they can see that this Member's family is not getting any special favours since I have been elected. They can see which companies are getting the business from Government. They can see whose families are getting promoted; what members of those constituencies are getting. Who are going from Laboratory Technicians to Assistant Secretaries, et cetera et cetera. They are not from this Member's family, most of them are being kicked the other way, but that is a different issue altogether. I just wanted to put it in perspective, when people start going round talking about me fighting for my family.

As a representative of the people, I see a problem and it is my duty and my responsibility to raise that problem with the Government. They will not accept it; they accept it; if they want to reject it, they have the privilege to reject it. 1988 is another story around the corner again, and you know the other people are getting marl from places where marl should not be taken, and all that kind of thing, but you know....

Mr. President, the Member for East End was talking about anchors, he intimated that I was using the Marine Parks as an excuse to bring this issue before the people of this Country, for some other reason. But Mr. President, it would do him good to spend more time here, and serve the purpose for which he was elected. Then maybe he would know that I do not always, or very rarely have to find other reasons than the issue at hand, to raise it.

Now Mr. President, I have nothing personally to gain other than the satisfaction of knowing that pilotage is being carried out legally, being carried out safely and the heritage of the Caymanian people of which we are so proud, is being respected and it is being upheld. I do not have any land to sell to Government. I do not have any streets named after me. I do not want any buildings plastered with my name. I do not need this self aggrandisement, my shoulders are big enough most people can see me.

Mr. President, in a nutshell Sir, what is going on in our ports at the present time is a disgrace and an insult to our forefathers who built this Country through their maritime expertise and endeavour. Mr. President, this is a case where words in this House are going to be like the seeds the man planted which fell on the rock. I could talk all evening, but nothing is going to come of it, but Mr. President, I will let each Member vote on this issue according to his conscience, and hope they never have to witness the destruction of our tourist industry and the economy of these Islands by some maritime accident which may have been prevented had we had proper, safe and legal pilotage in our territorial waters.

Thank you Sir.

MR. PRESIDENT: The motion before the House is Private Member's Motion No. 7., and I will put the question.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: That was very weak Mr. President. Let us have a division, they are not too sure.

MR. PRESIDENT: I think we had better have a division because I really was not too sure whether the Ayes or the Noes got it. It sounded to me as if the Ayes won. But if we are to have a division....

MR. D. EZZARD MILLER: I will take that, I will take that.

MR. PRESIDENT: .... we shall know.

MR. D. EZZARD MILLER: I will take it that the Ayes have won Sir.

MR. PRESIDENT: I think you will find somebody may then call a division. So let us have a division.

DIVISION
No. 18/86

AYES	NOES	ABSTENTIONS
Mr. W. McKeeva Bush	Hon. Thomas C. Jefferson	Mr. Linford A. Pierson
Mr. D. Ezzard Miller	Hon. Michael J. Bradley	Mr. G. Haig Bodden
	Hon. John Lemuel Hurlston	
	Hon. Benson O. Ebanks	
	Hon. W. Norman Bodden	
	Hon. Capt. Charles L. Kirkconnell	
	Mrs. Daphne L. Orrett	
	Capt. Mabry S. Kirkconnell	
	Mr. John B. McLean	
2	9	2

MR. PRESIDENT: I declare that the motion was lost.

PRIVATE MEMBER'S MOTION No. 7/86 DEFEATED BY MAJORITY VOTE

MR. PRESIDENT: The next item on the Order Paper is Private Member's Motion No. 10/86. The Second Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 10/86
CIVIC CENTRES

MR. LINFORD A. PIERSON: Mr. President, I beg to move Private Member's Motion No. 10/86 on the subject of Civic Centres, which reads as follows:

> WHEREAS there is a need for a Civic Centre within the George Town and West Bay Districts, primarily for the purposes of providing hurricane shelters, for social functions and other civic activities, and
>
> WHEREAS the people of these two Districts have over the years requested the establishment of such a facility for the purposes stated herein,
>
> BE IT RESOLVED that Government consider providing the necessary funds in the 1987 Budget for the establishment of Civic Centres in George Town and West Bay.

MR. W. McKEEVA BUSH: Mr. President, I gladly second the motion.

MR. PRESIDENT: Private Member's Motion No.10/86 has been duly moved and seconded. I now invite the mover to speak to the motion.

MR. LINFORD A. PIERSON: Thank you Mr. President.

Mr. President, as in other matters which I have debated in this House, this motion reflects my interest not only in George Town, my own constituency but indeed in all the Cayman Islands. Because, I feel that no constituency of the Cayman Islands should be neglected.

Mr. President, I have repeatedly in this House made reference to my political manifesto as it is my intention to cover each aspect of this manifesto during these four years. Some of the points raised in my manifesto have been accomplished by Government. But there are a number of points still outstanding. While specifically not refered to in my manifesto, I have generally covered the need for a facility such as a Civic Centre, as will be seen in the following excerpt from my manifesto, and it reads:

> 'A prosperous Cayman Islands will largely depend on the assistance and interest we give to, and place in, all our residents regardless of racial, ethnic or social background.'

This Country Mr. President, should be good for all, and I will therefore support any effort designed to enhance the financial and economic well-being of all our people. Bearing in mind that such reward will depend on the appropriate individual effort. It is my belief that more attention should be given to assisting the less fortunate, in providing their basic social necessities. If these areas are neglected, we will inevitably experience grave economic problems resulting in social discontent.

Mr. President, it was Margaret Thatcher who said "we are not in politics to ignore peoples' worries, we are in politics to deal with them". There are many worries of our people to which we should be giving our immediate attention. One such area Mr. President, is in the subject of this motion before this House today. I do not believe that there is one Member here today who could not truly say that he or she is not aware of the need for a Civic Centre in George Town and West Bay.

We are also well aware of the various activities and purposes for which such a facility can be used. This motion Mr. President, covers only a very limited number of the numerous purposes for which a Civic Centre in George Town and West Bay could be used.

Mr. President, any Member who has had the interest or the sensitivity to move around his own constituency, must wonder what would be the lot of a number of our less fortunate constituents, in the event of a bad hurricane, or other major catastrophe. Even though I am aware that certain buildings have been designated as hurricane shelters, when one considers the proximity of these buildings to the targeted areas, such as Dog City, Watlers Road and Rock Hole, and some of the other poor areas, we wonder how long it would take those people if there was a sudden catastrophe, how long it would take them to reach these shelters.

The use of the Civic Centre as a hurricane shelter is but one of the many uses for such a facility. I am aware Sir, that some of the school buildings, Town Halls and so on and so forth, have been designated as hurricane shelters. But I am not satisfied Sir, that these are adequate for that purpose.

MR. LINFORD A. PIERSON (CONTINUING): One is regularly reminded Mr. President that the Town Halls, schools et cetera are designated for these purposes. But when you examine these facilities, you will see how inadequate they would be for such an eventuality.

Many of the Town Halls in this Country Mr. President, were built in the late 1930's and early 40's, during a time when the population of this Country was a fraction of what it is today. They were adequate when they were built Mr. President, for the conditions which prevailed at that time. But they are woefully inadequate for the problems of today. Other than for the Lions Centre and a few other areas, there is no place equipped for large social functions or other major civic activities. And even then when it rains these functions can become a total disaster. In this respect Mr. President, I speak from experience of having been involved in functions, large functions which were washed out by rain at the Lions Centre, and in other areas.

At present, Mr. President, there are Civic Centres located in Cayman Brac, East End and in Bodden Town. I am happy that the constituents in those areas are blessed with such a facility. But Mr. President, it is amazing that our largest constituency, our largest electoral district of George Town, and the next largest of West Bay do not have these facilities.

Mr. President, I trust that this motion will not just be given token support by Members of this House. But I hope Mr. President that if this receives the support of Members of this House today, that immediate action will be taken to do the necessary budgeting for such facilities, so that an appropriate amount can be allocated in the 1987 Budget. There is still much time Mr. President before the preparation of the 1987 Budget, and thus the reason for bringing this matter to the House today.

Mr. President, I feel confident that with such a motion as this, that I will receive the unanimous support of this House, and accordingly Mr. President, I would ask the Members to give this motion their full support.

Thank you Mr. President.

MR. PRESIDENT: The motion is now open for debate. Does any Member wish to speak? The Second Elected Member for West Bay.

QUESTION PROPOSED: DEBATE ENSUED:

MR. W. McKEEVA BUSH: Mr. President, the motion before this House is asking for Civic Centres for the West Bay and George Town Districts.

Mr. President, in West Bay this is a very needed facility. I do not have to point out the George Town need, I think the Member has made a good case. Mr. President my remarks would be in a general form, because I see a Civic Centre not only serving as a hurricane shelter or for big social events, but something which can be developed into a Youth Centre, with the required amenities which our young people need.

Mr. President, I never stop talking about our social aspect, our social development, because I regard it as one of the most important things in this Country today. Something which has lagged far behind our economic development. There is danger to this great economic development which we have experienced over the past twenty years.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, unrest amongst our young people today is no longer peculiar to any one district. As we go around the districts we see much evidence of different forms of unrest. Mr. President, there is disrespect for families, for parents, which is affecting greatly our social and our family life, and is leading to the wrecking of traditional values. There is disrespect for the law, and Mr. President the drug culture which is so prevalent in our society today, has had a profound effect on our young people and our family life.

What is required today is a clear and careful analysis of the symptoms of the various problems facing us, and a genuine effort on our part as a Government to find ways of accommodating our young people.

Mr. President, the need for social workers in our district is something which this Government must come to grips with as quickly as possible. We see buildings here and buildings there, and I keep asking where are the workers, where are the workers? In my constituency we have an abundance of problems, and many parents have bemoaned that fact. "What am I going to do with my child, can you talk to him; can you talk to her for me"? Mr. President, I was a rough teenager myself, so I can sympathise with parents today. The majority of them really do not know how to deal with the kind of problems facing their teenagers, and are ringing their hands in frustration, and asking why they cannot be more like us, when we were there age. But Mr. President, that question is unrealistic, everywhere not only the Cayman Islands, the world over, young people today are rebelling and rejecting the cultures of their parents and are seeking to create for themselves, sub-cultures to replace existing ones. Why is this, Mr. President? Because at times, they are justified in their impatience for change and the improvement of their lot, and at times most of all, the insincerity of adults offends them and they realise that the world which they are to inherit is a world where what they are told, what is declared, and the actual objectives are poles apart, so they have no confidence. Mr. President, we need today greater effort to be put on the social aspect of this Country, or else everything we do will fail. I see it coming Sir, they can tell me that I am a fool, or that I just like to talk, but if we do not change this situation today, ten years from this year this will not be a grand Cayman, but it will be a very pitifull Cayman. What is needed more than ever is proper guidance, proper counselling; someone with the right kind of training who is able to sit down and discuss these difficulties faced by our young people. They need someone who can deal with them and look at their individual problems, and talk to them individually, and on a professional basis. We need workers, Mr. President, and workers who understand our people. Workers who will not sit down in an office and tell you when you go to them, to bring your people to them. Let them get out there in the field; sitting down in an airconditioned office. Mr. President I wish I had more power because I am called a rebel, and I would certainly make some changes. We cannot force values for young people Sir, nor can we compel them to observe standards imposed by us. It has to be done through a course of subtle persuasion, and I maintain Sir that only those trained and educationally able hold out that prospect.

Now Mr. President, all that I have said does not imply that we must abandon the task of providing the amenities which the Second Elected Member for George Town has pointed out, and which our people are calling for; parks, Civic Centres, sporting facilities. No it does not imply that Sir, but it implies that we are acknowledging the ideals of our young people. We are acknowledging their hopes and their aspirations, and their needs and that we will work to accommodate them in our plans.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, I do not need as I have said before, to point out what the Member has already said, but I would say however, that West Bay has a Town Hall which is being used for practically everything. Mr. President, Church is held there all day long on Sunday, people cannot even get a rest, they have a band playing down there; you should hear them sometimes Sir. So when the Hall is needed you cannot get it. It is designated as a hurricane shelter, but it is most inadequate, and fails to provide the basic necessity which would be needed in West Bay in the event of a natural disaster where it would be necessary for those people who live in very poor conditions. Mr. President, do not think that we do not have them in West Bay, and I will try to prove that point on another occasion in this House.

I will end by saying that I trust that Members here will give this Bill fair support, and I do not want to hear anything about politics being played here. This motion is put with all the best intentions for the West Bay district and the George Town district, and I hope Members will support it and will ensure its passage. Thank you Sir.

MR. PRESIDENT: The First Elected Member of Executive Council.

MR. BENSON O. EBANKS: Mr. President, I rise to give my support to this motion, and I was most grateful for the extent to which both the Seconder and the Mover went in their contributions, in touching on the social problems, and the magnitude of the social problems which face the Country.

This morning there was a question about the drug and alcohol abuse programme. There is a further Private Member's Motion on the Agenda, dealing with indigent housing, and I could go on to name dozens of other needs which we have. We have a desperate need for some form of residential home for mental cases, and indigent persons who are either genetically afflicted or afflicted by drug and alcohol abuse, and to borrow the words of the mover, we are not here to ignore the many worries of our people, but to address them. I would hope that this motion is accepted in the spirit in which I read the resolved section, to state we have, and I can go on Mr. President inumerating; we have a desperate need for some form of residential schooling for our more delinquent youth, so that we do not have to continue to use the Approved Schools in Jamaica. We have need for a Remand Centre and we have need for a Community College and I could go on and on Mr. President with the needs of our communities.

I believe that Civic Centres will serve a very useful purpose in the general programme of addressing the needs, our social needs and the needs of our youth. But as the Seconder of the motion said, what we need above all is probably programmes and workers to institute those programmes, and of course, I endorse his view and the view of the mover that we do need places to execute these programmes. But Mr. President, in accepting this motion and giving it my support, I want to make it clear that in considering the budget, the resolve section of this motion which says:

> "BE IT RESOLVED that Government consider providing the necessary funds in the 1987 Budget for the establishment of Civic Centres in George Town and West Bay".

I would like to make it clear that in accepting the motion and supporting it, I am not saying categorically that this will find its way into the Estimates for 1987. What I am saying is that it will be considered amongst all the other needs, and we together hopefully, will allocate it its rightful priority in the many demands which will be made in that Budget, and together I am sure Mr. President we can come up with the right solution.

With these few words I support the motion Mr. President.

MR. PRESIDENT: The Order Paper provides for the adjournment to be taken early today because I think a Select Committee has been arranged for three thirty.

Does any other Member wish to speak on this motion, or not? Yes, in which case I think we had better take the adjournment and leave the continuation of the debate on the motion until tomorrow.

SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFERSON: Mr. President, I understand from my learned Second Official Member that in accordance with, or under Standing Order 83, we should seek to suspend Standing Order 10(2) which requires that we break at four thirty. We in this case, are seeking to adjourn before four thirty.

HON. MICHAEL J. BRADLEY: I must say Mr. President Sir, the credit is not all mine. The Clerks of the Table brought it to our attention.

MR. PRESIDENT: I am just trying to look, I thought there was provision for anybody to move the adjournment at any time, but I may be wrong about that. No, perhaps it is appropriate. In that case I shall take it that the First Official Member has moved that in accordance with the provisions of Standing Order 83, Standing Order 10(2) should be suspended in order to enable him to move the adjournment now. I will put that question first.

QUESTION PUT: AGREED BY MAJORITY. STANDING ORDER 10(2) SUSPENDED.

MR. PRESIDENT: In which case.....

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this House until ten o'clock tomorrow morning.

MR. PRESIDENT: The question is that this House do now adjourn until 10:00 a.m. tomorrow.

QUESTION PUT: AGREED BY MAJORITY. AT 3:35 P.M. THE HOUSE SUSPENDED UNTIL 10:00 A.M., THURSDAY, 22ND MAY, 1986.

SECOND MEETING OF THE 1986 SESSION
OF THE LEGISLATIVE ASSEMBLY
THURSDAY, 22ND MAY, 1986
(THIRD DAY)

PRESENT:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON JOHN LEMUEL HURLSTON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES L KIRKCONNELL	MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

ELECTED MEMBERS

MR W McKEEVA BUSH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OR 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 MADRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

O R D E R P A P E R

SECOND MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

THIRD DAY

THURSDAY, 22ND MAY, 1986

1. PRAYERS

TO BE READ BY THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS

2. PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING FINANCE COMMITTEE (Meeting held 14th May, 1986).

TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL SECRETARY.

3. QUESTIONS TO HONOURABLE MEMBERS

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

NO. 44: WOULD THE HONOURABLE MEMBER STATE WHY THE PORT AUTHORITY REGULATIONS HAVE NOT BEEN AMENDED FOR THE PURPOSE MENTIONED IN PRIVATE MEMBER'S MOTION NO.19 OF 1985?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 45: WOULD THE HONOURABLE MEMBER STATE WHAT IS THE TOTAL COST TO DATE, INCLUDING LEGAL FEES, ARISING FROM THE NARCOTICS AGREEMENT?

NO. 46: WOULD THE HONOURABLE MEMBER STATE WHETHER COUNCIL MEMBERS TRAVEL FROM THE USA TO THE UK BY CONCORDE IN CONNECTION WITH THE CURRENT RE-NEGOTIATIONS ARISING FROM THE 1984 NARCOTICS AGREEMENT, AND, IF SO, WHAT WAS THE COST COMPARED TO THE REGULAR FARE?

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

NO. 47: ACCORDING TO FINANCE COMMITTEE OF FRIDAY, 13TH DECEMBER, 1985 IT WAS AGREED TO PROVIDE A SOCIAL WORKER FOR WEST BAY AND BODDEN TOWN. CAN THE HONOURABLE MEMBER SAY WHETHER ANY STEPS HAVE BEEN TAKEN TO PROVIDE THESE SOCIAL WORKERS?

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

NO. 48: WOULD THE HONOURABLE MEMBER STATE WHETHER THE PRESENT CAYMANIAN PROTECTION POLICY ALLOWS FOREIGNERS TO CONSTRUCT THEIR OWN HOMES AND EMPLOY THEIR RELATIVES FOR THE SAME PURPOSE IN THE CAYMAN ISLANDS WITHOUT THE RELEVANT WORK PERMITS?

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

NO. 49: CAN THE HONOURABLE MEMBER SAY WHETHER A TOURIST LANDING, SIMILAR TO THE ONE PLANNED FOR WEST BAY, WILL BE BUILT IN THE SOUTH SOUND AREA?

4. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:

(1) PRIVATE MEMBER'S MOTION NO.10/86
CIVIC CENTRES
- CONTINUATION OF DEBATE THEREON.

(2) AMENDED PRIVATE MEMBER'S MOTION NO.8/86
INEQUITIES AMONGST TAXIS AND OTHER CARRIERS

(3) AMENDED PRIVATE MEMBER'S MOTION NO.9/86
INDIGENT HOUSING

(4) PRIVATE MEMBER'S MOTION NO.11/86
APPOINTMENT OF A JUVENILE JUDGE FOR THE CAYMAN ISLANDS

(5) PRIVATE MEMBER'S MOTION NO.12/86
PENSION/EX-GRATIA PAYMENTS

(6) PRIVATE MEMBER'S MOTION NO.13/86
PROHIBITION OF SALE OF LIQUOR ON SUNDAYS

(7) PRIVATE MEMBER'S MOTION NO.14/86
APPOINTMENT OF SELECT COMMITTEE TO INVESTIGATE REGULATION PROCEDURES

5. STATEMENTS BY MEMBERS OF THE GOVERNMENT

STATEMENT BY THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL ON THE REPORT OF THE SPECIAL COMMITTEE ON COST OF LIVING INCREASES ARISING OUT OF GOVERNMENT MOTION NO.5/86 PASSED BY THE LEGISLATIVE ASSEMBLY ON 12TH MARCH, 1986.

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THURSDAY

22ND MAY, 1986

10.05 A.M.

MR. PRESIDENT: Prayers. The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: 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. Let us all say together....

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

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

MR. PRESIDENT: Please be seated. Presentation of Papers and Reports. The Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House, The Finance Committee Report for Wednesday, 14th May, 1986.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, the meeting on Wednesday 14th May, dealt with a request from His Excellency the Governor to use a portion of the $10,000 provided under Head 40 - Other Equipment, to be used for the installation of a satellite dish on Government House grounds.

MR. PRESIDENT: In accordance with the provisions of paragraph 4 of Standing Order 67 the House is deemed to have agreed to the motion.

MR. W. McKEEVA BUSH: Mr. President, I understand the relevant Standing Order Sir, but being a member of the Finance Committee I do not very well recall.....

MR. PRESIDENT: Is this a Point of Order because you cannot make speeches now.

MR. W. McKEEVA BUSH: I am not making a speech Sir.

MR. PRESIDENT: Is it a Point of Order, or not?

MR. W. McKEEVA BUSH: Yes it is a Point of Order Mr. President. If you are going to ask me what Standing Order.....If you are not going to give me the chance to try and get across, and then you can tell me whether I am right or wrong.

MR. PRESIDENT: If you are raising a Point of Order and you honestly believe you are raising a Point of Order, tell me what the Point of Order is.....

MR. W. McKEEVA BUSH: Mr. President.

MR. PRESIDENT: ....If you are trying to make a speech under the guise of a Point of Order, you must sit down.

MR. W. McKEEVA BUSH: You should not say 'honest' Mr. President, but you have not said that.

Mr. President, I can see that I am not going to get the chance to honestly get across what I wanted, or to get the information I needed, because it was a point of information really. That is all it is Sir, a point of information.

MR. PRESIDENT: No. Well, I am afraid you cannot.

MR. W. McKEEVA BUSH: I know that, I figured that.

MR. PRESIDENT: Questions. The Second Elected Member for West Bay.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 44: Would the Honourable Member state why the Port Authority Regulations have not been amended for the purposes mentioned in Private Member's Motion No.19 of 1985?

ANSWER: The Port Authority Regulations have not been amended because of a delay in getting the coordinates for the designated areas for skiing and watersports as proposed by the Sub-Committee that was formed to deal with this matter.

The proposed amendments will be forwarded to the Legal Department on receipt of the coordinates for the areas proposed.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary Mr. President.
Could the Member state why coordinates are necessary for the skiing and water sports area, when no coordinates were necessary for the Marine Parks and anchorages, and everything else which was done recently?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the Portfolio thought it was necessary, Sir, to identify specifically the areas designated by coordinates. I think they have found since investigating, one of the areas which they had proposed, was found to run into the public beach area, and that makes it more demanding that we do get the exact coordinates Sir.

MR. D. EZZARD MILLER: Supplementary, Sir.
If the skiing areas are only going to be located by coordinates, does that mean that we water skiers are going to have to travel with sextants and compasses to figure out where the coordinates are. Would it not be much simpler to have marks on land and buoyes at sea?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think the coordinates will enable the people who have to establish the marks on the land and at sea, to put them down accurately Sir.

MR. PRESIDENT: If there is no further supplementary? I invite the Second Elected Member for Bodden Town to ask the next question.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 45: Would the Honourable Member state what is the total cost to date, including legal fees, arising from the Narcotics Agreement?

ANSWER: The total cost to date, including legal fees, is as follows:

	1983 $	1984 $	1985 $	1986 $	TOTAL $
Travelling & Subsistence		17,650.83	37,186.54	41,419.02	96,256.39
Legal Fees (excluding payments to Gray & Co.)		-	39,538.33	26,537.57	66,075.90
TOTAL		17,650.83	76,724.87	67,956.59	166,332.29
Fees paid to Gray & Co.		-	87,495.78	49,599.99	137,095.77

The payments of fees to Gray and Company have been separated out from the other costs as the Narcotics Agreement is only one of the areas in which their services have been used.

In addition, other indirect costs incurred were payments to Thompson Zeder as follows:-

1983	1984	1985	TOTAL
$25,401.61	$529,623.11	$186,985.02	$742,009.74

Therefore, to summarise:

Total direct costs arising from the Narcotic Agreement		$166,332.29
Total indirect costs incurred:		
Gray & Co.	$137,095.77	
Thompson Zeder	$742,009.74	
		$879,105.51
	GRAND TOTAL:	$1,045,437.80

MR. PRESIDENT: Unless any Member wishes to ask a supplementary question.....the Third Elected Member for West Bay.

SUPPLEMENTARY:

MRS. DAPHNE L. ORRETT: Mr. President, I would like to ask the Member whether or not he would be in a position at this time to state what those indirect costs incurred with Gray & Company and Thompson Zeder were in connection with?

HON. THOMAS C. JEFFERSON: Mr. President, the indirect costs for Gray & Company is somewhat related to the Narcotics Agreement, and basically deals with public relations and other matters where they have arranged for the team of negotiators to attend Washington on one occasion and New York, to tell the Cayman Islands side of the story, in an effort to remove the tarnish which had been placed against the Cayman Islands.

In respect of Thompson Zeder, it is the cost of defending, or assisting in the defence of the Bank of Nova Scotia in the Bradey case, where the case began in the Southern District Court in Florida; moving on to Appeal to the Circuit Court in Atlanta, back to the District Court in South Florida, and back again to the Appeal Court in Atlanta. And in addition, it was an attempt to rebut the extraterritorial matters used by the United States in this case.

MR. PRESIDENT: If there is no further supplementary, I invite the Second Elected Member for Bodden Town to ask the next question.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 46: Would the Honourable Member state whether Council Members travel from the USA to the UK by Concorde in connection with the current re-negotiations arising from the 1984 Narcotics Agreement, and, if so, what was the cost compared to the regular fare?

ANSWER: *In March of this year, four Council Members, including myself, did travel by Concorde between Miami and London in connection with the re-negotiations arising from the 1984 Narcotics Agreement.*

The cost in comparison with the regular fare, which is taken to mean first class mode of travel, was:

Concorde (4 persons)	*$18,463.10*
Less: Rebate £750 @ $1.35	*1,012.50*
Net Cost:	*$17,450.70*
First Class travel by British Airways (4 persons)	*$13,964.40*
Difference in Travel Cost:	*$ 3,486.30*

However, I would like to state that the Honourable Members who were involved in the Mutual Legal Assistance Treaty negotiations had no desire to use those negotiations to satisfy any long-felt wish to travel on the Concorde.

On this occasion, it was a matter of urgency and expedience. These Honourable Members were informed on Friday afternoon that they were expected to attend a meeting in London the following Monday morning to agree strategy for the final negotiations.

As all Members comprising the negotiating team were persons with commitments and as usual were required to make the necessary travel and domestic arrangements at short notice, it was decided that in order to meet the deadline on Monday morning, travel via the Concorde would be most expedient.

SUPPLEMENTARY:

MR. W. McKEEVA BUSH: *Supplementary, Mr. President.*

Can the Member say whether that cost is included in the cost given in the question No. 45?

HON. THOMAS C. JEFFERSON: *The answer Mr. President to the supplementary question is yes. And may I add Mr. President, that there is an arrangement where Members who are entitled to first class travel in Government, can arrange for that travel to be had at the first class cost on a 747. You can travel on the Concorde for the same price as a 747.*

On this occasion, because we received the notification on Friday afternoon, by which time all London offices were closed. We rang our United Kingdom representative, we rang his secretary, we rang the former Managing Director of Cayman Airways, who is now representing Cayman Airways and DOT in Miami. We rang the secretary of the present Managing Director of Cayman Airways, in an effort to get this authorisation. All these people however, were unable to reach the Manager of British Airways, who accords this concession; therefore we had no choice but to pay the difference.

MR. PRESIDENT: *Unless there is any further supplementary? I shall 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 ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 47: According to Finance Committee of Friday, 13th December, 1985 it was agreed to provide a Social Worker for West Bay and Bodden Town. Can the Honourable Member say whether any steps have been taken to provide these Social Workers?

ANSWER: Yes, Social Workers are assigned to West Bay and Bodden Town, as indeed for all the districts. Some districts have more than one officer on regular contact depending on their need.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Member give me the name of the officer assigned to Bodden Town?

HON. BENSON O. EBANKS: No Mr. President, I do not have the name of the officer.

MR. PRESIDENT: I wonder whether the Member would be prepared to undertake to obtain it, so that the Second Elected Member for Bodden Town can have it.

HON. BENSON O. EBANKS Yes Sir.

MR. W. McKEEVA BUSH: Likewise Mr. President, I wonder if the Member could accord me the same.

HON. BENSON O. EBANKS: Yes Mr. President, I will undertake to do that.

MR. W. McKEEVA BUSH: Supplementary Mr. President.
Are these Social Workers permanent workers for the district, or are they just workers who share perhaps in other areas of work?

HON. BENSON O. EBANKS: There is an officer, Mr. President, assigned to the district generally, but depending on the nature of cases to be attended to, additional officers visit the district as well of course.

MR. G. HAIG BODDEN: Mr. President, can the Member say if the worker assigned to these districts will be giving priority to complaints or requests from these districts. In other words, will that worker drop whatever else he is doing and give priority to the requests, or the cases for these districts?

HON. BENSON O. EBANKS: Mr. President, that is my understanding of the worker being assigned to that area. That worker will attend to those districts first, and other cases after.

MR. PRESIDENT: If there is no further supplementary. I invite the Elected Member for North Side to ask the next question.

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

NO. 48: Would the Honourable Member state whether the present Caymanian Protection policy allows foreigners to construct their own homes and employ their relatives for the same purpose in the Cayman Islands without the relevant work permits?

ANSWER: The nature of activity is immaterial. The principle to be applied is whether the activity or occupation is for gain or reward. It therefore follows that if one is employed for gain or reward, irrespective of any other conditions or circumstances, one would require a gainful occupation licence.

SUPPLEMENTARIES

MR. D. EZZARD MILLER: Supplementary, Mr. President.
In the light of the rapid growth in real estate values here, can the Member state whether he considers someone building their own house and then putting it on the market for sale afterwards, a form of gainful employment?

HON. JOHN LEMUEL HURLSTON: If the Member is referring to what would be regarded as blatant speculation in real estate by non-Caymanians, I would have to say yes, but that would be unacceptable. But certainly, foreigners who reside in the community must have the opportunity of working for themselves; of improving their surroundings and if it so happens that a relative comes for a short visit and can lend a helping hand, we can get into all sorts of rediculous extremes if we wanted to put in more safeguards to prevent this sort of thing from happening. You could get into the rediculous situation for example, of not being able to build a doghouse or not being able to go on top of the roof and do necessary repairs.

MR. D. EZZARD MILLER: Mr. President, as a supplementary Sir. The original question asked about constructing a home Sir. We are talking about from the foundations to the roof to the clearing of the land, and could the Member state whether he feels that people who come in under this guise of self-help, and construct their own homes are not in fact depriving Caymanians in the construction industry, of work which is desparately needed in some areas, for example, my constituency?

HON. JOHN LEMUEL HURLSTON: Mr. President Sir, that supplementary is perhaps asking me to express an opinion. I believe I am not expected to do so. I can however say, if the Member has what is tantamount to being an unemployment problem in his constituency, then I would suggest that those constituents be referred to the Labour Office, because generally speaking my understanding is that we have an overemployment situation in the Country, and therefore, are having to rely on imported labour. We should not have an unemployment problem.

MR. D. EZZARD MILLER: Supplementary Mr. President.
Could the Member cut clearly through the smoke screens which have been set up, and answer yes or no to this question. Does the Caymanian Protection Law allow people, foreigners, non-residents in the Cayman Islands to come to the Cayman Islands, construct their own houses from the foundations to completion?

MR. PRESIDENT: I cannot allow this supplementary in the form asked because it is inviting an answer to an abstract legal question. He can ask whether, as the original question did, it is the policy of the Government to allow that, but he cannot ask for an interpretation of the law.

MR. D. EZZARD MILLER: All right. Can the Member state whether it is a policy of Government to allow the same question as I have just asked Sir.

MR. PRESIDENT: I think the supplementary as now asked is in order. It is virtually the same as the original question.

HON. JOHN LEMUEL HURLSTON: The short answer Mr. President is that work, any work in the Cayman Islands done by a non-Caymanian is legal as long as it is work which is not for gain or reward. The law has a definition in it regarding what gainful employment means. It says:

> 'Gainful occupation and gainfully occupied means the carrying on of, or employment in any profession, trade, business or otherwise avocation for gain or reward in or with relation to the Cayman Islands, unless expressely exempted by some provision of this law.'

I could go on also to refer the Honourable Member to Section 33 of the law, which says for the purposes 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 be so for gain or reward, until the contrary is proved.'

So that a person is assumed to be working gainfully. The onus is on that person to prove that he or she is not. So if the Member has instances where he suspects that persons may be gainfully employed without the relevant permit, I would suggest that he bringsit to the attention of the relevant authorities.

MR. D. EZZARD MILLER: Supplementary Mr. President. Is the Member aware of people who have been arrested by the immigration arm of the enforcement authorities, under the same condition in that they were working without a work permit, taken to the Immigration Department and the Director of Immigration let them go.

HON. JOHN LEMUEL HURLSTON: No, Mr. President I am not aware of that.

MR. D. EZZARD MILLER: Would the Member like me to bring the instances to his attention in writing?

HON. JOHN LEMUEL HURLSTON: Yes Mr. President, and I would also be grateful if perhaps we could have the undertaking of all Honourable Members, that matters which come to their attention in their constituencies can, and rightly should be brought to the attention of the appropriate authority, rather than perhaps putting a parliamentary question to seek the answer.

MR. D. EZZARD MILLER: Statement, Mr. President. I did not bring the parliamentary question here. I called the authorities first, and had them arrested and the Director let them go. I called the Attorney General for an interpretation of the law, and he told me to bring the parliamentary question here.

MR. PRESIDENT: If there is no further supplementary, the Second Elected Member for West Bay may ask the next question.

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

NO. 49: Can the Honourable Member say whether a tourist landing, similar to the one planned for West Bay, will be built in the South Sound area?

ANSWER: The answer is, no.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary Mr. President. Can the Honourable Member say whether there is one plan for the Portuguese Point area?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, there is a proposed plan for not a tourist landing, but a cruise ship berthing, but not for a tourist landing. There is some proposal before the Board at the moment.

MR. W. McKEEVA BUSH: Can the Honourable Member say whether this is having any baring on the one planned for West Bay?

HON. CAPT. CHARLES L. KIRKCONNELL: No, Mr. President.

MR. PRESIDENT: If there is no further supplementary, we can pass on to the next item of business. Item 4 Private Members' Motions. It will be the continuation of the debate on Private Member's Motion No.10/86. Does any other Member wish to speak? The Third Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO.10/86
CIVIC CENTRES

CONTINUATION OF DEBATE THEREON

MRS. DAPHNE L. ORRETT: Mr. President, Private Member's Motion No.10/86 regarding Civic Centres. As has been mentioned by previous speakers on this motion, Civic Centres in both districts those being George Town and West Bay I think are very necessary. I think that there are many reasons why they should be built, and built as soon as possible.

I support the motion wholeheartedly Mr. President. However, in doing so, I should like to point out that there are a number of areas and a number of dire needs which perhaps are somewhat more serious and urgent than Civic Centres at this point I would like to say that I support the motion wholeheartedly. However in driving through the districts Mr. President, I was seriously thinking what indeed could Government do to meet the requirements of say, some fo the day care centres which I see set up, where children are housed all day, and would the Civic Centre be used for this purpose, until the adequate facilities are provided, or other facilities are provided?

MRS. DAPHNE L. ORRETT (CONTINUING): The rehabilitation centres at this point Mr. President, seem to be a need which can hardly be postponed, and I would have hoped that in 1987 if funds are made available for a Civic Centre in each of the districts of West Bay and George Town, that any such facility will be made available for the purposes which I have just mentioned. Other than that, I would have to say that the rehabilitation centres, the day care centres are needs which are perhaps more urgent.

I support the motion. However Mr. President, if Members feel that this provision can be made in the 1987 budget I would hope that the facility would provide for the needs, as mentioned, for the rehabilitation centre and the day care centre as well.

MR. PRESIDENT: Does any other Member wish to speak? One other Member did catch my eye yesterday, he has not this morning. Perhaps he does not.....In that case, I invite the mover of the motion to reply, if he wishes.

MR. LINFORD A. PIERSON: Mr. President, I think I should start by first thanking the Second Elected Member from Bodden Town for not getting up to support my motion!

Mr. President, I am very grateful to the Members who spoke in support of the Private Member's Motion No.10/86 on the subject of Civic Centres for George Town and West Bay. I have taken note of the points raised by each Member, and in particular the points raised by the First Elected Member of Executive Council, and also the Third Elected Member for West Bay, regarding the priorities as they see them.

Mr. President, in my presentation of the motion, I made it quite clear that I would rather not see any support given to this motion if it meant that it would just be a token support with no real intention of seeing that the Civic Centres were indeed established. Mr. President, this was the reason why I went into much detail in support of the Civic Centres. I am nonetheless Mr. President most grateful for the support which I have received so far. But as I have said, I am not here looking for token support. I am hoping that the Members will see the need, the necessity for such Centres in George Town and West Bay and will on the merit of the need give support, and give the importance which is required for such a motion.

Mr. President, the Second Elected Member for West Bay was also the seconder of the mation, and I am most pleased by the support he gave to this motion. I cannot help but remember in his fine debate, that he was somewhat concerned that he does not have enough power in the House, and I was reminded of a statement which was once made by Lord Acton in reply to the question of the exercise of power, when he said:

'Power tends to corrupt and absolute power corrupts absolutely.'

He went on to say that great men are almost always bad men, and I feel sure that the Member does not want to fall into that category. But it was Adelai Stevenson who went on to say in an extension of this, he said:

'Power corrupts, but lack of power corrupts absolutely.'

So we, most of us on this side of the House could find ourselves in the latter position.. I can only remind my good friend from West Bay that in time, he may be in that position of absolute power, but I hope that he will not let it corrupt him. I am sure he will not, and I am sure he will be most considerate to those of the less privileged.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, the First Elected Member of Executive Council gave his support. But I am still trying to figure out whether he intends to give serious consideration to including the necessary allocation in the 1987 budget.

As the Member from North Side remarked at the close of the meeting yesterday, he appeared to be giving the apples in one hand, and taking them back with the other. But I am sure, knowing the Member, that he will sincerely support the motion, and I look forward to sitting with him and trying to figure where the funds will be coming from.

Mr. President, also yesterday, I will not go into this point in detail but I thought I would just mention it, since it was raised in jest yesterday that I was one of the Members who did not support the 1986 budget. Mr. President, I supported parts of the 1986 budget, but there were certain capital expenditure items which I said I felt could have been postponed or otherwise financed through loan funds; this is still my position Mr. President, based mainly on our poor economy during 1984 and 1985. But I did predict that 1987 onwards for a few years would see a change and an upturn in our economy, and I am happy to say Mr. President that so far this prediction seems to be coming true. So I see no problem with the First Elected Member for West Bay finding the necessary funds in the 1987 budget.

Mr. President, the Third Elected Member from West Bay raised some very important points, and I too am concerned with the drug problem in this Country, and I would also see a drug rehabilitation centre as a priority. I also feel Mr. President that a centre such as a Civic Centre could be used temporarily for the purpose of housing such a centre, that is a rehabilitation centre, but I see where this should be really properly planned and in a very short time a drug rehabilitation centre should be made available to the people of the Cayman Islands.

Also Mr. President, as I stated yesterday, a Civic Centre could be used for many purposes, and the Third Elected Member for West Bay added a new one, which is as a day care centre. This is very, very important Mr. President, because there is indeed a great need for day care centres in the Country, particularly in Grand Cayman, and the accommodation is very small and there is little of it.

Mr. President, it only leaves me to thank each Member who spoke in support of this Private Member's Motion, and to also thank those who would have spoken against it, but whom I may have been able to persuade otherwise.

Thank you Mr. President.

MR. PRESIDENT: I will put the question, that Private Member's Motion No.10/86 be accepted by this House.

QUESTION PUT: AGREED. PRIVATE MEMBER'S MOTION No.10/86 PASSED.

MR. PRESIDENT: Private Member's Motion No.8/86, and I think all Members probably have, I certainly have been given a notice saying that the Second Elected Member for George Town intends to amend the motion in accaordance with Standing Orders 24(7) and 25(2). Those Standing Orders jointly provide that a Member may vary the terms of a motion, if in my view, the variation does not materially alter the scope, or principle embodied in the original motion, and I have agreed that the proposed amendment in this particular case is perfectly acceptable from that point of view, and they also say that no less than two days notice shall be given of an amendment, unless exceptionally I rule otherwise.

MR. PRESIDENT (CONTINUING): I think in fact, more that two days notice was given to the Clerk and the rest, although I am not sure that the actual amended notice got out more than two days ago. So under those circumstances, I am certainly prepared to say that the amended motion is wholly in order, and therefore when moving it the mover may simply speak to the amended motion, and that is what we will debate. So, the Second Elected Member for George Town.

AMENDED

PRIVATE MEMBER'S MOTION NO.8/86
INEQUITIES AMONGST TAXIS AND OTHER CARRIERS

MR. LINFORD A. PIERSON: Mr. President, I beg to move Private Member's Motion NO.8/86 as amended on the subject of inequities amongst taxis and other carriers, which reads as follows:

> WHEREAS there is growing unrest amongst the group of taxi drivers operating within the Cayman Islands over what they regard as an unfair split of transportation revenue between themselves and other transportation businesses;
>
> BE IT RESOLVED that Government appoint a Special Committee consisting of five (5) Elected Members to investigate these reported iniquities and report back to this House with their recommendations as soon as possible.

MR. W. McKEEVA BUSH: Mr. President I second the motion.

MR. PRESIDENT: The amended motion is duly moved and seconded, and the mover may now wish to speak to it.

MR. LINFORD A. PIERSON: Mr. President, I hold in my hand today an open letter which was sent to each Member of this Honourable House from members of the taxi industry, or the group of individual taxi owners operating in the Cayman Islands, and in particular, Grand Cayman.

Mr. President, to refresh the minds of those who may have received this letter, I would like with your permission, to quickly read through this letter. It is an open letter to legislators and it is addressed to each Member of the Legislative Assembly, and it reads:

> "Dear Sir,
>
> We the undersigned are all taxi operators, who after considerable investment in our vehicles are seeking and have sought to make an honest living for our families in this Island; while hopefully trying to be good ambassadors for our Country to the visitors coming here, both by air and sea.
>
> Each day however, the prospect of us being able to continue this, and survive economically becomes slimmer. We are therefore moved to ask each of you as legislators both individually and collectively to look into the chaotic situation which has developed and is now worsening in the taxi industry in this Country.
>
> We believe it is unfair for this industry to fall into the effective control of outsiders to the disadvantage of the majority of local drivers. Even if this control is subtly concealed by using some greedy locals as a front. We point directly to the Tropicana Tours to which visitors are steered by travel agents from abroad, and from agents aboard the cruise ships.

MR. LINFORD A. PIERSON (CONTINUING):

It must follow that beyond being a disadvantage to us as local taxi drivers, this situation must result, as it does, in visitors being overcharged to provide a cut for the offshore agents. This can only add to the already high cost of visiting the Cayman Islands.

Another clear example of outright abuse in this area is the practice whereby the Kon Tiki which is supposed to be a tour boat, acts as a water taxi conveying guests from the tourism dock to the hotels along the Seven Mile Beach and visa versa. All of this is arranged aboard the cruise ships, we suspect with the taxis consent, if not outright approval of the Department of Tourism. We do not believe that travel agents or so called tour guides aboard the visiting cruise ships should have the privilege of diverting this large amount of business from the local taxi drivers, who are then forced to sit long hours waiting to catch any little crumb that may accidentally slip through their hands.

It is our opinion that no Government in the world would allow such an operation to be so blatantly carried out to the clear disadvantage of so many of its people, if it is made fully aware of the facts. We find that in the absence of an organisation such as a union, we are unable to cope with this problem. We feel that an unfair advantage is being taken of the situation. It clearly cannot be considered as fair competition.

We also have a similar situation at the Airport, where certain hotels are allowed to pick up and return guests to the Airport as a courtesy service.

Sir, all of you like us must find this laughable. In our opinion it is merely a not very subtle rouse to avoid the regulation (rouse of course meaning a deception or trick). It is indeed strange that hotels in this Island which are not very well known for courtesy, would claim to be expressing courtesy in this manner.

Sir, it cannot be expected that we will forever suffer this indignity of watching our livelihood being diverted to greedy hands while our families suffer need. We therefore ask each and everyone of you whom we have selected or elected to govern us, to look into this growing injustice and after consultation with all parties, to bring forward regulations to correct this.

We thank you for hearing us, and look forward to your urgent attention in this matter."

Mr. President, this letter was signed by the majority of taxi drivers in Grand Cayman.

Mr. President, I get the feeling that the trend is developing in this House where those of us who seek to represent the views of our people through the avenues of the Private Member's Motion are really only being tolerated with no real intention of paying serious attention to some of these motions.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, I say this in a qualified manner because I realise that there are some of the Members who seriously support these motions, but I am also reminded that I have in the past brought motions to this House, which were passed by this House up to about two years ago, and to date nothing concrete has been done in support of that motion, or in helping that motion to materialise.

Mr. President, I really hope that I am wrong in my assessment of the situation, when I say that some of these motions are being tolerated and given token support, and that when motions are passed in this House in the future, I would hope to see immediate action taken, and that the motion is not left on the particular Member's desk to catch dust.

Mr. President, I believe that in the case of this motion before the House today, it is of such utmost importance that it will indeed be given very urgent attention.

Mr. President, I mentioned briefly a motion which was passed here two years ago, and I will not go into the details of this motion, but I have had several meetings with the Portfolio concerned, since the passage of this motion but unfortunately, to date I have seen no light beyond the tunnel.

Mr. President, the Government Members are doing a fine job; they have a lot of work to do, and as I have said in this House, I give them my full support in matters which I feel I can live with. But Mr. President, the Government Members must understand that it is not enough to give token support of a Private Member's Motion, I would like to stress that. We on this side of the House Mr. President, are not seeking any favours. We feel that when we take the time and listen to our people, when we bring motions to this House, that it is in the best interests of our people, whom we represent. We feel that the contribution which we make from this side of the House is as important as that made by any Member of the House, and it should be treated with that importance. We are not asking the Government to do something which is wrong. We are asking the Government to help us, the Members of this side of the House to help to improve standards of living and the well being of those Caymanians whom we represent. Mr. President I have cooperated in the past with the Government bench on matters which I felt justified in supporting. I am cooperating in the present time and I will continue to do this, if I feel that the subject before me is a justifiable one, and in the best interests of our people. Mr. President, I would expect to get the same support from the Government bench as I am prepared to give, and I should say here Mr. President that so far, I cannot complain too much because I have been getting support on some of the issues which I have brought to their attention.

Mr. President, the 'Resolve' section of my draft motion asked that the Honourable House appoint a Select Committee of the whole House to investigate those reported inequities, and report back to this House with their recommendation as soon as possible. This however Mr. President was changed. I wanted the whole House to consider this, but this was changed so that the Government would appoint a special Committee of five people. I feel Mr. President that this motion will get the same importance, and have the same effect as it would have if it had been considered by a Select Committee of the whole House. So I am not concerned that the Government will appoint five Members to look into this motion, but my concern Mr. President is that they will appoint five Members who indeed have the interests of the taxi drivers at heart, and in particular, I would wish to see two of those Members being the Members of Executive Council, directly responsible for this subject.

MR. LINFORD A. PIERSON (CONTINUING): Mr. President, it is my view that a major problem preventing a fair distribution of the transportation business, is due to the unfair advantage which certain carriers have over others, especially those operating out of the George Town Dock and the carriers who are fortunate, as the latter said, to have travel agents steer tourists and other visitors directly to them.

Mr. President, I am not here suggesting that this is a practice of Government, or the Tourism Department, but if it is, I would ask that urgent attention be given to this, and I am sure that the Member responsible will be looking into this allegation.

Mr. President, the majority, if not all of the taxi operators, are hard working men and women with considerable investment in their vehicles, and they are men and women seeking to make an honest living for their families. But it is not easy Mr. President, if they are not given the right opportunities. There is no reason at all Mr. President why the Kon Tiki or any other carrier should also be acting as a taxi on the water; acting as a taxi and at the same time as a tour boat. I feel Mr. President that it would be a much better arrangement if the Kon Tiki picked up the tourists at Seven Mile Beach and then brought them back, but that the taxi drivers were for instance, allowed to pick them up on the dock and take them down to the public beach. In that case it would give everybody a little bite of the loaf. This is one of the many problems which the taxi drivers face. They face other problems Mr. President which I am sure will be the subject of discussion by the five Members who will hopefully be appointed to this Select Committee.

Mr. President, we the Members of this Honourable House are being asked to give this matter our immediate attention, not in six months time, not in a years time but our immediate attention. We state here that we hate to see certain things creeping into this Country. One such matter which we would hate to see, is the question of a trade union. But this letter today Mr. President, has suggested that if there was such a body, that body would have been approached by the taxi drivers. It therefore means Mr. President that unless we pay urgent attention to the needs of our people, and in particular, those of the Taxi Association, the subject of this motion we will be facing some serious problems in the future.

Mr. President, I have heard much said about legislation being contemplated. I have even heard that the proposed ground transportation plan and the traffic laws will be the answer to the problem. Mr. President, I regard such remarks as delaying tactics. I realise that the ground transportation plan and the traffic laws will go a long way in straightening out the traffic position and congestion in the Country. But the problem before us Mr. President with the taxi drivers is somewhat unique, and while perhaps indirectly related to the problem of the congestion within the Country, this is not the direct subject of this motion.

Mr. President, the Government bench can today take two positions on this motion. They can ignore it, they can push it aside. Or secondly, and perhaps more wisely, they can take a decision today to seriously and immediately deal with this matter. Mr. President, I would warn that to ignore this problem could result in social unrest in this Country. I am not making a big deal about social unrest, because I would hate to see it happen here. But I know what caused this motion to be before the House in the first place, and it was my desire not to see such a situation creep up in this Country. It was my desire not to see the Taxi Drivers Association group themselves together and march on the Government Administration Building.

MR. LINFORD A. PIERSON (CONTINUING): We do not need this at this time in our development. It cannot do this Country any good. So let us deal with these matters when they come up on a preventative basis Mr. President, rather than a curative one, because it is much harder when the horse has already escaped through the gate.

Mr. President, the points raised by the taxi drivers regarding special favours given to certain tour operators in directing tourists to them, and the operational practices of the Kon Tiki cannot be ignored, but should receive our immediate attention. I cannot make too much of this particular point, and I would like to stress that this is perhaps the most vexing area of the whole problem.

Mr. President, on the question of the taxi drivers, I have also told them that they have a major role to play, it is not a one-sided situation. They have their role to play also, because I have received a number of complaints about taxi drivers in this Country. While I believe that these bad eggs, the bad taxi drivers, are in the minority; they are nonetheless ambassadors to this Country. One of the first impressions that a visitor gets on arriving in this Country is when he meets a taxi driver, and that impression many times can be lasting. I have spoken to them about their manners, about their attitude and even gone as far as to speak to them about their hygienic conditions. Mr. President, it is also important that they act in a decent, and a nice and a friendly manner to people who come into this Country, and that they depart themselves in a seemly manner. By their own admission Mr. President, they have stated in their open letter that they wish to be good ambassadors, and that they are good ambassadors to this Country. So Mr. President, I feel justified in my position taken with regard to their manners, their behaviour and their general deportment. It is not enough Mr. President, for taxi drivers to take the passengers from point A to point B. I have travelled in many countries; I have met with some bad taxi drivers; but I have met with some good ones, and the good ones stick in your mind forever. Some of the experiences with the bad ones will also last, but it is a pleasure to drive with a taxi driver who is pleasant, courteous and knows something about the country.

Mr. President, we are nonetheless, regardless of these problems, personal problems of some of the taxi drivers, we are nonetheless seeking to protect their interests. We are seeking to help them to gain an equal chance in making a decent living in this Country. Mr. President, I am sure that with such a delicate and important subject as this, that there are other Members of this Honourable House who would wish to present their views on this subject. But before sitting Mr. President, I would ask for the unanimous approval of this House in support of this motion.

Thank you Mr. President.

MR. PRESIDENT: I think before calling on any other Member who may wish to speak, it may be convenient for the House if I suspend proceedings for our customary morning break for approximately twenty minutes.

AT 11:30 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:55 A.M.

MR. PRESIDENT: Please be seated.
Amended Private Member's Motion No. 8/86. The motion is now open for debate.
The Second Elected Member for West Bay.

DEBATE

AMENDED PRIVATE MEMBER'S MOTION NO.8/86

MR. W. McKEEVA BUSH: The chaos and unrest amongst taxi drivers in these Islands has long been a festering sore, for which visitors to these Islands have paid a high cost. Our image is often tarnished by foolish incidents amongst taxi drivers at the Airport, and on the dock, which is a direct result of this chaos and dissatisfaction. I am sure that it has now reached a proportion where it will soon adversely affect our tourist industry.

Perhaps Mr. President, there are those amongst us here, and you can believe there are those on the outside who will be quick to say that this is private enterprise, and Government should keep their hands off. But I have learnt from experience that this excuse is only used when there is no other defence. Private enterprise - do not trouble it. Supply and demand they say, well Mr. Problem (LAUGHTER) Mr. President (I would not like to say that you are a problem right now Sir). The problem.....

MR. PRESIDENT: I am comforted, maybe not for long.

MR. W. McKEEVA BUSH: The problem with this supply and demand which we keep hearing about, the problem in the Cayman Islands today is that Caymanians are demanding, but they are not getting too much to supply.

Mr. President, when a situation threatens the stability of something as important as our tourist industry here, it is my opinion that it is our duty as a Government to look into that particular situation. Mr. President Sir, this is not something which can affect only the economic welfare of a handful of taxi drivers, as important as it is to them. But, it is something that can carry the seed which in the end may adversely affect every person in this Country. It is well known Sir, that most of the cabs are privately owned, and these owners have perhaps put themselves in debt to get their cabs, in order to provide not only a living for their families but also a badly needed service within the tourism industry.

As I understand it, the cause of the present dissatisfaction is that these private drivers are finding themselves overcome by what may be regarded initially as good business practices employed by a company called Tropicana Limited, and a party boat which is known as the Kon Tiki. Mr. President, I have always tried to be a fair man, and in the case of Tropicana, the two sides of the story are told. Tropicana, it is understood by prior arrangement, is having visitors steered to them at the Airport by the travel agents who send those visitors here, and one may well ask what is wrong with this, since Tropicana itself is a local company. I have to agree that on the surface Mr. President, it is a good marketing and good business technique. However, we are still left to consider its total effect on our tourist industry.

MR. W. McKEEVA BUSH (CONTINUING): The problem which is told to us and is happening with that particular situation is that instead of having the tourist transportation dollar spread out amongst all the vehicles, the vast majority of it is in this way being diverted to a handful of vehicles. Now whatever the arrangement between Tropicana and the travel agents abroad is, I cannot believe that it is fair for someone outside this Country to predetermine in which cab a visitor should ride from our Airport to his hotel. Especially Mr. President, when this predetermination is causing the amount of dissatisfaction amongst our taxi operators, and Mr. President that is one side of the story. Tropicana, on the other hand says that they are a locally owned company, paying their fees. Why should they not be allowed to operate how they want, if they are operating within the trading laws of this Country, and especially, when many of the taxi drivers are not even Caymanians, and this is Tropicana's argument, and Sir, they do have a point if we are going to be fair. The tourist transportation pie in this Country is large enough to satisfy everyone if it is shared fairly. Now, maybe that is the key word. It seems Mr. President, that the Government got into this transportation business itself a few years ago, when the previous Government decided to licence taxis working from the Airport, and charging them CI$30.00 per month for that privilege. That act by the then Government in my opinion, guaranteed any visitor to this Country dependable transportation from the Airport to his hotel. These taxis are under constant inspection by the security force at the Airport, so there can be no question of inadequate transportation from the Airport.

One question which arises from this though Mr. President, is whether it is right, and whether it is proper for Government to charge these individual cabs CI$30.00 per month for the privilege of collecting people from the Airport, but then allows perhaps 75 per cent of the business to be diverted to a few buses.

There is also great dissatisfaction about individual hotels being allowed to pick up their guests at the Airport, as a courtesy service they call it. It is often said that this is one of those things which we all know does not exist in this world - something for free. But by whatever name the so called 'courtesy service' is going by, we all know that the visitor pays for that service at the end of the day. So it is only an excuse to put more dollars again into one area. Most times Mr. President, the hotels do not even employ a local driver, for these again so called 'courtesy' vehicles, leaving nothing for the local taxi driver who has his car payment to make, and his family to maintain. In my opinion, this Mr. President is but an abuse of the free enterprise system which we keep hearing about, and I feel most strongly that this courtesy service should be discontinued. No 'ifs' and 'buts' about it, you tell them 'look your service is not required at the Airport, so do not go back there', simple, straight talk being no falling out. If these hotels feel obliged to have their guests transported to the hotel, let them contract local taxis to do so, but this situation where hotels are in competition, and that is what it is it is competition, unfair competition with our taxis should stop now.

Now, we come to the dock, and Mr. President Sir, these privately owned cabs are facing similar or worse difficulties on the dock, and again here, the vast majority of business is diverted to the Tropicana bus and the Kon Tiki tour boat, by tour operators aboard the cruise ships who collect the cost in advance. When the visitor reaches the dock he has already paid for his tour and he is guided either to Tropicana, or guided to Kon Tiki.

MR. W. McKEEVA BUSH (CONTINUING): Originally Sir, the role of the Kon Tiki as a sightseeing party boat was justified, as an added tourist attraction. If we are going to keep bringing tourists here they must have something to do, they must have something to see, and they do not come here all of them to sit in their hotels, as some people believe. They come here to have a good time. So that idea, the idea behind it was a good one. But, when the Kon Tiki operates as she is presently doing, as a water taxi conveying passengers from the docks to the hotels on the beach she is disadvantaging not only the private taxi owners but the whole tourist oriented economy of these Islands.

The passengers conveyed in this manner never get an opportunity of visiting the locally owned stores. The passengers on the Kon Tiki do not get to see the Turtle Farm, and the passengers on the Kon Tiki do not get a tour to Hell. They do not get a chance of seeing anything on Grand Cayman which might arouse their interest to either return or perhaps, to make an investment in this Island. At the end of the day, when these tourists return from the Kon Tiki well tanked up, to the ship they know no more about the Island and its people than they knew when they arrived, and we have been deprived of one of the best means of advertising our Island, something for which Government spends thousands of dollars, if not millions each year. They do not know anything about the Country when they go on the Kon Tiki. The only thing I can figure out that they would find out Sir; they have to put a good band there, and they play quite a bit. I hear them playing one song well known 'Tiny Whinny', and if you watch them Sir they are doing some whinning. So I do not know whether you could attribute that to them learning anything. But watching some of them Sir, you can believe that they do not learn to dance.

Anyway Mr. President, we cannot leave that situation as it is. We are going to change it, to bring it in line with what we want and what is good for everybody concerned, and this is not trifling with free interprise, I know it is going to be one excuse. however, a lot of free enterprise has had too much excuse and allowed to do what they please without any check or balance in this Country.

Now Mr. President, there is yet another angle to this Kon Tiki business, and I question why the Kon Tiki is allowed to use a valuable piece of property such as our public beach, as if they owned it. Mr. President this in itself must be a good financial advantage for them, and something which may be the least favoured citizens of this Country are surely not allowed to do. Further to that Sir, they are circumventing the Liquor Law in this Country because they sell liquor on the Kon Tiki, and according to the Liquor Laws of this Country they should not be able to sell any sort of intoxicating liquor outside of a mile limit, I think that is the situation, or inside the mile limit. I am sure Mr. President, like poor old John Powery, if this was happening to one of our people, that situation would have been stopped, and we have to stop it now. So we do not want to hear this foolishness today in this House about free enterprise this and free enterprise that, and supply and demand the other. If we do not care for our people, who is going to, who can they run to?

Since this Kon Tiki business is a private, commercial venture I question whether Government receives any revenue for the use of this beach, and maybe if they do, the Honourable Member for Finance can let me know whether Government or whether the local Service Club which has undertaken the maintenance of the public beach, receives anything for it being used as it is by the Kon Tiki.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, the problems which the taxis face are varying ones, and one problem is one which plagues most Caymanians; they will not stick together. Mr. President, when a foreigner comes into this Country, if there is a job he lets his friends know about it. If they build a house, you see them helping one another, but Caymanians Sir for some reason or another, are cutting each others throats, or, they are being so worked up by propaganda in this Country that they allow the foreigners in the Country to rake the cream off the top, while they are being worked up and told all sorts of nonsence, so that they can be diverted from the business which this Country can offer them today. That is our problem, we do not stick together, cut your throat and drink your blood too if you do not watch out. But, Mr. President, I can see that part of the problem in the taxi business is caused by the fact that they have no organisation to fight for them. They are not organised, and in talking to them many times, I remember Mr. President maybe it was around the end of last year, the Member for Tourism organised a meeting at the Airport with the taxi owners that is, and one of the things brought out there was that they should have some sort of an Association, instead of running around, or allowing people to stir them up and putting them against one another. They are not organised, and this Sir is mostly because certain segments within the Taxi Association, or the taxi operators go to great lengths to spread that dissention of which I have been talking, amongst the ranks of the private drivers and it is for obvious reasons. So, one thing which I have always said to them was that they should get themselves together, get somebody with accounting knowledge or legal knowledge and form their Association to help them, because it is very important.

Mr. President, I know we hear all sorts of things about the taxis. But I have listened to their problems and they have a genuine complaint. As in other places Sir, taxi drivers are not usually college graduates. But in the majority, the taxi operators in this Country are honest men and women, seeking to make an honest living in their own Country. They can, and they do contribute a lot to the good image which we must present to each visitor to this Country, if we are to successfully compete in this fickle industry which is the mainstay of our economy. If they are dissatisfied, and if we as a Government let this red herring which is being pushed across the floor called 'free enterprise' if we fail to hear their cry, and if we fail to help them where that dissatisfaciton is justified, then we are going to have more problems on our hands, and we will not be fulfilling our role as representatives of the people.

This motion has my full support When the Second Elected Member for George Town spoke to me about it, and the complaints he was getting, I did not hesitate to talk to him about it. The Member put the case quite well before the House, and Mr. President if I am chosen to be a member of the Committee, which the motion seeks to set up, and if its passage is successful, then I will be making some strong suggestions to cure the problems which the taxi operators are now faced with. I trust that Government will accept without change, the recommendations which the Committee will submit. I hope that I will be a member of the Committee, and Mr. President, in so doing I ask all Members to help us ensure the successful passage of this motion.

Thank you Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Mr. President, I rise in support of the motion before us 'Inequities Amongst Taxis and Other Carriers'.

I feel Sir that having listened to the two previous speakers, they have covered many areas which I otherwise would have done. However, I feel that at this point I need to voice my concern over what is exactly, as stated in this motion, a growing unrest amongst the group of taxi drivers operating within the Cayman Islands.

Mr. President, during my one month in London last year, I took the opportunity of spending a little over an hour at the New Scotland Yard with the gentleman in charge of the Cabby department in the London area, or I suppose the U.K. in general. I did so as a result of the very favourable impression which I had received for the three weeks prior to that, when there was hardly a day passed that I did not take a cab somewhere. It was not always a long distance, but in London as you know it rains. I was so impressed with their courtesy, their professionalism, the general appearance of their cabs, their knowledge of the area of the United Kingdom in general, about things, current events - in fact they all appeared to me to be very well educated men. I am not sure that I ran into any lady taxi drivers while I was there, but I am sure that they have them. However, I was favourably impressed. I was never rushed, I was never treated coldly or indifferently and I felt that any organisation such as that one, and it had to be dozens of taxi drivers whom I drove with while I was there and each and every one except one, left me with the impression that they were good ambassadors for the City of London. I had one taxi driver who refused to take my money from behind, I had to get out of the car and stand at the window and give it to him, for what reason I do not know. But apart from that, the impresion I received was very favourable indeed. Mr. President, as I have already said, on speaking with this gentleman, I spent a little over an hour with him, believe me there were a few men who at that time were walking in there and they had to face charges on that pink file which was in the possession of an officer. Any complaint at all from one who uses those cabs and that complaint is brought to the attention of that department at New Scotland Yard. They are immediately contacted and dealt with. Depending on the seriousness of the complaint, those taxi drivers stand to lose their licence, and in so doing they are not in a position to sell the car because nobody owns a cab in London, unless one has it as a business, and nobody gets a licence by just walking in to the licencing department and saying "I would like to drive a cab". In fact, I was made to understand that you familiarise yourself with London for three years prior to getting a licence.

Now I know that London is a big City and we are a small one. But believe me, there is room for stricter rules and regulations in the licencing of taxi drivers in this Country. Mr. President, very strict rules and regulations are laid down. One cannot be sloppily dressed, and in many other areas where we fall short here, I found that in that big city those taxi drivers were aware that they had a job; they had a profession which required that they pay close attention to every area which might otherwise cause them to lose that licence. A £15,000 taxi cab sitting in your yard is no joke when you have lost your licence.

Mr. President, I was able to speak to speak to the Second Elected Member of Executive Council, and believe me, his concern in the area of the problems we face with taxi cabs in the Cayman Islands run deep. It is an area where he has voiced concern many, many times. His shoulders are heavy with many responsibilities, as are all Members of Government, but I feel Mr. President, realising the role the taxi drivers play in our tourist industry, we have a situation which must be addressed, and some way of solving the problems which we face must be found.

MRS. DAPHNE L. ORRETT (CONTINUING): I am not here to criticise the Member, because believe me, this problem existed when he took office. However, I feel that the problem must now be addressed, and we cannot any longer postpone what needs to be done. In fact Mr. President, the gentleman with whom I spoke indicated that if this Government would see fit to do so, he would be pleased to come and advise this Government on the areas which need attending to as far as the cab drivers situation is concerned.

Mr. President, the two Members who spoke prior to me standing here, mentioned some of the areas which are a cause for grave concern. I have heard of certain store owners in town who sell duty-free items, who have complained of tourists having gone out on the Kon Tiki, returning as drunk as they could get and walking in and out of their stores, tripping over and knocking over expensive bone china, crystal - you name it. Mr. President, need I say here that allowing the Kon Tiki to have a licence to sell liquor is an outright shame, because it is setting a **precedent** whereby every boat owner in this Country would probably be able to use that as an excuse to have a bar on their boat. Now Mr. President, I know that there are certain boat owners who have a complimentary drink or two on board, there are others who say 'bring whatever you want to drink', but to allow the Kon Tiki to have a licence to sell liquor on board, and then for tourists to come back on-shore drunk and staggering, walking into stores and causing a problem, I think it is a shame, and I do not need to qualify that word, it is exactly what I think - it is disgraceful.

Mr. President, as the Second Elected Member for West Bay mentioned, we need tourist attractions, we do. But there is a certain limit where we have to stop and consider how far we must go in order to cater to the tourists.

MR. W. McKEEVA BUSH: I was talking about using the public beach, not the liquor thing.

MRS. DAPHNE L. ORRETT: Mr. President, the Kon Tiki is a fine tourist attraction, but I feel when it comes to taxi drivers they are allowed to go a little bit too far in these areas, if there is such a thing as special arrangements having been made for the Kon Tiki to take passengers, and they have paid for their trip in advance and all this. Then of course when they get here they feel obligated to take that trip, rather than pay a cab driver an extra amount of money to tour the Island or to go somewhere else. I agree with the Second Elected Member for West Bay, they get to see little of our Islands, and many of the investors in this Country made their first trip here on a tour ship. In this way, many of them do not get to see the Islands sufficiently to allow them to decide whether this is a place in which they would like to invest, would like to live, would like to retire, and Mr. President, I can see why taxi drivers are hurt and are feeling the pinch of this, because all the money is going into one pot.

Mr. President, the Kon Tiki is not only a water taxi, it is a water bar room, that is what it is.

The hotel transportation Mr. President which is also a cause for concern, bothers me. I can see the hotels from the eastern districts using their own transportation. Because of course, it is difficult at times to get taxi drivers, say from George Town to drive to East End or Bodden Town or North Side, Cayman Kai in particular to pick up passengers and take them to the Airport, or elsewhere. So I can see the hotels and other guest facilities in those areas, but in the George Town and West Bay districts I really do not see why any hotel should have transportation where they can go to the Airport and pick up all their passengers, as a courtesy, in fact, I am not sure it maybe something which is built in to their hotel daily rate or whatever, but I feel that in this case those hotels which are in close proximity to the Airport should leave transportation of their guests to the local taxi drivers.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, one of the areas which bothers me a lot, in addition to those taxi drivers who feel that they are not getting a share of the pie, is that some of the taxi drivers themselves are certainly not good ambassadors for these Islands. The cab drivers, many of them, if you go to the Airport if you see them when they arrive at the hotels or the condominiums they are very abrupt, brash, in a hurry. Courtesy is poor, if at all, and it would seem to me that their rush to either get back to the Airport or to the landing wharf in town, triggers this - I am not sure. But believe me Mr. President, it is not exactly what one would call the friendliness for which the Caymanian is so well known.

In addition to that Mr. President, some of the taxi drivers do little, if anything to enhance the cab, the vehicle, it is dirty. I happened to get in one sometime ago, something went wrong with my car and I needed to get somewhere quickly, and I called for one, and believe me I was worried when I got out that my dress was going to be a mess, it was filthy. Dust, papers strewn on the dashboard, papers strewn on the floor, extra shoes sitting under there, it was a mess. Walk down here now and again where they park along the Court Building and as you walk, take a look inside and if you see the mess those cars are in, you have to feel ashamed that the tourists coming to these Islands are asked to sit in one of them, to take them from the Airport in their fine clothing and what have you, it is a shame the way some are kept. The way in which some of the drivers dress Mr. President is a shameful area. Shirts hanging out of their pants, some with missing teeth, some with their hair which appeared not to have been done for three, or four or five weeks, and do not get too near to some of them, because you will not be able to stand long.

Mr. President, I hate to have to go into that. But it is the truth, and it is becoming a serious problem. Mr. President, I would venture to say that not too many true-born Caymanians fall into this category. Now I have to make a confession to you, but anyone who comes to these Islands must be prepared to live according to our customs, and our standards of living especially when they are going to go into an industry such as becoming a taxi driver, and representing these Islands. This is why Mr. President I feel that some organisation must be in charge of the taxi drivers in this Country. They are among the first people that a tourist meets after leaving that Airport, or the ship which docks along these shores, and need I say what the tourist industry means to the economy of these Islands.

Mr. President, up until yesterday I saw a near fight in front of the Court Building. Two taxi drivers; I was pleased that they were not Caymanian born, but I have a feeling that they have status. I was so ashamed, I looked at them, one of them saw me but the other one was so furious he could not tell who was around, and I decided I would move out of the area as quickly as possible, because I think they were going to have a physical encounter.

MR. W. McKEEVA BUSH: You should reference.

MRS. DAPHNE L. ORRETT: Mr. President, I understand that this has happened on more than one occasion right in the presence of visitors to these Islands along the dock, and sometimes at the Airport. Is it unfair to suggest that anyone involved in an incident like that should be deprived of the licence to drive a taxi? Is it unfair to suggest that they should be deprived of that privilege not for a month or two, but long enough until it hurts. Because some of them are too lazy to do anything else but sit behind a wheel, and if they are going to do that, then they have to do it right, or not at all.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, I realise that not everyone can afford a 1986 American made big car. I understand that there are some people who cannot afford to buy a big van. But believe me, there is no excuse for not keeping it clean, and this is one of the areas Mr. President which bothers me. We cannot play any stupid games with the tourist industry, and the taxi driver must learn to realise the important role which he plays in that industry.

I feel Mr. President, that anyone who has not lived in these Islands for a certain amount of time prior to applying for a taxi licence, should not be allowed to have one. He should be here long enough to learn the history of these Islands, to know the important places of interest, to know when a tourist asks about this or that or the other, he is well versed in the history and the background of these Islands, to take that position. A cab driver must know more than how to drive at 55 or 60 miles an hour in a 40 mile zone.

Mr. President, what I am saying here is that anyone who is not Caymanian born, or a Caymanian living here for a certain period of time prior to applying for a licence, should have not less than one to two years before he or she is allowed to drive a taxi on our roads. It is bad enough when our own give us a bad name, but not somebody else to come in here and get the money and let us down at the same time, that is a shame.

Mr. President, I feel that we must have strickter rules and regulations. I believe in free enterprise, but believe me, I also believe in survival, and I will tell you that if this trend continues, the taxi driver will put such a stigma on the tourist industry in this Country that we will find ourselves with more harm than good done through them.

Mr. President, I agree that with all the tourists coming in to our Islands, no taxi driver should have to wait for hours at the dock to get a trip. There should be some rule and regulation on that dock, whereby a taxi driver is able to get his share of what is happening out there. You have a few Mr. President, on the other hand, who come near to giving the poor tourist a heart attack because they fly so fast down that West Bay Road, and then back again with their greedy attitude, to get another trip, that one wonders sometimes if on the one hand one wants them to get it, and on the other one might not because one might be putting the tourist into a situation where he might lose his life. However, they are in the minority. But again, what I am trying to stress is that strickter rules and regulations must be laid down and adhered to. When a taxi driver is involved in an accident where it can be proven that that man is at fault, and this happens X amount of times, perhaps twice, his licence should be pulled, because that is not the type of individual who should be behind the wheel. I have also seen some of them Mr. President, pass along this Court Building, you can get a good idea what the taxi drivers are like you know, just pass down here a couple of times. I have seen on more than one occasion; I can think of two individuals right now who were sitting there waiting. Another time, I saw one standing, and they were very intoxicated, and I think that that is a shame, that anybody in a position like that should be able to hold a licence and to be intoxicated driving tourists around this Country. They should not be intoxicated anyway.

Mr. President, I have given the unpleasant side of the story. I am coming to a close Mr. President. We have heard the unpleasant side of the story, but I would like to offer my congratulations here to some very fine taxi drivers, neatly dressed, looking clean, smelling clean, acting sensibly, courteous and very knowledgeable on things Caymanian.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, it is a joy when they drive up to my condominium to pick up a guest. It is a pleasure to see them at the Airport, the way they assist those tourists, and if they never saw anything else while they were in the Cayman Islands, a tourist would not be able to leave here without feeling that he had been to one of the most friendly places on the face of the earth, just having met that taxi driver, and we have quite a number like that. I am pleased to say that many of them are from the district of West Bay. Mr. President, say what you like, but we have some people with class down there.

The taxi drivers need to get organised, they need to put their act together and stop complaining and complaining. They must organise themselves and get themselves into a situation where they can help to solve the problem and not expect that this Government is going to do it all without their help. We have to work at this together.

Mr. President, I support the motion, and I hope that somehow we might be able to come to a decision whereby we can help to alleviate this problem. Thank you very much for listening.

MR. PRESIDENT: I think it would probably be convenient if we now take a lunchtime break, and I will therefore suspend proceedings until approximately two fifteen.

AT 12:55 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:25 P.M.

MR. PRESIDENT: Please be seated.

Resumption of the debate on the Amended Private Member's Motion No.8/86. Does any other Member wish to speak? The Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I rise to speak on Private Member's Motion No.8/86. I would like to congratulate the mover as well as the other speakers before me, for a fair and reasonable presentation. A presentation which recognises that the taxi business like any other business is a two-way street. I would like to hasten to reassure the mover that the motion will not be taken lightly. I believe, in fact I know, that Government attaches a great deal of importance to this situation.

There have been wide ranging and very detailed comments made in this debate, and while we cannot cover every detail, and expect to find a solution here today, as I see it, this is the work of the Committee. Nevertheless, there are certain facts which must be stated. I agree Sir, that our taxi drivers are certainly our ambassadors, and I can congratulate as other speakers before me have, those responsible, serious and efficient drivers who do a good job of representing this Country to our many visitors. But believe me Sir, I have no sympathy whatsoever for those who curse our tourists, who spit on the ground and ask a tourist if he originates from a certain country, and when the reply is in the affirmative, they spit on the ground and curse the tourist and say "you cannot enter my cab". I also have no sympathy for those who over charge ~~our tourists~~, and these are but two of the injustices. We have good taxi drivers, we have bad ones, but it only takes one bad apple to spoil the whole barrel.

HON. W. NORMAN BOLDEN (CONTINUING): Mr. President, discontent by some taxi drivers. as to what they consider is their fair share, is nothing new, neither are our attempts to satisfy and solve the situation. Because, various individuals and organisations through the years have made a genuine effort to find a solution to what we are discussing here today. This problem is neither unique to the Cayman Islands. I attend many tourism conferences, and I hear similar complaints from many of the countries which depend on tourism as we do.

I sincerely believe that if this Government or any other Government or committee, finds a satisfactory an entirely satisfactory solution to this particular problem, that those individuals will be in demand by all tourist destinations around the globe.

I can recall Sir, back in the early days, and this goes back to 1954 where we had about four or five taxis in operation at the time, and I distinctly remember one day, receiving a flight in here that had just but a few passengers. To be honest, I think there were two. One of the taxi drivers caught the passenger's eye and encouraged him into his taxi for a ride to the Galleon Beach Club. The other taxi driver held the passengers baggage, and one took the passenger and the other taxi driver took his baggage, this was in 1954. While we have increased in numbers, there are many similar problems which still exist. Nevertheless, having stated this, I agree wholeheartedly with the mover, that a careful and factual examination must be made of the situation with which we are faced today, with a view to resolving any unrest as far as is reasonable and humanly possible.

I would also like Sir, to mention the movers point about discouraging a march on the Government Administration Building. I commend him for his action in this regard. I know that the Second Elected Member for George Town, like myself, and all others fully recognise just how fickle and competitive our tourist industry is. But it serves us well to remind ourselves continuously that any move which would cause tourists to lose confidence in the stability of our Country, and cause them to look elsewhere for a vacation, will cause us all to lose, not only those who are wrong, those who are right and those who are wrong will all pay the same price. Europe today is paying the price of irresponsible acts of terrorism, and damage is being done to their economy which will take them years and perhaps decades to recover from. So let us take heed, Members of this Honourable House, and let us not for one moment take our tourism trade for granted. We must always remember that the hen that lays golden eggs can be frightened to another roost.

Mr. President, as I have indicated, I welcome the formation of a committee which will hopefully establish number one, whether or not there is in fact an unfair split of revenue. Secondly, also determine what is responsible for this, and thirdly, if so, what can be done about it. In examining the alleged unfair split of revenue, it must be borne in mind that protection cannot be provided for one Caymanian business against, or to the detriment of another Caymanian business. I know that this point was brought up by one of the previous speakers, but it is true and it is a fact that must be faced. The free enterprise system must prevail where Caymanian businesses exist, as they have a right to do side by side, and where the right price and quality service determins their successful operation. It is a fact which we cannot get away from. It is also my view Mr. President, that while laws and regulations can control to a point, it also requires the fullest cooperation of the general public in order for laws to be effective, and to accomplish what they were intended to accomplish.

HON. W. NORMAN BODDEN (CONTINUING): In all of our discussions, and in my many discussions with taxi drivers, I have heard of claims of 'fronting', and it is my view that as long as there are Caymanians who allow themselves to be used to circumvent the law to the detriment and disadvantage of sometimes, yes themselves and their own people, there will always exist a feeling of unfair competition and unfair business practices.

There is also the claim that the taxi business is dominated by foreigners. Many times on closer scrutiny we find that many of those persons are of Caymanian status. We find that many of them are the husbands and wives of Caymanians, who feel that they too have a right to earn a living and raise their families here.

In looking at developments in the taxi business, there have been many changes which have taken place. We have seen in the last couple of years the majority of four passenger taxis converted to seven passenger station wagons and to 12 to 16 passenger minibuses. This is good Mr. President, I think it is a sign of progress, and I commend those who have the ambition to progress in that manner. But actually, this is also too one of the reasons why the situation has changed in that many times there are less trips. The market, the tourism market, even though it is growing in air arrivals and cruise ship arrivals, has now to be shared between so many more taxis. We have also seen Sir a change in the travel trends. In the past couple of years it has become a common practice where the trend is for more group travel rather than individual travel. This creates a demand for pre-packaged tours which are sold in the United States. This is not only peculiar to our Islands, this is the same for all other tourist destinations, or the majority of tourist destinations in the Caribbean. Additionally, we must also accept the need to categorise our ground transportation system, in order to differentiate between our taxis, our tour operators and our public transport buses. Right now there exists a confusion, where a taxi can be a tour operator or visa versa, and everybody is involved in the public transport bus system. We hope Sir to have something accomplished in this regard through the new Traffic Law, which will be introduced to this Honourable House later this year. We must also accept that there is an urgent need for more rigid requirements to be applied before a taxi licence is issued. Right now, under our law, it is too easy to obtain and too difficult to lose. We need to reverse that, with all due respect to all concerned. We must find a means of suspending or cancelling a licence, so that some form of disciplinary action can be applied when and where necessary. A code of conduct must be established, and not only established, but followed. Lastly Sir, as difficult as it might be to apply, consideration must be given as to whether or not to place a limit on the number of taxi licences which can be issued, subject perhaps to an annual review.

These are but few of the many important issues to be addressed, and believe me, no simple solution exists because we will find that what will make one group happy, aggravates the other group. But certainly Mr. President, if there is any glimmer of hope in finding a solution, then I support it one hundred per cent. I support it because of the indisputable importance of a good taxi service to tourism, and the difference a good service or a poor service reflects on the image of our Country in the eyes of our visitors.

From a tourism point of view, we have had the cruise ship operators ask us to allow them to encourage and offer pre-packaged tours. One of the previous speakers mentioned the limited attractions we have in the Cayman Islands, and this is true. Neither do we have much of the beautiful scenery which exists in many of the other Caribbean countries, and it is a fact that we must cooperate with cruise ship operators and other tour operators to offer to their clients a variety of packages, when they visit our Country.

HON. W. NORMAN BODDEN (CONTINUING): Mr. President, the Honourable Member for Communications, Works and District Administration and I, have on various occasions met with a small group of taxi drivers. We have met with some of the cruise directors, all in an effort to try to find some solution to at least some of the problems, if not all. Some of the cruise directors have indicated that they would be willing to work along with the taxis, if the taxis organised themselves, and agreed to pre-packaged tours which would be sold by travel agents in the United States. These cruise ship operators would be willing to sell them. However, this type of operation involves certain machinery in place, certain accounting systems which many of the taxis are not willing to go along with. It involves acceptance of a tour voucher which must be billed to an agent in the United States, and then a wait of 60 or 90 days follows before payment is received, and many of the taxi operators will refuse to accept such vouchers. They want cash on delivery, and no paperwork afterwards.

Mr. President, organisation is the key, and agreement to cooperate amongst themselves is of utmost importance. Right now we almost have four groups of taxi operators. We have a group which operates out of the Airport; we have the group which operates from the dock; we have a small group which has joined a small association and we have a fourth group which is not a member of the association, does not operate out of the Airport and they do not operate from the docks. So we actually have four groups which we really need to bring together.

Mr. President, mention was made of the Airport operation and the $30.00 a month which is charged for the franchise fee. We feel Sir that it is the responsibility of the Cayman Islands Corporation to ensure that there is adequate ground transportation provided for arriving passengers, and this can only be done if the Corporation exercises some form of control over the group of taxis which arrive to pick up at the Airport, this has always been in place, and believe it or not, there are times when there are insufficient taxis at the Airport to meet the demand. Consequently, our security officers have had to put passengers on buses in order to avoid long waits by in coming passengers, as there were insufficient taxis on hand available at that time. There is also the situation when there is a delayed flight. Many times the required number of taxis do not show up at the Airport.

Mention was made of Tropicana Tours. That operation has been in place for several years, and Tropicana Tours franchise to pick up at the Airport is limited to 20 passengers. 20 passengers whom , they in a way have been responsible for bringing to the Cayman Islands, and who arrive here with a tour voucher in their hands. Some days they might have groups of 75 or more arriving, and all passengers accept for the 20 they are allowed to pick up, are given to the taxis which are available at the Airport at the time. I would like to clarify a point here, which was made by one Member, that 75 per cent of incoming passengers are diverted to Tropicana and the courtesy cars. This is not so, my statistics tell me that at least 70 per cent of arriving passengers are transported from Owen Roberts Airport by taxis. There is no doubt Mr. President, and I do not want to mislead anyone, I have to tell the truth. With the projected increase in air arrivals expected in 1986 and early 1987, as a Member of our Corporation, we are going to have to rethink and revise our policies which exist at Owen Roberts Airport at the present time, in order to meet that extra demand. And with all due respect, it cannot be met by creating, or allowing a monopoly to develop by one side or the other. It must be fair in the interests of providing the type of service which our visitors demand and expect.

HON. W. NORMAN BODDEN (CONTINUING): I would further like Sir to refer to the letter which was read by the mover of the motion. I would focus on the section which states that hll of this is arranged aboard the cruise ships, we suspect with the tacit consent, if not outright approval of the Department of Tourism.' I do not accept this Sir, this is an unfounded suspicion of our Department of Tourism. Our Department is not involved in any such operation. It does not support one tour operator above another. The full time of our Department of Tourism is spent on promoting these Islands and encouraging tourists to come here to help those taxi drivers who are complaining about the situation as it exists at the present time, and to be frank, I resent such an allegation.

Mr. President, mention was made about the abuse of the Liquor Licencing Law, as it applies to the operation of the Kon Tiki and also of its use of our public beach. I think these are two very valid points which were raised, and will certainly give the Committee that much more work to do, and there is no doubt that the Committee will have its hands full and its work will be cut out for it.

I fully support Mr. President, a careful examination of each operation, and in fact this will be an exercise of interest. I believe that we should place whatever restrictions which are possible, I believe that we can perhaps examine the area of establishing designated routes for the Kon Tiki and other tour operators. I believe Mr. President, that in all honesty we must air any grievance in search of a solution, so that misunderstandings, misconceptions and unfounded allegations can be replaced by facts and fairness.

In conclusion Mr. President, I would suggest that the composition of the Committee also includes at least two persons from the private sector. I think the mover has suggested five Elected Members of this Honourable House, with perhaps two Elected Members from this side and three from the other side. I think this is a good recommendation. I believe that in all honesty, the facts will be examined and every effort will be made to find a solution. Mr. President I support the motion, and look forward to the report which will be made back to this Honourable House in due course, and hopefully in the very near future.

Thank you.

MR. PRESIDENT: Unless any other Member wishes to speak, I shall invite the mover to exercise his right of reply.

MR. LINFORD A. PIERSON: Thank you Mr. President.

I wish to take the opportunity to thank all those Members who supported this motion, Private Member's Motion No.8/86.

There were a number of very important points raised, which I am sure will be addressed by the Committee which is being formed and is the special Committee to be formed by Government.

I would also Mr. President, make a few comments on points made by individual speakers. In particular, Mr. President the Second Elected Member for West Bay raised some very good points, one had to do with the Airport courtesy service. Mr. President, from what I have heard here today, it would seem that this is an area which will require very, very close scrutiny and close attention.

MR. LINFORD A. PIERSON (CONTINUING): He also made comments on the free enterprise system but I believe that his anticipation of one of the Members plugging for the free enterprise system was somewhat preempted.

Mr. President, the Third Elected Member for West Bay made a very impressive contribution, and some of the points raised by her should not be taken lightly. She made the point very strongly that we are talking about a situation which will require the support and will require the understanding of all concerned, and the cooperation of not only one side of the fence, but both. The taxi drivers must also do their part, and it would appear that they are sadly lacking in some of these areas. We would not want to give the impression Mr. President that all taxi drivers are alike, this is not so. As the Third Elected Member for West Bay made it quite clear, there are some very, very good taxi drivers. I can think of one in particular, Captain Carl Bush, I do not mind mentioning his name, he is always getting very good praise, and there are many, many others. I can think of another name, although this person is not now with us, but Mr. Ira Thompson's name will live forever as not only being a good taxi driver, but indeed a very good man.

I want to particularly thank the Second Elected Member for Executive Council for his contribution. It is quite true, this is not a very easy task. It is also true that he and the Third Elected Member of Executive Council have in the past tried to deal with this problem, but it has not been an easy one to deal with. I believe Sir that with our conserted efforts, that is Government Members together with members of the private sector, we will make some dent in this problem. We will make some kind of progress in dealing with this problem, because if we do not Mr. President, I can see where this problem could get out of hand, and it will not only be bad for the taxi drivers but it will indeed be bad for this Country, for the tourism industry. So it is incumbent upon us to ensure that something is done to alleviate and regularising this problem.

Mr. President, again I thank the Members for their contributions and I thank you, Sir.

MR. PRESIDENT: The motion before the House is the amended version of Private Member's Motion No.8/86. I shall put the question.

QUESTION PUT: AGREED. AMENDED PRIVATE MEMBER'S MOTION NO.8/86 PASSED.

MR. PRESIDENT: The next item, oh perhaps it may just be helpful to the House if I say that since the terms of Private Member's Motion No.8/86 as amended where that Government should appoint a special Committee, it is not a Select Committee of the House, and it is not a matter for appointment by the House here, it is a separate matter. I am sure that the mover of the motion will be consulting with the Government Member concerned about the composition of the Committee.

Private Member's Motion No.9/86, the same circumstances apply as applied in the case of Private Member's Motion No.8/86. That is to say, the mover has given notice of an intention to amend the motion as originally worded. I have agreed that in accordance with the provisions of Standing Order 24(7), the amendment is a perfectly proper amendment, and my understanding is that he did in fact give more than two days notice of it, although perhaps the amended copies may not have reached all Members as much as two days ago, and I therefore do not think that he needs any special dispensation under Standing Order 25(2), and the motion is perfectly in order to be moved as amended, and I invite him now to move it.

AMENDED

PRIVATE MEMBER'S MOTION NO.9/86

INDIGENT HOUSING

MR. W. McKEEVA BUSH: Mr. President, the motion having been circulated in accordance with Standing Orders 24(7) and 25(2). It reads:

> WHEREAS there is a shortage of low income housing in the Cayman Islands;
>
> BE IT THEREFORE RESOLVED that the Government consider taking steps to provide the necessary supplementary expenditure during this financial year to alleviate this serious social problem.

MR. D. EZZARD MILLER: Mr. President, I beg to second the motion.

MR. PRESIDENT: The motion is duly moved and seconded, and I invite the mover to speak to it.

MR. W. McKEEVA BUSH: Mr. President, housing is one of the fundamentals of social and economic development, and I believe these may be extended to cover social justicies, and until people are adequately housed in a developing country it is difficult for them to appreciate or to respond to any kind of freedom in that country.

It is a most difficult thing, to try and enspire a man to any sense of national pride when he has not got a home to go to, nor shelter for his family, nor appropriate accommodation for them to grow up and live in.

Going through this Island, I have observed too many substandard housing conditions. In my district I have pinpointed ten persons and families who are in serious need of basic living conditions. Some Mr. President have a bit of land, others have none, and some have even added to build a little shelter, but they need help, which we must give.

Mr. President, I never stop talking about the social needs of this Country. About the social development as against the economic development, and just yesterday I was up reminding the House of what situations exist, and Mr. President some people have found out that I have an answering service now so they can call me up and mouth me off without me being able to mouth them off back. This morning Sir I received a call from some person who must feel that they have, and what they have nobody else should have, and that person said that I should stop talking about these social needs because people are lazy, and I am only trying to make a name for myself, and that the people must go out and work, and I could go on and on, it was quite a long message. Nevertheless Mr. President, when I get those sorts of calls it makes me feel bad, yes, and when I see some of the headlines, or some of the editorials I question, but I have a duty to do, and I am going to do it. When we look around Mr. President, and see the affluence in this Country; and on the other hand, we see some of the poor living conditions when we see the lack or the absence of basic living conditions in some areas, one has to wonder. Sir, our people are beginning to realise that more and more there is a widening gap which gets bigger and bigger and more difficult to span between the haves and the have nots in this Country.

MR. W. McKEEVA BUSH (CONTINUING): When I talk about social deterioration and when I speak with some emotion on the lack of social development, it is only because I realise what effect these growing social problems can have on this Country. It is only because Mr. President, I realise that the majority of the people in this Country have no place to run to. We have no green cards; we have no Swiss Bank accounts set up. Mr. President, this little rock we call the Cayman Islands is home, sweet home to me, and so whatever it takes to pinpoint those needs which I see, I will do it regardless of what any newspaper, or regardless of what some sick person in this society has to say. The minute one starts to voice an opinion, you hear that he is a socialist, or that he is a rebel. These are the kind of statements which get my anger up, the minute a person tries to open up the eyes of the blind, he is a rebel, and that 'rebel' excuse is only because they do not care, and they have no intention of helping a falling brother.

Mr. President I take the biblical admonishion seriously, and say 'verily unto them, in as much as ye have done it unto one of the least of these my brethren, ye have done it unto me.'

But those in our community who are filled with righteous indignation, who seem to want nothing else but to fill their coffers without blinking an eye to the social needs of this Country. They are going to pay for it, if not now, in another life. Because the Bible also says to those rich men clothed in purple and fine linen faring sumptuously every day, and let me tell you what the Bible says on that:

> Depart from me ye cursed into everlasting fire prepared for the Devil and his angels. For I was hungered and he gave me no meat. I was thirsty and he gave me no drink. I was a stranger and he took me not in. I was naked and you clothed me not. I was even sick and was even in the Prison and you visited me not.'

Mr. President, if not now they will pay. So they can go ahead and call me a rebel. But it is my duty to bring out the problems facing my people. I do not mean to over state, of course not, but to pinpoint and form a solution. Mr. President, I am not asking Government to do everything. No, but Government has to consider the social impact and ramifications and then act. Well I feel we already know the social ramifications, and we need no study, we must act now.

Consider this Mr. President, consider what kind of social effect this situation has - an eight by eight building, a man his wife and four children, one girl of thirteen, one girl of eleven, one boy of twelve and one boy of ten. Do you think Mr. President that this is a nice situation, conducive to this very affluent society. Mr. President I hope you will allow me to pass around these photographs which I have taken, and have had blown up with the courtesy of Photographic Services, and I want the Sergeant-at-Arms to pass these pictures around Mr. President, and show some of these Members what exists in this Country, if they do not now know.

MR. PRESIDENT: I am not sure what provisions there are for this kind of thing. I am sure they could be laid for Members to see. I think perhaps that would be the best. To be truthful unless you want me to consult Erskine May, I do not know what the provision is, but I think if they are laid on the Table all Members.....

MR. W. McKEEVA BUSH: ....Mr. President, I believe our Standing Orders say that we can use papers or any material to substantiate, or to strengthen....

MR. PRESIDENT: Yes, it is a question of whether the Serjeant-at-Arms takes them round and shows them to everyone, or whether you lay them on the Table for everyone to see. I think if he lays them on the Table for everyone to see, that will probably....

MR. W. McKEEVA BUSH: When I get them back they can lay on the Table. I just do not want them to lay on the Table, I want the Members to see them.

MR. PRESIDENT: Well that is up to you...

MR. W. McKEEVA BUSH: I bow to your ruling with respect.

MR. PRESIDENT: I am sure your words will be persuasive enough to ensure that all Members look.

MR. W. McKEEVA BUSH: Mr. President, this question keeps popping up, why? Why is a man not in a better position, and I keep saying this Mr. President, and I have said it from the pulpits of the Church to the political platform, to here.

The Cayman Islands is not an easy place to live in any more. Some of our people just cannot get ahead, no matter how hard they try. There is always some obstacle which they cannot bypass, and so their lot in life keeps getting worse. It is very easy Mr. President to look down our noses and use another excuse which I keep hearing, 'he is lazy'. It is quite easy to do that, but do we really know a man's situation? A man who started out in life in this Country ten years ago with all good intentions of becoming a good family man, may find himself today relegated to what is fast becoming a scrap heap of unemployables, and enjoys the disillusionment of this affluent society today, you think that it is not happening? We had better take warning Mr. President. We as a Government have to recognise what the needs are of our people today, and seek to know how to meet these needs. One need, one dire need is just the basic necessity of living. I am saying 'let us get on with helping our people'.

Mr. President, I have gone quite far enough. Those pictures speak for themselves. I have gone to the extent of going to the Planning Authority, and have had plans drawn and all I am asking Mr. President is that the Members here consider what I have said here, and take warning.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member....

MR. LINFORD A. PIERSON: Mr. President I was.....

MR. PRESIDENT: I think perhaps....I am so sorry, I think perhaps it might be better if we took our break otherwise maybe I shall need to interrupt you. In that case, I shall suspend proceedings for approximately twenty minutes.

AT 3:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:40 P.M.

MR. PRESIDENT: Please be seated.

Resumption of the debate on Private Member's Motion No.9/86 as amended. I had called on the Second Elected Member for George Town to speak.

DEBATE

AMENDED PRIVATE MEMBER'S MOTION No.9/86

MR. LINFORD A. PIERSON: Mr. President, I rise in support of this very worthwhile motion. A motion of which the subject of indigent housing is very near and dear to me. Mr. President, it is well known in this House and outside, that I am a champion of the cause of the 'little people'. So much so Mr. President, that I have had Members of this House poke fun at me for my use of the term 'the little people'. Mr. President, be this as it may, I think each Member of this House is well aware that we have many of the less fortunate people living in our community, and it is up to us Mr. President to do something about this problem. Mr. President, fortunately I am blessed with a good memory, and somehow I believe that I will remember for a long time some of the remarks, some derogatory which have been made about me, regarding my stand in support of the little people. But I believe Sir that my position is shared by many Members of this Assembly, whether or not they are brave enough to stand up here and voice their sentiments.

I believe Mr. President that good comes to those who wait, and in the words of one of our local playwrights, I would say "time longer than rope".

Mr. President in the course of the past Sittings of this House, and in particular this Meeting, I have made a number of references to my manifesto, because before entering the political race in 1984, I felt that I should map out a course which I felt would be a good course for this Country to follow. I did not enter, not knowing which way I had in mind to follow, but I had my course well mapped out. So Sir, it is not difficult for me to make frequent references to my manifesto. It is not necessary Sir for me to have to ramble here and there to find something worthwhile to say. This has been well documented before I won a seat in this Honourable House. In this connection Mr. President, I specifically made mention of my position regarding housing the indigent. I said, and I quote:-

> 'I will support a system within our Social Services particularly designed to enhance the life styles of the less fortunate within the socially deprived areas of the Country'.

I further said Mr. President:-

> 'I believe that it is necessary to secure an undertaking by Government to provide better housing facilities for those individuals genuinely in need of such assistance.'

Mr. President, in order for Government to accurately assess the housing problem in this Country, it will be necessary for the various intereated bodies including the Social Services Department to carry out a thorough survey and assessment of the problems. I was happy to learn recently that this is now in operation, and that the Public Health Officer is now preparing a survey or inventory of the problems in this targeted area.

Mr. President, the Housing Corporation is not the answer. In my opinion Mr. President it is serving very little purpose, if any at all. Before a loan can be considered by the Housing Corporation, an application fee of some $200 must be paid, and it is my understanding that this fee is a non-refundable fee, and this is whether or not the application is approved.

MR. LINFORD A. PIERSON (CONTINUING): I further understand Mr. President, that the details on the form are so complicated that it would require a Philadelphia lawyer to work out the many ramifications of it. The Housing Corporation as we know it today, does not fill the need which this motion is addressing. It would therefore seem Mr. President to be appropriate if consideration is given to transferring or reallocating the fees of the Housing Corporation, under the control of the Member responsible for Social Services, so that they could be used in a much more useful manner. I appreciate Mr. President, that in view of the manner in which the Housing Corporation is formed, that this may not be possible. But it would certainly make a much better use of the funds which are now available within that Corporation.

Mr. President, I was much impressed by the details which the mover of this motion gave in support of the motion, and also am most impressed that he took time out to go into these areas and get photographs of these areas to show to the Members of this House. While it may not have been necessary Mr. President, to make these available to some of us who are aware of these conditions. It nonetheless highlighted his interest in his people.

Many of us Mr. President will skirt the real issue before us, by crying out 'the people in these situations are too lazy to better their conditions.' Mr. President this is a lot of rubbish. These individuals, 90 per cent of them, are individuals who are victims of circumstances beyond which they have no control. They grew up in these environmentally deprived areas, and it is very, very difficult indeed for them to pull themselves out of these problems. And it is for our Government, for the representatives of this Country to try to understand their problems, and make a concerted effort to try to solve the problems. It is not enough for us to sit back in our state of righteous indignation and feel that we are doing all possible, when in fact we know that we are doing very little. I cannot understand how some of us go to Church every Sunday and praise God for his blessings, yet we know that there are so many of our fellow men who are living way below the poverty level, and we are doing nothing to try and help them. In the words of the Second Elected Member for West Bay, 'I was hungry and you knew me not'; I was in prison and you did not visit me'. I am afraid Mr. President, that many of us here are going to hear that sad story in 1988 - 'depart from me I know you not, because you knew me not from 1984 to 1988.'

Mr. President, it is amazing the little interest which some of our representatives show in this problem. The Cayman Islands boast of one of the highest standards of living, not only in the Caribbean but indeed in the world. We boast of one of the highest per capita incomes within the world. Yet Mr. President, as affluent as we tend to call ourselves we are doing very little to try to solve the dire straights and the problems of the indigent within our Island community. I travel quite a bit around the Caribbean Mr. President, and when I see what some of the even poorer Caribbean Islands are doing to try to help their poor, I marvel. There are such good examples for us here in the Cayman Islands. What has happened Mr. President to the sensitivity, the good naturedness, the love, the charity of the Caymanian people. Are we to continue to brush this problem aside.

Mr. President, this Government would be doing a great service not only to these individuals, who are perhaps in a minority, but they would be doing a great service to this whole Country, because unless something is done to help these poor people in these areas to improve their living conditions, to improve their environmental standards, I am afraid that we are going to follow the same path as have some of our neighbours.

MR. LINFORD A. PIERSON (CONTINUING): We have seen the insensitivity of a Government, the insensitivity of the Upper class destroy a country. We really do not have to go far. We could go 180 miles east of us, and that is the problem of that country. They did not pay enough attention to their poor people. They did not pay enough attention to the indigent in their community until it got so bad Mr. President, that the social problems destroyed the country.

Mr. President, we are so affluent in the Cayman Islands, yet we have in the past given a million dollars to the Falkland Islands; an island we knew nothing about, some of us did not even know where it was on the map. Yet, we were happy to give a million dollars to the country, even though I appreciate that this was done through the Mother Country. It nonetheless went to the Falkland Islands. Mr. President, we have our own Falkland Islands in the Cayman Islands. We have our own problems here. What are we going to do about them?

Mr. President, when ever a Member of this Assembly tries to go out there and spearhead a project on his own, the first thing one hears is that it is politics. I can recall, I have seen this problem in George Town for a long time, and I am sure the fellow Members for George Town the Second and Fourth Elected Members of Executive Council have also seen this problem. I made it a point Mr. President to get a group of people together, and we formed what we call the 'Goodwill Mission'. Mr. President, I approached my own Church and requested them to look into this matter as I felt it would be very good outreach mission to the poor people. But unfortunately Mr. President, some of the elders in that Church saw my move as political. All I can say Mr. President is shame on them. And all I can say is that they will not get far with that type of hypocrisy.

Mr. President, I would take this opportunity to congratulate one Caymanian son of the soil, by the name of Mr. Linton Tibbetts. He is indeed a true son of the soil, and a man with a large heart and much charity. When he was approached, and he was told the problem, without any hesitation he made available to our committee some building material which did not last very long because there were many, many people in need, and in no time at all it was distributed. About three weeks ago, we received a second batch from him. I decided Mr. President that I would not be involved in the distribution of the materials because I did not want it to seem that there was any political consideration. I felt that people should receive any assistance on merit, not on political consideration. It did not matter to me that they were supporters of mine or not, as long as they were in need I wanted to know that they received some assistance. But Mr. President, we did not get one reply from the local suppliers and merchants on this Island. One lady in desparate straights came to me crying and said she had approached a merchant who had some stuff outside to be dumped, and he told her 'no, I cannot give it to you because unless I can give it to others, they will think of me as offering some form of favouritism, so I have decided to burn it'. That is the charity, that is the hypocricy of some of our leaders in this Country.

Fortunately, after my Church decided that they could not deal with this, I approached the Revd. Spence from the Anglican Church, and I am happy to say that we have a Goodwill Mission now which has been very helpful in supplying some of the needs of the very needy in this Country. Mr. President, just a week ago, I will not name the home, but anyone driving from the Airport along Shedden Road will see one house in particular in a very bad shape. The same Goodwill Mission Mr. President is instrumental now in trying to assist that family in getting a proper roof over their heads. There are holes in the roof, the sides are broken out.

MR. LINFORD A. PIERSON (CONTINUING): It would not hurt for one merchant in this Country or two, to give a few sheets of plywood. They keep telling us on this side of the House that we cannot expect Government to do everything. We well appreciate this, but we would also like to see people who can afford it, assist.

I would also Mr. President, give much credit and congratulations to the Thompson Shipping Company for freighting this material free, and also to our First Official Member and Financial Secretary for arranging the duty-free exemption on the goods into the Country.

Mr. President, we cannot view everything which we do to help our people on the basis of political gratification. There are certain things which we do which will not be heard of. We must do it out of charity; we must do it because we love our people, and unless we have a love for our people, we should not be here representing them. Mr. President it is known, the majority of the people who form this very unfortunate group. We see them all around us, but it would be wrong for us to ignore them because we do not particularly like them. As the mover of this motion stated, anyone who has the guts to bring a motion like this, or to even speak on a motion like this is accused as a radical. They are accused of stirring things up 'do not talk about certain subjects you are stirring things up'. Let me tell you, we had better stir them up now before those people out there decide to do it themselves, because it is going to be bad for all of us. Life will be bad for all of us. I was looking at a documentary on television on CNN just a few evenings ago, and a city in the United States which used to be one of the safest ones to visit, Fort Worth Texas, is now alleged to have the highest crime rate in the United States.

Mr. President, we are very comfortable in the Cayman Islands. We are very quick to say that it is a little garden of Eden, but how long it remains as such depends on each one of us here. Mr. President I had much more I wanted to say on this motion, but I am sure that with such an important issue before us, that there are many, many Members here who may want to also speak on this motion.

Mr. President in summing up, even though the resolve section of this motion reads that Government consider taking necessary steps as soon as possible, I sincerely hope that again, this is not a delaying tactic. The term Mr. President 'as soon as possible' can stretch into infinity.

MR. PRESIDENT: I think the term 'as soon as possible' is no longer in the motion. I do not want to interrupt the Member, but as I read it, it is to provide necessary supplementary expenditure during this financial year.

MR. W. McKEEVA BUSH: It is a better one.

MR. LINFORD A. PIERSON: Mr. President, during this financial year I hope will not stretch. The point I am making is that I am hoping that this financial year will not stretch into 1987, and then into 1988, then we will have the problem of 'as soon as possible' not having a meaning.

Mr. President, this is a serious situation before us, it concerns each one of us here. I would like to take the Members of this House around my own constituency in George Town, and show them some very, very poor living conditions which would make your hair crawl. We have situations Mr. President in this district of George Town where there are eight and ten people living in a little room. A father with teenage children; a father and a mother with teenage children living in these same cramped conditions.

MR. LINFORD A. PIERSON (CONTINUING): How long are we going to allow this to continue. I know Mr. President the Government has limited resources, but then I am always reminded of the priorities. I trust Mr. President that they will see indigent housing as a priority. Mr. President, I trust that the Members of this Honourable House will see the necessity for giving this matter their serious attention, and that they will give full support to this motion.

Thank you Mr. President.

MR. PRESIDENT: The Third Elected, the Third Elected Member for West Bay caught my eye first.

MRS. DAPHNE L. ORRETT: Thank you Mr. President. I rise in support of Private Member's Motion No.9/86 on indigent housing.

I appreciate Mr. President what has been mentioned, at least in the greater part by the previous speakers, and I venture to say that there is not one of us here who is not aware that we have a problem.

There is a need for low income housing in the Cayman Islands, and it is born out quite forceably when we saw two examples in the photographs which the Second Elected Member for West Bay brought along for us to look at.

Mr. President, I had no difficulty at all in supporting the new revenue measures earlier this year. I had no difficulty Mr. President because I realised that there were many areas which required urgent attention, and to meet needs takes more than chit chat and long speeches in this House. So I had no difficulty Mr. President in supporting Government in bringing along these new tax measures because they were needs which needed to be met, there were areas which needed to be met. The big problem of Government as I see it now is which do we address first, which do we tackle first, the areas of need are there. Mr. President there are certain people in the district of West Bay who need help now. If one were to look at it on the one hand, and then on the other, there would certainly be question-marks. Because some have been brought along as a result of a set of circumstances where a husband and father has taken the wrong course and ended up not being able to assist himself, his wife nor his children. However Mr. President, that does no good for the wife and the children who are suffering and who need help, who need proper housing. The least that a citizen in the Cayman Islands should have is a roof over ones head; a place where one can close the windows and doors and the mosquitoes are not in, and certainly, big enough that a mother and a father and children can sleep separately with some sense of pride, some sense of selfworth and I feel that Government needs to address this problem.

I would hope Mr. President that 1988 is not the only reason why we have our people at heart, it is coming up if we live long enough. But right now, I think, my concern for the people of West Bay and I speak for myself is not because I am anxious to know what happens in 1988. I am pleased that I have been placed in a position whereby I can have greater influence in helping to meet the needs which the people of West Bay face. Whether or not 1988 proves to be a successful year for me in politics is another matter. As long as in the four years I am here Mr. President, the Lord willing, that I am able to assist in any way possible to meet the needs of the people of this Country. Hence, Mr. President, each of us has to be most careful when we come here and criticise on one hand, certain things and expect to get everything else in the other. I am pleased Mr. President that I supported the revenue measures, because when things of this nature are now brought to this House, the people of the Cayman Islands once again, are made to see that this Government acted responsibly because it had the foresight to see that many areas which had been long neglected, now needed to be looked after.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, we have a situation with housing which is desparate, and in some cases, I am not sure exactly how we are going to go about it, but I do feel that Government working together with perhaps the Service Clubs and other civic minded individuals such as a number who were mentioned by the Second Elected Member for George Town, and others, I feel that if our more prominent and affluent and well-off people on the Island are made fully aware of the situation, that Government can expect help from these individuals.

Mr. President, I support the motion, and I trust that we will be able to find a solution, in at least meeting the more urgent cases of indigent housing in the Cayman Islands.

Thank you.

MR. PRESIDENT: First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I have no problem Sir in supporting the motion in its amended form. When I first saw the motion and it was restricted to one district, it gave me some problems, not that I was opposed to seeing that district being helped. In fact I know the problems which exist, and they are indeed serious and acute in that particular district. But, Mr. President, no more so than they are Island wide, and in George Town in particular.

While the motion speaks of low income housing Mr. President, I am not sure whether we are talking about houses to be rented or sold at low prices. I believe that we have got problems with, as the motion is headed, indigent housing where the people who need housing the most cannot in fact help themselves very much.

Mr. President, this problem is not new to Government, and particularly the Department of Social Services. At the moment through the cooperation of the Social Services Department and the Public Health Department, under the directon of the Chief Environmental Health Officer, an inventory of substandard housing is being prepared, which will cover all categories of substandard housing as well as health hazards and problems, because that is the subject of a second survey which has recently been authorised.

Mr. President, as has been said, this question of housing for the poor and indigent in our community is not an easy one to solve, and almost every case is different. You find some people have land, but no money to build a house. Others in fact have more land than it would take to build a home, but for one reason or another the land is not used to secure adequate housing. But once this inventory is complete, it is hoped that a concerted effort can be made towards alleviating this problem. We will see more clearly exactly what the position is Island wide, and depending on the extent of the problem, a plan of action will be devised to deal with the matter.

As some speakers have said, there are many combinations which can be put together to deal with the problem. Joint efforts between individuals concerned, Government and the Service Clubs. In other instances it will probably have to be the job of Government and the Service Clubs only, or visa versa, or individually. Last year Mr. President, in this way of cooperating, with the cooperation between Service Clubs and the Department of Social Services and individuals concerned, we were able to assist with the improvement of several homes in the communities. This year we continue to assist with the provision of sanitary conveniences and other small efforts.

HON. BENSON O. EBANKS (CONTINUING): Hopefully Mr. President, and I would here, Mr. President before going on to the next point, like to record my gratitude to the Service Clubs for what they have done in this regard.

Hopefully it will be possible to find some funds later this year Mr. President, to redress the most serious cases, and hopefully, because of the actions which we took earlier this year or later last year as the case may be, we will find it possible to provide in next years estimates money to deal with this problem to some extent. But to go groping in the dark Mr. President to me would be not the most desireable way to do it. I think the inventory which is now being produced will serve us well, and Mr. President in giving our support to this motion, I hope that Members do not go overboard in raising expectations too greatly in the minds of our people. Because Mr. President the need is great if I did not misunderstand the mover of the motion, when in his opening remarks I believe he said that he had identified ten urgent cases in the district of West Bay, and in the original motion, nine were mentioned. I am only mentioning this to show that within that short time, an additional one came to notice. So, the problem is as he said, severe and serious and acute. But to me, nothing can be worse than to raise hopes and expectations in the minds of people which, in the final analysis are not totally fulfilled. I Mr. President, certainly give my commitment to doing all that I can to see the problem redressed, and I hope and pray that other Members will do likewise. Thank you.

MR. PRESIDENT: Unless any other Member wishes..... the Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I rise to support Private Member's Motion No.9/86. I think in all the debate which has taken place so far, there is one thing which everyone has agreed upon and that is that there is a need in certain areas, for something to be done about housing for these unfortunate indigent people.

Mr. President, I do not know any of these people who are graphically depicted in these pictures. I do not know what their peculiar circumstances are, but I believe that they need help and they need help now. Whether these people were born into circumstances which did not afford them to use the facilities of Government, like education and other means to better their lot, is at this point in time I believe Sir, irrelevant. The rainy season is upon us, these people are obviously sleeping in the rain, and something needs to be done now. While I can appreciate the First Elected Member of Executive Council who has responsibility for this, his general concern and the importance of a survey to determine the extent of these problems, and to find some way to attack them in mass. I do not believe Sir that some of these situations can wait until such a survey is completed, and experts have looked at it and devised ways and means of meeting these problems. We have had the Housing Corporation going now for at least four years, and obviously it does not appear that it was ever intended to meet this kind of a need, it certainly has not. Mr. President, we need to help these pepple, and we need to help them now.

We have had Finance Committee meetings on a days notice, on a weeks notice, and what I propose we do now Sir, is that we have a Finance Committee meeting tomorrow, and we find about $20,000 to help these people, while we wait for the surveys. We had one a couple of days ago, but I did not know about it until I walked in to attend another meeting, where we approved $10,000 for a television dish.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, I believe that on the adjournment tomorrow, I would recommend that the Honourable First Official Member of Government call a Finance Committee meeting and we get together and try to find about $20,000. And the other thing I would challenge Members of this Assembly to do Sir, is that after we have voted the $20,000 we all set aside next week Saturday to turn up in these areas and to put our money where our mouths are, and try and put in a little bit of effort to use that money constructively, and nail the material together and get some kind of housing for these people. I am prepared to turn up Sir, if the other 15 Members of the Assembly are prepared to turn up.

Thank you Sir.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

MR. W. McKEEVA BUSH: Mr. President, I certainly do, and I see that we have about five minutes to go before closing time. I do not think I can be finished, but I would under Standing Order 83 seek the suspension of Standing Order 10(2) I believe it is, to enable us to go on until finishing this piece of business. Mr. President, I do not think I will be that long, but I am certain that I cannot finish in five minutes.

MR. PRESIDENT: Well, why do you not start, and Members can then judge how long you seem likely to be before they are invited to determine whether they will adjourn, or whether they will let you continue.

MR. W. McKEEVA BUSH: Mr. President, I do not know whether some people have appointments, I think the Honourable First Official Member of Executive Council does, and he in particular I would like to have here in the House, to hear what I have to say Sir.

HON. MICHAEL J. BRADLEY: Mr. President Sir, there may be another technical difficulty. It was my understanding that the Member may have intimated that on the motion for the adjournment, that he wished to make use of the facilities of Standing Orders to speak. That can only be done after the interruption of business, under paragraph 2 of Standing Order 10, and if we suspend it, then I doubt whether that could take place.

MR. PRESIDENT: Well, I had not been going to put the point quite like that, although I think perhaps it is a good point, although it is a point which can be overcome if you are suspending Standing Orders for one purpose, you can suspend it for two. What I had been going to say was that when Members had decided whether they wished to suspend the adjournment, they might wish to remember that the Second Elected Member for West Bay had given notice that he wanted to raise some subjects on the adjournment, and that we shall therefore probably be here for another 20 minutes or half an hour in any case, those who stay.

Now, will the Member please start his reply.

MR. W. McKEEVA BUSH: Mr. President, the debate on this motion has drawn some kind, calm remarks, has drawn some kind, calm putoffs, and I am so disappointed Sir that I really do not even feel like replying. But I have a duty to do, and I will do it.

MR. W. McKEEVA BUSH (CONTINUING): Mr. President, I wish to thank those Members who spoke. Those who gave the motion good, sound backing. Mr. President, in all fairness to the Member for Social Services, I would like to say that he has been conversing with me on probable ways and solutions to some of the housing situations in our constituency, and other districts as well.

Mr. President, I wish to say also that I make no apology whatsoever for my original motion, which asked for a specific amount of housing for West Bay. Government however, did not see fit to accept that motion in that form, and I again was disappointed in that too. But in order to get the motion through, and get some kind of committment however vague it was, I consented to it in the present form. Mr. President, in putting the original motion to the House, or Tabling it, I was not doing anything unconstitutional. I was only doing what the people of West Bay sent me here to do, to see that **their** best interests are protected. Not to say however, that a national interest would have been neglected, but my district has been left behind in recent years, and while I know of the problems other districts and representatives are facing, I know West Bay best. I know my own home best. Even if what I ask for is not supplied, I am going to try, I will never stop trying when it comes to West Bay.

Mr. President, the Third Member for West Bay said something about.....

MR. PRESIDENT: I think I am going to have to interrupt the Member now. I had been wondering whether he might seem to be near enough to finishing, for me to take advantage of the element of discretion I am allowed by paragraph 2 of Standing Order 10, but it does seem to me he intends going on sometime, and indeed he gave notice that he would. So, unless the Member concerned wishes to move that Standing Orders be suspended, which he is at liberty to do, I shall ask the First Official Member to move the adjournment.

MR. W. McKEEVA BUSH: I am not clear on what you are saying Sir.

MR. PRESIDENT: I said firstly that Standing Orders require me to interrupt you, unless I think you are about to finish.

MR. W. McKEEVA BUSH: I understand that part of it.

MR. PRESIDENT: I say secondly that you did earlier say that you wanted to move the suspension of Standing Orders to enable you to be able to complete your speech, and for us to vote on this. If you want to move that they be suspended, you may do so. But I think you need to remember if you are doing that, it is your intention to speak on the adjournment in accordance with the notice you gave me two days ago, that you would need to suspend Standing Orders also in order to enable you to speak on the adjournment, as the Second Official Member pointed out. Now if you want to move the suspension, you can. If you do not want to, I must ask the First Official Member to move the adjournment.

MR. W. McKEEVA BUSH: Mr. President, I am kind of shaken up Mr. President, and I believe that I will be better composed to do so tomorrow morning - better composed to finish my debate.

MR. PRESIDENT: That is all right.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Orders 10(2) and 11(5), I move that this House do now adjourn.

MR. PRESIDENT: The question is that this House do now adjourn. The Second Elected Member of West Bay did give me notice two days ago that he wanted to raise some matters on the adjournment. He is not obliged to raise them today, I do not know if you are listening, but you are at liberty to raise them today. You can raise them tomorrow if you want, or if there is yet another day of meeting on another day, this is up to you.

MR. W. McKEEVA BUSH: Mr. President, I will do so now, for the good of it.

MOTION ON THE ADJOURNMENT
STANDING ORDER 11(6)

MR. W. McKEEVA BUSH: Mr. President, I am most concerned with the inactivity of Government, with projects that money has been provided for in the 1986 estimates, and up to the present time there is very little activity in the various areas.

The areas referred to specifically in my constituency are the landing jetty; Fire Station; ramp, traffic lights. In other districts lack of inactivity as well in projects such as the renovation of the Craft Market, the abatoir and the George Town Fire Station, and in North Side I think there are other projects which have not been started.

Mr. President, when I have discussed projects with various Members responsible for these projects, I just cannot get a firm commitment, and the answer given sometimes is that the projects are in the hands of Civil Servants who apparently dictate the pace at which Government is moving. I feel that the time has come now that this type of situation be looked at, as somebody has already talked about the taxes which have been raised. I did not see fit to support some of them, but that is not to say that the people do not deserve what we say we are going to give them, and if the public has paid the taxes, they are asking where is the beef.

All I want Sir, is something of a firm commitment from Government on these projects. I am sick and tired of hearing vague answers about studies; I have never heard more in my life about studies Mr. President, when we can very well do some of these things ourselves if Members on the Government bench would only take time and do what they are supposed to do. I am sick and tired of it Sir.

I am here as a representative of the people. I am not here as a little boy to whom they think they can talk down to, and give calm, composed excuses, I am tired of that kind of representation, and until I am given firm commitments which I can give my people, then I am going on the public platform and will let them know what I have had to put up with.

HON. MICHAEL J. BRADLEY: On a Point of Information Mr. President, Sir. As I read Standing Orders in this situation which has not occured during my time in the House, that the debate can go on for twenty minutes after the motion. It is not automatic, that the Member of Government replies immediately. Do you agree Sir?

MR. PRESIDENT: I had understood it, I have not gone and looked at Erskine May, I had understood it as meaning that the Member who raises the matter may speak for up to 30 minutes, not that other Members may join in a debate that lasts for not more than 20 minutes, but I could well be wrong.

MR. D. EZZARD MILLER: Mr. President, can we stop the clock until this is sorted out Sir?

MR. PRESIDENT: Yes you can indeed.

MR. D. EZZARD MILLER: All right.

MR. PRESIDENT: It probably in principle is reasonable that any Member can speak during the 30 minutes. If that was the wish of the House, I would be perfectly prepared to allow it for this evening, without prejudice to future practice in the event that I find that Erskine May says a different practice is.....

HON. MICHAEL J. BRADLEY: Perhaps Erskine May, at page 290 might be of help Sir.

MR. PRESIDENT: I have not got one with me I am afraid.

HON. MICHAEL J. BRADLEY: 'The substantive motion for the adjournment may be used for discussing many subjects other than the termination of a sitting. Once such a motion has been agreed to, a sitting is necessarily terminated; but it frequently happens that an adjournment motion is moved without any intention of pressing it to a conclusion, and it is consequently withdrawn when its purpose has been served.'

'The substantive motion for the adjournment is in fact a technical form devised for the purpose of enabling the House to discuss matters without recording a decision in terms.'

MR. PRESIDENT: What is the page?

HON. MICHAEL J. BRADLEY: Page 290 Sir.

MR. PRESIDENT: Two nine?

HON. MICHAEL J. BRADLEY: Two hundred and ninety.

MR. PRESIDENT: I rather think....is that not the kind of motion for the adjournment which is contemplated by Standing Order 11(1) of our Standing Orders, not what we are having now? Anyway, I think rather than cut the time of the House further I will be prepared to allow debate for, it will be approximately a further ten minutes. I will go into the question of whether in future I would similarly allow debate. After a further ten minutes, if the debate is occupied that long, I will call upon a Member of Government to reply. If it does not last that long, I will call upon him earlier.

Does any Member wish to speak? The Member for North Side.

DEBATE

MR. D. EZZARD MILLER: Mr. President, I too would like to reiterate what the Second Elected Member for West Bay has said.

I supported the tax measures in November of last year. There were a number of capital projects approved, for which those taxes were to assist paying for.

MR. D. EZZARD MILLER (CONTINUING): Mr. President, today is the 22nd day of May, 1986 and nothing has started. I believe the only thing which has started is an incidental thing with the Fire Station in West Bay, in that the property may have been cleared in anticipation of receiving some of the fill from the ramp which was hoped to have been completed by Million Dollar Month. But Mr. President, I too am perturbed by the negative attitude of the Portfolios. One goes with a problem, and the reasons why it cannot be done now, or why it cannot be done expeditiously are ad infinitum. I have had an instance where I have been trying to get a farm road completed in North Side for the last five months. Public Works said it was going to cost $25,000. I found a local firm who would do the same thing for $5,000. I sent the man to Public Works three weeks ago, and up until yesterday afternoon he has been unable to see the Director of Public Works. With respect to the Member responsible, he did agree with me that if the private firm could do it for that, he did instruct his Principal SUcretary to write to the Director of Public Works to get on with the job - nothing seems to go any further than that Sir.

January 1985, the four Elected Members of Executive Council, the Principal Secretaries concerned and I stood at Rum Point. The Members responsible ordered the Civil Servants to move fill from Rum Point into a playing field in Old Man Bay. Eighteen months later, not a grain of fill has been moved, except for for that which was moved to the Town Hall in East End and the Town Hall in Bodden Town.

Mr. President, I agree with the Member for West Bay, we have taxed the people. The people want, as the hamburger chain advertisement in the United States says "they want to know where the beef is", and it is time we produced the beef. I too am tired of excuses. I am tired of being told that I am young, I will learn, time is all it needs. We are running out of time Mr. President.

The Civil Servants are well paid. We have elected four able men to Executive Council. I believe they can do a good job. I believe they are trying to do a good job. I am just not satisfied with speed at which they are getting the job done Sir. Most times it is the fault of the administrative arm of Government, and Mr. President the four of them have to find a way to whip that administration into line, and to remove that negative attitude, and that ability to produce technical excuses. I do not know anybody who can find as many reasons in a law book or an administrative procedure for not doing something. Here is an instance we have been dealing with this afternoon, of people who are in dire need, and we have to wait on surveys. We have to wait on this; they do not have any land. Government has land down in Dog City. They built one house down there some years ago, and they had it locked up for yeare, without anybody in it. Let us have a Finance Committee and vote and vote some funds, and build two houses there and put some people into them.

Mr. President, we need to get some things done Sir, and I support and endorse fully the sentiments of the Second Elected Member for West Bay. Thank you Sir.

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

MRS. DAPHNE L. ORRETT: Mr. President, I must say that I tend to agree with the Second Elected Member for West Bay in certain regards.

My experience has not been that the Members of Council are not ready and willing, and putting forth a great effort to get things done. But then it seems that midstream, we are stalled for one reason or another, and whatever or whoever it is who is holding up the projects, and in particular those for West Bay, I would hope that they are given some type of whatever it may be, whether they need a few extra vitamins or what, something to make them move a little faster, and get things done.

MRS. DAPHNE L. ORRETT (CONTINUING): I am not usually impatient, but I think that it is time we see something move a little faster than it has over the past several months, and I feel that the Members of Council will have to get behind those who actually have to put it in motion, and get it done. Thank you Mr. President.

MR. PRESIDENT: The Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I share the concern of the Members, and I too am inclined to agree that the Public Works Department has not been driving hard enough to put the works in hand, as has been expected. I do know Sir, that there have been unavoidable delays and constraints, and I am not here Sir to try to form any excuses for myself, or for any other department which is under me.

I must admit here and now Sir, that my Portfolio has not received a capital works programme for the year, setting out the schedule of work to be done, and the time when it is to be done. I have got several of the items which have been named in this notice. I have explanations for quite a few of them, some are balancing the Caribbean Development Bank Loan which is not through. There are others which site the absence of an architect as being the reason for the delay. I am not here Sir, and I do not intend making any excuses, but what I do tell the Members here today is that I will get a capital works programme and I have set this in motion, and as soon as I get this capital works programme from the Public Works Department, I in turn, will give it to the Members here with a schedule of when the work is to commence in each district.

I cannot do Sir any more at this moment, and I have discussed this matter this morning with the Honourable First Official Member, and it is our intention to get together with the Chief Engineer of Public Works and to try to whip this thing into shape. I thank you Sir.

MR. PRESIDENT: The question before the House you will remember is that this House do now adjourn until 10.00 a.m. tomorrow.

QUESTION PUT: AGREED. AT 4:55 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. FRIDAY, 23RD MAY, 1986.

SECOND MEETING OF THE 1986 SESSION
OF THE LEGISLATIVE ASSEMBLY
FRIDAY, 23RD, MAY, 1986
(FOURTH DAY)

PRESENT:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	*FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT*
HON MICHAEL J BRADLEY, QC, LL.B	*SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION*
HON JOHN LEMUEL HURLSTON	*THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS*
HON BENSON O EBANKS	*MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES*
HON W NORMAN BODDEN, MBE	*MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE*
HON CAPT CHARLES L KIRKCONNELL	*MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION*

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 MABRY S KIRKCONNELL	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS*
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*

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

SECOND MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

FOURTH DAY

FRIDAY, 23RD MAY, 1986

1. PRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

2. PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING BUSINESS COMMITTEE (Meeting held 15th May, 1986) TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS.

3. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS:

(1) AMENDED PRIVATE MEMBER'S MOTION NO.9/86
INDIGENT HOUSING

- CONTINUATION OF REPLY BY THE MOVER OF THE MOTION, THE SECOND ELECTED MEMBER FOR WEST BAY.

(2) PRIVATE MEMBER'S MOTION NO.11/86
APPOINTMENT OF A JUVENILE JUDGE FOR THE CAYMAN ISLANDS

(3) PRIVATE MEMBER'S MOTION NO.12/86
PENSION/EX-GRATIA PAYMENTS

(4) PRIVATE MEMBER'S MOTION NO.13/86
PROHIBITION OF SALE OF LIQUOR ON SUNDAYS

(5) PRIVATE MEMBER'S MOTION NO.14/86
APPOINTMENT OF SELECT COMMITTEE TO INVESTIGATE REGULATION PROCEDURES

4. STATEMENTS BY MEMBERS OF THE GOVERNMENT

STATEMENT BY THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL ON THE REPORT OF THE SPECIAL COMMITTEE ON COST OF LIVING INCREASES ARISING OUT OF GOVERNMENT MOTION NO.5/86 PASSED BY THE LEGISLATIVE ASSEMBLY ON 12TH MARCH, 1986.

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FRIDAY

23RD MAY, 1986

10:00 A.M.

MR. PRESIDENT: Prayers. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Let us pray.

Almight 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 responsibile duties of their high office.

All this we ask for Thy great Name's sake, Amen. Let us repeat the Lord's Prayer together.

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

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

MR. PRESIDENT: Please be seated.

Presentation of Papers and Reports. The Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING BUSINESS COMMITTEE

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Standing Business Committee.

MR. PRESIDENT: So ordered.

Item 3. Other Business, Private Members' Motions, continuation of reply by the Second Elected Member for West Bay to the debate on Private Member's Motion No. 9/86.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

AMENDED PRIVATE MEMBER'S MOTION NO.9/86
INDIGENT HOUSING

CONTINUATION OF DEBATE

MR. W. McKEEVA BUSH: When we took the adjournment yesterday I was about to reply to what I considered unnecessary and nasty insinuations, and closely guarded statements made by two speakers.

Mr. President, in the case of the Third Elected Member for West Bay, who seemed to think that everything I do is for political reasons, and in the case of the Honourable First Elected Member of Executive Council, that I was raising the hopes of our people, when in fact all I did do was to bring a motion to get some kind of firm commitment from Government.

The Third Elected Member for West Bay went on to talk about those who did not support the increase in last years new revenue measures. Mr. President I believe in my nineteen months here that I have, and can continue to give a good account of my stewardship, and not because I did not see fit to support some of the revenue measures last year, that it means that I am going to turn a blind eye to the needs with which I am confronted each day. If that is what the Member or any other person in this House thinks, then they have another guess to make.

Mr. President, I know that I cannot get everything that I have asked for, but I will not stop trying. Maybe if I had a little more help at the constituency level, where we must most times confront our people, maybe the people would not be so dissatisfied with the type of representation they are getting.

The motion says nothing, and I do not see how it could even be put in, about 1988. Mr. President, 1988 is not my worry; I do not have to worry about 1988. If I continue to raise the issues as I see them, but those who are making nasty insinuations every time I try to do something which I feel must be done, had better grace their seats now as often as possible for the next twenty eight months. I can go home and face my people with my back straight, because my vision is very clear.

Since I have been a Member of this House, I have brought many worthwhile motions. Motions which again I felt I had to have a firm commitment, not that the Government was not thinking about it, because we had campaigned on a manifesto particularly in my constituency together, the three of us which pointed out those things but which I saw were not being put in the right perspective. There was not being given any priority to them, so I brought the motions, to get the firm commitment which I could feel satisfied with, and that is a constitutional right which I have as a Member.

Mr. President, political rhetoric and chit-chat was referred to. Well, those two motions Mr. President and I am replying to what was said, so do not get weary. The Pensions Law and the Labour Motion and many others which the people know about, I did not put any political rhetoric in them. I spoke more often on our growing social problems as I see them. But let me say a few things in respect of political rhetoric. If certain Members do not change their attitude, if certain Members do not change their course and be more realistic to the needs of our people, and stop voting with the Government Bench on every occasion, regardless of the possibility of the strangulation effects on our people, then they really will be left out in 1988, that is a little bit of rhetoric now, Mr. President.

MR. W. McKEEVA BUSH (CONTINUING): Come 1988 God willing, they will not come here on my coat_tails, you can believe that. They will not get here on my back. But I feel sorry for the lady Member, I feel sorry for her because she is not in touch at the constituency level. The Member did not even know the people who have to dwell and live and scrounge in this type of situation, and they are in our constituency. I still do not think she knows whom we are talking about.

Mr. President, these taxes which have been referred to, if more had been put into the Social Services of this Country to help alleviate some of the housing conditions, which the motion is seeking to address, then maybe I would have supported a few more of the taxes than I did. But no, Mr. President, priority has been given to other projects, and for what reason? Why was indigent housing not a priority? Why was money not put in the estimates, they cannot blame me for that. I do not make up the estimates, those who make up the estimates are those who care very little for these types of situation. But pretty soon, I will be asking for an Estimates Committee to function properly as a representative. Talking about taxes Mr. President, and priorities, look at our capital expenditure for this year; look at our capital budget for this year, and what do you see. What do you see - office equipment $95,376; office furniture $68,187; staff houses/equipment $14,000; staff houses/furniture $41,000; vehichles $191,788; other furniture $25,300; Government staff housing (again) $52,000; Government offices $12,600. Mr. President, I could go on, and I remember specifically in the Budget, certain Members opposed the amount of over one million dollars for expatriate housing in this years Budget, whom I must say are being paid good salaries, and in some cases more than Caymanians with equal responsibility.

Mr. President, a Finance Meeting was called here the other day, without notice. I did not know anything about it until I went to the other Committee Meeting - for what? Mr. President in order to get a dish for the head of the Country. Mr. President I am not fighting that principle - what is $3,000, but so help me God, Mr. President, do not tell me that we are going to study when we see these kinds of situations existing, look at it. Yet, we can call a Finance Committee Meeting at a moments notice for a dish. I am not opposing the principle, because I believe that the head of our Country should be kept up to date with world conditions, and the television is a means of doing that. I am not opposing that principle, but so help me God, do not sit here and study, and study and get the kind of 'put-offs' I have been getting Mr. President. I am sick and tired of that, and I am going to tell you Sir that if you think there are not situations in this Country where people are so fed up, that there could be an uprising, not because of great mammon conditions, but those little things there, those are the kind of things the people get so mad about. No matter how much one puts in the estimates for parts of a VHX installation computer Mr. President, we can have them by the million, but when our people are dissatisfied to the point that I know I am hearing from East End to West Bay, we had better take warning of that Mr. President, and stop fooling ourselves.

You know Mr. President when this year began I made a few resolutions. I was not going to let the opposition get to me, as they had done previously. But by God, I did not know that my own could bite so hard.

Mr. President, when I was first confronted with that little eight by eight shack situation, I immediately went to the Social Services Department, and I told them the whole story, and I asked for an investigation. But I also told them that it was a project which I could not wait on, and I was not going to wait.

MR. W. McKEEVA BUSH (CONTINUING): But in the interim period of them investigating the problem, I would try to get done what I could. Mr. President, the first problem was land, the couple do not own any land, as was the case with many of the ten people I pointed out in my original motion, or nine people which I had pointed out in my original motion. I immediately found a woman who was willing to practically give away a sizeable piece of property. It would only cost $3,000, and that is good in todays market, because it was a sizeable piece of property. I went back to Social Services, whom I must say in the meantime had contacted the case, but admitted to me that they could not get anywhere with the couple, and were ready to give up on it, they were ready to close the case. I said that they could not do that, and that we had to do something for them. I asked if Social Services could raise the $3,000 to help pay for the land. I was told 'where are we going to get it, where are we going to get it from?' Now you tell me what I as a representative can do in a case like that. One must not get frustrated when one looks at $61 million, and these types of people are being left behind because they are so insignificant. But on top of that Mr. President, what hurts more than anything else, is to come here and hear the sugar-coated hogwash about 'do not raise the hopes of our people' about 'groping in the dark; we have to do our study first.' That is sickening Mr. President, when they can very well see, see here, when they can see this sort of situation Mr. President. Just say 'By the Grace of God go I', it could be either one of us in that situation. That condition there is a young man of about my age, but what put him in that position, the situation of this affluent society, drugs, and all the rest of it. He has a family, just think, they could be any one of our sisters, any one of our mothers, but do you care! If there had been a dog living there they might have got better attention, and more commitment than I heard yesterday.

Why a study? I just do not understand it, I know that there are things which we cannot do ourselves. But so help me God, they could utilize some of the Members on this side. What are they afraid of?

Do not preach to me Mr. President about going overboard with our people, do not tell me that kind of nonsense. I have to preach to myself, and say "you did right when you elected Executive Council". But I am having serious doubts, because we elected a Member for housing, whom it is no use me saying "look at the housing problem which we have. Are you going to solve it," and he says to me "they do not qualify under the Government scheme." Why in the world do we not fix the scheme, so that they can qualify as we have got $400,000 there, instead of leaving our people, who elected us in the first place leaving them out in the rain. Can they not relate to that, where are the priorities? Just remember that, that is my priority.

Mr. President, you may ask why am I giving this kind of reply, when it seems that Government is prepared to accept the motion. I will state categorically even though they will accept it, by the way the Member responsible spoke about the way they cannot grope in the dark, and that they have to do their study. My experience over the last nineteen months has taught me that he will do that. He is going to take his time, when he wants, how he wants and with no due consideration to me as a representative who brought the matter to his notice. I can say that the Member is a very good Civil Servant. They can between them and the Civil Servants, can and will effectively block anything I try to do, pictures nor anything else I can produce in this House will change that situation. The manner of support which I received, and the motion, my two colleagues are saying "look we will pass the motion to satisfy you, but regardless of what you say, we still have the last say, and you are not going to get what you want until I say so, because we cannot build up the hopes of our people."

MR. W. McKEEVA BUSH (CONTINUING): Well, Mr. President I am saying to them "do not pass the motion, reject it, because it is better to reject the motion than to sit here and fiddle while Rome burns." Because that is what they will be doing, building up the hopes of the people who are sleeping in the rain, until it satisfies them to get going on this subject.

Now, if I have hurt some feelings, you can believe that mine have been hurt a long time, and this thing has been coming to a head. Mr. President, I would like to close by saying that we cannot give enough thanks to the Lions Club and Kiwanis and other Service Clubs for the many good deeds they have done, and are still doing, concerning housing. I do not know what we would have done without the Lion's Club. I am a great believer in the works of the Lions, and appreciate tremendously what they have done, when we consider that over the last eight years we have budgeted and spent three hundred million dollars on the situations which they are taking care of, and it is good that they can do it, and that the community helps. Government has given no priority to that type of situation. Build up the Government Administration Building; build up the Tower Building; build up the services, but your social development must stay put, and that is the condition which can destroy the Tower Building, the Government Administration Building, destroy this Assembly and where would we be?

I will not close Mr. President until I again reiterate that I make no apology for the first motion I Tabled to this House. That is my reeponsibility, taking care of the needs of West Bay as I see them. I know you are going to hear a lot about rhetoric, well you can believe that you got some this morning. But, it is the truth, and it is what I have experienced and I say to the Members "do not pass the motion, reject it, reject the motion", if they have no intention of helping me quickly cure that type of situation.

Thank you Mr. President.

MR. PRESIDENT: The motion before the House is the amended Private Member's Motion No.9/86. I shall put the question.

QUESTION PUT: AYES

MR. D. EZZARD MILLER: Can we have a division Sir, I do not think that some people voted.

MR. PRESIDENT: Certainly.

DIVISION
NO. 19/86

AYES	NOES
Hon. Thomas C. Jefferson	
Hon. Michael J. Bradley	
Hon. John Lemuel Hurlston	
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Mr. W. McKeeva Bush	
Mr. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	
Mr. G. Haig Bodden	
Mr. D. Ezzard Miller	
Mr. John B. McLean	
12	0

MR. PRESIDENT: They have all voted now, apart from the absentees. 12 Ayes and no Noes, I declare the motion carried.

UNANIMOUSLY AGREED. AMENDED PRIVATE MEMBER'S MOTION NO.9/86 PASSED.

MR. PRESIDENT: The next item is Private Member's Motion No.11/86 to be moved by the Second Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO.11/86
APPOINTMENT OF A JUVENILE JUDGE FOR THE CAYMAN ISLANDS

MR. W. McKEEVA BUSH: Mr. President I beg to move Private Member's Motion No.11/86 standing in my name.

> WHEREAS the juvenile problems have increased both in complexity and frequency during the last decade in the Cayman Islands;
>
> AND WHEREAS there is need for consistent and continuous expertise in dealing with these problems;
>
> BE IT THEREFORE RESOLVED that Government investigate the possibility of appointing a Juvenile Judge.

MR. D. EZZARD MILLER: Mr. President, I wish to second the motion.

MR. PRESIDENT: Private Member's Motion No.11/86 has been duly moved and seconded. I invite the mover to speak to it.

MR. W. McKEEVA BUSH: Mr. President, this subject here which I am asking the House to consider, I suppose, will not pass or get the approval. Nevertheless, I see this situation as something which I should point out and express my feelings on.

Mr. President I see great need for some continuity on the bench of our Juvenile Court. Mr. President, one of the greatest dangers to the stability of this Country is our growing social problem, and we urgently need to attack this problem with all the tools at our disposal. The root cause of these growing social problems as most of us will likely agree, are our juveniles, and this appears to be the case but I for one after observation, am convinced that the real cause of our growing juvenile problem is in the home.

Mr. President, we have spent and are spending considerable sums of money providing Sports Centres, Community Centres this and the other, somehow thinking that this will bring us the answer. All these things are good and necessary, we need them, and I have just asked for a Civic Centre for West Bay, and I did so because no effort is too great for our young people. However Sir, with all these things going for them our youth will benefit but little unless we can find a way to attack the real cause of the problem, which in my opinion is in the home.

One of the great problems as I see it is a lack of parental discipline and control. There are many reasons Sir why this problem has developed, and is rapidly growing in our community. One of the reasons is the growing cost of living in this Country, which we are told is only four per cent, and in which it has become impossible for too many one-parent earners to provide the bare necessities of life for their family, thus requiring the second parent usually the mother, to practically abandon her God given role of staying at home and supervising the children. Instead of this, she is required by bare need to go out and take a job which takes her away from home where she is most needed. Mr. President I do not know what we can do about that situation, because we are not even recognising the fact that this four per cent cost of living which we are talking about is out of context with the Cayman life as it is.

MR. W. McKEEVA BUSH (CONTINUING): Another cause Sir, and this is a cause about which we as a Government can do something. There are many parents both father and mother who bring children into this world and then neglect them. It is a known fact Mr. President, that most of our juvenile problems originate in the one-parent home. Mr. President I am not only referring to illegitimate children where the father does not accept his responsibility. But I am also referring to children of wedlock who have been deserted or neglected by one or both parents. And sadly to say, I am also referring to children who have been brought into our community in recent years. As an example of what I am talking about, and one of these instances I know of cases where a foreign woman with no connection with these Islands has come here, married a Caymanian man in her quest for status and then months later to the dismay of the groom, this woman brought in her children, when she said she had none. In many of the cases, the husband is unable to properly provide for these children, even if he wanted to and they are left free in our community to scrounge for themselves, and create more problems for our Juvenile Courts. Mr. President I know of one particular example where a woman here had a son, fourteen years old and he had broken into a prominent supermarket in this Country, and the woman went to the owners and asked them not to prosecute, the mother that is, because she was applying for status for her child. Mr. President it is serious, it is serious.

I know Mr. President that the Member responsible for the Juvenile Court has now I believe legislation on this study, and I do not know what it will entail. I do not know how many of these areas it can address, so I will be waiting patiently to see what it looks like, that is the legislation revised I think, because we do have a Juvenile Law.

Mr. President, under our present system, three Justices of the Peace sit on a rotating basis in the Juvenile Court, with the result that there is no continuity with on-going cases. As a result of this, there is often a lack of proper investigation which would disclose the real cause of the problem, and suggest remedial action before it is too late. Let me hasten to say Sir that this is no fault of the sitting Justices, however conscientious they may be, and I know that they do their best and we have some capable ones. Time does not permit them to study and evaluate the cases which are thrown before them each time they are called to sit on the bench, especially when many of the cases are recurrent and of longstanding. Mr. President, this motion is not intended to cast aspersions on the ability of our Justice's roster, for at least in my mind many of them as I have said before, are quite capable. If they were sitting on a continuous basis they could do better, but on the rotating basis presently in use I feel and I have listened to cases there, and this has not just started today Mr. President, it goes back a long way. I had to go to Juvenile Court, I was there, I was there on two occasions for three different things. You can believe that on both occasions there were different people there, and it was a good thing I had a teacher who talked for me and explained the whole situation, because the Justices said themselves that they did not understand what was going on. That was a long time ago Sir, but I do attend Juvenile Court sometimes, and I see the need for some continuity.

Mr. President, I know that the Administration is concerned about the size of the Civil Service, about recurrent expenditure and I share that concern. But this is too important an area for us to consider only a small possible additional cost. I have said a 'small possible cost' because presently each Justice is paid for sitting, and if one or even three of these Justices are appointed on a permanent basis, the cost indeed would be very little more than it is now.

MR. W. McKEEVA BUSH (CONTINUING): In my own mind Mr. President, it is desireable that we have a local person or persons in this position because they certainly should have a better understanding of our local problems than someone brought in from abroad. Now Mr. President I might take a shellacking but if it is deemed necessary to acquire the services of a fully qualified magistrate, I am sure the additional cost would be justified. Only Mr. President, I would hope that if this motion is accepted by this House, and if it does transpire that an outside magistrate is needed, that Government should ensure that the person selected is of the highest calibre, and one who is well versed in child psychology. Mr. President, I know that the present system of the Justices is one which means that it does not have the atmosphere of a court, and I remember Mr. President quite a long time ago Mr. Panton told me that, and recently, more recently a sitting Justice has explained that to me. But when I was in Court, Mr. Panton who was very kind, said "now listen little boy, we do not want you to feel that we are going to throw you in Prison, we are going to talk to you just like your daddy would", that made me feel good, and I know that that is what the Justice system means. My concern is for the continuity, and those days, today is different, I know we have a lot of good Justices but they are sitting on a rotating basis.

If the House see this motion as unnecessary, I would hope that they would give serious consideration to the things which I have pointed out. I leave the motion entirely in the hands of Honourable Members.

MR. PRESIDENT: The motion is open for debate, does any Member wish to speak? The Second Elected Member for George Town.

DEBATE

MR. LINFORD A. PIERSON: Mr. President, I wish to congratulate the mover of this motion for the very able job he has done in its presentation. Much of what he has said Mr. President, has a lot of merit. As a Justice of the Peace myself for some ten years, and one who is frequently involved in the Juvenile Court as one of the panel of Justices, I can see a lot of truth in what the Member is saying here today. I should Mr. President, from a personal point of view be thanking him for this motion and be asking all the Members to give it full support. But Mr. President, from experience I know that the answer for which he is looking cannot merely be found through legal training.

Mr. President, I know that many of the problems coming before the Juvenile Court are complex and on a somewhat continuous basis. But Mr. President, we must understand that most of the problems coming to the Juvenile Court are matters which should be dealt with at a home level, or through the Social Services Department, and many of the cases are not necessarily considered from a legal point of view but more from a compassionate and social point of view.

Mr. President, just to digress for a minute, since it seems to be the rule of the day. I must mention here that it is, and I would support what the Second Elected Member for West Bay had to say this morning, that there seem to be certain Members in this House who would not find anything to say if the Second Elected Member for West Bay and myself sat down and had nothing to say. There seems to be one Member in particular who gets special pleasure out of waiting for me to speak, so that that person can get up and make snide remarks. I have in the past made it quite clear to that Member that I do not intend to be disrespectful in any way, but I am putting it on notice today that if this continues, then my position may have to be changed in this respect -- enough said on that point Mr. President.

MR. LINFORD A. PIERSON (CONTINUING): There is no doubt that there are growing social problems in this Country, and perhaps this motion is not without some merit. But Mr. President, my experience in the Juvenile Court is that many of the people, of the children coming before the Courts should not be there, but their parents should be before the Courts. I cannot understand any society where the parents are going to tell me that an eight year old, a nine year old is beyond control, beyond their parental control. Mr. President I was fourteen years old, in my teens when I got a shellacking for even looking through a doctors book.

Mr. President, up to two weeks ago we had a little eight year old child in Court, and it touched my heart Mr. President. I even had to get up from the bench and put my arm around the child. Because, when I see that sort of thing happening it is a bad reflection on our society, not on the children. What we need today Mr. President arenot more legal brains in the Juvenile Court. At each sitting of the Juvenile Court we have a lawyer appointed by the Courts Office who is there to guide the panel of Justices on any particular point of law. What we need in the Juvenile Court Mr. President is more understanding, more appreciation of the problems facing our people. We need good social consciences, Mr. President we need more Social Workers to go into the homes and talk to the people. Mr. President, I would gladly approve or support any allocation for additional Social Workers in this Country. We are dealing with the cure, when we bring our juveniles to the Juvenile Court. We need to be dealing with preventative measures to keep them out of the Juvenile Court.

Mr. President, the mover in his presentation, his fine presentation, made a very important point, and that is that one of the causes of the juvenile problem we are having in this Country is that both parents have to be out working. Many of the Members here will tell you Mr. President that it is out of greed, Mr. President my experience with my people is that ninety nine and three quarter per cent of the cases are out of necessity.

Our Caymanian Protection Board does not help the situation. When some of these parents try to get help in their homes they are asked if they can afford it - the temerity of some of these people to be questioning our people like that. They know whether they can afford help or not, and they need the help Mr. President. They need it more than a lot of the big executives who leave their wives at home, and who can very well look after the home. But in these situations Mr. President where both parents have to be out, not out of greed but to make ends meet, the Protection Board should be giving these cases very special consideration.

One other reason raised by the presenter of this motion is the cost of living. Mr. President, we have a one-tier system within our economy. The cost of living is one of the big problems. Many of our Members, and perhaps a large segment of our society will tell you that this is not a problem because many of them are on, or within a salary bracket where they do not experience it to the same extent. But Mr. President, when the 'little man' on the street who is only making maybe $40.00 a week or maybe $50.00 a week for a family who has to go into the same supermarket and pay the high prices as the man who is making maybe $100,000 a year or more, there is a big difference. We need to prick our social conscience. Where is the social conscience in this Country? Where is the charity in this Country? I hope Mr. President that many of the Members here had a chance to have a look at the papers this morning, and see some of the serious conditions in this Country. This is one of the key causes for the deteriorating conditions with our juveniles today.

MR. LINFORD A. PIERSON (CONTINUING): Another problem Mr. President which was rightly raised by the mover of this motion, was that there is willful neglect by some of the parents. They know that the Boy's Homes out there will take the boys. They know that the Francis Bodden Girl's Home will take the girls. They know that there are many people around the place who will open their homes as foster homes. Mr. President, the basic root cause of this problem is not in the Court; the basic root cause of this problem is not with the panel of Justices of the Peace who sit there on Fridays. The answer to this problem Mr. President is not putting a legal mind there. Mr. President it would be a big mistake if we brought in somebody totally new to the Cayman Islands to make serious decisions on our youth. Mr. President, almost every member, if not all the members of the juvenile bench panel as Justices are parents, and people who know this Country. People who are appointed Justices usually get the appointment on merit, and they know their Country and people. I think it would be a retrograde step Mr. President if we brought in a foreign legal person to sit on our juvenile bench. As I have said Mr. President, I have no axe to grind. It would not really matter that much, because much of my time I spend in the Juvenile Court is on chargeable time, and I could very well be in my office making a significantly greater amount of money. But this is not the point, the point is that I do it out of love, because I know that this problem must be handled very delicately. We cannot have people there saying to our youngsters "look you have gone wrong under the law, and legally you must be in an approved school in Jamaica," when we know the background of that home, and it may be better for us to try to get that child into the Boy's Home, the Girl's Home or maybe a foster home.

Mr. President, I could not agree more with this motion if we did not have the legal guidance in the Juvenile Court. But Mr. President as I have stated, there is no sitting of that Juvenile Court where there is not a legal mind there to guide the Court in matters of legal ramification and clarification.

Regarding the consistant and continuous expertise, Mr. President while this might also have some merit, there are also demerits. Mr. President many times it can be in the interests of a juvenile to have a change of individuals looking into a particular case, because we are all human beings, including the Magistrate in our courts; including any member of the legal fraternity, and Mr. President many times as the mover of the motion has said, he had the experience of going to the Juvenile Court twice, and it could be that one can build up a sort of feeling against an individual, and where one has this individual continuously coming before one, it is human that one could have a preconditioned mind. So, the advantage of changing and having a roster could be to the benefit of the juvenile.

Mr. President, I realise that the mover of this motion and the seconder have very good intentions for our people, because they are fine representatives, and I have nothing derogatory to say about the motion, or indeed about them. But I speak from experience Mr. President, I do not believe that the answer to the juvenile problems in this Country is the appointment of a Juvenile Judge. Mr. President, the money which we will spend on the salary and upkeep of such an individual should be put into perhaps recruiting two or three more social workers to go into the homes.

Mr. President, I would reiterate, my congratulations to the mover of this motion, and that I feel that the intentions are all good, but from experience Mr. President, I do not feel that the appointment of a Juvenile Judge for the Cayman Islands is the answer at this time, and accordingly Mr. President I am not in a position to support this motion.

Thank you Sir.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Mr. President.

Mr. President, I rise to support the motion before us. I must say that I have some reservations as to exactly who this Juvenile Judge might be. However, on listening to the mover of this motion put forth his case, although I did not agree entirely with all he had to say, there was a lot which he said which made sense.

However Mr. President, as I have said a number of times in this Honourable House, prevention is always better than cure, and I would like to once again repeat that, that the emphasis must be on prevention rather than cure. However, we do have a problem in these Islands. We do have a situation where young people must appear in the Juvenile Court before the Justices of the Peace.

As a child I have never had to come before anyone because of problems, and I am grateful for that. However Mr. President when one has to have a change of faces every time one has to appear in the Juvenile Court I think this in itself is detrimental to following through on a particular case. There might be a few children that this would not affect, but for the most part, a child if he sees the same individual time and again, and that individual is a caring person, well versed in the problems of children and young people, someone who understands the background of the child, his history, his home environment, a rapport is built up between that child and the individual that he sees time and again. I feel Mr. President, and I have no intention at all of belittling the services of Justices of the Peace, because in truth and in fact, there might be amongst the Justices of the Peace someone who might be able to fill such a position, I do not know. However I do feel that the rotation of Justices of the Peace on the Juvenile Court is not necessarily the best situation for a child who has to be followed: who has to be counselled, he sees one person today, someone sees him next week or next month and this lack of continuity has to somehow bring within that child a resentment. Because, every individual is counselling him perhaps in a different way, and every time he meets a new person, he first of all has to learn to trust that person and put his faith in him and get to know him. Whereas, if there is an individual who is working with that child constantly, it has to produce more favourable results.

I can think right now Mr. President, of a number of young girls whom a certain social worker on these Islands worked with continually. She followed those children through, and I am telling you, I am so pleased with the outcome to see the way in which they are taking their places in society. Otherwise, I am sure they would have gone down the wrong path, because everything it seemed was against them.

Mr. President, I realise that we have a lot of factors which are contributing to the situation which we have before us. But we cannot brush under the carpet what is already here. We do have young people who need attention, and this will continue to be so, no matter how many social workers we have. We will have those few, and hopefully, they will continue to be few who will need to appear before a Juvenile Court. In so doing Mr. President, I feel that the motion before us is seeking to provide a means of continuity. One may have several different people sitting there; we may be able to solve this problem by certain Justices of the Peace working with a child continually; we may be able to solve it in this way, I am not sure. But as I see it here, what we need is for a child to build up trust in certain individuals.

MRS. DAPHNE L. ORRETT (CONTINUING): A lot has been said Mr. President of the root causes of our problems, and I agree that there is a lot of truth in what has been said. However Mr. President, I still insist that prevention is better than cure, and we have to tackle a lot of the problems which are here. In some cases Mr. President, parents are out of the home because there is a necessity, a grave necessity. There are other cases Mr. President when this is not always so, and that is a **pity.** There are some individuals who must have as much as the other person has, and in these cases we find it is to the detriment of the children. They are neglected, they fend for themselves and much of the problem is that there is a lack of parental care and love. It is a **pitiful** situation.

However Mr. President, I do not particularly plan to spend too much time here, except to say however the situation is resolved, I feel that we need to have continuity between the child and the Justices of the Peace, a Juvenile Judge however we are going to go about it, and having said that I support the motion.

MR. PRESIDENT: I think it may be convenient if we take a break. I suggest perhaps it maybe wise if we try to limit our break. I will say it will be for ten minutes, and maybe you will be back in fifteen.

AT 11:25 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:40 A.M.

MR. PRESIDENT: Continuation of debate on Private Member's Motion No.11/86. Any other Member wish to speak? If no other Member wishes to speak....the Second Official Member.

HON. MICHAEL J. BRADLEY: I do not think Mr. President Sir I would ever be very successful as a jockey; there was one called Harry Wragg who was known as 'the head waiter' because he always made his effort at the last minute, and followed the field up to then, and then came in ahead of them.

I having been asked on behalf of the Government, because it is within my Portfolio responsibility, to reply to this debate, and was waiting to hear the views of all the Members here, so that I would be able in as much as I can to respond to the points made by them. But since obviously, they have all, those who wished to speak have already spoken, I feel that it is now an appropriate moment for me to speak immediately before the reply.

Mr. President Sir, the motion before us today states that juvenile problems have increased in complexity and frequency. It states also, there is need for consistant and continuous expertise in dealing with these problems, and asks us to resolve that Government investigate the possibility of appointing a Juvenile Judge.

I was Mr. President, rather perplexed by what was ment by a 'Juvenile Judge' but having listened to the mover of the motion, I realised that he was not in fact asking for juveniles to be judged by one of their peers, namely by a seventeen year old, but was in fact, asking for there to be appointed one person to be responsible for sitting in the Juvenile Court, and I am sure if I am wrong in my interpretation, that the Honourable Member would be only too quick to correct me.

HON. MICHAEL J. BRADLEY (CONTINUING): The points which have been raised in the debate Mr. President, have dealt to a considerable extent with what happens in the family, and what happens in society before in fact the point arises where a juvenile is brought before the Courts here.

I think what has been said by Members is relevant, is worthy of thought, is worthy of consideration. But really it is something which does not deal, or is not relevant directly to the motion in front of us, about the appointment of a Juvenile Judge.

Sir, in case any person listening to the debate on this motion is unaware of it, our Law concerning juveniles who are brought before a Court, is substantively dealt with in our Juveniles Law which was passed in 1975 and has been amended once. It is my understanding that my Honourable friend and colleague the First Elected Member of Executive Council has under consideration the need for updating and revising this Law, and that matter is actively under consideration. However, be that as it may, the Law which we have before us is the Law as it is administered in the Cayman Islands, and that Law is designed to deal with juveniles or persons under the age of 17 years; on the general principles that in dealing with a juvenile or a child brought before it, as an offender or otherwise, it must have regard to its welfare and in a proper case, take steps for removing it from undesireable surroundings, and for securing thatproper provision is made for its education and training.

Our Law provides that a Juvenile Court can consist either of a Magistrate or of three Justices of the Peace sitting as a bench, of whom at least one must be a lady. The Practice presently in the Cayman Islands is that there is a bench of Justices of the Peace, and the post of Justice of the Peace is an old and honoured office in the British Common Law. It has existed for almost nine hundred years, and people are appointed as Justices of the Peace to keep the Queen's Peace and are people appointed to that post who are recognised and honoured in the community for their wisdom and their experience and their percipience of the needs of the community. A person does not ask to be appointed as a Justice of the Peace; a person is honoured with that appointment.

MR. W. McKEEVA BUSH: Is that so in the Cayman Islands?

HON. MICHAEL J. BRADLEY: Yes Sir, it is.

And our system provides that they sit as a bench and our system also now that we have the legal expertise available to us, since we have now been fortunate to have within Government Service enough Caymanian lawyers returning to appoint one or more as deputy Clerks of Court. Our system now is such that whenever a bench of Justices of the Peace sit, that such are aided and assisted in as much as they need and require aid and assistance by a legally qualified person.

When this motion was coming, I consulted with the judiciary, and I was assured that it was a practice which was going to be in variable practice for the foreseeable future.

Now Sir, one matter which was raised in relation to the juveniles who are brought before the Juvenile Court is that there was not enough, that there was a lack of proper investigation, and may I remind Honourable Members that there is a specific provision in our Juveniles Law which says:

> "Where a Juvenile is to be brought before any Court, that the Court shall cause notice of the grounds in which a juvenile is brought, and the date on which he is to be brought, to be served on a Probation Officer a reasonable time before such date.

HON. MICHAEL J. BRADLEY (CONTINUING):

"And when that notice is received, it is the duty of the Probation Officer to make such investigation and render available to the Court, such information as to the home surroundings, school record, age, health and character of the juvenile as the Probation Officer is able to obtain and as is in his opinion, likely to be of assistance to the Court."

The Probation Officers in these Isles are hard working, conscientious and dedicated people. Not only in many cases are they hard working, I suspect in relation to the Courts that they are in many cases possibly over worked, and maybe, and I am saying this for myself and not for the Honourable First Elected Member, it maybe that one of the ways to ensure that there is the fullest possible attention given to the way in which juveniles who appear before our Juvenile Court be dealt with, is to ensure that there is always a sufficient number of Probation Officers to be able to investigate and report in depth on each and every child brought before it. Because basically, the Courts place a great deal of weight upon what the Probation Officer says. I think in relation to what Honourable Members said about continuity, and where Honourable Members were suggesting that perhaps the solution is to have one person continuously sitting, I feel that the continuity should be with the Probation Officer, the same Probation Officer able to go to the Court whenever the juvenile has to appear before it. To be able to give on an on-going basis to the bench of Justices of the Peace, or to the Magistrate sitting alone, the history and the previous course of events which led to this particular appearance.

Mr. President Sir, the question before us is that consideration should be given to the appointment of a Juvenile Judge. Our Juvenile Court presently sits on a Friday, once a week to hear cases concerning juveniles. I feel that the appointment of a person solely for that task would, on a fulltime basis not be justified, and I feel that the time is not appropriate for that measure to be introduced.

One matter which has been under consideration by the judiciary, by my Chambers and by other persons, is the possibility of sometime in the future structuring our laws here to provide for the establishment of a Family Court, and that would be a Court whose responsibilities would deal with all matters relating to the family; who would deal with matrimonial matters, with divorce, with maintenance, with affiliations, with all other matters which a family as such can be involved in, and last but not least, with the law relating to juveniles. Because the juveniles, it may be trite to say it, but the juveniles of today are the citizens of tomorrow, and if our parents fail in bringing us up properly, if the Probation Officers and the Courts fail to point us in the right direction, then the society tomorrow will not be the place that we hope now that we can make it for them.

Mr. President Sir, I appreciate and I respect the intentions of the Honourable Member in moving this motion. I can say to him and to all Members that the Courts of these Lands and my Chambers and Government are always receptive to any suggestions which could be made for the improvement of the manner in which our children who are straying, can be dealt with and brought back to the straight and narrow path, and that we will always endeavour to implement such suggestions when the time and the need is appropriate to them.

Having said that Mr. President Sir, with respect, I cannot support the motion as at present moved.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I have to apologise for a bad cold which I have, and which prevented my taking part in the debates yesterday. But as it seems to be getting worse, I am going to defy it, and say a few words.

I cannot support the motion before the House for two reasons. One is that I believe our present system of Justices serving in the Juvenile Court with a legal adviser is working quite well; and two, I believe that attacking the problem of juvenile delinquency we would be starting at the wrong end if we spend money on appointing a Judge. I believe if one is ever going to help juveniles, one must start at the other end, that is when the person is a child, which can only be done with the help of parents, teachers, social workers, probation officers, whatever. So, if the Government has additional money to set up another Court with a full-time judge, I would think that that money would be better spent providing one more worker. Because, there is no question about it, our Social Services are inadequate. The probation officer will see the child one hour per month. He is probably lucky if the officer can spare that much time for one child, and for the rest of the month the child is on the street.

The problem we have with juveniles is a problem which is plaguing the entire world. It is not only in poor countries, and developing countries. They have the problem in places like Sweden where they have no slums. Perhaps it is just that the fabric of society is weaker than it used to be. Perhaps it it because the family is not a unit as it used to be. We may blame parents, however in the Cayman Islands we have a society where it is almost always necessary for both parents to work, unless the husband earns a lot of money. For young couples with children, we find that the mother may have to work to help pay the rent, or pay the mortgage. The attitudes of people have changed over the years - for example, my mother used to spank me until I was in my teens and when she stopped spanking me, sometimes she quarreled so much I would wish she would spank me instead, and I believe we are losing a lot of discipline in the home. Because a child who is loved at home by his parents can well be spanked and the child will accept it. But we have children, we have heard about eight year old children who cannot be disciplined at home, this has to be utter nonsense. The child would not rebel against a little spanking now and again if the child knew that he was loved in the home, and I believe this is one area where parents have failed. If one spares the rod one will definately spoil the child.

In his book 'One Million Delinquents' Benjamine Fine wrote these words:

> "We would not have so many delinquents if their mothers hugged them and kissed them, and when necessary, spanked them. The child who knows he is loved can accept discipline, even the woodshed type."

So this problem is a serious problem. The people who serve as Justices of the Peace are, in my opinion, some of the finest citizens in this land, and I was really hurt to hear disparaging remarks against these fine men and women. They have been appointed as the Second Official Member said, on merit because they are people of experience, people of some worth in the community. I believe that these people who are all Caymanians must have a better understanding of our way of life, and can better understand the problems of children than any new person we could appoint.

MR. G. HAIG BODDEN (CONTINUING): We have the problem where like all other Governments in all other countries, we only spend money on children and on criminals as a whole after they get in trouble. We spend more money on killing stray dogs than we do in helping problem children. We put more attention on it, we get more publicity in the newspapers for turning a fish trap into a dog trap than for helping one poor child. Because, I believe that children are not naturally born to be good. They have to be made good citizens, and I found an interesting quotation here which I do not believe is exactly true of Great Britain, because this was written many years ago, but in essence it is true. It said:

> "Britain has one answer to the problem which in one year resulted in a drop of 14 per cent in juvenile delinquency, of which only five per cent was violent. Britain's attitude is that children are not naturally good citizens until society has made them so. Therefore their methods include strong disciplinary powers for teachers, including whipping, establishment of youth clubs, strict control of child consumption of movies, television and comic books. Frequent Courtroom fines for the parent instead of punishment for the child."

I do not know how many years ago that was written, and I do not know the source of the writing, but there is a lot of truth in it, that when the child gets into trouble many times it is because the child has not been disciplined in the home, and sometimes even when he is disciplined in the home he is influenced by his surroundings, by his environment, and there are just more pressures. For example, in the Cayman Islands we know that the Government has contributed a lot especially since the last election, although I do not want to get political. We see the easy availability of drugs and alcohol, we see every lamppost receiving a liquor licence. We see the number of liquor establishments on North Church Street doubled, more than doubled since the last election. We see the drug law relaxed, and even in this Sitting, we had one more example where the rewards for the illegitimate child were more than doubled.

So we do have a permissive society, and there is no question about it. J. Edgar Hoover who at one time headed the FBI for many years, had this to say about juvenile delinquency:

> "Juvenile delinquency can be prevented, it is not a scourge which rules with an inevitable necessity. One of the best weapons with which to attack this malady is religeous training. The young boy and girl trained in the teachings of the Bible have a moral reliance which serves as a compass for every day living. They know the difference between right and wrong, good and evil. They are able to conquer the temptations of life."

And one other writer said:

> "One way to curb delinquency is to take the parents off the street at night."

We are dealing here with the matter of appointing a Judge, a special Judge, and I believe that this is like shutting the gate after the horse has gone out, it is a futile exercise.

Yesterday I listened to one of the best guest speakers we have had at a Rotary Luncheon in many a year, and it was Mrs. Angela Martins, the Director of Social Services. She spoke about the good work being done at the Boy's Home and the Girl's Home, both of them built by the Rotary Club. But the message she left with Rotarians was that these people at these homes know about your money. They know the Club is well off, and has spent the money to build these.

MR. G. HAIG BODDEN (CONTINUING): But she would like more involvement on a person to person basis, so that these people would have an image to look up to. That they would find the people that were not critical of their behaviour Because one of the things which really makes a bad child worse is when everybody condemns every action, and just writes the person off as a bad child. I think if that young lady is given the support and the policy direction which should come from the Government, she can go a long way. But she needs money to do the job. We have consistently tried to get more social workers, and when I say social workers, I do not mean people who are sitting behind a desk and writing reports, and putting out endless statistics and getting their pictures in newspapers. I mean people who are going into the districts, into the homes, examining the complaints, seeing how the children live and making recommendations.

So when the child reaches the juvenile bench, in many instances it is a little bit late to start, and then what is ahead for him is probably the Remand Home, or the Boy's Home, or prison one day. What has happened in the Cayman Islands is perhaps what has happened in other areas. We simply warehouse kids, we spend a lot of money on their detention after they commit crimes. In the United States it has been found that on a per capita basis, they spent more money to kill one Viet-Kong soldier, or to control bad breath than they do on one juvenile who is in trouble. If this is true, in a country like the United States the situation must certainly be much worse in a developing country like the Cayman Islands. So, it is a matter of getting our priorities right.

Yesterday the House accepted a motion which will cost probably a million dollars, if they build the Civic Centres in West Bay and George Town. While these buildings may be needed, I believe it is going to be as the Compass said in its editorial, "we will have another building, locked up with not much use". In an area say, like George Town I feel that the money could be better spent using the facilities we now have, rather than putting up a new empty structure.

If the appointment of a Juvenile Judge, or a Judge for the Juvenile Court could prevent one child from getting into trouble, I would support it. But the Judge cannot prevent one child from getting into trouble, he can only deal with the masses who come before him.

I believe that there have been bad children all along, as well as good ones, and in fact, one person said that juvenile delinquency is simply modern terminology for a kid doing what an adult did when he was a kid, and so while we term these children as delinquents, perhaps some of them are not doing any worse than some of the adults that now condemn them, did when they were young. It is only that they have different materials to work with, and perhaps far greater opportunities to practice the little devices which they practice.

To my mind the appointment of a full-time Judge would not do what is expected in putting forward the motion which has been stressed, that it would bring continuity in the cases, and I do not believe it would. Because, no one person would act full time, particularly if he is a Civil Servant, he would be forced to take leave, he would have the days off when he is sick, and probably there would be times when other matters would be pushed upon him and he could not sit in the Court. I do not think it is necessary for one person to be sitting in judgement on the same kid month after month. There is already continuity in that files are kept on the individual children. The probation officers make their reports, and I would trust that whenever a child has a problem, research would be done, and I believe is being done, and the Court, the Justices or whoever sits in the Court, are made well aware of the background to this child, and perhaps the reasons why the child got into trouble in the first place.

MR. G. HAIG BODDEN (CONTINUING): We learnt from Mrs. Martins yesterday that the Boy's Home is full. It has accommodation for 15 boys, and it is full and has been full since July of last year. The Girl's Home was not quite full yesterday, but it has been full in the past and is not very far from being full. So, it would seem to me that we need more accommodation of this type.

Because this is so important, I would like to just close by saying that I know that these homes, particularly the Boy's Home which has been in operation for some eight or nine years has helped children. I remember one boy who went to the Boy's Home. When he came to the home he had not attended school, except for five days in the previous twelve months, and after one year, that child received a prize for perfect attendance at the school, and this is what the home had done for him. I remember another young man whom I met on the street not too long ago, and he spoke to me and he said "Mr. Haig, do you remember me". I said that the fact was familiar but I didnot remember. Well he said "do you remember one night you visited the Boy's Home and they told you that I was the worst child in the home." I said "yes". He said "well all of that has changed. When I left the home I got me a job and I have been working ever since, and I am saving my money, and I want to thank you fellows for what you have done for me". And there was another boy who, when he was given the opportunity to go home for a weekend after he had spent a couple of months at the home, refused to go home to live with his own parents and spend the weekend, because the home environment was so bad. So, there are ways of helping children, and it can be done through Government's cooperation, with the Service Clubs, with the probation workers and we often criticise the Social Services, and we often criticise the Government for not doing more. But I think we ought to be thankful for where we have come from, and they get very few praises. I know myself, I find it difficult sometimes if somebody comes to me in dire need and I approach the Social Services. Sometimes they find it difficult, but they are always willing to help and to investigate, althought it may not move as rapidly as I would like, I can say that there has been very good cooperation, not only during Mr. Truman's time but during the present Member's time, and I believe that they do have some dedicated workers. I believe that we have in the Juvenile Courts, Justices of the Peace who are keenly interested. We heard one of them speak, and although he is a young man, perhaps young in years but he seems to have had a lot of experience. He gave us a picture of the effort which is put out by our present Juvenile Court, and if the idea for bringing this motion is to help the juvenile, I would say it is a splendid motion.

However, I must close by saying that I do not believe that the Judge can help the juvenile. We have to start at the other end of the programme.

MR. PRESIDENT: Does any other Member wish to speak?
The Member for North Side.

MR. D. EZZARD MILLER: Mr. President, as the seconder of this motion, it goes without saying, that I am going to support it.

In listening to the debate here this morning Sir, I think we have in fact, even though we may not succeed in getting the motion passed and getting a Juvenile Judge appointed, we have achieved the objective which was written between the lines, and that we have got Members to focus on the juvenile problem in this Country. Most of the speakers have given some undertaking to pay more attention to what is happening to the juveniles.

MR. D. EZZARD MILLER (CONTINUING): It would be nice if the Members in this Honourable House, whose constituencies have these lovely Civic Centres which have been built for years at a cost of huge sums of money, could in some way organise programmes in those facilities for the youth. That in itself will also help with the juveniles.

Semantics have been played a little bit Sir, by the lone speaker on the Government bench. Although he was hoping that we all had spoken, I will remind him of what was said here many years ago by an old gentleman from Cayman Brac, which was that only a fool or a dead person cannot change his mind, and after listening to him, I have been motivated to speak Sir.

We were not asking for a juvenile to be appointed as a Judge, because I wonder what happens in the case of a criminal Judge, if one is going to look for criminals to appoint as Judges too. I hope Sir that our judicial and legal fraternity are not leading in the way the medical fraternity were leading a few years ago in the United States, in that no one but a doctor could determine a malpractice suit, because they have to be judged by their peers. So I hope we are not getting to the stage here where all criminals have to be judged by criminals, because only criminals would know who are real criminals.

But Mr. President, the juvenile problems are increasing in complexity, and while I have a lot of respect for many of the Justices of the Peace who sit on the bench, I have attended the Juvenile Court in recent months a few times. In fact, on one occasion I was ejected by the Justice of the Peace on the bench, because I did not have permission to enter. So thereafter I got permission. I was there long enough to get the feeling that it was somewhat of a circus, because people were popping up and making statements in an ad hoc fashion. In one case I can remember, it really did not appear that any of the Justices of the Peace took the time to read the document which was prepared by the Social Worker, because they were about to pass judgement, and the judgement was obviously not going to be what the poor social worker had hoped. So she had to interrupt them, and explain to them what the whole report was getting at. It was not to send the child to Jamaica. I often wonder Sir, on the selective process if as the Second Official Member has said, some care can be taken in selecting some of the Justices of the Peace. Because even though they are upright citizens in their own right, in many ways they are out of touch and they are too quick to rely on the Second Elected Member for Bodden Town's methodology of the strap or the harsh treatment, or what a friend of mine calls 'relative therapy'. Not that I do not think that it has its place, but in some instances that only compounds the problem.

We felt in bringing the motion Sir, that the rotational process which has just been started, where all Justices of the Peace serve at one time or another, could lead to problems. The motion does not ask that a lawyer be appointed, or that some persons with only legal training be appointed. What we were seeking was some person who could consistantly, adequately and expertly, and would take the time to read the social workers reports, and the probationary reports in the Court, be appointed to pass judgement on these young people so that we can in fact be of some help to them, and not send them further astray.

Mr. President, I support the motion.

MR. PRESIDENT: Does any other Member wish to speak? The First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, just a few words to perhaps assist in the debate.

The motion which is before the House to appoint a Juvenile Judge for the Cayman Islands, I am sure as the previous speaker indicated, it has caused all of us to perhaps focus a lot more than we have in the past on the juvenile problem.

But Mr. President, we only need to search our own backgrounds, and we can perhaps identify as to why some of these things are happening today. As a boy Mr. President, growing up, mothers were at home. Mothers looked after their children, and if you were playing down the street at a neighbours house, and you became mischievous, and your neighbour spoke to you and you did not listen he or she gave you a whipping, and you did not dare go home and tell your mother and father that the neighbour whipped you, because you would get another one. The closeness of the neighbourhood, and the respect which was there between parents was such, that if your neighbour or my neighbour gave you a whipping, my parents realised I deserved it. If you try that today Mr. President, you will not end up in a Juvenile Court, you will be before the magistrate. But look at it from another view Mr. President, parents are not all at home today, some of them are, a good majority are not. This trend began to the best of my recollection Mr. President in the early 1960's, and perhaps quite a bit of it is caused by the fact that the father is not making sufficient funds to buy the clothes, to put the food on the table and to have other amenities required by the home. So the wife and mother in an effort to assist, goes to work. In going to work, it means that the children do not receive in most cases the same attention, as perhaps some of us from my generation have received. In addition to all of that Mr. President, the temptations which are on the street today are substantially different from what it was in my day. I believe that although the neighbours may see the kids playing, because of the situation they find themselves in, they have enough difficulty looking after their own children. And while they may wish to look after others, the time is just not there.

So Mr. President, economic development which we boast about also brings a little bitter with the sweet. There is Mr. President a need to focus more attention on the juvenile. There is the need to focus on the entire family unit, and I believe Mr. President that in the coming months and years, much attention will be given to this area.

But to sum up Mr. President, with respect to the mover and seconder, I am sure that even they may now agree that the answer to it is much more comprehensive. We must take a much more comprehensive approach than just the appointment of a Juvenile Judge.

I cannot support the motion Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

MR. W. McKEEVA BUSH: Mr. President, I probably intimated in my opening remarks that I would not be seeking to reply. I was leaving this matter entirely in the hands of the Members here. But there have been a few things which have come up which I think I need to say something about.

The first Member who spoke on the Government side, and usually when he does get up and speak I can never understand him, because he uses a different kind of English than I do, and the Member was quite concerned when he began, about some jockey named Harry Wragg. I was a little more heartened when he got down to specifics and suggestions, and if I may say so, it is the first time since I have been here that I have been so satisfied with anything coming from his lips like that.

MR. W. McKEEVA BUSH (CONTINUING): Usually there is always something which I do not like, but hearing the Member make his suggestions and his intimation to the House that a Family Court is being looked at, and the suggestion about the Probation Officer, Mr. President I was very heartened.

Mr. President, I am satisfied that the problem has been brought to the forefront, and that it will be looked at, and if the House is going to vote it down, I am satisfied Sir that I have done my part in bringing it here.

Mr. President, the Member for Bodden Town put politics into a very important social situation, by trying to blame the social situations today on the present Government, by talking about actions which they have taken. But Mr. President, the Member is only whistling in the wind, because if you check back on the statistics, and I do not have them all but you can believe I have them going back a long way. When this serious situation which we are faced with now, started it was exactly when they took office and allowed the floodgates to open up into this Country, and all sorts of people came here. Drugs came in, there was murder. Mr. President a complete social deterioration existed from the moment they came into office. The statistics speak for themselves.

Mr. President, this Government, although I am not too happy about certain things, they did do some very good things. Mr. President, when we think of the Rehabilitation of Offenders Law, that has some very good effects on our society. The Maintenance Law, another good Bill which was introduced and passed here. The Misuse of Drugs Law Mr. President, which had more effect on our people over the last five or six years, which they introduced and amended by tying the Judges hands, and taking the discretion completely away from him, and allowing what I term as the 'barefoot boy' to be put in prison for a stick of ganja, while criminals thumb their noses at our law enforcement agency in this Country. That Member should be completely ashamed of that particular statement which he made. He knows it is not true, and if we look at the statistics Mr. President here, they are not too disheartening when we look at the statistics. At least over the five-year period, 1981 1,519 crimes; 1982 1,674 crimes; 1983 1,384 crimes; 1984 1,367 crimes and Mr. President we had an increase in 1985 to 1,951. But the great importance of this whole thing is that the Member would not try to tell our people that we had a very good detection and clearup rate, and that is the relation which we need to look at and apply to this situation. The Police Force, I am not entirely happy with certain things there, but they are in a better position today to an extent, than when Commissioner Stowers was here and all sorts of things were hidden. Politics should not have entered this, and that is all he was doing. Mr. President, another remark he made was about the disparaging remarks concerning Justices of the Peace. Mr. President, I did not make any disparaging remarks about any Justice of the Peace. I congratulated them for what they have been doing.

I cannot say any more on this Mr. President. I think the Members have put their cases well, even the Member for Bodden Town who spoke on it, made some very good points, but he spoilt it, and that is why I did not support them after the first time they were elected. The good things they did, they were just like a cow, after giving a good bucket of milk they put their foot in it.

The motion is left to the House.

MR. PRESIDENT: The motion before the House is Private Member's Motion No.11/86. I shall now put the question.

QUESTION PUT: AYES AND NOES

MR. D. EZZARD MILLER: We will take the Ayes Sir. Can we have a division please.

MR. PRESIDENT: Certainly you can have a division, yes,

DIVISION NO. 20/86

AYES	NOES
Mr. W. McKeeva Bush	Hon. Thomas C. Jefferson
Mrs. Daphne L. Orrett	Hon. Michael J. Bradley
Mr. D. Ezzard Miller	Hon. John Lemuel Hurlston
	Hon. Benson O. Ebanks
	Hon. W. Norman Bodden
	Hon. Capt. Charles L. Kirkconnell
	Mr. Linford A. Pierson
	Capt. Mabry S. Kirkconnell
	Mr. G. Haig Bodden
	Mr. John B. McLean
3	10

MR. PRESIDENT: I declare the motion lost.

MOTION DEFEATED BY MAJORITY VOTE

MR. PRESIDENT: Before I suspend proceedings which I propose to do for lunch, I just wanted to remark that I have sensed that I think that a majority of Members would hope to finish the Meeting today, and to complete our business. That I would therefore propose firstly, that we resume at two o'clock, secondly that we forego our normal afternoon break, and thirdly that if necessary, we suspend Standing Orders in order to enable business to be completed, and I am just forewarning Members that it will of course be in the hands of the House as to whether we do suspend Standing Orders, and as to whether it is necessary to do so. But in case any Members want to make preliminary arrangements in case we go on a little bit late, they may like to. For my part, on the assumption that I am right in believing that most Members would hope to finish today, I would propose this afternoon to be a little **stricter** in my interpretation of the rules of relevancy. This morning I allowed the debate which has just been completed to wander really quite a long way from the terms of the motion, because I thought it was an important subject, and I believed that the House wished to have an opportunity to speak fairly fully about it. I would hope this afternoon, that Members would restrict themselves fairly closely to the terms of the actual motions, and would hope they would understand, if when they stray, I have to bring them back.

MR. W. McKEEVA BUSH: I agree with you Sir, no politics.

MR. PRESIDENT: I now suspend proceedings until approximately two o'clock.

AT 1:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:05 P.M.

MR. PRESIDENT: The third of the Private Member's Motions. Private Member's Motion No.12/86. The Second Elected Member for West Bay.

PRIVATE MEMBER'S MOTION No.12/86
PENSION/EX-GRATIA PAYMENTS

MR. W. McKEEVA BUSH: Mr. President, I beg to move Motion No.12/86.

WHEREAS there are citizens of this country who have served in the Civil Service for ten years or more;

AND WHEREAS these people and/or spouses are in need of financial assistance;

BE IT RESOLVED that Government investigate the feasibility of paying such persons a pension or an ex-gratia payment.

MR. D. EZZARD MILLER: Mr. President, I beg to second the motion.

MR. PRESIDENT: Private Member's Motion No.12/86 is duly moved and seconded. I invite the mover to speak to it.

MR. W. McKEEVA BUSH: Mr. President, the motion before us is asking Government to look at the feasibility of providing a pension or an ex-gratia payment to certain people, or their spouses who gave at least ten years of service to this Country.

The people whom I am thinking about Sir are those who work for little or nothing, and perhaps were not permanent and pensionable employees of the Government at the time when they were being employed, or at the time even, when they left the Government service. I am also thinking of those outstanding Caymanians who have given a lifetime of service to these Islands, who were permanent and pensionable, and have now gone on to glory. Mr. President, their good wives who stood by them all through those many hard years, are today in need, but who are not even getting a plugged nickel from Government. When their husbands passed on, their pension died with them, what little they were getting.

We have some ex-policemen who are getting nothing from Government, when they gave dedicated and unstinting service to this Country, yet they are getting nothing.

Mr. President, when certain legislators voted themselves a pension for six years service, and gave their spouses fifty per cent of that pension in the event of their passing away; and when pensions were being voted in this Legislative Assembly, I said it would open up to a whole new series of people who gave service to this Country, saying that if legislators can get one for six years, I can get one too. Whatever may be said, these people who feel that way have every right to do so.

Mr. President, I do not like to call names in this Legislative Assembly, but we had one such man in these Islands who did great work in the Police Force, who held this Country together. Not only being at the Police level, but of Customs and many other areas as well, and today they have completely forgotten about his contribution, and his good wife is not even considered for $25.00.

MR. W. McKEEVA BUSH (CONTINUING): Therefore Mr. President, I am asking Government to consider the cases of these destinguished citizens of our Islands, and to assist them in circumstances where they need assistance.

The motion again is left to the House, and if they care to vote it down, I have done my part in trying to point out a need. Thank you Sir.

MR. PRESIDENT: The motion is open for debate. Does any Member wish to speak? The Honourable First Official Member.

DEBATE

HON. THOMAS C. JEFFERSON: Mr. President, I am sure the mover of the motion is filled with good intentions, and I remember some of the comments which he made during the passing of the amendment to the Parliamentary Pensions Law, some of which he has already quoted. I also remember him saying to us that we did not know the cost, and we agreed that we did not, but we were dealing with the principle of the matter at that particular time, especially those dealing with vestrymen.

But Mr. President, the Pensions Act which has been on the books of this Country for some number of years, and the Government employees whom we have had, I agree, some very dedicated Civil Servants and by the definition of Civil Servants Mr. President, I include all Government workers. It is those persons who played a major part in our development. At the time of their employment, the benefits for which they qualified I feel certain, they were given.

This matter of pensions Mr. President and benefits, as we go on in years in the future, whether we are looking at what took place in 1986, and who left Government and did not get proper compensation, and we are looking at this in the year 2000, I am sure all the legislators in that year will probably sympathise as well, and may even echo the same sentiments being heard today. We owe them Mr. President, a great debt, but the act of agreeing with the motion which is very broad indeed, we know the intent of the mover, and I agree with the sentiments of the motion, that Civil Servants who have passed on, leaving their wives behind, or the opposite, wives who pass on leaving the husbands behind, and the husbands or wives are in need, certainly Mr. President if that is the case, we can find some means of Government rendering some assistance.

But Mr. President, I cannot agree with the motion.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

MR. W. McKEEVA BUSH: Mr. President, I am sorry to hear that Government cannot accept this motion, and the reasons given Sir are very pitiful ones; the motion is broad, what is so broad about it Mr. President? After all, the motion is asking to investigate the feasibility of paying such persons a pension or an ex-gratia payment. What is so broad about investigating the feasibility. The first part of the motion is saying that the persons must have served for at least ten years, so that is narrowed down.

I do not believe Sir that the broadness of this motion is the reason why Government is not accepting it, but I will leave them alone Sir, time is longer than rope, and time is catching up on them. Cannot give a pension - they cannot even investigate it, but they can come here without even knowing the full cost of what this Legislative Assembly pension would cost this Country, they went ahead and amended the Law, and voted pensions which some people are going to get in the region of $1,500, some people are now getting in the region of $800, $700.

MR. W. McKEEVA BUSH (CONTINUING): For six years service Mr. President, some of them sat down here and did not even open their mouths, and then they say they gave good service. It is not to say that just because you open your mouth, that you are getting things done, but their record speaks very well for some of them. Some of them were failures as representataives of the people, yet they are enjoying a pension in the region of $700, $800 and some will receive in excess of $1,500 when they retire. There are people in our community who were dedicated, and worked for pennies, a pittance Mr. President, and Government now cannot even investigate the feasibility - shame on the Government.

MR. PRESIDENT: The motion before the House is Private Member's Motion No.12/86. I will put the question.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: Mr. President, can I have a division?

MR. PRESIDENT: Certainly.

DIVISION NO. 21/86

AYES	NOES
Mr. W. McKeeva Bush	Hon. Thomas C. Jefferson
Mr. D. Ezzard Miller	Hon. Michael J. Bradley
	Hon. John Lemuel Hurlston
	Hon. Benson O. Ebanks
	Hon. W. Norman Bodden
	Hon. Capt. Charles L. Kirkconnell
	Mrs. Daphne L. Orrett
	Capt. Mabry S. Kirkconnell
2	8

ABSTENTIONS

Mr. G. Haig Bodden

1

MR. PRESIDENT: I declare the motion lost.

PRIVATE MEMBER'S MOTION NO.12/86 DEFEATED BY MAJORITY

MR. PRESIDENT: Private Member's Motion No.13/86. The Third Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO.13/86
PROHIBITION OF SALE OF LIQUOR ON SUNDAYS

MRS. DAPHNE L. ORRETT: Thank you Mr. President.
Mr. President, I would like to move Private Member's Motion No.13/86 on the Prohibition of Sale of Liquor on Sundays. It reads as follows:

MRS. DAPHNE L. ORRETT (CONTINUING:

WHEREAS Sunday has traditionally been regarded as the day of rest and worship in the Cayman Islands;

AND WHEREAS the sale of liquor and other alcoholic beverages now permitted on Sundays is considered by many of our people as being detrimental in the upholding of this tradition;

AND WHEREAS liquor and other alcoholic beverages do not fall within the category of saleable items under the Sunday Trading Law;

BE IT THEREFORE RESOLVED THAT this Honourable House do move that the Government take immediate steps to introduce legislation to amend the Liquor Licensing Law so as to prohibit the sale of liquor and other alcoholic beverages on Sundays.

CAPT. MABRY S. KIRKCONNELL: Mr. President I beg to second the motion.

MR. PRESIDENT: Private Member's Motion No.13/86 has been duly moved and seconded. I now invite the mover to speak to it.

MRS. DAPHNE L. ORRETT: Thank you Sir.

Mr. President, you will recall, as will Honourable Members of this House that some nine months ago approximately I brought a similar motion before you. I feel now as I did then that this motion was not one which only reflected my own feelings, and those of a few members of the community. Quite to the contrary Mr. President, when that motion was rejected last year I received a flood of telephone calls, personal calls and visits, letters voicing disappointment and deep concern over the problem of the sale of liquor generally on these Islands, but in particular on Sundays.

Mr. President, since the recent revision of the Sunday Trading law, this concern has again been voiced time and time again, regarding the reckless breakdown of our traditional values, especially in the sale of liquor on Sundays, and its resultant havoc, of respect for and honouring of the Lords Day.

Mr. President, this motion before the House is not only my motion, it is the motion of the majority of the Caymanian people, including the people of Cayman Brac whose recent fight against the opening of another barroom was lost. A fight which was to help to keep peace and harmony in a community, was lost for the sake of pleasing a few people.

Mr. President, this motion expresses a deep concern on my part. We stand here and we talk about social problems. We talk about the needs of Government to find ways and means of helping to solve the problem of juvenile delinquency. We have admitted that the problem starts in the home, primarily that is where the blame is laid, and Mr. President although I realise that the prohibition of the sale of liquor on Sunday is not going to cure all those problems, I want this Honourable House to ask the question, is it going to hurt, or will that prohibition create more problems, or will it help to eliminate some of them? Mr. President, if one and I usually do not drive through other districts on Sunday, I am usually at home, or visiting someone in my own district; just drive by the places which dispense liquor on a Sunday, Mr. President to put it mildly, it is disgraceful. The motion which I am bringing here Mr. President is not something new, which even if it were, it would be very much in order because liquor is our worst drug at the moment, and in my counseling with many young people on the use of cocaine and marijuana, time and again they have repeated it "Why you people make such a big thing over this, when everybody else can drink as much as they want".

MRS. DAPHNE L. ORRETT (CONTINUING): Now Mr. President, when this is allowed on Sunday, can you show me how on earth this Government can expect to convince the majority of young people around here, that we see it as a real problem? This was a tradition, Mr. President it is not today that this thing has bothered me, it is not today that this thing has bothered the majority of people on these Islands, but the Government of the day determines what takes place as far as our laws are concerned. What is permitted, rests solely with the people who sit in this House. Nothing has been done Mr. President to tighten the laws. In fact, within the last year in my opinion, we have had less strength, the grip that we even had here to fore has been less strong. We have not come down on this evil Mr. President, the way I feel this Government ought to.

Where does the voice of the Church, where does the voice of the christian community, what place does it have as far as Members of this House are concerned. Are we here to cater to a few people who openly and publically say they are sick of working hard, so they have got to find something whereby they can make money a little easier. Whereas Friday, Saturday and Sunday these juveniles whom we talk about in here whom we want a Judge for, are left almost penniless, hungry, without a home. We talk about building homes, and we offer them in one hand what they need to destroy their lives, and on the other hand we say while you do that I will build you a house.

Mr. President it is an evil. Years ago we did not have it on Sundays, and I am here to tell you Mr. President if it goes on until the last day that I stand in this House, something is going to be done about this problem, because I see it not only as tradition Mr. President. There were some things which were not done on Sundays, and I wish they still are not done, but they are not a real problem to me. For instance, I am not going to go up there and tear young people apart because they play soccer on Sunday. Mind you, I know there are people in the neighbourhood who are disrupted, they feel badly, and they wish the games were not played on Sunday because they have no time to rest. However Mr. President, in that I cannot see an evil, I cannot see anything which is tearing down humanity. I cannot see anything which is disrupting the family. I do not see anything that is causing a man, and nowadays a woman, to use her hard earned money to go out there to pass it over the counter to somebody who is only handing them back something which is killing them slowly. It is just as well you give someone a little bit of arsenic every time he goes in there.

Mr. President this is a situation which is grave. The Christian community in these Islands has to be recognized for somebody to come to tell me that I am going to lose votes if this motion is passed, because some of my main supporters are involved in selling liquor. I do not know that Mr. President. But even if they are, that is not what I am here for, and certainly, even if I were here for that, they would have had six days in which to carry on as much as they want. Now the first day, Sunday, which is our day of rest and worship, you must have a place dispensing liquor open even longer hours than the Church doors are open. Mr. President, that is a crying shame. On this Island it does not matter to me about a tourist. We give the tourist what he needs most, peace, tranquility, friendliness, stability in an Island and not to forget safety. It is not everywhere he can go now to find it. I do not have to provide liquor for him. Are you telling me, or is anyone in this House going to tell me Mr. President that a person cannot sit in a restaurant and have a meal unless he or she has liquor to go with it, and this is the puny excuse which I am given as to why liquor is sold on Sundays.

MRS. DAPHNE L. ORRETT (CONTINUING): Some of the places Mr. President, in order to get the licence to sell on Sundays, they put a few sandwiches here, a hamburger there, and outside broken humanity is all over the street. It has wrecked certain communities in these Islands, and I know in particular in West Bay I have spoken of it before, school children have to pass drunken, ruined men on the street on their way from school, and we sit here talking about "you cannot do it because it is going to disrupt and it is going to cause people to hurt."

Mr. President, I know that I am not here to single out any one business, but I have been told that the business at the Airport would hurt if they could not sell liquor on Sunday. Mr. President, I paid a dollar and twenty cents Cayman for a glass of ice with about one third of a can of Seven Up. Now if you tell me that they cannot make money, if a person is thirsty and he cannot get liquor, and he pays his dollar and twenty cents for a third of a can of Seven Up, and the man has made three dollars and sixty cents out of one can of Seven Up, do not tell me they cannot make money.

Mr. President, I am to say here and now, if this motion is supported it will be the motion of everyone in this House. If it is not, it will be mine and the majority of Caymanians out there who are asking the question 'if you cannot buy a can of cornbeef on Sunday, why should you be allowed to go out and buy your liquor to help to destroy this community?' Mr. President, we are hurting socially because we have taken the better things of life, and thrown them to the wind, and we expect that everything in our lap will be found to be what we want. I feel sorry for the Honourable First Elected Member of Executive Council. I do not think I would want his position, at least not now. He has my loyal and prayerful support for the Portfolio of Health, Education and Social Services. Because Mr. President take a step outside this Legislative Assembly Building and his problem starts right there. The mental health of men, strong men who have been destroyed through the use of liquor. I know Mr. President, and again I repeat it, that curtailing its sale on Sunday is not going to eliminate the problem. But I can tell you this, it will make the Christian community in these Islands know, as well as those who do not call themselves Christians, that this Government at least sees that we have a problem, and wants to do something about it.

Mr. President, in the four years that I am here, believe me I am not seeking power. I am not seeking for my name to be spread all over the newspaper, but believe me, if I can see a few human beings who are being destroyed by this evil I will feel good about my stay in this House.

Mr. President, I live to worship God. Mr. President I live to worship him, whether that worship takes place, or takes the form of working in this House for the betterment of my people. Whether it takes the form of living the life I ought to in my home, in my Church, in my community. I live to worship God, Mr. President I am not looking for power, I am here to say that this is a serious problem. Traditionally we did not even hear of it on Sunday, and it has now got out of hand, and unless we somehow rein this evil in at this moment, it is going to get worse and worse and worse. We are going to have a generation of drunkards, and need I say, what havoc, how many deaths does one hear about on the roads today, where alcohol is not involved. How many disruptions in the home do you hear of where alcohol is not involved. Mr. President, I lost one of my dearest, closest friends since the last time I brought this motion here, and she and I attended the funeral of a young man who happened in both our Sunday School classes, who died as a result of liquor. Mr. President this is not a joke, and one of the last words she said to me was "Sister Daphne do not give up, because every time I come here, I hate it more, and I hate to see how this Government takes it so lightly."

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, I do not have time to joke in this place. I have got a lot of other things to do, but I am saying that here is a situation that this House needs to look at and needs to look at now, and I hope that every Member in this House this evening will have something to say whether it is for or against, because silence will mean consent.

Mr. President, with that I would like to leave this motion with the Honourable Members of this House.

MR. PRESIDENT: The motion is now open for debate. Does any Member wish to speak. The First Elected Member for the Lesser Islands.

DEBATE

CAPT. MABRY S. KIRKCONNELL: Mr. President, I second this motion because I feel the time has come that we need to do something, that we ought to save our people. I have heard many Honourable Members here in this previous Meeting debating the Sunday Trading Law, who said that the reason they were supporting the Sunday Trading Law was in order that there would be a day when the people would not be forced to be employed outside the home, so that the family could get together. That the family spirit would exist, parents would have time to counsel with their children, and create a better society.

I think Mr. President, nothing is doing more to destroy this society which I think each and everyone of us here today would like to see created, than the idea of liquor being consumed not only sold but consumed on Sunday, that day on which the majority of people do not work.

I feel that it is incumbent upon the Members of this Legislature to realise that each and every tourist who comes to the Cayman Islands, comes here knowing that they are coming to the Cayman Islands whether it be Grand Cayman, Cayman Brac or Little Cayman. They are not expecting to find Miami Beach, or Atlantic City or anything else. They come here specifically because they know what they are coming for. I do not think any tourist comes here particularly because liquor is sold on Sunday. I know that they do consume it, but I do not feel that it would be that detrimental to our tourist industry. I know that that is the greatest argument which I hear on the street - it would destroy our tourist industry over night. I cannot buy that argument Mr. President, for I have been in many larger hotels where facilities are made for that, where there are small bars within the rooms. What I am concerned about are the drunks, the intoxicated people lying around the streets, disturbing Church services and what have you. It is not in keeping with our heritage. I am proud of my Caymanian heritage, I had a Caymanian for a father and a Caymanian for a mother, and I am proud of both of them. Unfortunately both of them have predeceased me, but their memory will always live in my heart. I am proud of what they taught me, and I cannot depart from that today. I feel Mr. President, that we must take steps to help our youth. We do not have to go very far, or much further than that which we have heard today, most of the social problems which have been discussed in these Private Members' Motions have been created, a lot of them, through the use of drugs and liquor. All of us have had an opportunity to make a living in the Cayman Islands. We have all been very fortunate. Some people have become addicted to alcohol and other addictions, and have not been able to take advantage of the opportunities given to them. That is what I am concerned about Mr. President, that we train up a child in the way they should go, and when he is older he will not depart from it.

CAPT. MABRY S. KIRKCONNELL (CONTINUING): I feel that if we make our effort now, to set our standards high the future generations will be a much better people. I realise that at my age that soon people will be looking at me and saying I am indeed a senior citizen, and the young people whom I am turning today to protect will be those sitting in this Legislature, and making the laws which will govern me in the twilight years of my life. If we have not given them the examples which we felt were right, the laws which they make may not be what we want to live under in our senior and last years.

So Mr. President, I would ask Honourable Members, I know it is a controversial motion, I understand the responsibilities which many Honourable Members shoulder in this House, but I do feel that our greatest responsibility is for the benefit and welfare of all the people of the Cayman Islands, and I do feel that the time has come when we must take steps to improve it. So I ask Honourable Members to give this motion their serious consideration.

Thank you Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? The Third Official Member.

HON. JOHN LEMUEL HURLSTON Mr. President, may I first of all Sir take the opportunity of congratulating the honourable mover of Private Member's Motion No.13/86, for articulating her presentation.

I sympathise with this rather controversial and sometimes emotional topic. I had the opportunity of doing a little bit of research myself on it within the last day or so, and in fact it was twelve months ago on the 29th May, 1985 that this Honourable House by a division, rejected a Private Member's Motion, the substance of which is identical to the motion before us. On that occasion Sir there were ten 'Noes' and two 'Ayes' for that rejected motion.

Because it is very controversial, this particular piece of legislation which seeks to regulate the sale of alcohol within the Islands, has been carefully considered for a very long period of time, and the provisions contained in the present Law have to be presumed to reflect the wishes of the majority of the elected representatives, when this new Law as enacted. The present Law was assented to by His Excellency the Governor on the 12th April, 1985. The Government under these circumstances, having given careful consideration to the matter, has no desire to entertain an amendment at this time, the effect of which would prove unacceptable to many persons in a variety of economic sectors in these Islands.

The motion mentioned that 'Whereas liquor and other alcoholic beverages do not fall within the category of saleable items under the Sunday Trading Law,' I believe Sir that if reference were to be made to that Law, one would find that indeed it does make reference to the Liquor Licensing Law, and the provisions contained therein. Consequently, I do not think that there is anything ultra vires in relation to either piece of legislation.

As the honourable mover conceded Mr. President, the prohibition of alcoholic beverages is not the most effective way of dealing with this problem. It is a known fact that we are catering to a tourism industry, and one has to carefully consider whether hotels, restaurants, more recently golf courses and the like, would be able to not only attract, but to repeat business if there was this general Sunday prohibition. If we were to consider prohibition in relation only to local residents, we would be accused of discrimination. Prohibition, in the experience of some territories seems to have indicated an increase in the consumption levels on other days.

HON. JOHN LEMUEL HURLSTON (CONTINUING): The answer therefore Mr. President is to not amend the Law which now regulates the sale of alcohol, but in my humble view, a part of the answer lies in our Christian heritage, whereupon our forefathers taught us by example and education, and with that education Sir, we were armed with the knowledge that we could determine the difference between good and evil, and we could exercise our democratic right in making the choice of what to do with our respective lives. Those of us who choose to take the wrong path and ruin our lives with substance abuse, or perhaps those of us who are weaker and not educated well enough to understand the inherent dangers of substance abuse. Perhaps I may suggest therefore Mr. President, that we consider ways and means, perhaps through the Churches, of stepping up our education of our population and education aimed at giving them knowledge to use to their own advantage; to the advantage of themselves, their families and their communities. Knowledge which will allow them the choice which most of the Christian Caymanians made long ago.

Mr. President, we cannot accept the motion.

MR. PRESIDENT: Does any other Member wish to speak? In that case, does the Mover wish to exercise her right of reply?

MRS. DAPHNE L. ORRETT: Mr. President, I wish to thank the First Elected Member for the Lesser Islands for his support, and I thank the Third Official Member for trying to outline the reasons why Government at this time does not see fit to support the motion.

Mr. President, the Third Official Member has proved since he has been sitting in this House that he is a strong man. But what has been put forward today as Government's excuse is feeble.

MR. W. McKEEVA BUSH: Even on the Pension thing they were kind of bad.

MRS. DAPHNE L. ORRETT: Mr. President, I do not think I got very much support from my colleague from West Bay, because I think he was actually clapping on the desk when the verdict was given from the other side of the House.

However Mr. President, be that as it may, in this House as elsewhere words are to be weighed not counted. The Honourable Member mentioned Mr. President the fact that one of the reasons why our society is being destroyed, and I take what he has said as coming from the Government Bench, parents not being with their children on Sunday is one of the reasons why our society is being destroyed. Mr. President, where are some of these parents? They are in the barroom which this Government has allowed to be opened. The less available Mr. President, the less the consumption. Do not tell me that tourists were not attracted to the Cayman Islands before this took effect. I happen to have lived here for forty four plus years, and if anyone knows anything about the tourism industry in this Country, I ought to. That is a feeble and a puny excuse.

The atmosphere for tourists is not one in which they can walk Seven Mile Beach and see drunken men pawing all over girls, parents with their children and the obscene filthy language is strewn all over the place because they are so drunk and filthy they do not even know themselves what they are saying.

MRS. DAPHNE L. ORRETT (CONTINUING): I have lived in larger cities Mr. President, and not even in larger cities do you see every barroom open on Sunday, and in these little Islands which are traditionally known for their Christian heritage, we take this issue and come here to talk about what we are going to do about our social problems. As I have mentioned, closing or keeping bars and other places from selling liquor on Sunday is not going to be a cure-all, but it would certainly help to prevent some.

The Honourable Third Official Memeber mentioned that we need to teach our children. Perhaps the Church should take on a more active role. we have taken everything away from the Church. They had at least in their favour, the fact that you could not put a bar within a certain distance, we took that away. And you will tell me today that you must ask the Church; I am not belittling the role of the Church, or under estimating it. The Church does have a part to play, and we know that in 1984 when we asked for their prayerful support, and a few months after we were here we said "thanks" by taking away the quarter-mile limit.

Mr. President, this Government cannot expect to receive the blessing of God or to ask for the blessing of the Church until they are willing to be man enough to stand up for what is right. Mr. President, I go to Church on Sunday; I sing in the choir; I teach a Sunday School class, but it takes more than that, it takes a lot more than that Mr. President and I do not need to repeat that. The day I leave here I do not want my name in any big letters, and believe you me I am not trying for it. Let me tell you Mr. President, I represent every faction of this community, every area not least of which is the Christian community in these Islands, and the Church is against this and the Members know it. But because we have a few staunch supporters who say that they cannot make it unless they sell liquor on Sundays, we are willing to see our young people and everyone else go to waste in order not to hurt their feelings.

One barroom manager asked the question, "I cannot understand how you can close supermarkets and leave the bars open?" Now this was coming from a proprietor of a local bar.

Mr. President, I know everybody has to make it, but you are going to tell me if there was any way in which a proprietor of a restaurant or a bar lost a few dollars on Sunday, even a few hundred dollars on Sunday, that would not be more sensible. That would not be more like coming from a Government who sees what Social Services really need in this Country; that has some kind of a social conscience; that is looking at the generation to come. Which is worse, putting my ten dollars into the bar managers hand, or the barroom owners hand and letting that little child go to school on Monday morning with no money.

My colleague from West Bay does not seem to support me very much on this, but I have got this to say, that the same reason why we have so many two-by-four houses in West Bay and elsewhere is because of this same evil in this Country.

MR. W. McKEEVA BUSH: You must have been talking to the First Official Member.

MRS. DAPHNE L. ORRETT: I am talking to the Second Elected Member for West Bay, who was knocking on his desk, when the Official Member said he could not support it. That is who I am speaking to.

In moving this Mr. President, I had no intention for it to apply to locals only. A drunk is a drunk, whether he is an American or from Timbuktoo, or from West Bay, he is a drunk. If somebody visits your home, he will not tell you what happens in your home. No Mr. President, he is a guest, he sits where you put him, he eats what you give him, and he sleeps in the bedroom in which you decide he is going to sleep.

MRS. DAPHNE L. ORRETT (CONTINUING): Now are you going to tell me that tourists are going to come here and say what our life style is going to be. Mr. President, I venture to say that if the prohibition of the sale of liquor was entertained in this House and in these Islands, we would not lose one per cent of our tourists who arrive in this Country. Because, the day you get a tourist coming here because he can get drunk any time he wants, that shows exactly what kind of society we have. I am sure they are not coming here for that Mr. President, that is a poor excuse.

Educate our children - yes Mr. President, we can educate our children I know that. But you know, I have seen some good, strong educated people go to waste through liquor and other drugs. Educated Mr. President, I am talking about going to college and university, although I am not so stupid as to believe that those people who are less fortunate, who do not have as much as other ones financially, who have to sleep in a two by four because a drunken father decides that what he makes must go to the nearest barroom. I know some of those are pitifull, and we have to help them. I realise that Mr. President, and there is a very positive reason for educating children, a very positive reason. When a person has a good education he feels good about himself, he has self-esteem, self motivation and believe it, he can go a long way. But Mr. President, it takes more than that. I am asking this Honourable House to tell me what good reason we had. I remember when this thing was changed Mr. President, it was one of those Americans who come around you, who get to the bosom of some Caymanians, and he decided that everybody who came to his restaurant, was asking for something to drink, and believe you me when it happened, it went like wildfire, so any little piece of two by four barroom you see on the corner now, puts a couple of sandwiches on the shelf and he can get a license to sell liquor on Sunday. Why the Christian community says "why, why, why are you doing it?" we come back to tell them that we might lose tourism. I hope you walk to every hospital and jail in this Country, and look at every drunk who you see, and tell them that because we had to cater to the tourist, is the reason why they are there.

Mr. President, I feel that this is a subject on which this House and the Members of Government should have a conscience vote. It is a serious problem. It is a shame and a disgrace. I hurt Mr. President when I think about it, because when I think of the many motions which were brought to this House, even in this Sitting speaking about social problems in some way interrelated, and we use a puny excuse why we cannot support this motion. Not the motion because it is coming from me Mr. President, there are other motions which I could bring here, lots of them. But I already know that Government has the wheels in motion for some of the things which I would like to see done, so I do not make a big thing of it, of motion, motion, motion in this House. I already know that Government is in the process of doing some of those things which I want done. So not every time you turn round, will you see a motion coming to this House from me. But Mr. President I feel that if we are going to address the social problems in this Country, prevention has to be it;not cure. When you stand before a Juvenile Judge you are already in trouble.

Mr. President, believe me, one thing this Government will never have to look down on me for and that is that I was any sort of a traitor. Because believe you me Mr. President, I stand with the Government, I do. But on this issue, I must say that it is a crying shame that we do not take a greater stand against this drug in our Country, we take it too lightly. Every time somebody is wheeled into a Church, dead because of it, you hear "something has got to be done," and we come here to this House and relax the rules and the regulations instead of tightening them.

MRS. DAPHNE L. ORRETT (CONTINUING): Mr. President, even if everybody in West Bay sold liquor, and they had to put me into this House with their votes, may I tell you this Sir, that the day I stand before God, not one of them can do anything for me. I have to stand there all alone and face the facts, Mr. President, and when I do the people of the Cayman Islands will not look upon me and say that I have not tried in some way to alleviate this problem.

Mr. President, I leave this motion with the Honourable Members. What they do with it is their business, but I feel Mr. President that this is serious enough to warrant a conscience vote on the part of the Government Bench.

Mr. President, 130 signatures from the little island of Cayman Brac; barroom right in front of their Church. Do you mean to tell me, that not even that made a difference, with four, five or six people on the Liquor Licensing Board to say that we cannot do this, we just cannot do this. This Law on the books I am told was such that if a Church group protested it, the Board had to look at it in favour of the Church. Who is fooling whom?

Mr. President, I am sorry to say it, but this Government will have to answer to the people of the Cayman Islands for depriving us of what is rightfully and justly ours, and I am saying today that there is no real reason why bars should be open on Sunday. It does not matter which restaurant it is. It can sell its meals on Sunday, even if it does not have liquor to sell. Do you mean to tell me that everybody in this world is a drunkard - they cannot have a meal without drinking alcohol? It is a serious state of affairs. Mr. President, if they cannot make any money out of it, that is a good reason to get out of the business and find something else. But what I am saying is this, a few people on these Islands will get rich, even if it destroys everybody else.

Mr. President, I do not know what excuse the Government is going to have in 1988, to ask the Church to pray for them. But I think what they should do is to go back and say that they would like their prayerful support, and get some people to sit in there who know what a social conscience is all about. I wonder sometimes, Mr. President if the Members of this House take the word of God as seriously as they should. He says "if my people which are called by my Name shall humble themselves." This is a little humbling experience Mr. President. It is not for big shots on that side of the bench to go to somebody who owns a high-faluting restaurant, and he asks them "what did you do about my liquor license for Sunday?" and you said to them "Well you know it is a bit humiliating". But Mr. President when you do what is right that is all that matters, even if you hurt your own mother. He said "if you humble yourselves and pray and turn from your wicked ways He would hear from heaven, He would forgive, He would heal." We have a sick society here Mr. President. Walk along this street, and we have got young people in drugs which you cannot believe. We talk about the Church educating them. Why do not we stand hand in hand, side by side with the Church and do all we can to assist them? one drug is as bad as the other. Of course, do not think that I am so stupid as to believe that two wrongs are going to make a right. What I am saying is, even in the United States Mr. President, the Laws concerning the sale of alcohol are becoming so stringent, that you can get sued for serving too much in your home. Have a party, somebody leaves there intoxicated and gets drunk or gets hurt on the road, you can be sued for it. The age limit is moving up, some moved it from 18 to 21 and some have gone up to 24, and statistics prove that the accidents which are connected with drunken driving have gone down tremendously since they have taken these steps. Mr. President it is not a joke, it is a reality.

MRS. DAPHNE L. ORRETT (CONTINUING): This is something which we know, so why play around it like something which we could take lightly - we cannot do it. I do not understand why this motion has to come back here a second time. But Mr. President, I leave it with the House, and if it is not passed it will come back again, and again, and again. The next time I will have perhaps a slightly different way of bringing it, I do not know just how I am going to do it, but Sunday is going to be restored to the people of this Country, and this House might as well know it today.

Thank you very much.

MR. PRESIDENT: The question before the House is Private Member's Motion No. 13/86. I shall put that question.

QUESTION PUT: AYES AND NOES

MRS. DAPHNE ORRETT: Mr. President, this time I would like a division, thank you.

MR. PRESIDENT: Certainly.

DIVISION NO. 22/86

AYES	NOES
Mrs. Daphne L. Orrett	Hon. Thomas C. Jefferson
Capt. Mabry S. Kirkconnell	Hon. Michael J. Bradley
	Hon. John Lemuel Hurlston
	Hon. Benson O. Ebanks
	Hon. W. Norman Bodden
	Hon. Capt. Charles L. Kirkconnell
	Mr. D. Ezzard Miller
2	7

MR. PRESIDENT: I make it seven 'Noes" I think.

HON. MICHAEL J. BRADLEY: Recount.

MR. PRESIDENT: I think it is 2 'Ayes and 7 'Noes'. It is immaterial in the sense that the motion is in any case lost, but for the record I think it is 7.

CLERK: It is 7.

MR. D. EZZARD MILLER: The Second Elected Member for West Bay will not vote now.

HON. MICHAEL J. BRADLEY: Perhaps we could have a recount since there is a certain amount of doubt Sir.

MR. PRESIDENT: I do not think there is any doubt in my mind. There were 2 and 7.

HON. MICHAEL J. BRADLEY: But there are 10 Members in the House Sir.

MR. PRESIDENT: One has come back, yes, I saw him enter. He was not here for the voting.

PRIVATE MEMBER'S MOTION No. 13/86 DEFEATED BY MAJORITY

MR. PRESIDENT: I did say before lunch that I was not proposing to take our customary afternoon break, but we have made such progress that if Members wish, I think we reasonably could, I think we shall still finish before four thirty.

HON. MICHAEL J. BRADLEY: I think it is very dangerous Sir.

MR. PRESIDENT: (LAUGHTER) Well.

MR. D. EZZARD MILLER: You mean that you are going to eat that much Mr. Bradley?

HON. MICHAEL J. BRADLEY: 'We have already.'

MR. PRESIDENT: I think it is reasonable. Let us make it a quarter of an hour though, to suspend proceedings for approximately fifteen minutes.

AT 3.20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:35 P.M.

MR. PRESIDENT: Please be seated. Private Member's Motion No.14/86. The Elected Member for North Side.

PRIVATE MEMBER'S MOTION No.14/86

APPOINTMENT OF SELECT COMMITTEE TO INVESTIGATE REGULATION PROCEDURES

MR. D. EZZARD MILLER: Mr. President, I wish to move Private Member's Motion No.14/86, the Appointment of a Select Committee to Investigate Regulation Procedures, which reads:

> WHEREAS all Legislators are responsible for the enactment of laws in the Cayman Islands;
>
> AND WHEREAS regulations made under any law determine the effectiveness and form a significant and important part thereof;
>
> BE IT THEREFORE RESOLVED THAT the Legislative Assembly appoint a Select Committee to investigate what procedures should in future be followed before regulations take effect.

MR. W. McKEEVA BUSH: Mr. President, I second the motion.

MR. PRESIDENT: Private Member's Motion No.14/86 has been duly moved and seconded. I now invite the mover to speak to it.

MR. D. EZZARD MILLER: Mr. President, for many years in this Country, parliamentarians have complained because they did not have **input** into the process of making regulations for laws.

I think the time has come where all legislators should have some form of **input** into what regulations become part of the law. Because, the regulations are usually the authoritative rule or principle which deals with the details and procedures for the enforcement of the law, and regulations are rules which have the same force as a law, except that they are now made by the executive branch of Government, namely the Governor in Executive Council, which power is granted to them under the Constitution.

MR. D. EZZARD MILLER (CONTINUING): We the other legislators who are not a part of Executive Council have no input into the formulation of these regulations, nor at present are we given any opportunity to approve or to veto these regulations which may be made under any law.

Quite recently we had two very important laws the Liquor Licensing Law, 1985 and the Rehabilitation of Offenders Law. Had the legislators been allowed input into the regulations which now fall under the Liquor Licensing Law, according to the debate which has just transpired in here, I am not sure how many of the regulations would have made it into regulations, but at least we would have had an opportunity to voice and make input into them.

Mr. President, regulations are not insignificant parts of the law. One clause and indeed one section of a law may have several regulations made under that one section of that clause of the law. I think on some of the law books you will find more than 50 regulations dealing with one clause in the law, and Mr. President, since all the legislators are responsible to the people who elected them for the enactment of these laws, I believe that it is possible under the present system for the Executive branch to change the intent of a law. That is what we as legislators voted for and intended the law to do, and it might be changed by regulations, simply because the regulations have put greater emphasis or greater focus on some particular part of the law, and therefore the enforcement of that law.

Mr. President, it is very difficult for us as legislators who have not been a part of the regulatory process under the law. Sometimes to justify the number and the content of regulations under the laws to our constituents, or even to explain the intent of those regulations if we have not been a part of their development.

We are responsible Sir and held accountable by the people who put us here, to make laws to solve the problems of this Country, to promote the development of this Country and I feel Sir that the time has come when we all should have input in some form or other, and this is what I would like, a Committee, if it is accepted by Government to look at the different ways which would allow the back-bench legislators so to speak to have some input into the regulatory process under the law.

I ask Members to support the motion Sir.

MR. PRESIDENT: The motion is now open for debate. Does any Member wish to speak? The Honourable First Official Member.

DEBATE

HON. THOMAS C. JEFFERSON: Mr. President, I remember only too well one of the first motions put before this House by the Elected Member for North Side. We are still working on that motion Mr. President, it is the motion dealing with the Economic Development Plan.

MR. D. EZZARD MILLER: You are going to have to have it for November though.

HON. THOMAS C. JEFFERSON: Mr. President, I have not yet undertaken a task in my official capacity which I have not finished - it will be here.

What I was leading up to Mr. President is that whenever this Member puts forward a motion, it sometimes results in a lot of time consumption and a lot of effort, but I feel Mr. President that the way in which Government has been conducting its business in respect of regulations, it is not unusual or unwise to have a look and see what we are doing, in relation to many other Commonwealth countries in dealing with regulations.

HON. THOMAS C. JEFFERSON (CONTINUING): Mr. President, I hope they will not say this is a feeble excuse as well, but if it is, it will be a feeble excuse for accepting it.

I have no difficulty, nor does the Government have any difficulty in considering as stated in the resolve section of the motion, the appointment of a Select Committee to investigate what procedures should in future be followed before regulations take effect. Since the resolve section Mr. President does not call for a Select Committee of the whole House, I would suggest that the Select Committee be comprised of senior and experienced parliamentarians to begin with, and I would suggest the Second Elected Member for Bodden Town; The First Elected Member of Executive Council, the mover of the motion the Elected Member for North Side; the Second Official Member and the First Official Member and perhaps the Second Elected Member for West Bay.....

MR. W. McKEEVA BUSH: We will have already lost then.

HON. THOMAS C. JEFFERSON: .....the seconder of the motion. Thank you Mr. President.

MR. PRESIDENT: Does any other Member wish to speak: The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, as seconder of the motion I indeed give it full support. I will try within the best of my ability to bring out what the real intention of what I feel is, and which is one of the real intentions of the motion.

Mr. President, all twelve of us, that is including the four whom we have elected to sit on the Council, are responsible at the polls to the people of this Country for the actions of the Government. We sit in this Assembly and we pass laws affecting every citizen of the Country, and when it comes to the regulations which will govern these laws, the eight of us on this side really have no say. We never know the contents of regulations until they are passed by Executive Council and gazetted, which brings them into force. When regulations are unacceptable to the people as a whole, the eight of us on this side must stand out and take the public's anger when we really are in no way responsible. It would perhaps help if the Members of Executive Council could seek our input before these regulations are drafted. But under the present system of Government, and for reasons to satisfy that system, we are completely ignored.

Mr. President Sir, regulations which are sent to me concerning matters of grave significance, like the Caymanian Protection Law, the Petroleum Law and others are just as big in quantity of sections as the law itself, and in some regulations a lot bigger. For instance Mr. President, the Legal Practitioners Law of 1986 has 14 sections, and the Legal Practitioners Regulations carry 26 sections. The Petroleum Law 1978 has 12 sections, the Petroleum Law regulations have 16 sections, and one section alone has 97 sub-sections. The Water Authority Law regulations carry 44 sections. Mr. President, how can we explain without sitting down and knowing the exact reasons behind these things. How can we explain it to our people?

When we have a situation as presently exists, where the intention of a law which has so much bearing on the political, economic and social well being of this Country can be changed without the prior approval of us, the custodians of the people's right. I must wonder Sir whether this legislature, or this Parliament is not being relegated to mere formality. Or what is better understood as being a rubber stamp, which is not what the people expect from us as representatives.

MR. W. McKEEVA BUSH (CONTINUING): Let us Mr. President, for a minute consider what the position is today with regard to the Assembly. Mr. President, although there is theoretical power in the Members elected here to overrule the Executive Council by the non-passage of whatever legislation it brings. This in practice is not usually done because of two factors, one, the party system and although we have no parties the system is here and is operated and which ensures that whenever there is a vote, Government is sure to win; and fact two, their Executives are full-time officials who have more information at their disposal than the ordinary Members of the House. So in truth, and in fact, there is not in our system today any true form of check and balance as is needed by us today as a developing country.

The Council which writes these regulations is made up of four elected Members and three appointed Civil Servants who do not have to give an account of their stewardship to the electorate. To the contrary, the elected Member has to give an account, and that really means that I am called upon to give an account for something in which I had no part, and over which I have no control. So what we are seeking today in the passage of this motion, and I am indeed happy to hear that the Government has accepted it. I do not agree with the makeup of the Committee, as suggested by the Honourable leader of Government Business, because Mr. President it is only putting myself and the mover, the Member for North Side in a bad position, we would not get anywhere. We would be over voted every minute. Every suggestion would be voted down in that Committee.

Well Mr. President, they say I am wrong in saying that. I think the Member suggested three from that side and two from this side. Am I not right? Three and three, well that is a little bit better, but Mr. President.....

MR. PRESIDENT: Perhaps, it may be helpful to the Member if I intervene at this point.

If a Committe of that, or a similar composition were to be appointed it would fall to me to appoint the Chairman of the Committee. I would normally expect to appoint one of the Members on that side as Chairman, and it is the normal practice that the Chairman does not vote in these Committees, so there would in fact in effect be a majority from your side.

MR. W. McKEEVA BUSH: Mr. President, that is the key word 'normal'. But I tell you, I have been attending all the Committee Meetings Sir, and nothing is normal there.

Mr. President, with the Member for Bodden Town being on the Committee it is good, but being a past Member of Council, I know that he has already agreed to support and keep the status quo. I say that we move for an open Committee of the whole House. It might take long, but this is our duty and that is what we are here for. So, as I was saying, what we are seeking is to have more say in the affairs of the Country, and why Mr. President should we not have it; we who face the Country at the polls, we who go out and tell our people to vote for us, we will be your protector and defend them.

I do not know what the draftsmen of our present constitution had in mind. In fact, I can hardly believe that they expected that eight of the people's representatives would be completely ignored when regulations governing laws passed by this whole Assembly, are being drafted.

MR. W. McKEEVA BUSH (CONTINUING): It is only we as Elected Members of this Honourable House, the people's representatives responsible to the people alone, who should ultimately legitimise any public action which is fundamental to our Country. But Mr. President, for this to happen, there are some basic changes to be made, some reform to take place before we as the people's representatives can have that say, and we who have to deal with problems and face the put-offs Non-elected officials should be bold enough to tell our people the problems which we encounter, and Mr. President, I am no longer going to stifle my feelings on this matter, just to satisfy the status quo.

Sir, all laws passed, provide for Executive Council to make regulations. This I find is a very serious inroad into the authority of the Parliament of any country, and a situation which I have been unhappy about for quite a long time. Mr. President, I see the Committee, which this motion is trying to set up as considering all regulations and further considering whether the regulations are in accordance with the general objects of the law, pursuant to which they are made, whether they unduly trespass on rights previously established by law, and whether they contain matters which in the opinion of the Committee should be properly dealt with as an act of this House.

MR. PRESIDENT: Can I interrupt the Member for a moment. If I have understood him right, he is saying that he thinks the Committee which is being set up now is to look at each new set of regulations. That is not what the motion seeks.

MR. W. McKEEVA BUSH: Possibly, Sir.

MR. PRESIDENT: The motion asks for a Committee to be appointed to look into future procedures.

MR. W. McKEEVA BUSH: Mr. President, that is what I see as might happen Sir. These are suggestions which I am putting forward.

MR. PRESIDENT: I just did not want the Member to be under any misaprehension. I thought perhaps he had misunderstood the motion.

MR. PRESIDENT: Certainly not Sir. I seconded it did I not.

MR. PRESIDENT: You did, but you might still have been under a misaprehension.

MR. W. McKEEVA BUSH: Yes Sir, because some people speak different English than I do.

MR. PRESIDENT: That is quite right. So I wanted to make quite sure that you were quite clear, and I am delighted to hear you are.

HON. MICHAEL J. BRADLEY: Mr. President Sir, in plain English the Member is surely anticipating his input into the Committee.

MR. W. McKEEVA BUSH: And that is unconstitutional, right.

HON. MICHAEL J. BRADLEY: But I understand you want to amend the constitution.

MR. W. McKEEVA BUSH: You understand that I want to amend it.

MR. PRESIDENT: Order, order. I think it is my fault..... for.....

MR. W. McKEEVA BUSH: Yes Sir, you should reckon to behave yourself.

MR. PRESIDENT: ..... for leading red herrings.

MR. W. McKEEVA BUSH: He should not have that much say in this House.

MR. PRESIDENT: We should all behave ourselves.

MR. W. McKEEVA BUSH: Anyway Sir, if we believe in the supremacy of this legislature, then all Members should support this motion, of which the successful passage will, and can go a long way in giving us more say in the affairs of the Country, and help us to be more effective as representatives of the people.

I again reiterate what I have said before, I feel that this Committee should not just be of three Members, of which something could already be set up, and we be swamped in that Committee. Let us have the whole House, where everybody would be responsible to attend. If they do not attend, then that is another matter, but then not just three or four Members Sir. I do not believe that that is correct.

Thank you very much.

MR. PRESIDENT: Does any other Member wish to speak? Does the Mover wish to exercise his right of reply?

MR. D. EZZARD MILLER: Yes Sir.

Mr. President, after so many defeats on motions in the last 24, 36 hours I am glad Sir that Government has not forgotten how to say 'yes', and I guess the taste of victory can be sweet after so many defeats.

I have no problem Sir with the Committee as recommended by the Honourable First Official Member. My only hope Sir, is that we can get active as soon as possible, and have the report here for the Sitting in September.

Thank you Sir.

MR. PRESIDENT: The question is that Private Member's Motion No.14/86 be passed. If that motion is passed, then it will be for the House to appoint the Select Committee in terms of Standing Order 69(1), and I think perhaps it will be best if I put two questions. Firstly, does the House approve the motion, and secondly, if the House does, does the House approve the proposed composition of the Select Committee?

QUESTION PUT: AYES AND NOES

HON. MICHAEL J. BRADLEY: May we have a count Sir.

MR. PRESIDENT: Yes, you certainly may.

DIVISION
NO. 23/86

AYES	NOES
Hon. Thomas C. Jefferson	Mr. G. Haig Bodden
Hon. Michael J. Bradley	
Hon. John Lemuel Hurlston	
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Mr. McKeeva Bush	
Mrs. Daphne L. Orrett	
Mr. Linford Pierson	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	
11	1

MR. PRESIDENT: I declare the motion carried.

PRIVATE MEMBER'S MOTION No.14/86 PASSED BY MAJORITY.

MR. PRESIDENT: As I have said, I propose now to put the second question. A proposed composition of the Committee was suggested, and the mover said he was content with it. I think the simplest would be if I ask the House to vote 'Aye' or 'No' to that too.

STANDING ORDER 69(1)

APPOINTMENT OF SELECT COMMITTEE MEMBERS
RE: PRIVATE MEMBER'S MOTION No.14/86

QUESTION PUT: AYES AND NOES: THAT THE SELECT COMMITTEE DO COMPRISE OF THE FOLLOWING MEMBERS, AS PROPOSED BY THE HONOURABLE FIRST OFFICIAL MEMBER:

Hon. Second Official Member
Hon. First Elected Member
Second Elected Member for Bodden Town
Elected Member for North Side
Second Elected Member for West Bay
Hon. First Official Member

HON. MICHAEL J. BRADLEY: May I have a count Sir.

MR. PRESIDENT: Very well.

DIVISION
NO. 24/86

AYES	NOES
Hon. Thomas C. Jefferson	Mr. W. McKeeva Bush
Hon. Michael J. Bradley	
Hon. John Lemuel Hurlston	
Hon. Benson O. Ebanks	
Hon. W. Norman Bodden	
Hon. Capt. Charles L. Kirkconnell	
Mrs. Daphne L. Orrett	
Mr. Linford Pierson	
Capt. Mabry S. Kirkconnell	
Mr. G. Haig Bodden	
Mr. D. Ezzard Miller	
11	1

MR. G. HAIG BODDEN: Mr. President, I would just like to add that it was only because I had a sore throat that I did not debate the motion.

MR. PRESIDENT: So, I therefore declare that the House has appointed the First Official Member, the Second Official Member, the First Elected Member of Executive Council, despite his vote the Second Elected Member for West Bay.....

MR. W. McKEEVA BUSH: Yes Sir, I will certainly serve on the Committee, but I do not agree with the makeup.

MR. PRESIDENT: That is right. The Second Elected Member for Bodden Town, and the Elected Member for North Side, to serve on that Committee.

STANDING ORDER 69(2)

APPOINTMENT OF CHAIRMAN TO SELECT COMMITTEE RE: PRIVATE MEMBER'S MOTION NO.14/86

MR. PRESIDENT: It does fall to me in accordance with Standing Order 69(2), to nominate the Chairman, and I nominate the Honourable First Official Member to be Chairman of the Committee.

That concludes Private Members' Motions. The only remaining item on the Order Paper is a statement.

PRESENTATION OF PAPERS AND REPORTS

HON. CAPT. CHARLES KIRKCONNELL: Mr. President, at the first meeting of the 1986 Session of the Legislative Assembly, Private Member's Motion No.5/86 was passed on the 12th March, 1986. The Motion reads:

> WHEREAS the retail cost of propane gas, gasoline and electricity has recently been increased;
>
> AND WHEREAS it has been alleged that the increase was due to higher licence fees;
>
> BE IT RESOLVED that the Government appoint a special committee to establish the facts and to report back to the Legislative Assembly

Mr. President, I now beg permission to lay on the Table of this Honourable House the Report of this special Committee, appointed by Government under the terms of Motion No.5/86, and to thank all Members on behalf of Government who served on the Committee.

MR. PRESIDENT: So ordered.

That concludes **our** business. It remains perhaps only for me, before inviting the Honourable First Official Member to move the adjournment, to thank all Members for their assistance to the Chair throughout this short Meeting. A number of the topics under discussion have been emotive and sometimes speeches have been emotional. But even so, all Members have throughout shown unfailing courtesy to the Chair, and in general, good humour and courtesy towards one another, for all of which I am most grateful, and I would like to wish all of you a very happy summer, on the assumption that we may not be meeting again until September. I think the 1st September, unless something unexpected happens to make it necessary to call **an** earlier meeting.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this House sine die.

MR. PRESIDENT: I think we normally move it now-a-days until the date we have fixed, and that avoids complications later. I think if you would nominate the 1st September, that would be better.

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this House until the 1st September, 1986.

MR. PRESIDENT: The motion before the House is that this House do now adjourn until 1st September, 1986.

QUESTION PUT: AGREED. AT 4:10 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. MONDAY, 1ST SEPTEMBER, 1986.

MUTUAL LEGAL ASSISTANCE TREATY

SIGNING CEREMONY

THURSDAY 3RD JULY, 1986

11:30 A.M.

PRESENT:

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

GOVERNMENT MEMBERS

HON. THOMAS C. JEFFERSON, OBE., JP	*FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT*
HON. MICHAEL J. BRADLEY, QC., LL.B	*SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION*
HON. LEMUEL J. HURLSTON, JP.	*THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS*
HON. BENSON O. EBANKS	*MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES*
HON. W. NORMAN BODDEN, MBE	*MEMBER FOR TOURISM, AVIATION AND TRADE*
HON. CHARLES L. KIRKCONNELL	*MEMBER FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION*
HON. VASSEL G. JOHNSON, CBE., JP.	*MEMBER 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. MABRY S. KIRKCONNELL	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS*
MR. D. EZZARD MILLER	*ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*

ABSENT:

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. JOHN B. MCLEAN	*ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END*

MLAT SIGNING CEREMONY

THURSDAY 3RD JULY, 1986

11:30 A.M.

H.E. THE GOVERNOR: *Minister, Mr. Under-Secretary, I believe that this is the first time a Treaty has ever been signed jointly by a Minister and a Governor. But not only that, it is also the first time that a Minister from the Foreign and Commonwealth Office has visited these Islands. So the occasion is doubtly historic, and we are honoured that today's ceremony is taking place here. May I, on behalf of my Government, welcome all of you who are visiting us for the occasion; it is a special pleasure to have you.*

It is a pleasure, too, to be signing a Treaty which should help provide a solid foundation for the further development of the territory's financial industry. The signature of the Narcotics Agreement, two years ago, made plain that we were determined to deny shelter to drug traffickers. The present Treaty is evidence of our determination to fight all serious crime.

Moreover, its mutuality is most welcome. For we here are increasingly concerned about the problems caused by drug abuse. We need all the help we can get to tackle them. And we therefore look forward to the additional assistance which should become available.

In conclusion, I should like to present you, Minister, and you, Mr. Under-Secretary, with small gifts as mementos of this occasion.

MR. TIM EGGAR: *Governor, Mr. Under-Secretary, it gives me very great pleasure indeed to be here in the Cayman Islands to sign the Mutual Legal Assistance Treaty on behalf of Her Majesty's Government. Not only is this the first time that a Minister of a Foreign and Commonwealth Office has been here in the Islands, but it is the first time that a Treaty, I think, has ever been signed in such idyllic surroundings; and indeed, I am told that it is the first time that a Treaty has ever been signed in these Islands. The Treaty is of course a milestone in mutual legal assistance and co-operation between our three Governments in what is of course, a war against international crime. But, I think it is not going too far to say that it is also a milestone in the development of international relations more generally.*

This is the first Treaty of its sort that the United Kingdom has concluded with any other Foreign Government. I think the Treaty is particularly significant, because it tries to tackle a problem thrown up by the increasing ease of communications and sadly, the increasing ability of criminals to move their ill-gotten assets around the world. I am sure that everybody here is well aware of the differences that exist between the British and the US Governments on the subject of extra-territoriality. I am not trying to resolve at those differences today, but I do think that treaties such as the one we are just about to sign helps solve the problems that might otherwise only be dealt with by the United States through extra-territorial application of their law in a manner which would not be acceptable to my Government or indeed to other Governments.

MR. TIM EGGAR (CONTINUING): Against that background we hope that this Treaty will set a pattern for other similar treaties, perhaps in other parts of the Caribbean and elsewhere.

So, Mr. Governor, in paying tribute to everyone who has worked so hard to bring this Treaty into being, I am very conscious of its great importance: great importance, not only for these Islands, but for other Islands and for my own country, the United Kingdom. I know that everybody concerned with the Treaty have put a great deal of effort into the detailed negotiations. I pay tribute to the United Kingdom team who have represented my Government, but I am also, of course, very grateful to the United States and the Cayman teams for their determined efforts to solve, what have been a number of difficult issues.

I am very sure that the Treaty will help to establish the Cayman Islands even more firmly as a stable centre for genuine offshore finance by providing a suitable framework for legal co-operation with the United States.

As I have indicated, this Treaty takes us into uncharted waters. It will take close co-operation, patience and a willingness to understand the intentions and difficulties of each side to make this Treaty work effectively. But, I take comfort from the smooth operation of the 1984 Narcotics Agreement, which was due in no small part to the determination of the Cayman Islands not to allow their territory to become a refuse for the proceeds of crime. That Agreement, the Narcotics Agreement, was itself a landmark in the international fight against drug trafficking, a subject for which I have particular responsibility in the Foreign Office, and to which I am convinced, all democratic Governments are going to have to pay an increasingly greater attention to. As I say, Mr. Governor, this Treaty brings us into uncharted waters, but such waters I am convinced, need hold no terror for the people's of these Islands.

Thank you.

MR. RONALD I. SPIERS: Excellency, Minister, Honourable Members of the Executive Council, my colleagues from the Foreign and Commonwealth Office and our Departments of State and Justice, it is hard for me to conceal my delight in being able to visit this lovely Island to participate in a ceremony with consequences of substantial importance to the United States, and I think, to the other signatories in this Agreement.

This Treaty, as my colleagues have recognised, is the first of its type that the United States and the United Kingdom have concluded. It is a tangible, and I believe significant manifestation of the commitments of our two countries, and I include the Cayman Islands, to work co-operatively in our respective efforts to combat crime, and to find practical means of bridging our differences. It is a model of co-operation, as was its antecedent, the Narcotics Agreement, which was signed in London in July of 1984.

The Narcotics Agreement as you may know, has been very effective in assisting United States drug enforcement interests. As foreseen by its terms, that Agreement has led to the negotiation and signature today of a broad mutual legal assistance Treaty in criminal matters.

I recall that at the July, 1984 signing ceremony for the Narcotics Agreement in London, then Minister of State Malcolm Rifkind proposed that similar agreements be entered into between the United States and the United Kingdom with respect to the remaining United Kingdom Caribbean dependencies. That offer was reaffirmed by Her Majesty's Government in June of last year. The United

MR. RONALD I SPIERS (CONTINUING): States is pleased and heartened by this offer to conclude drug co-operation agreements whith these jurisdictions.

In fact, the second such agreement, which will be applicable to the Turks and Caicos Islands, will shortly be concluded in Washington. We are also encouraged by the fact that these additional drug co-operation agreements are also intended to lead to the adoption of broader law enforcement treaty relations as well. We see these developments as continuing examples of the invaluable co-operation we have received from Her Majesty's Government on anti-narcotics and other law enforcement matters. We are also convinced that the Government of the Cayman Islands should accept the credit it deserves for being in the forefront of this important movement.

So, we would like to take this opportunity to expressed our profound gratitude for the significant law enforcement assistance that the Cayman Islands authorities have been extending to the United States, long before this Treaty was concluded. We are confident that the Treaty, like the Narcotics Agreement before it, will contribute substantially to law enforcement co-operation between our countries..

Your Excellency, on behalf of the United States Government, I take great pleasure in my ability to participate in signing this Treaty with the United Kingdom Government and the Government of the Cayman Islands.

Thank you.

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
MONDAY, 1ST SEPTEMBER, 1986
(FIRST DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON JOHN LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

(FIRST DAY)

MONDAY, 1ST SEPTEMBER, 1986

1. PRAYERS

TO BE READ BY THE ELECTED MEMBER FOR NORTH SIDE.

2. PRESENTATION OF PAPERS AND REPORTS

(i) CAYMAN TURTLE FARM (1983) LIMITED - FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST MARCH, 1986 TO BE LAID ON THE TABLE BY THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL.

(ii) REPORT OF THE AUDITOR-GENERAL ON THE ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1985 TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL SECRETARY AND LEADER OF GOVERNMENT BUSINESS.

(iii) REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE REPORT OF THE AUDITOR-GENERAL ON THE ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1985, TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

3. QUESTIONS TO MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 50: WILL THE HONOURABLE MEMBER SAY WHETHER IT IS THE INTENTION OF GOVERNMENT TO DESIGNATE THE AREA KNOWN AS WHITE HALL BAY BY THE LANDING RAMP AS A PART OF THE PORT OR A NAVIGATION CHANNEL, AND IF THE ANSWER IS NO, WILL THE HONOURABLE MEMBER SAY WHETHER HE IS AWARE OF NEAR ACCIDENTS THERE BY FISHERMEN DUE TO SNORKLERS DIVING IN THE AREA AT THE SAME TIME?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 51: *WILL THE HONOURABLE MEMBER GIVE THE COST TO DATE THIS YEAR OF TOURISM ADVERTISING LOCALLY AND ABROAD IN MAGAZINES?*

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 52: *WILL THE HONOURABLE MEMBER STATE THE COST TO CONSTRUCT THE CONCRETE FACILITY ON SMITH ROAD CALLED A DOG POUND?*

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 53: *CAN THE HONOURABLE MEMBER SAY HOW MANY MANAGERIAL OR PROFESSIONAL; AS OPPOSED TO NON-MANAGERIAL OR PROFESSIONAL STAFF ARE EMPLOYED AT THE CAYMAN TURTLE FARM: WHAT ARE THE RESPECTIVE DUTIES AND SALARIES OF THOSE CATEGORIES OF STAFF AND WHAT STEPS HAVE BEEN TAKEN TOWARDS DEVELOPING CAYMANIAN UNDERSTUDIES FOR THOSE PROFESSIONAL/MANAGERIAL POSITIONS?*

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

NO. 54: *WILL THE HONOURABLE MEMBER GIVE A PROGRESS REPORT ON THE NATIONAL SPORTS AWARD AS AGREED BY PRIVATE MEMBER'S MOTION NO.20 OF 1985?*

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 55: *CAN THE HONOURABLE MEMBER SAY WHETHER THE COMMITTEE TO OVERSEE THE DISPOSAL OF DRUGS AS AGREED BY PRIVATE MEMBER'S MOTION NO.4/86 HAS BEEN APPOINTED?*

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

NO. 56: *WOULD THE HONOURABLE MEMBER STATE WHAT AUTHORITY THE HEALTH PRACTITIONERS BOARD HAS TO REFUSE TO LICENCE GENERAL PRACTITIONERS WHO POSSESS DEGREES OR DIPLOMAS WHICH IT HAS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7(2) OF THE HEALTH PRACTITIONERS LAW?*

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 57: *WOULD THE HONOURABLE MEMBER STATE WHAT ARE THE LOSSES ON CAL'S TAMPA ROUTE FROM COMMENCEMENT TO 31ST JULY, 1986 AND THE LOSSES ON CAL'S CAYMAN BRAC ROUTE FROM 1ST JANUARY, 1986 TO 31ST JULY, 1986?*

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 58: *WILL THE HONOURABLE MEMBER GIVE THE AVERAGE MONTH-BY-MONTH PERCENTAGE LOAD FACTORS FOR 1986 ON CAL'S SCHEDULED ROUTES AND ALSO INCLUDE THE AVERAGES ON THE TAMPA ROUTE?*

4. *GOVERNMENT BUSINESS*

BILLS:

FIRST AND SECOND READINGS

(i) *THE CURRENCY (AMENDMENT) BILL, 1986*

(ii) *THE PORT AUTHORITY (AMENDMENT) BILL, 1986*

(iii) *THE TAX COLLECTION (AMENDMENT) BILL, 1986*

(iv) *THE SUPPLEMENTARY APPROPRIATION (1985) BILL, 1986*

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MONDAY
1ST SEPTEMBER 1986
10:00 A.M.

MR. PRESIDENT: Prayers.
The Elected Member for North Side.

MR. D. EZIARD MILLER: 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.

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. Lead us not into temptation: but deliver us from evil. For Thine is the kingdom, the power and the glory, for ever and ever. Amen.

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

MR PRESIDENT: Please be seated.
The Assembly is in Session.
Presentation of Papers and Reports. The Honourable Fourth Elected Member of Executive Council.

PRESENTATION OF PAPERS AND REPORTS

HON. VASSELL S. JOHNSON: Mr. President, I beg to move that the Cayman Turtle Farm 1983 Limited Financial Statement for the financial year ended 31st March, 1986, be laid on the Table on this Honourable House.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Auditor General's Report on the Accounts of the Cayman Islands Government for the year ended 31st December, 1985.

MR. PRESIDENT: So ordered.
The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Public Accounts Committee on the Auditor General's Report on the Accounts of the Cayman Islands Government for the year ended 31st December, 1985, with the Minutes attached, forming an integral part of the Report.

MR. PRESIDENT: So ordered.

MR. LINFORD A. PIERSON: Mr. President, on the establishment of the Committee, the Public Accounts Committee which was established by Government Motion No. 1 on the 20th November, 1984, functions under

the provisions of Standing Order 74. The standing Order was revised in October 1985, to read as follows:

74. (1) There shall be a standing select committee, to be styled the Public Accounts Committee, to consider reports of the Auditor General -

(a) on the accounts of the Government;
(b) on such other accounts required to be laid before the House as the Committee may think fit; and
(c) on any matter incidental to the performance of his duties or the exercise of his powers as the Committee may think fit.

(2) The Public Accounts Committee shall be nominated by the House at the beginning of a new session following a general election and shall consist of five elected Members. The quorum shall be three Members, including the Chairman.

(3) Upon its receipt by the Presiding Officer, a report mentioned in paragraph (1) shall be deemed to have been referred by the House to the Public Accounts Committee for consideration and shall forthwith be distributed on a confidential basis to all Members.

(4) In accordance with Standing Order 70, the Public Accounts Committee may call any public officer or, in the case of a report on the accounts of or relating to a non-Government body or organisation, to give information or any explanation or to produce any records or documents which the Committee may require in the performance of their duties.

(5) The Public Accounts Committee shall make their report upon the report of the Auditor General on the accounts of Government before the Auditor General's report is laid on the table of the House and both the Committee's report and the Auditor General's report shall be laid at the same time.

(6) Subject to these Standing Orders, the practice and procedure of the Public Accounts Committee shall be determined by the Committee.

(7) The Government Minute shall be laid on the Table of the House within three months of the laying of the report of the Committee and of the report of the Auditor General to which it relates.

(8) The Auditor General, the Deputy Financial Secretary and the Chief Accountant shall be in attendance when Controlling Officers or other persons are providing information or explanations to the Committee.

(9) Notwithstanding the provisions of Standing Order 72, the Report of the Public Accounts Committee shall be deemed to have been agreed to.".

Mr. President, the Members of the Committee are comprised of:

Mr. Linford A. Pierson, JP (Chairman)
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. John B. McLean
Mr. D. Ezzard Miller

The Committee Mr. President held nine meetings. Attendance of Administrative Officers, the Auditor General, Acting Financial Secretary and the Chief Accountant were in attendance at the meetings in accordance with Standing Order 74(8).

Mr. President, the Committee had cause to call the following witnesses:

Miss Cheryl Gorchie- Manager, Computer Services Department.
Mrs. Angela Martins, Director, Social Services Department.

Mr. Kearney Gomez, Principal Secretary, Development and Natural Resources.
Mr. Colford Scott, Manager, Funding Scheme.
The Hon. Capt. Charles Kirkconnell, Member, Communications, Works and District Administration.
Mr. Donovan Ebanks, Chief Engineer.
Mr. W. Conolly, Director of Prisons.
Mr. D. Ebanks, Deputy Director of Prisons.

In addition, the Committee called for certain papers and reports, as detailed in the Minutes.

ACKNOWLEDGEMENTS

The Committee wishes to place on record its appreciation of the cooperative approach adopted by all officers who appeared before the Committee. Further, the Committee is also grateful for the assistance and constructive advice given throughout by the Administrative Officers.

It wishes to mention especially the assistance rendered by the Auditor General.

The Committee also wishes to place on record its compliments to Government on the excellent presentation of the Report and Accounts.

THE GOVERNMENT MINUTE

The Committee notes with concern that certain of the recommendations in its last Report, although accepted in the Government Minute, tabled in November, 1985, had not been complied with and, in consequence, are the subject of further comment in this Report.

RECOMMENDATIONS

The Committee's recommendations with respect to certain paragraphs of the Auditor General's Report on the 1985 Accounts, are as follows:

Paras. 1 - 3 Public Finance and Audit Law

The Committee welcomes the enactment of the Law and recommends that it be brought into operation by 1st January, 1987.

Paras. 11 - 12 Total Revenue Balance

The Committee expresses concern that the Total Revenue Balance of $5,063,862.86 at 31st December, 1985 was represented by assets which either cannot be realised or cannot readily be realised, and to this extent is not a reliable indicator of the amount available for appropriation by the Legislature.

In particular the Committee notes that at the close of 1985 an amount of approximately $3.9 million was held by the Bank as collateral security for the portion of the Tower Building Loan remaining unpaid at that date.

Further, the Committee notes that at the close of 1985 advances included amounts totalling approximately $1.8 million, (mainly in respect of assistance to Cayman Airways) which represents expenditure incurred in 1985 or earlier.

It recommends that early action be taken to adjust the accounts so that the Total Revenue Balance will reflect a more realistic position.

Para. 13 - Overdraft.

The Committee questions why the overdraft exceeded the approved ceiling of $3.5 million without proper authorisation. It is particularly concerned in view of the specific undertaking given in paragraph 18 of the Government Minute in respect of the 1984 Accounts. It is unfortunate that the Committee finds it necessary to have to repeat the substance of its earlier recommendation.

Paras. 17 - 18 Tower Building Loan

The Committee recommends that the Tower Building loan be paid off, as the deposits held as collateral security by the Bank are totally immobilised during the currency of the loan.

It is noted that the present arrangement has cost Government some $40,000 in net accumulated interest charges to the end

of 1985.

Para. 19 - Student Loans
The Committee expresses concern that the arrangements for recovering loans are still unsatisfactory. It recommends that early action be taken to provide a list of all loans made to date, together with agreed repayment terms.

It further recommends that future loans should be made only after satisfactory repayment terms have been set.

Para. 20 - Property Vested in Port Authority
The Committee recommends that the valuation necessary to establish an agreed loan figure should be carried out forthwith.

Paras. 25 - 27 Treasury
The Committee notes that measures are being taken to reorganise certain areas of the Treasury Accounts. It further notes, from recent Bank reconciliation statements submitted, that certain substantial amounts have not yet been identified. It recommends that immediate action be taken to investigate these items for incorporation as necessary in the Treasury accounts.

Para. 28 - Personal Taxes
Since it appears that no practical steps can now be taken to recover the substantial arrears of tax, the Committee recommends that Government bring the matter to Finance Committee, and seek approval for a general waiver (i.e. apply to write off a category of uncollected revenue which cannot precisely be quantified).

Paras. 29 - 31 Computer Services
The Committee is concerned to note the lengthy time scale visualised for implementing the computerisation programme throughout Government.

It recommends that Government seriously consider tapping the computer expertise locally available in the private sector, to ensure that the best possible advice be obtained for the future development of the system.

The Committee further feels that Government's interests might best be served by obtaining the services of a person versed in Government computer applications, and familiar with the present equipment.

Paras. 32 - 33 Companies Registry
The Committee notes that the number of companies in default had apparently increased by 700, to stand at a figure of approximately 4,000 at the end of 1985.

It recommends that the striking off process should be more closely monitored and companies should, in any case, not be allowed to fall into arrears by more that 12 months.

Paras. 34 - 36 Customs Duties
Whilst noting the response from the Collector to the Committee's letter, the Committee finds the present position regarding unpaid duties to be unacceptable. It recommends that prompt action be taken to review procedures within the Department, so that proper control can be established.

Para. 37 - Customs Overtime
The Committee expresses concern at the extent of overtime worked in 1985 and notes that overtime paid in the year was roughly the equivalent of the basic salary of 14 or 15 posts.

It recommends that steps be taken to modify the pattern of overtime working in the interests of staff efficiency and thus implement a better system for the future.

Paras. 38 - 39 Police - Licensing Department
The Committee notes the contents of a Report on the Police Computer System, prepared by the British Executive Service

Overseas Computer Advisor. Whilst recognising the delays experienced by potential computer users, the Committee considers that no applications be embarked upon without first going through the Computer Steering Committee.

This is not to suggest that in special cases (such as Public Works Department, Stores Accounts etcetera), that the feasibility of independent systems should not be investigated.

Para. 40 - Police - Welfare Fund
The Committee noted that the Honorary Auditor had apparently not yet received all the information necessary to complete the current examination, and recommends that it be made available forthwith and that henceforth the accounts be kept up-to-date.

Para. 41 - Prison Service
In view of the continued weakness in the arrangements at the Prison for the accounts of token wages and canteen funds, the Committee recommends that the Accounts and Audit Advisor be requested to look at the system with a view to the possible introduction of mechanisation, and the addition of qualified civilian staff.

Para. 42 - Prison Officers Welfare Association
The Committee is concerned at the continued delay in presenting accounts from 1982 onwards. It recommends that prompt action be taken to bring the accounts up-to-date.

Paras. 43 - 44 Overseas Medical Advance Accounts
The Committee recommends that existing and future overseas medical accounts should be treated through the budget as interest-free loans. It further recommends that existing accounts be examined with a view to writing off amounts which, in appropriate circumstances, will never be collected.

Paras. 45 - 46 Hospital Fees
The Committee notes with concern the escalation in the uncollected hospital fees. It notes that recent efforts to collect old fees are to a large extent proving futile, and recommends that emphasis be placed on the collection of current amounts, both in-patient and out-patient. It stresses the need for collection where possible at the point of entry and for prompt billing.

Para. 47 - Pharmacy
The Committee recommends that Boards of Survey, once appointed, should carry out their task promptly. It further recommends that Boards be appointed annually, so that a backlog of work can be avoided.

Para. 48 - Hospital Kitchen Equipment
The Committee viewed with grave concern that equipment to a value of US$40,000 approximately had stood idle for a considerable period of time. If the facilities are not to be used, the Committee recommends that they be disposed of and the proceeds paid into Government revenue to be utilised for more urgent purposes.

Para. 51 - Social Services Department
The Committee expresses concern at the breakdown of financial control, and the back-log of unpaid invoices which had occurred in 1985. It recommends that procedures be reviewed, to prevent any future similar occurrences.

Para. 53 - Stamp Duty
While appreciating the circumstances leading to the acceptance of an interest-free debenture (payable six years hence) in lieu of cash in the sum of $592,748.00, the Committee considers that the land transaction referred to by the Auditor General should have been reported to Finance Committee.

It recommends that the matter be referred to Finance Committee forthwith, and that the advance account be treated

through the Budget as a loan.

Paras. 54 - 55 Purchase of Land
The Committee notes that a grave error occurred during the purchase of a parcel of land next to the Tower Building. While the valuation had been based on an area of 0.36 acres, the subsequent survey had shown an area of less than 0.24 acres, possibly involving Government in an overpayment of the order of $160,000.00.

The Committee notes that land purchases had previously been the subject of comment, and recommends that the guidelines now being belatedly prepared be brought into operation forthwith.

The Committee further notes that on the basis of only 19 new car park spaces, each space would cost approximately $25,000.00 (not counting the civil engineering work still to be carried out).

Paras. 56 - 57 Civic Centres and Town Halls
The Committee recommends that:-

(i) an evaluation of existing facilities be carried out and recommendations be made for future use.

(ii) specific guidelines be drawn for use of the facilities and that such guidelines be publicised.

(iii) district committees be set up, with MLAs as Chairmen, to promote and control the use of Civic Centres and Town Halls.

Para. 58 - Postal Department
The Committee recommends that immediate action be taken to implement a system which provides for total daily balancing of all holdings in the Post Office and that the recommendations recently made by the Accounts and Audit Advisor be brought into effect without delay.

Paras. 60 - 61 PWD Capital Expenditure
The Committee fully endorses the adoption of the "Allgrove Report" and recommends that it be implemented without delay. It attaches particular importance to:-

(i) the need for a greater degree of forward planning and consultation with Finance, to ensure that the Department's resources are mobilised and deployed to maximum advantage.

(ii) the need for improved departmental accounting procedures to provide better commitments control and management information.

(iii) the need for stricter control over tendering procedures.

(iv) the need for more accurate estimating techniques so that construction works in progress can be more closely monitored.

The Committee further recommends that priorities with respect to work to be performed by PWD be set after full consultation with Members of the House and that full details of the Capital Budget be provided in good time. Perhaps consideration might be given to establishing a Capital Works Committee of the House to examine proposals well in advance of the preparation of the estimates.

It also recommends that consideration be given to placing more construction work in the private sector, where possible on a turn-key basis.

Paras. 62 - 64 PWD Unallocated Stores
The Committee recommends that attempts be made to run down the holdings in the unallocated stores as much as possible

and that alternative simplified accounting techniques be considered.

It feels that wherever possible stores be purchased locally as and when required.

It further recommends that the fuel unallocated stores be discontinued and feels that Government fuel requirements could be adequately met through contracts with local suppliers. This would reduce the "dead" mileage now being incurred by vehicles having to refuel at a central depot.

Paras. 65 - 66 Central Funding Scheme
The Committee is aware of Government's intention to engage a consultant to evaluate the Scheme. However, it feels consideration should be given to discontinuing the leasing and servicing arrangements for cars and light vehicles, and believes that this service could be more economically and efficiently be provided through the private sector. Consequently, it considers that Central Funding Scheme operations should be restricted to heavy equipment only.

The Committee observes that the Scheme is not operating as initially envisaged and is merely serving as a maintenance facility. If the Scheme is to operate on a reasonably profitable basis a more realistic rate structure would have to be used, to cover both maintenance and replacement costs.

Para. 67 - Port Authority
The Committee notes that the 1985 Accounts of the Port Authority were found to be unsatisfactory and under the circumstances a firm of professional accountants had been brought in. It looks forward to an early resolution of the difficulties reported.

Para. 70 - Other Public Authorities
The Committee notes that the legislation establishing the Cayman Islands Corporation and the Water Authority make provision in each case for the organisation to operate as autonomous bodies for financial purposes. It recommends that appropriate accounting arrangements be made in good time to avoid problems similar to those experienced by the Port Authority.

REPORT OF THE COMMITTEE TO THE HOUSE
The Committee makes no apology for the length of its report. Whilst acknowledging that problems are not always easy to solve, it has from time to time during its deliberations expressed disappointment at the slow progress made in dealing with deficiencies of long standing. It has noticed in some cases an apparent lack of urgency which it finds hard to accept. It expresses the hope that next year it will find evidence not only of good intentions but of solid achievement in the matters covered in this report.

Mr. President, in conclusion the Committee agrees that this be the Report of the Public Accounts Committee, to be laid on the Table at the third Meeting of the 1986 Session of the Legislative Assembly.

Thank you Mr. President.

MR. PRESIDENT:

Thank you.

On behalf of the House, I am sure I may thank you and all Members of your Committee for a very thorough job done with commendable speed. As I am sure Members will know from what you have said, the procedure now is that the Government is obliged to lay on the Table a Minute within three months, and thereafter the House has an opportunity to debate the matter.

So I turn next to Item 3. Questions. The Elected Member for East End.

QUESTIONS TO MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATIONS

NO. 50: Will the Honourable Member say whether it is the intention of Government to designate the area known as White Hall Bay by the landing ramp as a part of the Port or a navigational channel, and if the answer is no, will the Honourable Member say whether he is aware of near accidents there by fishermen, due to snorklers diving in the area at the same time?

ANSWER: The answer is yes. Coordinates are now being prepared to designate public launching ramps and all channels in the Islands as navigational channels.

MR. PRESIDENT: If there is no supplementary, may I invite the Member for East End to ask the next question.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 51: Will the Honourable Member give the cost to date this year of tourism advertising locally and abroad in magazines?

ANSWER: The cost up to the 27th August, 1986 of tourism advertising locally and abroad in magazines is as follows:

Local	$	10,800.00
Overseas	$	408,479.27
	$	419,279.27

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: A supplementary Mr. President. Would the Member be able to give this Honourable House the names of the magazines in question?

HON. W. NORMAN BODDEN: Mr. President, the local magazines involved would be Splash Magazine, put out by Cayman Free Press; an Annual Report put out by the Cayman National Theatre and a souvenir programme for Pirates Week. The overseas magazines, Travel and Leisure; Travel Holiday; Signature; National Geographic Traveller; Southern Living; Sunset Islands; Omni; New York Times Sophisticated Traveller; Modern Bride; Skin Diver; Underwater USA; Undersea Journal; Under Water Canada; Pleasure Boating; Saltwater Sportsman; Sport Fishing and Fisherman.

MR. JAMES M. BODDEN: Who controls and is responsible for the offshore advertising?

HON. W. NORMAN BODDEN: The control Mr. President of advertising is done by the Portfolio.

MR. JAMES M. BODDEN: Who is responsible for seeing in which magazines we advertise. Is it the Director of Tourism, the North American Manager or yourself?

HON. W. NORMAN BODDEN: This, Mr. President is the Director of Tourism in consultation with the people in the Portfolio, including myself at times (but not at all times), including the persons involved in advertising, marketing and sales in the marketplace of North America, and with advice from the advertising agency involved.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you. Mr. President, I would like to ask the Honourable Second Elected Member whether he is able to say that there has been a marked increase in tourist arrivals, following this advertising, and if so, would he at this time be able to give us an approximate percentage over the past year?

MR. PRESIDENT: I think we are straying a little bit from true supplementaries, and before we stray, I quite understand the Members point and it was I am sure a helpful supplementary, but I think if I allow Members to stray in one direction they will stray later in another.

Unless there is any further supplementary....the Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, a supplementary. I wonder if the Member could say who was responsible for the negotiation of, and the contract with Pleasure Boating Magazine?

HON. W. NORMAN BODDEN: Mr. President, I do not know that there was any contract per se with Pleasure Boating Magazine. But if the Member is referring to an advertisement which was placed in it by the Department of Tourism, this was decided on by the Director of Tourism in consultation with some of the persons whom I referred to earlier, that is, persons involved in marketing and sales in the United States market.

MR. PRESIDENT: If there is no further supplementary. The Member for East End may ask the next question.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 52: Will the Honourable Member state the cost to construct the concrete facility on Smith Road called a dog pound?

ANSWER: $ 7,500.00.

SUPPLEMENTARIES:

MR. PRESIDENT: The Member for East End.

MR. JOHN B. McLEAN: Mr. President, a supplementary. I wonder if the Member could say whether this facility has been fully utilised since it was constructed?

HON. VASSEL G. JOHNSON: Mr. President, I would say yes Sir as far as is humanly possible. For instance, to date the programme has been centered around George Town and the Seven Mile Beach, where we had many cases of stray dogs attacking people, tourists included. Today I would say Mr. President, that it has been very successful in these two areas, because over 414 dogs have been captured. Out of that number only 13 were claimed, and the rest were put to deep sleep. The other areas of Grand Cayman will also be programmed for the eradication of wild dogs and the nuisance they create. However, at the present time the Department of Agriculture does take calls from the Island, and wherever there is an outbreak, or a problem relating to stray dogs the department attends to it immediately. The programme will no doubt be extended in the very near future to all those other areas.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Were these results the result of the advice given by the consultant who was brought in to tell us how to catch stray dogs?

HON. VASSEL G. JOHNSON: I cannot remember an Advisor coming in during this Administration, Mr. President. We had people from PAHO World Health Organisation, who were interested in the problem here in the Cayman Islands, and they gave us not only advice but assistance in putting forward the programme.

MR. JAMES M. BODDEN: Mr. President I am sure this question is still relevant. I am sure it was just some months ago that the paper carried an article which I think was a Government release, saying that this expert was here, and I wonder whether we could get clarification of whether he was brought, or whether he was sent to us?

HON. VASSEL G. JOHNSON: He came here voluntarily Mr. President. I understand that he is the PAHO representative who was willin to give us some advice and assistance with the programme.

MR. JAMES M. BODDEN: Now, if he came here willingly, who was responsible for his expenses while he was on Grand Cayman giving

us this advice.?

MR. PRESIDENT: I think we are straying rather far from the original question which was the cost of a dog pound. We are now onto the cost of stray experts, and I think I must stop it at that point.

So unless there is any further supplementary, let us pass to the next question. The Second Elected Member for West Bay.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 53: Can the Honourable Member say how many managerial or professional, as opposed to non-managerial or professional staff are employed at the Cayman Turtle Farm; what are the respective duties and salaries of those categories of staff and what steps have been taken towards developing Caymanian understudies for those professional/managerial positions?

ANSWER: There are at the farm five managerial/professional staff and eleven in other lower categories. At present, a Caymanian, a livestock foreman, understudies and acts for the farm manager, a non-Caymanian.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Mr. President, a supplementary. Can the Honourable Member say whether in fact a Caymanian did apply for the position of farm manager, which entailed engineering and maintenance, but his application was rejected?

HON. VASSEL G. JOHNSON: Mr. President, I am not aware of the particular case, but I know the foreman tried to appoint people who are efficient, professional and able to do the few jobs at the farm. In recent times we have discussed this, and arrangements are now being made for Caymanians to understudy some of the positions which they could very well manage in time.

MR. W. McKEEVA BUSH: Supplementary Mr. President. I wonder if the Member could further elaborate on my question which does not seem to be answered, being the part in respect of duties and salaries of those categories of staff?

HON. VASSEL G. JOHNSON: Mr. President, I feel that the farm which is a public corporation the same as Cayman Airways, and that the details of administrative affairs dealing with salaries should not be put forward on the floor of the Legislative Assembly. I am quite willing if the Member comes to my office, to give him the details of what he is asking.

MR. PRESIDENT: If there is no further supplementary, the Second Elected Member for West Bay may ask the next question.

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

NO. 54: Will the Honourable Member give a progress report on the National Sports Award as agreed by Private Member's Motion No. 20 of 1985?

ANSWER: The following actions have been taken to fulfill the requests of the above motion, viz:

(i) All recognised sporting organisations were contacted and requested to submit nominations for membership to the Committee. Some have responded, others have not. The Sports Council is being reorganised under the leadership of the National Sports Director and the Portfolio feels that such an organisation will be in a position to deal more effectively with the matter.

(2) A sum of money has been included in the 1987 Draft Budget to cover any legitimate expenses involved in preparation for the award in 1987.

MR. PRESIDENT: Unless there is any supplementary.

SUPPLEMENTARY:

MR. W. MCKEEVA BUSH: Yes Sir, one supplementary. Can the Member say whether in fact then there will be an award in 1987?

HON. BENSON O. BRANKS: That is the intention Mr. President.

MR. PRESIDENT: In that case if there is no further supplementary, the Second Elected Member for West Bay may ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 55: Can the Honourable Member say whether the Committee to oversee the disposal of drugs as agreed by Private Member's Motion No.4/86 has been appointed?

ANSWER: Despite repeated efforts there has been an inadequate number of persons agreeable to serve on this Committee. Hence it has as yet not been possible to establish the Committee.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Mr. President, supplementary. The answer speaks of an inadequate number. Can the Member say how many actually agreed?

HON. JOHN LEMUEL HURLSTON: Mr. President, as of the present time only one person is agreeable to serve.

MR. D. EZZARD MILLER: Supplementary Mr. President. Can the Member state how many people have been asked, who have refused to serve?

HON. JOHN LEMUEL HURLSTON: Mr. President, the net which was put out to canvass nominations for persons to serve on this Committee was quite a wide net, and as Members may recall, immediately following the March Sitting of the Legislative Assembly the President addressed this matter to all Members of the Legislative Assembly, and invited Members to make nominations, or for themselves agree to serve on this Committee. The results unfortunately Sir, were very disappointing.

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I am wondering whether the names which I have submitted, I wonder whether these people were contacted?

HON. JOHN LEMUEL HURLSTON: The answer to that Mr. President is that yes, everyone whose name was suggested has been contacted, and of those names which have been suggested, only one has agreed so far, to serve.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Is it the normal method of appointing Board Members or Committee Members in Government, to solicit names from Members of the Legislative Assembly?

HON. JOHN LEMUEL HURLSTON: Mr. President, I think the motion called for the establishment of a Special Committee, and arising out of the debate on that Private Member's Motion, it was felt that we should begin the enquiries by asking Members of the Legislative

Assembly whether either they themselves would be willing to serve, or whether they knew of other persons in the community who would be suitable to ask to serve in that capacity. It was not that the Government was departing from any earlier established procedure.

MR. PRESIDENT: If there is no further supplementary, the Elected Member for North Side may ask the next question.

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

NO. 56: Would the Honourable Member state what authority the Health Practitioners Board has to refuse to licence General Practitioners who possess degrees or diplomas which it has approved in accordance with the provisions of Section 7(2) of the Health Practitioners Law?

STANDING ORDER 23(5)

HON. BENSON O. EBANKS: Mr. President, in accordance with subsection 5 of Section 23 of the Standing Orders, I beg leave of the House to defer the answer to this question until another Sitting within this Meeting.

MR. PRESIDENT: In case other Members are unfamiliar with it, paragraph 5 of Standing Order 23 says that a Member of Government may, with the leave of the House defer asking a question. So unless any Member seeks to object, I will ask that the question be put down for another day during this Meeting.

MR. D. EZZARD MILLER: What is the reason Sir, because they have not received the question in time, or if they just wanted to defer it for fun, I am against it?

HON. BENSON O. EBANKS: Mr. President, I am not in a habit of making fun out of the business of this House Sir. The simple fact is that my Portfolio was advised that we had only one question for this morning, and the answer to this question has not yet been finalised.

MR. PRESIDENT: I think it will probably be helpful to the questioner too if he acquiesces, he will probably get a more satisfactory answer.

The next question, the First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, before I ask my questions, I do not want to get caught here in the usual tangle.

MR. PRESIDENT: If I may interrupt you for a moment. I did forsee that question time might be rather cut short by the length of time it took to deal with reports, and I did invite the First Official Member if necessary to move that Standing Orders be suspended in order to enable us to complete the questions on the Order Paper today. You may like to let him do that before you actually ask the quetions, so that we do not get cut short in the middle.

SUSPENSION OF STANDING ORDER 23(7) & (8)

HON. THOMAS C. JEFFERSON: Mr. President, under Standing Order 83, I move that Standing Orders 23(7) and (8) be suspended to allow the remaining questions on the Order Paper to be asked.

MR. PRESIDENT: The Motion is that in accordance with the provisions of Standing Order 83, Standing Orders 23(7) and (8) be suspended in order to enable all the questions down on today's Order Paper to be asked today. Unless any Member wishes to speak, I will put that question.

The Ayes have it. The First Elected Member for Bodden Town.

QUESTION PUT: AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND

ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 57: Would the Honourable Member state what are the losses on CAL's Tampa route from commencement to 31st July, 1986 and the losses on CAL's Cayman Brac route from 1st January, 1986 to 31st July, 1986?

ANSWER: The loss on CAL's Tampa route from startup date to 31st July, 1986 is US$106,319. The loss on CAL's inter-Island route for January 1986 to 31st July, 1986 was US$387,808.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Would the Member clarify for me the startup date. The answer is vaguely worded?

HON. W. NORMAN BODDEN: Mr. President, I think the question referred to the startup date. For any clarification which the Member might need, the startup date for the Tampa operation was actually 15th December, 1985.

MR. JAMES M. BODDEN: Could the Member advise the House, during this period of time which is seven and a half months, how many flights does this loss include. How many flights does this cover?

HON. W. NORMAN BODDEN: Mr. President this would involve approximately 58 flights - Grand Cayman/Tampa/Grand Cayman.

MR. JAMES M. BODDEN: The losses given on the inter-Island route, is this inclusive of the operation of the Trislander as well as the 727. Or is this just the 727's?

HON. W. NORMAN BODDEN: Mr. President, this would be inclusive of both aircraft, the 727 and the Trislander.

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Would the Honourable Member state if the international part of the ticket has been credited against this, like Tampa to Cayman Brac and return, and the Miami part. Or are you only charging the jet cost between Grand Cayman and Cayman Brac? Have you given credit for the international part of the tickets?

HON. W. NORMAN BODDEN: Yes Mr. President, the credit would be given for the international section, when separating the inter-Island service from the international operation. I think this would relate to direct operating costs and revenue earned in the inter-Island service.

CAPT. MABRY S. KIRKCONNELL: Another supplementary. What I am really trying to get Mr. President is, is this three hundred and odd thousand dollars an actual loss incurred by the aircraft flying to Cayman Brac?. I mean I realise there has been a terrific loss incurred flying to Grand Cayman as well, and we always see this appear, the losses to Cayman Brac. What I am trying to determine is, have we been given credit for all the revenue collected by the airline for tickets coming in and out of Cayman Brac. Because on another occasion I was told by the airline that the figure stated did not include the international portion?

HON. W. NORMAN BODDEN: It is my information Sir, that the figures which I have given which relate to the loss on the inter-Island route relates to that operation, the expense and the income derived from that operation which is separate and apart from the international operation. I am not too sure exactly what the Member is refering to, when he talks about the credit portion of it. For example, if he is talking about a Miami/Cayman Brac service, how that Miami/Cayman Brac fare would be prorated to relate only to the inter-Island service, this is an exercise which is carried out by the accounting department. As I understand it, the figures relate to the inter-Island service without mixing up or confusing any income or expenditure on the international operation.

MR. PRESIDENT: The Member for East End.

MR. JOHN B. McLEAN: Mr. President, a supplementary.

As a result of the figure given here on the Inter-Island flight, would the Member be able to tell this House how much of this was created by the 727 and how much by the Trislander?

HON. W. NORMAN BODDEN: Mr. President, I do not have that information with me, but I can get the breakout on those figures, and provide it to the Member asking the question, in writing if he so desires.

MR. PRESIDENT: If there is no further supplementary, the First Elected Member for Bodden Town may ask the next question.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 58: Will the Honourable Member give the average month-by-month percentage load factors for 1986 on CAL's scheduled routes and also include the averages on the Tampa route?

ANSWER: The average load factors on CAL's schedule routes during the period January to July 1986 were as follows:

ROUTE	LOAD FACTOR
GCM-MIA	68.12%
MIA-GCM	64.10%
GCM-HOU	55.36%
HOU-GCM	51.91%
GCM-KIN	62.50%
KIN-GCM	58.57%
LOCAL	38.47%

The average load factors on CAL's Tampa route during the period 15th December, 1985 to 19th July, 1986 were as follows:

ROUTE	LOAD FACTOR
GCM-TPA	54.25%
TPA-GCM	46.93%

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: I would like to ask a supplementary to the Member. Could the Member give any reason to account for the substantial drop in load factors on the Houston/Grand Cayman operation?

HON. W. NORMAN BODDEN: Mr. President, when the Member refers to a drop in the Houston/Grand Cayman traffic, is he referring the the comparison with Grand Cayman/Houston in this reply, or is he comparing it with the previous year? In what respect is the comparison being made?

MR. JAMES M. BODDEN: I am comparing it really with the years gone by. A 54 percent average load factor between Grand Cayman and Houston and Houston and Grand Cayman is back nearly to the load factor averages when we started the operation many years ago. So, I am wondering what accounted for such a substantial drop?

HON. W. NORMAN BODDEN: When the Member refers to a substantial drop Mr. President, I do not have the previous years figure to really confirm that there is a substantial drop, but I know that there has been a somewhat of a reduction in the Houston route traffic due primarily to the economic situation in Houston, due to the drop in the price of oil. I think most members of the public are generally aware that the economic situation in Texas is very, very bad, and Houston has been badly hit by this.

MR. JAMES M. BODDEN: We all know that right now the oil market is down, and that Houston has been hurt. But Houston really pulls from many other areas, that is only one focal point, and this is a very low load factor and an alarming one. And I would ask the same question about the Grand Cayman/Kingston, Kingston/Grand Cayman operation, where we are only averaging about 60 percent average load

factor. Something seems to have happened there, because the load factors there were much, much higher than that. Could you tell us what has happened on that one, is it because of the oil situation also? Is it that in Houston, might it not be due to the advertising policy in that particular area?

HON. W. NORMAN BODDEN: Definitely not Mr. President, it is not due to any advertising policy. I think that would be a faulty conclusion to draw, and I am sure the Member asking the question knows that the only oil in Jamaica I know about is coconut oil, not the oil I am referring to from Texas.

The drop in the Jamaica traffic, I cannot confirm that there has been any reduction in the load factor on the Jamaica traffic, because as I have said, I do not have the same period for the previous year. But the Member must bear in mind that Houston is also a summer market, and here he is asking for statistics covering January through July. August is one of the best months for Houston, and would not be included in these figures at this time. I believe that the Jamaica market is holding its own, as it was for the same period the previous year, or could be an improvement.

MR. JAMES M. BODDEN: Mr. President, I am quite familiar with the intricacies of the Houston market and also the coconut oil business from Jamaica. But, I am not trying to castigate anyone by what I have said, I am just raising a point of alarm that we can consider, because the airline has to be operated with Government money, and what I am pointing out is that a load factor of 54 percent average on the Houston operation. We have just closed down the Tampa operation which had a load factor average of about 51 percent, and we have closed that It is alarming to see that Houston which for many years has been one of the principal points for the airline is down to 54 percent. It gives the entire House, it gives the entire country reason for alarm. We must ask what is wrong? I am only trying to be helpful, I am not trying to tear anything apart, but to raise an important....

HON. W. NORMAN BODDEN: Mr. President, the Tampa service was suspended temporarily for three months because it is an off-season, and projected bookings both to Cayman Brac and Grand Cayman were very poor, and this is a charter-type operation to Tampa, not a scheduled service. But the company plans to reinstate that service on 15th December. I appreciate the Members concern. I can only say that to the best of my knowledge, and regarding the economic situation in the Texas area it accounts for any decline in the Houston service.

I too am aware of where the traffic comes from on the Houston service, but there have been other cities in outlying areas which feed through Houston which have been equally affected by a poor economic situation.

MR. JAMES M. BODDEN: If politics have to enter into this question Mr. President, I am sorry but I have to place it.

During the Unity Team administration of Cayman Airways, there was continual debate and castigation of it. A point which I am trying to make to the House this morning is that with these load factors here, the only route which could possibly be even at a breakeven point is the Miami/Grand Cayman route, and that is debateable. So we must, somebody must take a good close look, rather than saying we have outside Government management now, and everything is taken care of. You are lulled to sleep, you can forget the problems. But there is a problem, bigger than it ever was before, and if these statistics are correct it is something to worry about, because not one of these routes in the airline, break even except maybe Miami, and that would only depend on whether all the tickets were sold at the full price on the Miami route, given this load factor. So I am saying Mr. President, that there is alarm to be expressed here, and you, and everyone else had better consider it.

MR. PRESIDENT: I do not think that that was in fact a question. I waited a long time for it, on the assumption that there would be one, but there was not anything to answer. So I think that can now conclude Question Time, and I suggest that we take our customary morning break. I will therefore suspend proceedings for approximately twenty minutes.

AT 11:20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:45 A.M.

MR. PRESIDENT: Bills, First Reading.

GOVERNMENT BUSINESS

BILLS

THE CURRENCY (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE CURRENCY (AMENDMENT) BILL, 1986.

MR. PRESIDENT: A Bill entitled A Bill for a Law to Amend the Currency Law is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE CURRENCY (AMENDMENT) BILL, 1986.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled A Bill for A Law to amend the Currency Law (Revised).

This is a short amendment Mr. President, and the aim is to delete 'seven years' in section 4(3) of the Currency Law Revised, and to substitute 'ten years'.

For the benefit of all, I will read that particular sub-section. It is dealing with the Currency Fund, that is the funds available for investment purposes for the Currency Board.

> "Except as hereinafter provided the remainder of the assets of the Fund shall be invested in securities issued or guaranteed by the Government of the United Kingdom, the Government of the United States of America or the Government of Canada and maturing within seven years."

The amendment seeks to change the latter part, 'maturing within seven years' to 'ten years'. The reason for this Mr. President is that the investment market at times, one can make as much as a quarter of one percent by purchasing a security which is maturing in ten years, and as the Currency Board has approximately $13 million invested in securities, it seems appropriate to amend the section of the Currency Law to allow us to invest in securities which are guaranteed by the Governments as earlier read, and to take the advantage and to earn the additional income for the Currency Board.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Currency Law be given a Second Reading. The question is open for debate. No Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Bills, Item 2 in No.4.

THE PORT AUTHORITY (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE PORT AUTHORITY (AMENDMENT) BILL, 1986

MR. PRESIDENT: The Bill entitled a Bill for A Law to Amend the Port Authority Law is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE PORT AUTHORITY (AMENDMENT) BILL, 1986

HON. CAPT. CHARLES KIRKCONNELL: Mr. President, I move the Second Reading of a Bill entitled A Bill For a Law to Amend the Port

Authority Law, Law 15 of 1976.

This is a short, but important Bill which will enable the Port Authority to carry out its functions with more authority. Sub-section 6 of Section 3 of the Port Authority Law, Law 15 of 1976 states that the Authority shall perform its functions through an Executive Officer called the Port Director, who should be a Civil Servant appointed by the Governor.

Mr. President, the Law in its present form is restrictive, as it confines the appointment of a Port Director to the Civil Service, because only a Civil Servant can be appointed Port Director. Secondly, the appointment must be made by His Excellency the Governor, and in view of the complications this creates in employing or terminating the employment of a Port Director, it is considered appropriate to amend the Bill.

This Bill seeks to transfer to the Port Authority of the Cayman Islands from His Excellency the Governor, the power to appoint the Port Director. It also seeks to remove the requirement that the Director shall be a Civil Servant.

The Port Authority has since 1977 been operating the port successfully, and has proved its competence over the years. It is felt that the time has come when it should have more autonomy and power to appoint, and or dismiss the Port Director.

Mr. President, we have also received the approval of the Caribbean Development Bank to change the Port Authority Law, Law 15 of 1976 to allow a non-Civil Servant to be Director of the Port Authority. I am confident Mr. President that all Members of this Honourable House will see the justification and merits of this Bill, and give it their full support.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Port Authority Law be given a Second Reading. The question is open for debate.

The Member for North Side.

DEBATE ON SECOND READING

MR. D. EZZARD MILLER: Mr. President, I rise to speak against this Bill. When I received this Bill Mr. President, I asked the question "why?" Is this amendment going to allow better administration of the Port? That is doubtful. Or is it going to enable the appointment of someone special?

Mr. President, it is a sorry state of affairs in this country when Civil Servants' posts are designed to fit individuals. But when we get to the stage where we are going to change Laws to allow for the appointment of certain individuals, especially Sir, when they are people in the organisation who fit category of the Law, who can ably perform the function of Port Director.

Mr. President, I wonder where the connection with Government and the Portfolio is going to be maintained, if the Director is not a Civil Servant. This to me seems to be somewhat of a departure from what happens in the other Public Authorities, like the Civil Aviation Department.

I Sir, have always advocated privatisation in Government, where it is possible, but as I have said before Sir, I am convinced wrongly, I hope, that this matter is drafted to allow for the appointment of a specific individual, and in that light Mr. President I cannot support the Bill.

MR. PRESIDENT: Does any other Member wish to speak? In that case does the mover wish to exercise his right of reply?

HON. CAPT. CHARLES KIRKCONNELL: Mr. President, as I have said before, the Law as it now stands is restrictive and confines the selection or appointment of the Port Director to the Port Authority. The Board of Directors particularly feel that they should now have the privilege of appointing their own Port Director.

Recently we have had a problem, and the former Director was not a Civil Servant, and there were a lot of complications in making him a Civil Servant, and also a lot of complication in unmaking him a Civil Servant. For this reason Mr. President, the Board of Directors of the Port Authority have requested that this amendment come to the House, and give them the power which they would like to have. That is, they would like to have the power to employ people whom they consider have the ability and competence rather than to have someone thrust on them, who has been sitting down

warming a seat.

I thank you Mr. President.

MR. PRESIDENT: I will put the question, that the Bill entitled A Bill for A Law to Amend the Port Authority Law, be given a Second Reading.

QUESTION PUT: AGREED BY MAJORITY. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Bills. Item 3.

THE TAX COLLECTION (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE TAX COLLECTION (AMENDMENT) BILL, 1986.

MR. PRESIDENT: The Bill entitled a Bill for A Law to Amend the Tax Collection Law is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE TAX COLLECTION (AMENDMENT) BILL, 1986.

HON. THOMAS C. JEFFERSON Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for A Law to Amend the Tax Collection Law (Revised).

This Bill Mr. President seeks to repeal section 3 of The Tax Collection Law (Revised), and it is a consequential amendment Mr. President because section 3 of The Tax Collection Law which reads:-

> "Any person appointed under section 2 shall give security in accordance with the Public Officers Security Law, for fidelity in the performance of his duties and for the due accounting for the payment of all monies received by him."

Mr. President, the Public Officers Securities Law was repealed almost a year ago, so this amendment is basically to put the Tax Collection Law in order accordingly.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Tax Collection Law be given a Second Reading. The motion is open for debate. The First Elected Member for Bodden Town.

DEBATE ON SECOND READING

MR. JAMES M. BODDEN: Mr. President, I have to crave ignorance on this because really I am not able to figure out what this Law is all about. Because as I see it, we should not really be putting a Tax Collection Law of any kind, although this is just an amendment, before the House at this time, because soon there will not be any money to pay any taxes, to be able to collect any.

MR. PRESIDENT: Does any other Member wish to speak? If not, unless the mover wishes to exercise his right of reply? He does.

HON. THOMAS C. JEFFERSON: Only to say Mr. President, thanks to the Members for supporting the Bill, and I am sure the First Elected Member for Bodden Town understands the relevance of the amendment.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Tax Collection Law be read a Second Time. I will put that question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING

MR. PRESIDENT: Bills, No.4.

THE SUPPLEMENTARY APPROPRIATION (1985) BILL, 1986

FIRST READING

CLERK: THE SUPPLEMENTARTY APPROPRIATION (1985) BILL, 1986

MR. PRESIDENT: The Bill entitled A Bill for a Law to Allow and Confirm Certain Expenditure During the Financial Year 1985 is deemed to have been read a First time and is set down for Second Reading.

SECOND READING

CLERK: THE SUPPLEMENTARY APPROPRIATION (1985) BILL, 1986

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill, a Bill for a Law to Amend and Confirm Certain Expenditure During the Financial Year 1985.

Mr. President, as all Honourable Members are aware, the year begins with an Appropriation Law which is the basis on which the estimates and accounts are legalised. During the year certain additional expenditures are required, and are therefore brought to Finance Committee for approval. This piece of legislation Mr. President is really to legalise the decisions made by Finance Committee as regards the supplementary already approved.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Allow and Confirm Certain Expenditure During the Financial Year 1985 be given a Second Reading.

The motion is open for debate. The First Elected Member for Bodden Town.

DEBATE ON SECOND READING

MR. JAMES M. BODDEN: Mr. President, we are aware that from time to time Government finds it impossible to work with the money that is appropriated at the beginning of the financial year, and that they find it necessary to bring a supplementary request, and so forth. But we would like to point out that we have said for two years that the budgets which have been submitted to this House by the present Government were inadequate each year as they were put forward, and inaccurate, because they did not take fully into account the different expenditures which would have to be incurred, and which was done in such a way that it was an attempt to balance the budget to present a good picture. We predicted that things of this nature would take place.

Under Finance and Development there is a fairly large amount of money locked there without any explanation, and although we may have received some explanation before about this, and maybe a Finance Committee Meeting which I did not attend, I wonder if in his summing up, the Honourable Financial Secretary could give some input as to what this involves.

I really am against the motion in the sense that we have pointed out that this would happen, and I do not think at this point we should support it. We do not need to support it, there are enough Members to carry it, but it would not be right for us to support something which we have already spoken against, and knew would take place.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, my contribution to this Bill will be short, but I could not sit here Mr. President and see this Bill pass without making some comments on it, especially in view of the Public Accounts Committee Report presented today, and also Sir, in view of the vowed intentions of this House, expressed here to keep expenditure to the minimum. I am aware Sir that this matter has already been brought to the Finance Committee. What is of concern Sir is that during the Budget Session when this matter was dealt with, I think I was one of the Members who stood here and expressed my apprehension and concern at the inadequate budgeting which was presented to this Assembly, for the main purpose of balancing the Budget.

Mr. President, this will continue to happen as long as this House will agree to pass unrealistic budgets. Perhaps Mr. President the time has indeed come when this country should be looking into deficit budgeting, if this is the sort of thing

which we are going to be handed here each year. Because, in fact, and in reality, it is deficit budgeting, because if a proper budget had been prepared, these expenditures or at least the biggest percentage of these expenditures should have been foreseen.

Mr. President, I see here that of the $1.4 million being brought before this House to be approved as supplementary appropriation, that one million dollars is in respect of the Finance Department. Mr. President, it would have been of interest not only to this House but to the people of this country, to have had a complete breakdown of these expenses, and I trust Mr. President that the Member will give more details in his summary of this Bill.

Mr. President, this is inadequate, and very poor budgeting indeed. We are aware that the year begins with an Appropriation Law, but this Law Mr. President, should be realistic. As a former Member said that with recent developments in this country, perhaps we will soon not have any revenue to even prepare a budget from, but this will be the subject of another debate.

Mr. President, I have a lot of respect for the Finance Department, but I must point out that this form of budgeting, these eventualities could be prevented with better budgeting. As I have said Mr. President, I do not have a long debate on this matter, but I would ask that in future more care and prudence and a little realism be brought to bear on the preparation of the budget.

Thank you Mr. President.

MR. PRESIDENT: The Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President this sounds like politics, so I must get into it as well.

I rise to support a Bill to allow and confirm certain expenditure during the financial year 1985.

Mr. President, it is a pity that in presenting these Supplementary Appropriation Bills that we could not present a sort of expenditure and savings account. Because, although I am not aware of the figures, but if the savings from the 1985 budget were presented here, I am sure it would far, far out weigh the small bit of expenditure which we are putting forward here for approval.

The procedure in financing is that we just come forward and ask for authority to cover only those sub-heads within heads which have been over expended. But it is not that we are saying that the overall budget suffered a loss or an over expenditure of a certain sum of money in a given year. Now Mr. President, I have also dealt with the budget for 17 years in Government, and in those 17 years, and I am sure that in years before that, and in years following that, I have presented a Supplementary Appropriation Bill to this House every year. Mr. President, let me say this, that those 17 years were the most prosperous years for this country, and if those years can be prosperous and we still have the need to apply for supplementary expenditure, then it goes to show Mr. President that this is a continuing process within the financial system of Government.

So the reason for the comments which I have heard from the 'other side' are beyond me. Anyhow, I am sure that the Honourable First Official Member will be able to give them some satisfaction on the points which were raised.

Mr. President, I support the Bill.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. THOMAS C. JEFFERSON: Yes Sir.

In an attempt to give some clarification Mr. President. The one million dollars which is under Finance and Development is there for this reason; this Government made the decision some years ago to assist the Bank of Nova Scotia who were trying to deal with the extraterritorial reach of the United States. This Government went to court, the 11th Circuit Court in Atlanta together with the United Kingdom and also with the Canadian Government to fight that case. I am sure Honourable Members remember the case now Mr. President.

We retained that firm for approximately 18 months in dealing with the exercise. As we did not know the ultimate amount of expenditure to be paid, we left the sum on advanced account, and Mr. President, in accordance with the Public

Accounts Committee Report, it said, and it was accepted by this Government, that advance accounts should be closed, and all future activities should in all cases try not to be in advance accounts, but be processed through the usual budgeting process of expenditure, and that is exactly what we did. $752,509.00 was agreed by Finance Committee in its meeting of 28th August, 1985. We also agreed because the Turtle Farm at that stage was a bit uncertain, as to whether CITIES meeting would be successful or not. We agreed, having then realised that the countrys who were members of CITIES did not agree for the Turtle Farm products to either be consumed or transported through United States ports, we would then have to put the subsidy in the budget, of $226,800.00. In addition to that Mr. President, when dealing with the Mutual Legal Assistance Treaty, Government saw the need to have a public relations company in Washington, and the supplementary which was approved on 2nd May, 1985 for $76,600.00, and Mr. President, budgets are only as realistic as Members will allow them to be. If we come here every Meeting Mr. President and we put forward Private Member's Motions calling for more expenditure during the year, that budget which was passed in November of the previous year is going to be unrealistic, but we are all a part of the exercise, so do not criticise the budget in that way.

I think Mr. President, enough politics has been played with this Bill. I take the comments of the Members, and I thank the others for supporting it.

MR. PRESIDENT: The motion is that a Bill entitled a Bill for a Law to allow and confirm certain expenditure during the financial year 1985 be given a Second Reading.

QUESTION PUT: AGREED. THE SUPPLEMENTARY APPROPRIATION (1985) BILL, 1986 GIVEN A SECOND READING.

MR. PRESIDENT: That concludes the business which was set down on our Order Paper for today.

Perhaps just before inviting the First Official Member to move the adjournment until tomorrow, I could say that my understanding from their Chairman is that there are one or two Committees which have not completed business that the House gave them, and it could conceivably be convenient for Members who may have planned, in the expectation that the House would be meeting this afternoon, it may be convenient for some of those Committees to try and deal with their business, but I will leave the Chairmen of the Committees concerned to contact Members.

HON. MICHAEL J. BRADLEY: Perhaps Mr. President Sir, with respect, the best method of contacting Members is when they are firmly imprisoned in here, and could I say that as Chairman of one Select Committee which is the Select Committee on the Elections Law, that as Chairman, since it is a Select Committee of the whole House for which the quorum is seven plus the Chairman, I have been unsuccessful in obtaining a quorum at two attempts, and if it was the wish of the House, I would be quite happy to have that Select Committee meet this afternoon. I do not anticipate it would be a very long session, but I am in the hands of Members.

MR. PRESIDENT: I think it is a Select Committee which ought to try and finish its business. Is there any other Committee?

HON. THOMAS C. JEFFERSON: Mr. President, there are two other Committees which could meet, but we are obviously in the hands of Members. One is the Standing Orders Committee, and the other is Finance Committee.

MR. PRESIDENT: And would it be convenient if one or both of those meet this afternoon too?

HON. THOMAS C. JEFFERSON: If it is convenient.....

MR. PRESIDENT: Or are you not ready?

HON. THOMAS C. JEFFERSON: ....for me Sir, to meet on either one. I think perhaps the Standing Orders maybe in the eyes of the Members a bit easier to deal with, as they have not received to the best of my knowledge the Finance Committee papers too long ago.

MR. PRESIDENT: Well supposing perhaps, before we do move the adjournment, we invite Members to come at two fifteen, which would be the normal time, in the hope of having a brief meeting of the Select Committee dealing with Elections, and maybe a meeting of one or two other bodies that....

MR. G. HAIG BODDEN: Mr. President, may I ask why the main business for this Meeting, that is the Law dealing with the Treaty was not included on today's Order Paper?

MR. PRESIDENT: I am afraid I cannot answer that. I do not put the business down.

Would you like to move the adjournment now?

ADJOURNMENT

HON THOMAS C. JEFFERSON: Mr. President, I move that the House be adjourned until 10.00 a.m. tomorrow.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m. tomorrow.

QUESTION PUT: AGREED. AT 12:25 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 A.M. TUESDAY, 2ND SEPTEMBER, 1986.

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
TUESDAY, 2ND SEPTEMBER, 1986
(SECOND DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

(SECOND DAY)

TUESDAY, 2ND SEPTEMBER, 1986

1. PRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR WEST BAY.

2. PRESENTATION OF PAPERS AND REPORTS

THE FIRST REPORT OF THE 1986 SESSION FROM THE STANDING SELECT COMMITTEE OF THE WHOLE HOUSE ON STANDING ORDERS TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS.

3. QUESTIONS TO MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 59: WOULD THE HONOURABLE MEMBER STATE WHAT IS THE PRESENT APPRAISED VALUE ON CAL'S TWO BOEING 727 AIRCRAFT AND WHAT IS THE AMOUNT STILL OWED ON THEM?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 60: CAN THE HONOURABLE MEMBER STATE WHETHER RECENTLY EMPLOYED FLIGHT PERSONNEL ON CAL JETS MET ALL THE STANDARDS SET BY THE COMPANY FOR EMPLOYMENT AND SUCCESSFULLY PASSED ALL REQUIRED EXAMINATIONS?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 61: WOULD THE HONOURABLE MEMBER STATE WHAT REMUNERATION AND BENEFITS ARE PAID TO THE PRESENT CHAIRMAN OF CAL?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 62: *WILL THE HONOURABLE MEMBER STATE WHETHER IT IS THE INTENTION OF GOVERNMENT TO CONTINUE THE FARM ROADS IN EAST END INTERIOR AND, IF SO, HOW SOON?*

NO. 63: *WILL THE HONOURABLE MEMBER STATE WHETHER IT IS GOVERNMENT'S INTENTION TO CONTINUE WORK ON UPGRADING CHANNELS IN THE EAST END DISTRICT AREA AND, IF SO, HOW SOON?*

NO. 64: *WILL THE HONOURABLE MEMBER STATE HOW SOON IT IS ANTICIPATED THAT CATTLE DIPS WILL BE CONSTRUCTED IN THE EAST END DISTRICT AND OTHER DISTRICTS RESPECTIVELY?*

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

NO. 65: *WILL THE HONOURABLE MEMBER STATE HOW MANY STUDENTS ARE IN EACH CLASS AT THE PRIMARY SCHOOLS, AT THE MIDDLE SCHOOL AND AT THE CAYMAN ISLANDS HIGH SCHOOL?*

4. *GOVERNMENT BUSINESS*

BILLS:-

COMMITTEE ON BILLS

(i) *THE CURRENCY (AMENDMENT) BILL, 1986*

(ii) *THE PORT AUTHORITY (AMENDMENT) BILL, 1986*

(iii) *THE TAX COLLECTION (AMENDMENT) BILL, 1986*

(iv) *THE SUPPLEMENTARY APPROPRIATION (1985) BILL, 1986*

REPORTS

(v) *THE CURRENCY (AMENDMENT) BILL, 1986*

(vi) *THE PORT AUTHORITY (AMENDMENT) BILL, 1986*

(vii) *THE TAX COLLECTION (AMENDMENT) BILL, 1986*

(viii) *THE SUPPLEMENTARY APPROPRIATION (1985) BILL, 1986*

THIRD READINGS

(ix) *THE CURRENCY (AMENDMENT) BILL, 1986*

(x) *THE PORT AUTHORITY (AMENDMENT) BILL, 1986*

(xi) *THE TAX COLLECTION (AMENDMENT) BILL, 1986*

(xii) *THE SUPPLEMENTARY APPROPRIATION (1985) BILL, 1986*

FIRST AND SECOND READINGS

(xiii) *THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1986*

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TUESDAY

2ND SEPTEMBER, 1986

10:00 A.M.

MR. PRESIDENT: Prayers. The Second Elected Member for West Bay.

PRAYERS

MR. W McKEEVA BUSH: 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 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.

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. Amen.

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

MR. PRESIDENT: Please be seated. Presentation of Papers and Reports. The Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

FIRST REPORT OF THE 1986 SESSION FROM THE STANDING SELECT COMMITTEE ON STANDING ORDERS

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the First Report of the 1986 Session from the Standing Select Committee of the whole House on Standing Orders.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, under Standing Order 72(5) I move that the contents of the Report be adopted.

MR. PRESIDENT: In accordance with the provisions of Standing Order 72(5) it is moved that the House adopt the Report. Unless any Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. RECOMMENDATIONS CONTAINED IN THE REPORT ADOPTED.

MR. PRESIDENT: My recollection is that on the last occasion when Standing Orders were amended, the procedure we adopted was to reprint the Orders and to bring the amendments into effect at the following Meeting of the House. Is that correct - after they had been reprinted? I think I have to make an order bringing them into effect. That is my recollection. If that is so I would propose to follow that same course. I think that is probably the most convenient so that the House will have the corrected Standing Orders in front of them before they apply.

Questions. The First Elected Member for Bodden Town.

QUESTIONS TO MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 59: Would the Honourable Member state what is the present appraised value on Cayman Airways Limited's two Boeing 727 aircraft and what is the amount still owing on them?

ANSWER: According to the Managing Director of Cayman Airways Limited, the present market value of the two Boeing 727 aircraft is approximately US$20,000,000. However no formal appraisal has been made. The amount owing on these aircraft is US$21,211,000.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Mr. President, a supplementary. I hate to ask a question based on a conversation I may have had with someone, but about one month ago the Managing Director in a conversation told me the aircraft were worth about $30,000,000. This is what prompted this question. I wonder what has happened in one month for them to depreciate to such a great extent. Could the Honourable Member advise me?

HON. W. NORMAN BODDEN: Mr. President, I have no way of answering or satisfying the Member as to what happened with the difference of $5,000,000 in the valuation of the aircraft in the past month. I can only say that this information was supplied to me by the Managing Director of Cayman Airways Limited. I know that at various times the market value fluctuates up and down based on various factors, however, I am unable to really tell him why the Managing Diretor gave him an opinion that varies from this one a month ago.

MR. JAMES M. BODDEN: Would the Honourable Member not agree that that is a big fluctuation for one month?

HON. W. NORMAN BODDEN: With due respect, Mr. President, I think the Member is basing his observations on a conversation he had. I have no observation to make on the difference in fluctuation, and I think the person who supplied him the original quote would have to account for that.

MR. JAMES M. BODDEN: Well I am basing it on a talk with the Managing Director - the same source, which you just disclosed, who gave you your information. So that is the reason I have questioned it.

MR. PRESIDENT: I think, nevertheless, the Honourable Second Elected Member of Executive Council is quite right. He cannot be expected to explain a discrepancy for which he was not responsible. You would have to ask the Manager.

MR. JAMES M. BODDEN: I quite agree with that and I did not expect to get a better answer. Maybe this one can be answered.

The $21,211,000 which is still owing on the aircraft - could you tell me what that is made up of?

HON. W. NORMAN BODDEN: Mr. President, I do not know what kind of answers the Member is expecting, but I understand in accordance Standing Orders that questions are asked for information and action and I endeavour at all times, whether the question comes from that Member or any other Member, to give the answer to the best of my ability and the information that is available to me

The $21,211,000 that is owed on the aircraft is the amount that is owing for principal and interest on the lease transaction. At least that is my understanding of it.

MR. JAMES M. BODDEN: Mr. President, something must be wrong some place. We have had the aircraft now nearly four years. We bought them for nearly $20,500,000. We have been paying, I think, about $1,200,000 a year on them which was being paid on interest and principal. Now in order for us to owe at this point $21,211,000 we have apparently not been paying the principal and the interest on the aircraft. I would like to have a better reply, if it even has to be mailed to me, than the one that has been given because the figures do not add up.

HON. W. NORMAN BODDEN: Mr. President, the payments from Cayman Airways Limited to the company from which the aircraft are leased are all up to date. The payments have been made on time. If the Member wants a complete breakdown on the $21,211,000 I will request it from the Managing Director and give him a written reply to that supplementary, Sir.

MR. JAMES M. BODDEN" I would appreciate that reply. I think the people of the Islands should also have that reply because something must be wrong some place to arrive at this figure. Now, I am not the greatest mathamatician in the world, but common sense tells me that that figure must be like the other figure which was just given.

MR. PRESIDENT: If there is no further supplementary, question number 60 - the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 60: Can the Honourable Member state whether recently employed flight personnel on Cayman Airways Limited's jets met all the standards set by the Company for employment and successfully passed all required examinations?

ANSWER: This matter involves the day-to-day management of the airline for which I am not politically responsible.

MR. JAMES M. BODDEN: Flight safety, you are responsible for.

HON. W. NORMAN BODDEN: I do not need you to tell me what I am responsible for, Sir. I am well aware.....

MR. JAMES M. BODDEN: Apparently you need somebody.

MR. PRESIDENT: Order! Order!

HON. W. NORMAN BODDEN: That is what you needed.

MR. PRESIDENT: Order! Order!

MR. JAMES M. BODDEN: Not me young man. You would not be .....

MR. PRESIDENT: Order! Order!

MR. JAMES M. BODDEN: .....where you are at today.....

MR. PRESIDENT: Please sit down!

MR. JAMES M. BODDEN: .....if you had not gotten the experience you got from me.

HON. W. NORMAN BODDEN: I owe you nothing.

MR. JAMES M. BODDEN: I know that that is what you think.

MR. PRESIDENT: Question number 61.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE:

NO: 61: Would the Honourable Member state what remuneration and benefits are paid to the present Chairman of Cayman Airways Limited?

ANSWER: No remuneration nor benefits are paid to the present Chairman of Cayman Airways Limited.

MR. PRESIDENT: If there is no supplementary, the Elected Member for East End. Question number 62.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO: 62: Will the Honourable Member state whether it is the intention of Government to continue the farm roads in East End interior and, if so, how soon?

ANSWER: There is no plan to extend the farm roads in East End this year. However, it is Government's intention to continue encouraging agricultural devlopment and under this policy proposals will be put forward recommending areas where roads would be best beneficial for the purpose.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Supplementary, Mr. President. Is it anticipated that one of these areas may be East End?

HON. VASSEL G. JOHNSON: If the recommendation points to East End, it could very well be one.

MR. JOHN B. McLEAN: Supplementary. May I ask who will be making the recommendations?

HON. VASSEL G. JOHNSON: The Government.

MR. JOHN B. McLEAN: A further supplementary, Mr. President. I wonder if the Honourable Member would say whether he feels, as the Member responsible for the Portfolio, that with the amount of agriculture that goes on in that area, it is warranted to place such roads there?

HON. VASSEL G. JOHNSON: Yes, Mr. President, but looking from the North Side end of it there is also a case for that area to be opened to agricultural development.

MR. JOHN B. McLEAN: Mr. President, I am not saying that the area in North Side should not be opened up. I am not knocking that. I am quite well aware of the areas of these Islands that are most suited to agriculture. I feel that it would be much better if we tied both districts together with farm roads.

MR. PRESIDENT: Order! Order! The Member must ask questions - not make statements, but he has made his statement now so perhaps we will pass on to the next question.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO: 63: Will the Honourable Member state whether it is Government's intention to continue work on upgrading channels in the East End district and, if so, how soon?

ANSWER: Both the Portfolio of Development and Natural Resources and Communications Works and District Administration are endeavouring to upgrade channels in all districts. Channels which are some distance offshore like the East End channel require specialised equipment to do the work; it cannot be done by excavators. Endeavours are being made to obtain the equipment.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: A supplementary, Mr. President. I wonder whether the Honourable Member is aware of the type of equipment that was utilized in the East End district for the clearing of one channel?

HON. VASSEL O. JOHNSON: I am aware of that, Mr. President. I said channels which are some distance away from the shore.

MR. JOHN B. McLEAN: Mr. President, there is nobody who knows East End as well as I do and the channel that was cleared there, with the type of equipment he is speaking about, is one of the furthest ones offshore.

MR. PRESIDENT: If there is no further supplementary, the Member for East End may ask question number 64.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 64: Will the Honourable Member state how soon it is anticipated that cattle dips will be constructed in the East End district and other districts respectively?

ANSWER: The site of the East End cattle dip has been selected with the knowledge of the Elected Member for East End. Public Works Department is currently preparing plans to build the road and clear the site which is near to the Water Authority's reservoir. Due to the toughness of the rocks on site much work will be involved in building the facility scheduled for completion this year. In the case of West Bay a site has not yet been selected. Government has requested the cattle owners in the district to recommend their choice of location for the dip, but as yet no response has been received. The matter is being kept current. In Lower Valley the location has been changed several times by the cattle owners there which delayed construction. The project will also be kept current, but in the meantime, Savannah's dip, which is not far away, can serve Lower Valley cattle.

MR. PRESIDENT: Unless there is any supplementary, I invite the Second Elected Member for West Bay to ask the question in his name.

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

NO. 65: Will the Honourable Member state how many students are in each class at the the primary schools, the Middle School

and at the Cayman Islands High School?

ANSWER: As the enrolment for schools has not been completed for the 1986-87 academic year, it is not possible to provide accurate numbers for each class at this time.

Schools actually re-open on Monday, 8th September, 1986 and as soon as these numbers are known, they will be made available to Members of this Honourable House.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: A supplementary, Mr. President. Can the Honourable Member say what the position was in the last year?

HON. BENSON O. EBANKS: No, Mr. President. The question was asked regarding the current enrolment.

MR. W. McKEEVA BUSH: Mr. President, that is not correct, Sir. The question plainly says: "Will the Honourable Member state how many students are in each class at the primary schools, the Middle School and at the Cayman Islands High School," - not anything about the current year.

HON. BENSON O. EBANKS: Mr. President, 'are' is in the present tense as far as I am concerned.

MR. W. McKEEVA BUSH: Yes, Mr. President. I guess I am not that good at English so I am not that articulate about it, but I meant, and the Honourable Member knows that I meant last year, because a similar question came from me last year and I know that I was given some wrong information - whether intentionally or not, it was wrong. My purpose for asking this question is to find out whether there is in fact over-crowding at the schools. That is all my question is based on.

MR. LINFORD A. PIERSON: Mr. President, would the Honourable Member agree that the semantics that he is entering into with the Second Elected Member for West Bay is not in the best interest of this country, and would he try to give us an answer?

HON. BENSON O. EBANKS: Mr. President, I am not entering into semantics, Sir. I have determined to pursue a course that would give Members accurate figures. I could only do guesstimates at this time and that is not what the Member is seeking by his own admission, and I have selected a course which would give accurate figures.

MR. PRESIDENT: I wonder whether it might be helpful to the questioner and the House if the Honourable First Elected Member of Executive Council could undertake to provide and circulate not only figures for the forthcoming school year, but also figures for the past school year, and then everybody might be happy?

HON. BENSON O. EBANKS: I can do that, Sir - And those to the figures.

MR. PRESIDENT: I think perhaps that would meet the questioner's point.

That concludes questions. Item 4 - Government Business, Committee on Bills. The House will now go into Committee to study a Bill entitled the Currency (Amendment) Bill, 1986 and other Bills.

HOUSE IN COMMITTEE

MR. CHAIRMAN: Please be seated.
The House is now in Committee.
A Bill for a Law to amend the Currency Law (Revised).

THE CURRENCY (AMENDMENT) BILL, 1986

CLERK: Clause 1. Short title.

MR. CHAIRMAN: The question is that clause 1 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: Clause 2. Amendment of section 4(3).

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A Bill for a Law to amend the Currency Law (Revised).

MR. CHAIRMAN: The question is that the title and enacting clause stand part of the Bill?

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: A Bill for a Law to amend the Port Authority Law (Law 15 of 1976).

THE PORT AUTHORITY (AMENDMENT) BILL, 1986

CLERK: Clause 1. Short title.

MR. CHAIRMAN: The question is that clause 1 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: Clause 2. Amendment of section 3.

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill?

QUESTION PUT: AYES AND NOES. AGREED BY MAJORITY. CLAUSE 2 PASSED.

CLERK: A Bill for a Law to amend the Port Authority Law (Law 15 of 1976).

MR. CHAIRMAN: The question is that the title and enacting clause do stand part of the Bill?

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: I forgot to say when we first moved into Committee and began Committee proceedings that I propose, with the leave of the House, to assume that it would be the wish of the House, as usual, that if there are any minor printing errors and the like in these Bills - I have not noticed any, but there may be - that we should authorise the Honourable Second Official Member to correct them in the usual way. I see Members nodding, so I think I will take it that that is so. That goes, of course, for all the Bills we are considering in Committee now.

The next is a Bill for a Law to amend the Tax Collection Law (Revised).

THE TAX COLLECTION (AMENDMENT) BILL, 1986

CLERK: Clause 1. Short title.

MR. CHAIRMAN: The question is that clause 1 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: Clause 2. Repeal of section 3.

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A Bill for a Law to amend the Tax Collection Law (Revised).

MR. CHAIRMAN: The question is that the title and enacting clause do stand part of the Bill?

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: A Bill For A Law To Allow And Confirm Certain Expenditure During The Financial Year 1985.

THE SUPPLEMENARY APPROPRIATION (1985) BILL, 1986

CLERK: Clause 1. Short title.

MR. CHAIRMAN: The question is that clause 1 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: Clause 2. Expenditure confirmed.

MR. CHAIRMAN: The question is that clause 2 do stand part of the Bill?

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A Bill For A Law To Allow And Confirm Certain Expenditure During The Financial Year 1985.

MR. CHAIRMAN: The question is that the title and enacting clause do stand part of the Bill?

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled the Currency (Amendment) Law, 1986 and other Bills. The House will now resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.
Reports. The Honourable First Official Member.

REPORTS ON BILLS

THE CURRENCY (AMENDMENT) BILL, 1986

MR. D. EZIARD MILLER: May we have a division, Sir?

MR. PRESIDENT: Certainly.

DIVISION
NO.25/86

AYES: 12
Hon. Thomas C. Jefferson
Hon. Michael J. Bradley
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Ornett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. John B. McLean

NOES: 1
Mr. D Ezzard Miller

ABSTENTIONS: 2

Mr. W. McKeeva Bush
Mr. James M. Bodden

AGREED BY MAJORITY: BILL GIVEN A THIRD READING AND PASSED.

THE TAX COLLECTION (AMENDMENT) BILL, 1986

CLERK: The Tax Collection (Amendment) Bill, 1986.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move that a Bill shortly entitled The Tax Collection (Amendment) Law, 1986 be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to Amend the Tax Collection Law (Revised) be given a third reading and passed?

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

THE SUPPLEMENTARY APPROPRIATION (1985) BILL, 1986

CLERK: The Supplementary Appropriation (1985) Bill, 1986.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move that a Bill shortly entitled The Supplementary Appropriation (1985) Law, 1986 be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill entitled A Bill For A Law To Allow And Confirm Certain Expenditure During The Financial Year 1985 be given a third reading and passed?

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

MOTION

MR. JAMES M. BODDEN: Mr. President, the next item on the Order Paper for the day is the Mutual Legal Assistance (United States of America) Bill, 1986 and I beg to move that we defer dealing with that at this session of the House, and I would like the prerogative to be able to speak further on it at this stage in case it goes to further debate.

MR. G. HAIG BODDEN: Mr. President, I would like to second that motion.

MR. PRESIDENT: In accordance with what Standing Order is this motion moved?

MR. G. HAIG BODDEN: Mr. President, it does not seem that there is any specific Standing Order for blocking the introduction of a bill, but I would like to call your attention to page 527 of the Twentieth Edition of Erskine May which states that the bill may be objected to at any stage, and, if you read the paragraph you will see that the intention is that a bill be carried through three distinct stages so as to give the Members an opportunity to fight the bill if it is controversial at any of the three stages, not necessarily only the debate stage. I would like to read to you Sir,

> "The various stages through which a bill progresses ..... are intended by the practice of Parliament to provide so many opportunities not only for consideration, but also for reconsideration. Such stages may be taken to include the passage of any necessary financial resolution. Thus an entire bill may be regarded as one question which is not settled until it is passed. And hence no objection can be taken to an amendment on any particular stage on the ground that it raises again a question decided on an earlier stage.
> Upon this principle, it is laid down by Hatsell, and is constantly exemplified, 'that in every stage of a bill, every part of the bill is open to amendment, either for insertion or omission, whether the same amendment has been, in a former stage, accepted or rejected'. Similarly an amendment may be proposed to a bill although it has been rejected when moved to a resolution necessary for the progress of the bill. The same clauses or amendments may be decided in one manner by the committee, in a second by the House on report ..... and yet the inconsistency of the several decisions will not be manifest when the bill has passed.".

So it is very clear that although the Standing Orders are silent on it a bill can be objected to at the first reading, the second reading or the third reading.

MR. PRESIDENT: I have taken the point. I think since I had not been given any notice of the Member's intention to raise this point, it is something I would like to study before giving a ruling. What I therefore propose is to take our normal morning break just a little bit early and suspend proceedings for approximately 15 or 20 minutes. That will give me an opportunity to study the point raised and I will give my ruling when we return. But let me just understand it correctly. You are not seeking to raise an objection during the course of the first reading? you are seeking to ask that the introduction of the Bill be postponed altogether? That was the .....yes.

AT 10:52 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:15 A.M.

RULING

MR. PRESIDENT: I promised before we broke to consider the point which had been raised by the First Elected Member for Bodden Town and I am grateful to his colleague, the Second Elected Member for Bodden Town, for his learned discourse on the point and for bringing to my notice a passage in Erskine May which he believed might be relevant. Having read that passage carefully, I have come to the conclusion that it was not intended to cover circumstances of the kind that has now arisen. In other words it was not intended to provide for a Member to have some sort of right to block the introduction of a bill. Therefore, my ruling on the point raised by the First Elected Member for Bodden Town is that since there is no provision, either in our Standing Orders or elsewhere, for an action of the kind he contemplated, I cannot allow it, and I am obliged to allow the proceedings to go on in accordance with what is provided in today's Order Paper. Therefore I call on the Clerk to proceed with the first reading of the Bill.

THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1984

FIRST READING

CLERK: The Mutual Legal Assistance (United States of America) Bill, 1986.

MR. PRESIDENT: A Bill shortly entitled The Mutual Legal Assistance (United States of America) Bill, 1986 is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Mutual Legal Assistance (United States of America) Bill, 1986.

MR. PRESIDENT: The Honourable Second Official Member.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move the second reading of a Bill shortly entitled the Mutual Legal Assistance (United States of America) Law, 1986.

The Objects and Reasons of this Bill are as follows:-

"The Governments of the United Kingdom, including the Cayman Islands, and of the United States have agreed to enter into a Treaty concerning the Cayman Islands for improving the effectiveness of the law enforcement authorities of the United States and the Cayman Islands in the prosecution and suppression of crime by mutual legal assistance and cooperation.

The terms of the Treaty, which will become part of the law of the Cayman Islands, are set out in the Schedule to this Bill, and the purpose of this Bill is to provide for a law to give effect in the Islands to the terms of the Treaty.

Under Article 2 of the Treaty there will be a Central Authority for each of the Parties, to whom requests for assistance will be made. That in the United States will be the Attorney General of the United States, or his nominee, and that in the Cayman Islands will be the Cayman Mutual Legal Assistance Authority. Clause 4 of this Bill provides that the latter shall consist of the Chief Justice or another Judge of the Grand Court designated by him, who will exercise his functions sitting alone, and will act in a non-judicial capacity.

Clauses 6, 7 and 8 contain ancillary provisions for the procedure and powers necessary to implement a request for assistance. Clause 5 will enable the Attorney General to participate in any judicial or administrative proceedings arising in relation to a request received.

Clause 9 contains provisions for the immunity from legal process of any person coming to the Cayman Islands for the purposes of a request, such immunity to cease when he leaves the Islands or is notified by the Cayman Authority that his presence is no longer required. (Under Article 10 a reciprocal immunity will be accorded to a person going to the United States in response to a request.)

Clause 11 contains provisions for the protection of persons disclosing confidential information in response to a request. (Similar provisions are contained in section 8 of Cayman Islands Law No. 17 of 1984)." ...(which gave legislative effect to the Narcotic Exchange of Letters).

"Since, unless there is special legislative provision, the jurisdiction of a territory does not extend outside the territory and its territorial waters, it is necessary to make provision for a case where a person in custody of one of the Parties to the treaty is transferred" (with his own agreement) "to the territory of the other Party for the purpose of giving evidence or other assistance in conformity with a request. Clause 12 contains the provisions for this purpose. It will be noted that under this clause, and under Article 11 of the Treaty, a person cannot be transferred in this way without his consent.

Clause 16 contains provisions necessary for the enforcement of the terms of this Bill.".

Mr. President, Sir, those are the terms of the Memorandum of Objects and Reasons as published in the

Gazette with this Bill. I feel that we are all agreed that this Treaty and the Bill implementing and giving legal effect to the Treaty is one of deep significance and of great importance to the Cayman Islands and its people. And it is for that reason that, with the permission of the House, I will go into the history, the effect and the other matters dealing with the Treaty and the Bill in a little more detail than I would otherwise do in a second reading speech. And I propose, Sir, to deal with these matters for the purposes of clarification and explanation under eight headings:-

(1) What is it?
(2) How did it happen?
(3) How does it work?
(4) What does it cover?
(5) What are the safeguards?
(6) What about the objections?
(7) How does it benefit the Cayman Islands?
(8) What does the future hold?

The first of those eight points is 'What is it?'. What we have before us, Sir, is a Bill to implement the Treaty which was signed by the United States of America, by the United Kingdom of Great Britain and Northern Ireland and by the Cayman Islands. And this Treaty was signed in the Cayman Islands some seven or eight weeks ago. And this Bill before us is to implement that Treaty which is the first treaty in history dealing solely with the Cayman Islands.

This Treaty, Sir, is a Treaty between two sovereign powers - the United States of America and the United Kingdom and one dependent territory - the Cayman Islands. The Treaty will come into force and effect when it is ratified by the United States, when it is ratified by the United Kingdom and whenever this Bill is passed, and, under clause 1 the Governor by proclamation published in the Gazette brings it into operation. Until those events occur, the Treaty is not yet in force.

With regard to ratification by the United States, the procedure is that ratification takes place in that jurisdiction by the Senate of the United States and the effect of ratification in the United States is that it superimposes itself upon the domestic law, it replaces provisions of the domestic law where such provisions are inconsistent with the Treaty and it is binding on all courts and all organisations in that jurisdiction. And in that way, Sir, it differs from the Narcotic Exchange of Letters which was entered into between the Government of the United States and the Government of the Cayman Islands two years ago in 1984 in that it was an executive governmental decision and the terms of that Exchange of Letters (that Agreement) could only be binding by the Government of the United States upon their federal courts and not upon state district courts or other organisations.

Ratification in the United Kingdom takes place by the Treaty being laid upon the table of the House of Commons and if, within 21 working days of having been so laid on the table, there is no negative resolution of that House passed, then the Treaty is thereupon ratified by the United Kingdom. That Treaty was in fact laid upon the table of the House of Commons just before its recess and when it resumes in October, the 21 working days will expire sometime towards the end of next month.

As regards the Cayman Islands, even if a Treaty is ratified by the United Kingdom, even though it has been signed by the United Kingdom on our behalf, the system under British law, which is our law, is not that constitutionally the terms of the Treaty supervene and impose themselves without legislative action. What is required under United Kingdom law and our law is that legislation to give effect and force to the terms of the Treaty have to be introduced and passed by the appropriate legislature. We, Sir, are that legislature and the Bill before this Honourable House seeks to give legal effect in the Cayman Islands to the terms of the Treaty and seeks to spell out, in detail, the machinery in the Cayman Islands to implement the terms of the Treaty.

The second of the eight headings that I mentioned early in my speech was 'How did it happen?'. Historically, Sir, the Cayman Islands have developed as a major offshore financial centre in the last 15 or so years. And as it developed, the offshore financial industry became more complex. As it became more complex, in order to protect the financial institutions there was the Confidential Relationships Preservation Law passed in

1976 and amended in 1979.

In 1984, because we in the Cayman Islands believed and had trust and faith in our financial community: because we believed in the concept of that financial community as an upright, a truthful and honest and a law abiding community by our laws and the laws of any other country: because we believed that there was both a need to cooperate with the rest of the world in the international evil of drug dealing and because we believed contrary to outside disinformation that the Cayman Islands were not to any appreciable extent the custodian of any financial activities rooted in drugs, that the Cayman Islands in 1983 entered into a series of negotiations with the United States which culminated by the signing in London on the 26th of July, 1984 of an Exchange of Letters between the two sovereign powers - the United States and the United Kingdom. And those Exchange of Letters contained a system whereby the United States could obtain information from the Cayman Islands which related to matters covered under the 1961 Single Convention on Narcotics, which convention was ratified by the United Kingdom many years ago, both on its own behalf and behalf of the Cayman Islands.

There were many provisions in that Narcotic Exchange of Letters and in a similar manner to those before this Honourable House today, the terms of the Narcotic Exchange of Letters had to be implemented by this Legislative Assembly by passing the appropriate local enabling legislation. And it was thus, Sir, that on the 27th of August, 1984 His Excellency the Governor assented and brought into law the Narcotic Drugs Evidence (United States of America) Law, 1984. That provided for a system of obtaining information at the request of the United States from the Cayman Islands. It provided for a system of one way of obtaining information. It did not contain reciprocal provisions whereby we obtained American information by the issue of a certificate here addressed to them. However, such was the desire and wish of the Cayman Islands not only to cooperate, but to be seen to cooperate in suppressing the world-wide evil of narcotic trafficking and in suppressing the use, if there was any use, of the Cayman Islands as a repository of funds which flowed out of such narcotic activity that this jurisdiction willing entered into such agreement and implemented such legislation.

Now, Sir, in that Narcotic Exchange of Letters there was an undertaking contained in Article 7, and Article 7 is headed 'Negotiation of a Law Enforcement Treaty'. That Article 7, Sir, and I think it is useful to read it in full, states:-

> "The Governments of the United States and the United Kingdom, including Cayman, agree to enter into negotiations concerning a law enforcement Treaty between the United States and Cayman concerning criminal matters.
>
> If the Governments of the United States and the United Kingdom, including Cayman, are satisfied that this agreement is working satisfactorily, representatives of the said Governments will meet nine months after the date this agreement comes into operation to negotiate the said Treaty, and the Governments of the United States and the United Kingdom, including Cayman, will use their best endeavours to conclude a law enforcement Treaty within 15 months of the date this agreement comes into operation with the intention to bring such a Treaty into force as soon thereafter as their constitutional procedures will allow.".

So the obligations under that agreement were nine months after it came into operation to meet to enter into negotiations to have a law enforcement Treaty between the United States and Cayman, and to use their best efforts to conclude such treaty within 15 months of the date this agreement came into operation. It is for that purpose, Sir, that the expiry provision of that Narcotic Exchange of Letters stated under Article 10 that the agreement would expire 15 months from the date of its coming into operation unless it was extended by mutual agreement of the Governments of the United States and the United Kingdom, including Cayman. As can be seen, Sir, the timing is significant that what the undertaking contained in that agreement in 1984 was that before that Narcotics' Agreement expired, all the Governments should have used their best efforts to conclude a law enforcement treaty, with the intention of bringing it in before the Narcotic Agreement expired

Sir, this Government, honouring the terms of that Narcotic Agreement and honouring the commitments made by this jurisdiction and by the Government of the Cayman Islands, in 1985 began a series of negotiations in accordance with the spirit and the letter of Article 7 of that Narcotic Agreement.

Those negotiations continued from 1985 right through to 1986. They were negotiations that took place, firstly between the Mother Country and the Cayman Islands because we were the one side in the parties to any future treaty and those negotiations and discussions with the United Kingdom were to achieve a common stance, a common point of view and a common negotiating strategy when we met the Americans.

We met and negotiated, mother country and daughter country, with the United States in 1985 and 1986. We met in Washington and London and Washington and London. The negotiations were long and arduous. The negotiations were conducted in detail and throughout the negotiations, I am pleased to say, Sir, that the negotiation team with whom the Cayman Islands Government entrusted the negotiations on their behalf, consulted with their colleagues in Executive Council, made use of the expertise which in order to ensure that we were informed and advised at every stage of the negotiations, consulted, got legal opinions from, were advised by, not only one of the most eminent United Kingdom jurist we own legal advisor in the United Kingdom, a former solicitor general in the United Kingdom's Government, but also by one of the most prominent firms of attorneys in the United States' capital, Washington, D.C. And even, apart from our consultations with our legal advisors in both jurisdictions, we also consulted on a basis of confidentiality with members of the private sector, with persons who were involved in our offshore finance industry, in the implementation, in the legal sector of our legal framework and those consisted of bankers, accountants, lawyers and others.

That, Sir, was a series of negotiations which eventually concluded when, as I said, some two months ago in the Cayman Islands there was signed, on behalf of all three Governments, the Treaty which this Bill seeks to give the force of law to.

The third reading that I had given was 'How does it work?'. The Treaty in Article 1 says that the Parties, and the Parties are defined as the United States and the Cayman Islands, shall provide mutual assistance in accordance with the provisions of this Treaty for the investigation, suppression and prosecution of criminal offences of the nature and in the circumstances set out in this Treaty and it goes on in Article 1.2 to spell out the types of assistance that shall be included.

Article 2 of the Treaty provides that there shall be a Central Authority established by each Party. That for the United States it shall be their Attorney General or a person designated by him and for the Cayman Islands it shall be the Cayman Mutual Legal Assistance Authority or a person designated by it, and that all requests for assistance under the Treaty are to be made by the Central Authority of one Party to the Central Authority of the other Party.

In the negotiations, Sir, we made it clear to the United States that we were giving an undertaking and we were nominating what we termed the Cayman Mutual Legal Assistance Authority to be our Central Authority. We said to the United States, "We are entering into obligations; it is up to us as a Government and as a Legislature to determine the form and the shape and who the Central Authority shall be and how it shall work, and the manner in which it works. That our obligations are to abide by the terms of the Treaty and as long as we abide by the terms of the Treaty we will do, thank you very much, in our own way with whoever we determine and we will set out the manner in our own legislation.". And the United States, having had that said to us, agreed that it was fit and proper for us so to do.

One reason for this, Sir, was that we, as negotiators and we, as a Government were determined that there should be one radical and dramatic difference between the manner in which assistance is given under the Treaty and the legislation implementing the Treaty, and the manner in which assistance was given and information obtained under the Narcotic Exchange of Letters.

The procedure under the Narcotic Exchange of Letters has been in operation for some two years or more now and the procedure there was that the United States' Attorney General certified that information was required which was

needed for prosecution or investigation of matters falling within the term of the Single Narcotic Convention and requesting that the Cayman Islands' Attorney General take necessary steps and also undertaking that the information would not be used for purposes outside the compass of the Single Narcotic Prevention, namely the suppression of narcotics' traffic.

Upon receipt of such a certificate, the Cayman Islands' Attorney General was under an obligation to issue notices to persons within this jurisdiction to assist by producing documentary evidence. There was, upon receipt of a certificate and request, merely upon the undertaking contained in that certificate as to what it should not be used for, that the Cayman Islands' Attorney General issued a certificate.

What we said was that in entering into negotiations with a view to honouring the obligations and the undertakings concerning a law enforcement treaty, that firstly we wanted reciprocity. We wanted it not to be one-way traffic, but one-way traffic. That we wanted a method whereby information was obtained by us from the United States in the same way that it could be obtained by the United States from us.

Sir, the second thing we wanted to make sure was that not only could we obtain information from the United States in the same manner as they obtained it from us, but also that any request from the United States was considered by a high judicial authority in these Islands who had to be satisfied that there were reasonable grounds upon which assistance should be granted. And it is for this reason, Sir, that under clause 4 of the Bill presently before this House, it is set out that the Cayman Mutual Legal Assistance Authority shall be the Chief Justice, who shall exercise his functions under the Treaty and this Law acting alone and in an administrative capacity, or another judge of the Grand Court designated by the Chief Justice to act on his behalf. So we, Sir, are embedding within our domestic legislation that our Central Authority must always be a person holding high judicial office within this jurisdiction.

The second plank to the two major changes in procedure was that under the Treaty the provision was included that the Central Authority must have reasonable grounds to believe that criminal offences, as specified within the request, have been committed. And, I will, Sir, later under the heading 'What does it cover?' deal with the various types of criminal offences and I will, Sir, under the heading 'What are the safeguards?' deal with the manner in which our Central Authority must be satisfied and the safeguards there are to be assured that such satisfaction is full.

Sir, the Central Authority, as I said, is only empowered to grant when, and only when, it has reasonable grounds for believing - which basically is saying that there must be established, to use lawyers terms, a prima facie case.

The assistance is made in response to a request, if the Central Authority is satisfied, and the request must contain, in order to be considered, specific details relating to no fewer than 8 matters which I will deal with later. And the types of assistance that are to be covered by the requested country, in our case when we are requested our jurisdiction and the other case when the Americans are requested their jurisdiction, is firstly the production within the jurisdiction of the requested country, and when the request is made to us it is within the Cayman Islands, of documents and records. Secondly, the giving of an affidavit or a deposition in the country of the Requested Party, which again when a request is made to us is the Cayman Islands.

The voluntary appearance in the country of the other Party of a willing witness to give evidence, who, under the terms of the Treaty, has immunity from service of process when he goes there, when he gives evidence and until he returns to our jurisdiction. And under the terms of the Bill, a similar immunity is, under clause 9, afforded in our jurisdiction to any person entering the Cayman Islands in response to a request made by our Central Authority for that person to appear here.

The fourth provision and type of assistance is one that it is not anticipated will occur very often. And that is there is provision contained here that where a person in one jurisdiction is in custody and that person voluntarily agrees to go to the other jurisdiction, that he may be transferred voluntarily to the other jurisdiction to give evidence and having given the evidence be transferred back to the original jurisdiction.

The fifth type of assistance that was agreed by the United States and the Cayman Islands was that we should facilitate, in each case, by the service of certain types of documents at the request of the other, the service of subpoenas being specifically excluded by the terms of the Treaty because both Parties agreed that it would not be proper for one Contracting Party to have to serve documents requiring the appearance in the territory of the other Contracting Party of person named in that.

Sixthly, and most importantly, Sir, the method of assistance provided in the treaty was in relation to Article 16, 'Proceeds of Crime', that the Parties shall assist each other to the extent permitted by the respective laws in proceedings related to the forfeiture of proceeds of criminal offences, restitution to the victim of criminal offences and the collection of fines imposed as a sentence for criminal offences. And when I say criminal offences, Sir, I mean throughout as the treaty and as the Bill means throughout, criminal offences covered and defined in the Treaty and by the Bill. And those are a very limited category of offences which I will deal with in due course under my next heading 'What does it cover?'. What does the Treaty cover and what does the Bill implementing the Treaty cover?

Firstly, it covers, and let us be quite explicit about this, its cover is not extended to any matter which indirectly or directly relates to the collection of taxes apart from the collection of taxes in relation to other criminal offences as defined herein. Article 3.1 of the Treaty says, 'The assistance afforded by this Treaty shall not extend to, or any matter which relates directly or indirectly to the regulation, including the imposition, calculation, and collection, of taxes, except for any matter falling within sub-paragraphs 3(d) and (e) of Article 19; or (b) any conduct not punishable by imprisonment of more than one year.'. So there immediately are two of the perimeters beyond which the Treaty does not extend. It does not extend to tax matters and it does not extend to trivial criminal offences.

Secondly, under the terms of the Treaty, the Central Authority may deny assistance where the request relates to a political offence or an offence under military law which would not be a criminal offence under ordinary criminal law.

Thirdly, it does not cover, and the Central Authority of the requested country is, by the Treaty, under an obligation to deny assistance where the Attorney General of the country requested has issued a certificate to the effect that the execution of the request is contrary to the public interest of the Requested Party. That means, Sir, that when a request for assistance comes to our Cayman Central Authority, to our Chief Justice or our Puisne Judge, that notwithstanding any other criteria that that Central Authority must deny assistance where the Attorney General of this territory has issued a certificate to the effect that the execution of the request is contrary to the public interest of the Cayman Islands. And in issuing that certificate the Attorney General of the Cayman Islands, Sir, does not act as he does in criminal matters in his decisions to prosecute or not to prosecute completely within his own discretion. He acts, Sir, as the Government's chief legal advisor and as a Member of the Government of the Cayman Islands; so that if at any time the Government of this country, no matter who the Government is, believes that any request is of such a nature that it is contrary to the public interest of this country that in those circumstances, acting upon the advise of Executive Council and the instruction of the Governor in Council, the Attorney General of the Cayman Islands issues such a certificate and the Central Authority thereupon denies assistance.

What it must cover, the request, Sir, is criminal offences as defined in the Treaty. And the criminal offences that are defined under Article 19.3 which is relating to 'Definitions', and Article 19.3 of the Treaty relates to the definition of any criminal offence, can be divided basically into two categories - matters of common criminality and matter which are not criminal offences and common to both the United States and the Cayman Islands.

As you know, Mr. President, extradition provisions, extradition treaties and extradition legislation provide generally throughout the world that extradition can take place in relation to a large number of specified criminal offences which are both offences in both jurisdictions and are offences which are sufficiently serious to be punishable by imprisonment of more than one year.

Here, Sir, there is an analogous provision which provides that a criminal offence means, subject to certain limited exceptions which I will explain later, any conduct punishable by both more than one year's imprisonment under the laws of both the Requesting and Requested Parties. So to fall within this part of the definition of criminal offence, it must be punishable conduct under the laws of both Parties and it must be punishable by more than one year's imprisonment. And except with the specific limited matters which are, failure to disclose the sources or the existence of criminally funded wealth, criminal offence does not include any conduct or matter which relates directly or indirectly to the regulation, imposition, calculation or collection of taxes.

In addition to common criminality of a serious nature being considered a criminal offence, there are also contained some 7 other matters which are defined as criminal offences for the purpose of this Treaty and for the purpose of our legislation. These, Sir, broadly speaking are criminal offences which have a similarity to specific offences in the United States of America in respect of which there is no equivalent at present within our jurisdiction. They are defined in Article 19 of the Treaty. They are defined there; they are interpreted there as they stand. The Treaty does not say that specific offences as defined in United States' legislation are offences for the purpose of this Treaty. It does not set out that a criminal offence under this Treaty is section 274 of the particular law or statute in the United States - section 274 of the RICO legislation. It says criminal offence means and spells out in specific words in Article 19, words, which in accordance with the provisions of this Treaty, are interpreted in accordance with the laws of the Requested Party. And that means, Sir, that these words, and these definitions of criminal offences in the Treaty stand on their own and are interpreted by our Central Authority under the Canons of Interpretation and the Rules of Law that apply in the Cayman Islands.

In each of the definitions, Sir, there are words placed there by agreement of the Parties; words placed there at the insistence of your negotiators; words placed there upon the advice of our United States attorneys; words placed there which protect all legitimate operations in the Cayman Islands which protect any person from any fear of innocently doing an act, whether in the future, the present or the past, which could result in possible fear of criminal charges in any jurisdiction.

The 7 extra offences defined in Article 19 are firstly racketeering and the definition of racketeering, which Honourable Members can see, is specific, is detailed and is tight. And if you look under Article 19 you will see that it covers, in defining it exactly and tightly, over one full page of the Bill in front of you. But, in that there are extra words added and that is, and I will only read the beginning -

> "Racketeering" which means -
> (i) the use or investment, directly or indirectly, knowingly by any person of any part of racketeering income....." etcetera.

And there the word "knowingly" is deliberate. The word "knowingly" is inserted there as are all the extra phrases which I will point out later in the other criminal offences which make it quite clear that you must have been fully aware of what you were doing, of what was being done and that it was a criminal offence in another jurisdiction.

The second of these extra definitions of criminal offence relates to narcotic trafficking and says-

> ""Narcotics trafficking" which means all offences or ancillary civil or administrative proceedings taken by either of the Parties or their agencies connected with, arising from, related to, or resulting from any narcotics activity covered by the Single Convention on Narcotic Drugs, 1961, or the Protocol Amending the Single Convention on Narcotic Drugs, 1961, or any other international agreements or arrangements binding upon both the Parties;".

That, Sir, is the definition of narcotic trafficking which is contained in the 1984 Narcotics Exchange

of Letters and which is contained in our legislation in 1984 implementing that International Narcotic Agreement between ourselves and the United States. But, there is, if I may refresh Members' memories, not that I am sure that they need to be refreshed, a very significant difference. And that is, in relation to this criminal offence, first of all there is mutuality, secondly it is not a rubber stamp - there must be reasonable grounds to believe, and thirdly that determination is not made by the Cayman Islands' Attorney General; a brilliant lawyer though he may be, or made by a person holding high judicial office within our jurisdiction. It is made by our Central Authority who is, by the statute which we hope to pass, either the Chief Justice or another judge of the Grand Court nominated by him. It is a follow through in the same terminology, with those differences, of the Narcotic Exchange of Letters

May I digress slightly, sir, at this point to say that the Narcotic Exchange of Letters is continuing in force, but that it is agreed between all the Parties that once the Treaty comes into operation that the Narcotic Agreement shall lapse and that in due course our Narcotic legislation shall be repealed. The effect of that is that it is agreed with the United States that once this Law is in force and once ratification of the Treaty has taken place, no new request, no new certificates under the Narcotic Exchange of Letters will be issued by the United States and that it will die a natural death once any outstanding matters already requested and not disposed of have been dealt with. But, Sir, as I said, I digress slightly.

The fourth criminal offence in these 7 particular criminal offences is the offence of wilfully or dishonestly obtaining money, property or valuable security from other persons by means of false or fraudulent pretenses or statements, whether oral or written, regarding or effecting benefits available in connection with the laws and regulations relating to income or other taxes. That is precise language. It may be considered by some to be lawyers' language. So may I attempt Sir, to explain in layman's language what it is and what it does and why it is there.

It is unfortunate, with the rise to prominence of the Cayman Islands as one of the most reputable offshore financial centres in the world, that the Cayman Islands, because of their reputation and their standing, have had their name abused by unscrupulous tricksters, conmen and fraudulent persons. And one of the most typical ways in which that name of the Cayman Islands is abused is in relation to fraudulent tax shelters. And the classic pattern of behaviour, Sir, is that in other jurisdictions in other countries prospectuses are issued to the innocent public which falsely set out in the prospectus a claim that there is a scheme whereby by subscribing money to his fraudulent enterprise that the innocent investor will be able to obtain legitimate tax benefits, and tax concessions in the United States or in that other jurisdiction; when, in fact, Sir, no such benefits exist.

The classic pattern of behaviour is for them to pretend that tax benefits can be obtained to get the innocent investor to invest money with them and that money, in the hands of the conman, quickly disappears and the innocent investor, who has in most cases been deluded by the use of the integrity of our name as an offshore financial centre and a place where there is no direct taxation, has deluded that innocent investor not only to part with and to lose his money, but also to be subject to investigation by the United States' authorities. This criminal offence here also says, "Wilfully and dishonestly obtaining money by means of false or fraudulent pretenses regarding the laws and regulations relating to income or other taxes;". We do not want to see our name abused, Sir. We do not want people in the rest of the world to be fleeced of their money by unscrupulous persons because of our well known integrity as an offshore financial centre and in relation to this it is a criminal offence with which we will cooperate that such conmen can be brought to justice.

The next criminal offence that is covered here is, and I will read it again, "Wilfully or dishonestly making false statements, whether oral or written, to government tax authorities (e.g. wilfully or dishonestly submitting a false income tax return) with respect to any tax matter arising from the unlawful proceeds of any criminal offence covered by any other provision of this definition, except sub-paragraph (f), or wilfully or dishonestly failing to make a report to government tax authorities as required by law in respect of, or to pay the tax due on, any such unlawful proceeds;".

Sir, what makes international crime viable in this world today is the fact that such is the advance of technology that a person is able to obtain illicit revenue by criminal means, by racketeering, by mafia-type organisations, by narcotic activities and those are activities which should not be protected.

What this criminal offence provides is that there has to be satisfied, in the mind of the Central Authority, that the route from which this money flows is a route which is a criminal offence and that those are the unlawful proceeds of such criminal offence and that it must be wilful and dishonest, seeking to cloak such proceeds of dishonest criminal offences.

We have no hesitation, Sir, in saying that the way to beat international crime is to get at the pockets of the criminals. The financial power of world-wide criminal activities today is such that the pocket is the only way it hurts - catching the drug pusher and catching the courrier. Catching minor people does not help. The scale is so great that it is only by going directly and saying that money wot dishonestly and criminally obtained by drug dealing and by extortion that we are going to cooperate with the Americans by saying that if persons attempt to hide from their own governments such dirty, corruptly and illegally obtained money, that we will assist them in being brought to justice.

Again, the next one is dishonestly or wilfully failing to make to the government a report which is required by law to be made in respect of international transference of currency arising from the unlawful proceeds of any criminal offence subject to the above limitation. And again, Sir, we are happy to suppress international crime, to suppress the taking of money over international boundaries, to suppress the bringing in to this jurisdiction of dirty money, of criminal money and of drug money by making it an offence for the purposes of this Treaty to fail to disclose to their government and international transfer of currency required by law.

The sixth heading is insider trading, and insider trading is defined as, "... the offer, purchase or sale of securities by any person while in possession of material non-public information directly or indirectly relating to the securities offered, purchased or sold, in breach of a legally binding duty of trust or confidence".

Sir, we have, in this jurisdiction, developed over the last 15 years a very complex commercial system. A commercial system which was built up and has resulted in a large number of companies being registered here. A system which has resulted in a complex system of companies and companies management. Unfortunately, Sir, our companies legislation has not yet completely caught up with this. And it is for that purpose that my Honourable colleague, the First Official Member, has and has had for these last two years, a committee of experts in the Cayman Islands sitting month after month to make recommendations as to what changes are needed in our companies legislation to bring it into the year 1986 and to make it more effective for the future development of the Cayman Islands. I will not be surprised, Sir, although I have not seen the workings of the committee, if the recommendations that come include a recommendation that our company law be brought into line with the company law, not only of our Mother country- the United Kingdom, but of most other developed nations by specifying that insider trading is an illegal activity.

An insider trading basically means inside knowledge - that I am a director of a company and I am in a fiduciary position relation to that company, and relation, even more importantly, to the shareholders and that I know certain events are going to happen which the shareholders do not: the effect of which will be materially to increase the value of that company of the shares in it, and that I abuse my position of trust and confidence as a director or as an officer of that company by making use of the information available to me and not to the shareholders. And to obtain, through purchasing shares in advance of the event which will send the value of the shares up, to the effect that I obtain an unlawful and unjust enrichment. The definition that we have of insider trading here as a criminal offence, Sir, again are words that are to be interpreted by our Central Authority and that words that are similar to the offence of insider trading in other jurisdictions, but are words which have added to them the phrase, a phrase put in upon the advise of our consultants and specialists, words which have the

effect of protecting those organisations in the Cayman Islands who operate companies and who operate companies management and those words, Sir, are in breach of a legally binding duty of trust or confidence.

So, for the purposes of this criminal offence, it can only be a criminal offence where there has been insider trading, where there has been dealing by a person who has possession of secret information, if that is in breach of a legally binding duty of trust or confidence.

Sir, the next separate unilateral criminal offence, as defined in here, is fraudulent securities practices which means: "... the use by any person wilfully or dishonestly of any means, directly or indirectly, in connection with the offer, purchase or sale of any security: (i) to employ any device, scheme, or artifice to defraud; (ii) dishonestly to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statement made, in light of the circumstances under which it was made, not misleading; or (iii) dishonestly to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person;".

Sir, unfortunately, again criminal persons make use of the gullibility of the public by getting them to part with money in respect of investment in companies or the purchase of shares by making in prospectuses and in other material soliciting such business, dishonest statements of untruth, dishonest behaviour which is fraudulent or a deceit. And, Sir, this definition of fraudulent securities practices contains not once, but four or five times, the concept of knowledge and of honesty - wilfully or dishonestly schemes to defraud - dishonestly to make untrue statements - dishonestly to engage in any act which would operate as a fraud or deceit. We, Sir, consider again that the integrity of the company operations in the Cayman Islands is of such a nature that we should actively seek to discourage and to cooperate in the suppression of such dishonest practices.

The last specific criminal offence in this list of individual offences is foreign corrupt practices. Foreign corrupt practices is defined as "..... the corrupt offering, paying, or making of inducements by any person to any foreign official or foreign political party, official thereof or candidate for foreign official office in order to assist such person in obtaining or retaining business for himself or in directing business to any other person;".

Foreign corrupt practices, Sir, I am glad to say do not happen in the Cayman Islands. They are a practice not known in the Cayman Islands. The Government of the Cayman Islands, whatever government it is, are known as being an honest, a democratic and an upright Government and the name of the Cayman Islands' Government and of the Cayman Islands is such that foreign corrupt practices do not happen here. However, unfortunately practice has proven in the United States that they do exist.

We believe as a Government, Sir, that the integrity of any other government in the world ought not to be undermined by the ability of criminals to seek to corrupt the officials or the elected representatives of any foreign government by the practice of offering underhand payments or inducements in order to obtain business. We consider that the rule of law is undermined by such practices. We do not have such a specific criminal offence here because we do not need to. The fact that we do not need to does not mean that other people do not need to deal with that evil and if that evil exists, we, as a Government, consider that it is an evil that we should cooperate in stamping out.

Under paragraph (g), (k) and (l), there are provisions relating to in (j) a criminal offence being any of the ones stated before, where federal jurisdiction as opposed to state jurisdiction is based upon interstate use of facilities. There is a further provision in (k) that we can have as criminal offences for the purpose of this Treaty and our law, such further offences as may, from time-to-time, be agreed upon by exchange of diplomatic notes between the United States and the United Kingdom, including the Cayman Islands.

Sir, let me make two things clear. The first is that there is no attempt to get further offences in by the back door. This provision is here so that when it is agreed by the United States, by the United Kingdom and by the Cayman Islands that it is in the interest of all Parties that in the future another

criminal offence be included; for example where we discovered that we had need of a particular criminal offence which may not be an offence in the United States, that there should be, by agreement between the Parties, power to make such further offences encompassable within the Treaty. Otherwise every time you want it - to deal with such a concept and to deal and meet headon with such newly invented evil as the criminals of this world may invent - you would have to go through the whole labourious treaty process.

Secondly, may I say to Members of this Assembly, and may I say to anybody who is listening to these broadcasts, that we, the Government of the Cayman Islands, have a specific, categorical undertaking from our Sovereign Mother, the United Kingdom, that there will be no further offence added to this list, even though the United Kingdom and the United States, both agree, without the specific consent, Sir, of the Government of the Cayman Islands. We have the say so. They cannot do it without us.

Finally, Sir, there is listed in (1) as criminal offences, the normal legal concept of attempts, conspiracies or accessory after the fact to the criminal offences as defined before. When I get to the stage, Sir, which I may today or tomorrow, of saying what are the objections, I will deal with that point.

Sir,...

MR. PRESIDENT: I wonder, since the Member has given us notice of his intention to continue speaking for quite very substantial further period, whether we have reached a point in his speech where a break would be convenient?

HON. MICHAEL J. BRADLEY: I think, Mr. President, Sir, you must have been reading my brief notes because I was about to flick over the page to the next heading, "What are the safeguards?". And, Sir, the safeguards are so many, so numerous and so voluminous (LAUGHTER) that it may take many hours to cover them. (LAUGHTER)

MR. PRESIDENT: Yes. I think then let us suspend proceedings until approximately 2:15 p'clock.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT: Please be seated. The Honourable Second Official Member.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, Members will recall that before this Honourable House suspended for lunch, I had stated that I proposed to divide my speech up into eight topics concerning the Treaty and the implementing Bill. Of those eight topics I have covered the first four - 'What is it?', 'How did it happen?', 'How does it work?' and 'What does it cover?'.

The remaining four are - 'What are the safeguards?', 'What about the objections?', 'How does it benefit the Cayman Islands?' and 'What does the future hold?'.

Mr. President, there have been comments in the media which have diversely said that the Treaty is too complicated or the Treaty is too vague. I think, Sir, that if one gets criticisms from exactly opposite points of view, it means that there is achieved a fair balance. We, Sir, when the Treaty was negotiated on behalf of the Cayman Islands, went to a great deal of trouble to ensure that where in our considered judgment, and acting on advice given to us, determined that matters in it, for the good of the Cayman Islands and for the good of commercial activities of the Cayman Islands, needed to be spelt out with particularity and detail, that it should so be spelt out.

Equally, Sir, in matters in which we decided, in our determinent judgment, that it was in the best interests of the Cayman Islands that matters be left vague so that we could flesh the generalities out with our own domestic procedures, our own domestic legislation and our own domestic sanctions that again we did so, and as I said earlier in my speech, the Central Authority: who it should be and how it should operate, was one of those things that

we said we would determine in our legislation.

That being so, one of the matters that we decided we would like spelt out in details in many different ways and in many different aspects are the safeguards contained in the Treaty and in the implementing legislation as regards the scope of the Treaty, the limitations and assistance, the safeguards on the individuals giving assistance, the limitations and use, public policy, confidentiality, safe conduct and a number of other items. And, these, Sir, are contained in the legislation because people are always concerned and worried about anything new. And we determined that the best way of allaying unfounded fears, of assuring not only the people of the Cayman Islands, but the people who work here and all the outside commercial enterprises that are here or that will come here increasingly in the future once this legislation passed and the Treaty as an operation of the safeguards that have been built into this legislation and the Treaty.

I, Sir, have a short list of 14 here. There are, I am sure, others and I am sure when I have missed any particular item my fellow Members of the Legislative Assembly will not be slow to point out the safeguards that I have overlooked mentioning.

Let me just under this heading go through the various safeguards in a short manner, dealing with them as nearly as possible as they appear in the Articles of the Treaty.

The first is the limitations that there are on assistance. That is contained in Article 9 which provides, as I said earlier, ".....shall not extend to: (a) any matter which relates directly or indirectly to the regulation, including the imposition, calculation, and collection, of taxes, except for any matter falling within sub-paragraphs 2(d) and (e) of Article 19; or (b) any conduct not punishable by imprisonment of more than one year.". So the safeguards there are that the requests and the assistance shall be non pure tax matters and shall be in relation to substantial criminal offences.

The second safeguard is contained in Article 3.2 which spells out the circumstances in which the Central Authority may deny assistance. It may deny assistance when: "(a) the request is not made in conformity with the provisions of this Treaty;". And by the request being made in conformity with the provisions of this Treaty, Article 4.1 and 2 says that such requests must be in writing and must include all the following seven particulars. "The request shall include.....: (a) the name of the authority conducting the investigation or proceeding to which the request relates; (b) the subject matter and nature of the investigation or proceedings for the purposes of which the request is made and in particular the criminal offence or offences" as defined in this Treaty, "for the investigation, prosecution or suppression of which the assistance is requested; (c) information concerning the persons involved including, where available, their full names, dates of birth, and addresses; (d) the information relied upon in support of the request; (e) a description of the evidence, information or other assistance sought; such description shall specify where possible the time period to which any such evidence or information relates; (f) the purpose for which the evidence or information or other assistance is sought; and (g) the identity and presumed location, where known, of any person from whom evidence is sought.".

If the request does not include those details spelt out as fully as possible, then the Central Authority, and in our case the Judge of the Grand Court, acting as the Cayman Legal Assistance Tribunal, may deny the assistance and may deny the assistance properly under the terms of the Treaty.

Not only that, Sir, as well as all those extensive details and information given, Article 4.3 goes on to say, "To the extent necessary and possible, a request shall also include:...." a further eight items - the first "(a) the identity and location of a person to be served, that person's relationship to the proceedings, and the manner in which service is to be made; (b) available information on the identity and whereabouts of a person to be located; (c) a precise description of the place or person to be searched and of the articles to be seized; (d) a description of the manner in which any testimony or statement is to be taken and recorded; (e) a list of questions to be asked of a witness; (f) a description of any particular procedure to be followed in executing the request; (g) information as to the allowances and expenses to which a person asked to appear in the territory of the Requesting Party will be entitled; .....".

May I break off, Sir, to digress again very slightly and say that in contradistinction to the provisions of the Narcotic Agreement where there was silence as regards the reimbursement of persons complying and assisting under the terms of that Exchange of Letters, that this Treaty specifically, in Article 6, provides the reimbursement of all sorts of expenses and costs incurred in complying with the request or in giving evidence.

The final one, "(h) any other information which may be brought to the attention of the Requested Party to facilitate its execution of the request.".

The third safeguard contained in the Treaty is the one that I have already mentioned, Sir, in a different context and that is that whenever the Attorney General issues a certificate that the execution of a request is contrary to the public interest, then the Central Authority shall deny assistance in these circumstances. Not only is it spelt out in detail for the Central Authority what must be in the request, there is also spelt out in Article 5.3 that all "Requests shall be executed in accordance with the laws of the Requested Party except to the extent that this Treaty provides otherwise. However, the method of execution specified in the request shall be followed except insofar as it is prohibited by the laws of the Requested Party.".

Requests are executed in accordance with the laws of the Requested Party which means when a request is made here that the law which is applied is the law of the Cayman Islands. And, as I will mention in a separate context, but will touch upon here, that means that a person who is called upon to produce documents and to give evidence is entitled to claim the same privileges and the same immunities in those Islands as he is in respect of any other proceedings.

A further safeguard in relation to the ongoing process of criminal investigation is contained in Article 5.4 in that if there is received, in the Cayman Islands, a request from the United States, or visa versa, an execution of that request would interfere with an ongoing criminal investigation here, the Central Authority may either postpone acting upon that request or make it subject to conditions. That means that if we have, contemporaneously with the other Party to the Treaty, investigations going on in relation to possible offences in our own jurisdiction and fulfillment of the terms of the Treaty would prejudice or hamper that, the terms of the Treaty are delayed until we finish our investigations.

Article 7.1, and Article 7, Sir, I think is one of the most crucial Articles in the Treaty because it deals with the limitations on use that may occur when information is provided, says, "The Requesting Party shall not use any information or evidence obtained under this Treaty for any purposes other than for the investigation, prosecution or suppression in the territory of the Requesting Party of those criminal offences stated in the request without the prior consent of the Requested Party."

Not only is that contained in the Treaty, but at our request, Sir, the United States have gone formally on record to say that when they are putting the Treaty for ratification before their Senate, they will at that time put before the Senate a specific undertaking on their part and I read, "It is understood by the Parties that notwithstanding any other provision of this Treaty, the provisions of Article 7.1 concerning the use of the evidence obtained in this Treaty mean in particular that such information or evidence shall not be used for investigative purposes including enquiry, examination and audit to seek other information or evidence which may be used in any enquiry, audit or investigation, nor be introduced into evidence nor used to seek information which might be introduced into evidence in the requesting country in any prosecution, civil litigation, administrative proceeding or adjudication except for the investigation and prosecution of the criminal offence for which the assistance has been granted.". A long and specific undertaking as to the limitation on use under information or documents supplied by the Treaty.

A further safeguard also relates to the Attorney General, and as Members can see in clause 5 of the Bill, once a request is received by the Cayman Authority, under the Bill in front of you, there is a duty placed upon the Cayman Authority to notify the Attorney General immediately a request is received; to notify him with particulars thereof, to give him copies of any documents relating thereto and the Attorney General shall be entitled in a manner analogous to that in the Courts of amicus curiae

(that is friend of the Court) to appear or to take part in any proceedings in the Cayman Islands, whether judicial or administrative, arising either directly or indirectly from a request received by the Cayman Authority. So that not only is there a safeguard that it would be believed to be against public policy for a request to be fulfilled that the Attorney General can issue a certificate on behalf of the executive arm: there is also the right in every request for the Attorney General, on behalf of the executive branch, to be aware of the request, to know what the request is and to go in in front of our Central Authority and give to that Central Authority such assistance, such policy matters as he thinks fit.

Another safeguard is contained in section 13(1) of the Bill before Honourable Members. Section 13(1) regards confidentiality with regard to a request. It says, "If so instructed by the Cayman Authority, the particulars of any all matters relating to a request shall be treated as confidential, and no person who is notified of a request, or is required to take any action, or produce any documents or supply any information in response to or in relation to any matters to which a request relates, shall disclose the fact of the receipt of such request or any of the particulars required or documents produced to any other person, except that person's attorney, for a period of ninety days .....".

A similar provision was contained in the Narcotic Exchange of Letters and contained in the Narcotic Law except there it was automatic that a request was treated as confidential for a period initially of ninety days and upon a request by the United States' Attorney General for a further period of ninety days, making a total period of one hundred and eighty days in all.

In the present Bill, which implements the Treaty, it is discretionary upon the Cayman Authority to require that a request be treated as confidential. It is discretionary, not mandatory, and it is discretionary because of the fact that there is contained in the Treaty provisions that the Party requesting information may request, under Article 7.3, that the application for assistance and the documents be kept confidential.

The Treaty goes on to say if the request cannot be executed without breaking confidentiality, the other Central Authority is informed and then they have to decide whether or not to go public and proceed with the request or to forget about the request.

It has been said in other places, Sir, that the requirement for confidentiality is a detrimental requirement. It is a requirement which in a much more draconian form was mandatory and not discretionary in the Narcotic Exchange of Letters and in the Narcotic Law. It is optional, it is shorter in time here, it is at the discretion of our Authority, but I would add, Sir, that such is the power of international criminality that it is very often in the interest of a person giving information that the mere fact that a request has been made and complied with is kept confidential. There are many cases existing, unfortunately, in the world where it has become public knowledge that information has been requested or that evidence is going to be given and steps have been taken to ensure that such evidence cannot be given or such information cannot be passed over.

Confidentiality, Sir, can work and does work in favour of a person giving information, just as much as in favour of the investigating Authorities. There are provisions in the Treaty that a person may, if they so wish, voluntarily go to the other jurisdiction in order to give evidence. And under Article 10, "When the appearance of a person who is in the territory of the Requested Party is needed in the territory of the Requesting Party for the purpose of the execution of a request....." he is invited to appear in that other territory and..... "Such a person shall be under no compulsion to accept such an invitation." Those words are words in the Treaty, not in our domestic law - in the Treaty. "Such a person shall be under no compulsion to accept such an invitation." But if they do go voluntarily and appear in the other territory to give evidence, they shall not, under Article 10.2, "be subject to service of process or be detained or subjected to any restriction of personal liberty by reason of any acts or convictions in either the territory of the Requesting or Requested Party which preceded his departure from..." his own territory.

That means, Sir, there is contained in the Treaty, which has the effect of law in the United States and will have the effect of law if this Bill is passed and

enacted, Sir, to provide that a person has safe conduct, free passage and immunity from process in respect of anything he did in either jurisdiction before he goes up to give that evidence. And that immunity and freedom remains until he departs from the other territory after having given his evidence; and it ceases 10 days after he is notified that his presence is no longer required or once he has returned to his home territory.

So there, Sir, built in is a safeguard for any person who, willing to further the ends of justice, agrees to appear in a jurisdiction other than his own and in our case is a safeguard for any person working here who is asked to give such evidence that he can go without any fear whatsoever.

Another safeguard and another right enshrined in the Treaty, and enshrined specifically in our own Bill, is under section 7, subsection (2), that where a person is, under the terms of the Treaty and the Bill, required to testify here or to produce documentary evidence, he shall have the right to be represented by an attorney when he does so. And that right of representation is contained in the legislation before this Honourable House.

As I said in an earlier part of my Second Reading speech, Sir, there is, under Article 5.2, that, "Requests shall be executed in accordance with the laws of the Requested Party ....". And that means that when our Central Authority sits - when it considers the definitions of criminal offences - it considers the terms of the Treaty; that when it considers the sections of the Bill that it shall do so in accordance with British law as that British law and local Caymanian law is applicable in this jurisdiction.

A further safeguard that I have also already mentioned is that the criminal offences are as specified in the definition and that no further offences can ever be added to that without the specific consent of the Cayman Islands.

When we entered into negotiations for the Narcotic Exchange of Letters and when legislation was brought before this House to implement that Exchange of Letters, again, at that time, because it was new, there were worries about the effect of it; there were worries about how our friends in the United States would behave under it; there were worries as to how it would work and what the effect would be upon the Cayman Islands. I think, Sir, that the time has proven that the Cayman Islands have very little to hide in regard to narcotic trafficking and that the manner in which the Exchange of Letters was used, and the manner in which the Exchange of Letters was administered, did not detrimentally affect these Islands. That Exchange of Letters was for a particular specified minimum period of time; namely, 18 months extendible by agreement.

Under Article 20.3, the Government of either the United States or the United Kingdom, including the Cayman Islands, may terminate this Treaty by giving three month's notice in writing to the other Government at any time. That, Sir, is a provision whereby if we believe that this Treaty is hurting this country; if we believe that it is being used unjustly and unfairly; that if we believe that it is to the long-term detriment of the Cayman Islands that we can request the Mother country, the United Kingdom, to serve, on our behalf, notice of termination of the Treaty.

But, finally, Sir, I think the greatest safeguard of all is the safeguard on exclusivity, which provides, under Article 17 of the Treaty, that ".... a Party needing assistance ..... in the investigation, prosecution or suppression of a criminal offence as defined in Article 19 shall request assistance pursuant to this Treaty.". In other words, Sir, that if there is any matter which fall or can fall within the ambit of this Treaty, there is an obligation placed upon the United States if they wish to get information from us to use the terms of the Treaty; to use the procedure of the Treaty and to use no other method until the provisions of the Treaty have been exhausted.

In case that was in doubt, Sir, Article 17.3 spells out, even further, the agreement of the Parties to limit their own sovereignty when it says, "No Party ....." (and that means neither the United States nor the Cayman Islands) "... shall enforce any compulsory measure, including a grand jury subpoena, for the production of documents located in the territory of the other Party with respect to any criminal offence within the scope of this Treaty, unless its obligations under the Treaty have first been fulfilled pursuant to paragraph 4 of this Article with respect to a request concerning those documents.".

There was, as Honourable Members will recall, a provision in the Narcotic Exchange of Letters whereby the United States undertook not to enforce similar compulsory measures, including grand jury subpoenas, for the production of documents relating to narcotic activities. That undertaking covered solely the subject matter of that Exchange of Letters: namely, narcotics, as defined in the Single Convention on Narcotic Drugs of 1961.

In this Treaty there is provided a similar guarantee: namely, that in relation to any criminal offence that falls within this Treaty, there shall not be enforcement of any document subpoenas, including grand jury subpoenas, while the Treaty is still in place in respect of that request.

That protection, Sir, continues not only until a request is delayed or denied, but it continues until one Central Authority, who is requesting information, informs the other that the denial of the request or an unreasonable delay is jeopardizing the successful completion of an investigation, proceedings or other matters. After that has been notified, there must be at least 45 days notice given to the Requested Party before the obligations of this Treaty, in respect of that request, are fulfilled. And in no case can any request be deemed to have been fulfilled, under this exclusivity, less than 90 days after the receipt of the request for assistance.

This means, Sir, that at any time, in any particular case, if a request is refused by the Central Authority, either on the basis of a certificate on public policy of the Attorney General on behalf of the Executive Branch, or any other reason, that there is a period of 45 days before any action can be taken outside this Treaty; and there is a minimum of 90 days, after the request, before any action can be taken, whichever is the greater. We will then, Sir, have notice; we will then, Sir, have time to take whatever steps in that particular circumstance we deem prudent and necessary, and in the best interests of the Cayman Islands.

Those, Sir, are very briefly a few of the safeguards contained in the Treaty and in our legislation. I did say, Sir, that as the sixth part, the heading would be 'What about the objections?'.

When, Mr. President, Sir, any Treaty is published; any document is signed; any agreement is entered into, it is an agreement in which the Party signing it have to the best of their ability, and in the manner in which they think best, acted for their own best interests and the interests of the country concerned.

It is very easy, Sir, for a person who is on the outside, in every circumstance, to counsel perfection. It is very easy for a person who has not been involved in the negotiation process to say, "I could have done better myself". It is very easy, on any occasion, to say, "This is not perfect".

A perfect Treaty, to the eyes of some, would be a Treaty whereby the United States, for all time, ceased making any enquiries whatsoever in the Cayman Islands in respect of any activity carried on here. But we must be realistic, Sir. Our aim is to keep these Islands what they have been and what we believe they will be in the future, not despite, but because of this Treaty and this legislation, and that is a firm, secure, reputable offshore financial base, diversifying its activities, having the respect of the world because it has shown and has led the world in entering into treaty obligations that say to international commercial crime, to international drug activity, to international criminal organisations - "We do not want you here. We do not need you here. We have respectability. We want integrity from our investors as we have integrity in the conduct of our affairs here, as we have integrity in the people of the Cayman Islands.".

Having said that, Sir, let me deal briefly with some of the criticisms that have attempted to be made at the Treaty and at the Bill. And I may say, Sir, just to get the record straight, that these criticisms, these suggestions, with once exception which I shall mention later, came not to Government, but came by reading them in the newspapers: that there seems to be a view that the way to change things or to alter things is not by persuading the Government in power, but by persuading the newspapers to publish what they want. The newspapers do their duty and publish representations made to them.

There have, Sir, been carrying on, over these past few months, what one person remarked to me as "a

competition between two brothers'-in-law to get into the Guinness Book of Records for the most letters published in the Cayman Islands in the one year'. I thought it was an unfair remark. I am sure that they are not competing with each other, but they are complimenting each other.

Mr. President, Sir, in one of those letters that appeared, the statement was made, and I quote - "If the Cayman Mutual Legal Assistance Authority, that is the Chief Justice, makes a decision which may be wrong, then that decision cannot be challenged by the courts, nor is it the subject of appeal or review.".

Mr. President, whilst I have commented lightheartedly upon the frequency with which letters appear, I also will say that if in the letters, if in the representations, there appears to be a concern or a worry that can, without derogating from our obligations under the Treaty, be met that we as a Government will only be too happy and glad to listen to constructive suggestions and to criticism and to remove, perhaps, needless fear.

Under the legislation at present, Sir, there is, under section 4(1), the statement, that I have already read out, which says, "..... the Cayman Mutual Legal Assistance Authority shall be the Chief Justice, who shall exercise his functions under the Treaty and this Law acting alone and in an administrative capacity, or another Judge of the Grand Court designated by the Chief Justice to act on his behalf.".

The second sub-section of that section 4 says, as at present: "A decision made or order given by the Cayman Mutual Legal Assitance Authority shall be deemed not to be a judicial decision or order, and shall not be the subject of any appeal to, or review by, any court.".

That second subsection, Sir, has been interpreted mistakenly, in my belief, as ousting the jurisdiction of the courts to intervene by way of what is called prerogative writ. That is, the liberty of any person to apply to the court if they believe that the Central Authority has acted other than in accordance with the terms of the Treaty or in an unlawful manner, or has acted ultra vires to seek to get the courts to prohibit the Central Authority from taking such steps, or to order the Central Authority to take steps which it should have taken.

I believe, Sir, that even with the subsection in, that right still exists, but in order to allay this fear and to make it abundantly clear to the Members of this House and to the public at large that the right to go to the courts, the prerogative writ still exists; I am proposing the leave of this House to move, at Committee Stage, the Amendment which I have already circulated to Members, namely, to delete that subsection (2). I hope that the deletion of that will place at rest the minds of the public and the minds of the writer of letters.

Sir, apart from the letters from private individuals, there has been issued a public statement to the media by the Law Society in which they deal with a number of matters which they consider, as a Law Society and as a group of attornies, to be unsatisfactory in the Treaty.

The Law Society, Sir, is - may I remind Members, a private organisation in this country. It is not as in any other jurisdictions established by statute and has no statutory functions. By its own rules and regulations, it expressly prohibits any lawyer in the public sector, whether he be Chief Justice, Crown Counsel, Attorney General or any other person, from being a member of that Society. It does so, even though I have expressed the view to members of the Society that the interests of the Cayman Islands would be served, by allowing all lawyers to be members. It is a Society to which membership is voluntary and there are, Sir, a number of lawyers - including prominent Caymanian lawyers, who have exercised their choice not to be members of that Society.

Having said that, by way of explanation, may I add that there are in that professional organisation representing the interests of attornies, many lawyers of the highest ability who, when they make representations in the media do so out of a sense of duty to the public and out of a sense of duty to their own profession. And, Sir, we must remember that every time we simplify procedures; every time we provide for administrative tribunals; every time we, whilst protecting the rights of individuals, deal with the matter in such a way that there is not an automatic right to go right through the whole judicial process to the Privy Council in the United Kingdom, that that truncating is a matter that

effects the profession of the Law Society as a whole. However, let us look at the various points made by the Law Society.

The first is that the Treaty may assist the prosecution of a Cayman resident or citizen for an attempt as an conspirator or as an accessory after the fact in relation to a wide range of United States' criminal law offences. As I said earlier, Sir, what we have done is that we have put in language, interpretable by the laws of the Cayman Islands, into the Treaty, our definitions, agreed definitions of criminal offences and in those definitions we have included the concept of 'knowingly' and 'willingly'. And I believe, Sir, that there is no way that the Treaty could assist in the prosecution of any Cayman resident or citizen under the circumstances mentioned there unless they had done so knowingly or wilfully.

There is a further statement to which the same remark applies, that a telephone call or a letter mailed from the Cayman Islands to the United States connected with a criminal offence, as defined, would suffice.

Sir, there are circumstances - certainly, where a letter or a telephone call would reveal that the person making it, made it with mens rea made it in a situation that he was involved and deeply involved with the commission of a criminal offence. But if the inference is that a person doing it innocently or without wilfullness of knowledge of the criminal offence did so, then, Sir, I believe, and then, Sir, I would say as amicus curiae to our Central Authority, that the Treaty does not apply to that innocent representation.

There is a statement in this handout by the Law Society which does surprise me. It says, and I quote, "No professional legal assistance in relation to matters of United States' law is presently available in the Cayman Islands to assist the Cayman Islands' citizen or resident with regard to advice on matters of United States' criminal law and its applications to transactions undertaken in the Cayman Islands. Accordingly, grave difficulty may result in endeavouring to ascertain whether any United States' criminal exposure arises in relation to any such past or future transactions.".

Sir, I honestly do not believe that we are carrying on an international offshore financial centre here, involving giving advice as to tax minimization; giving advice as to the creation of multi national corporations; giving advice, legal advice, professional advice, financial advice to persons who have interests, who have involvements in the jurisdiction of the United States, and that advice is being given when there is not available, in the Cayman Islands, professional legal assistance in relation to matters of United States' law.

I feel, Sir, that investors in the Cayman Islands do so, and seek professional help here in the knowledge that the persons they are employing in a professional capacity are sufficiently astute that if they do not know the answer to a question; if they see a problem of which they do not know an answer, Sir, they will make use of the facilities available through their colleagues in the United States' jurisdiction to obtain professional advice. I would like to feel sure that they have done so in the past, and I would like to feel sure that they do so in the future; and I do not honestly believe that there is no professional legal assistance in relation to matters of United States' law presently available in the Cayman Islands. Sir, there must be if we carry on an international offshore industry.

Again, later they come back to the point and make the statement that guilty knowledge on the part of the Cayman Islands' professional is not a perquisite to his subsequent prosecution and conviction in the United States.

There, Sir, again I have said that in the Treaty and in the offences as defined therein, there is imputed the concept of mens rea of knowing and willingly.

Another statement that they made here is that there is no precedent for retroactive legislation in relation to criminal matters. The legislation that we have before us does not retroactively create any criminal offences. It does not provide for sanctions retroactively for any criminal offences. It provides, Sir, that information can be obtained in a prescribed manner. It prescribes the safeguards on the supplying of that information and it is silent as to the dates relative to which the information may be sought. It is silent, in the same way, Sir, as the Narcotic Exchange of Letters and the Narcotic Law were silent. In that

the whole effect of the Narcotic Exchange of Letters and the Narcotic Law, and of this Treaty, would be negated if the only information that could be obtained would be information relating to events that had happened after this Treaty comes into force; after this Law comes into operation.

If there was, under the Narcotic Exchange of Letters, a use made of this jurisdiction to launder narcotic money, then information, because of the seriousness of international narcotic traffic, was given. In a similar manner, we have spelt out and defined serious criminality in this Treaty and in this Bill, and in the same manner as the Narcotic Law, where it is the subject of a criminal offence, then the information can be given.

Further, Sir, there is the point taken that the Treaty re-enacts a novel provision of the Narcotic Drugs Evidence (United States of America) Law, 1984 and maintains what is called an extraordinary reversal of the usual standards of professional secrecy; in that there is power for our Central Authority to require that evidence and information that has been disclosed, that the fact of such disclosure be kept confidential.

In the normal criminal investigative process, when investigations are made by a police officer, the police officer does not, as a matter of course or courtesy, inform the suspect as and when each piece of evidence is obtained against him. And, Sir, if there was not, in the appropriate circumstances, a power contained in our Law and our legislation to require the fact that information has been requested, or information had been given, be kept confidential, then the interests and the ends of justice would not be served. If the person, concerning whom the information was obtained, was the suspect - was the target, a person, the subject of an investigation, if he could be told by the person who had given information immediately it was given, could defeat the ends of justice by destroying evidence; by escaping from the jurisdiction; by covering his tracts or even, more worryingly, by taking other steps to ensure that information of that nature, either verbal or by documents, would never appear in a court of law in regard to a prosecution taken place.

Sir, there is a further statement made that we are advised that no similar powers to obtain evidence in confidence, from professional advisers, exists in the United States under United States' law.

Sir, this is a treaty, which is a Mutual Legal Assistance Treaty. The terms of this Treaty apply equally to the Cayman Islands, with its 20,000 people, and to the United States of America with its 260,000,000 people. And this Treaty provides that each Central Authority shall have powers, in its discretion, to order that there be kept secret the fact that information has been requested or being given. And that Treaty has the force of law in the United States. There are the similar powers in the Treaty, once it is ratified.

Mr. President, there have been a number of other minor points in the Law Society's public statement, all of which appear to be concerned with the fact that there are not enough safeguards for the custodian here of the information.

I like to think that in 99.9 per cent of custodians of information in these Islands, that they have nothing to fear; that they have acted in a bona fide manner; they have acted in all innocence; they have behaved themselves and acted without wilfulness to contravene the laws which they knew at that time were in place in another jurisdiction, and which they wilfully sought to thwart or to commit offences against.

I feel, finally, under this, Sir, that the statement contained in the Law Society's press release that the Treaty introduces the risk that Cayman Islands' citizens and residents may be prosecuted in relation to what may appear, or may have appeared to them after an application of all possible due diligence as perfectly proper transactions, is a risk that does not exist.

If due diligence has been taken by professional advisers here, by management, authorities or by bankers; if they have behaved such that they were in breach of no legally binding duty of trust; if they have behaved with bona fides, they have nothing to loose. And, Sir, if any of them are worried about this, I can say, as Attorney General, and I think I speak on behalf of the Government of the Cayman Islands, that if an innocent person who was compelled to give information, either documentary or parole in these Islands, was indicted thereafter even though he had

behaved in good faith and acting in due diligence, the utmost representations would be made in that respect.

If a person is worried about self-incrimination, either self-incrimination here or in the United States; if he is worried about professional privilege, either here or in the United States, the laws of this country, the Treaty and the Bill protect them. If a person is asked to give information, either documentary or parole, and he makes a representation to our Central Authority that the information sought is protected by the rights not to self-incriminate, or of professional privilege under our law, he may raise those - and they are determined by the Central Authority and if the Central Authority errs there is recourse of a prerogative writ.

On the other hand, if the person required to give evidence, is concerned that he may self-incriminate in accordance with United States' law, or if he believes that under United States' law he is privileged in respect of the documents or the information, then the procedure is laid down here in this Bill and in the Treaty. And it is quite clear what happens - it is contained under Article 8.2 which says if a person required to testify or produce documentary information or articles in their own territory, asserts a claim of immunity, incapacity or privilege under the laws of the other territory, which would be the United States in this case, the evidence shall nonetheless be taken and the claim made known to the Requesting Party (to the other country - to the United States) for resolution by the Authority by the legal process of that country. It says, and let me read it again, that the evidence shall nevertheless be taken and the claim made known and the procedure that I envisage our Central Authority adopting and the Attorney General as amicus curiae, if the situation arose, would urge upon the Central Authority to adopt that under the Treaty the procedure intended (and the Treaty does not speak otherwise) is that if a claim of immunity, incapacity or privilege under our law is claimed that our Central Authority determines it here, and if it is upheld that is the end of the matter. If it is a claim of immunity, incapacity or privilege under United States' law, the evidence is taken and the claim of immunity, incapacity or privilege is made known to the United States' authorities for determination by their courts. The evidence (it is not stated) does not get transmitted to the United States until determination of the claim of immunity, incapacity or privilege. The evidence is taken for expeditiousness; it remains in this jurisdiction; it remains with the Central Authority and it is only released if it is held by the courts of the United States that such a claim is not sustainable under their law.

Mr. President, I have taxed the patience of Members in relation to spelling out the various headings that I have .....

MR. PRESIDENT: Well I wondered whether you had also taxed your own voice a little, because I think perhaps you have come to a natural break in your speech; I am assuming it is going to continue a little longer, and we have come to the time when we normally take a brief afternoon respite - so I will suspend proceedings for approximately 15 minutes.

AT 3:25 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:45 P.M.

MR. PRESIDENT: The Honourable Second Official Member.

HON. MICHAEL J. BRADLEY: Mr. President, just before our short break in this afternoon's sitting, I was closing my remarks concerning the system whereby there was contained in the Bill, presently before us, and in the Treaty, the procedure about claiming privilege and immunity. It may be that in the hustle of suspending, the point was not clearly made by me. If so, may I apologise and just briefly state that what I was saying was this - that in this Treaty, Sir, as I said before, your negotiators, on behalf of the Government, at times went into detail and spelt out, in the Treaty, the most exact provisions so that they were cast iron and water tight; and at other times, Sir, we said, "Let us follow the normal procedure in Treaties

of generalities so that when there is an outline provision, spelling out a procedure, that we may clothe it with the particularities of the procedures that we think it is just and fair and proper to adopt in this jurisdiction. That is why I say, Sir, that Article 6.3 says that where a person is requested to testify or to produce documentary information, if that person asserts a claim of immunity, incapacity or privilege under the laws of the Requesting Party, which in relation to a request made by the United States would be under their law, the evidence shall nonetheless be taken and the claim made known to the Requesting Party for resolution by the courts of that Party.

It is clear that there is a distinction between the taking of the evidence and the making of the claim known to the United States. As I have said, Sir, the claim is made known to the United States for their courts to say whether, under their law, the claim of immunity, of incapacity or privilege should be sustained. The evidence is not made known at that time. The evidence is made known if, and only if, under the laws of the country where the immunity, privilege or incapacity is being claimed (namely the United States) it is held by the courts of that country that there is no such applicable claim.

Having said and clarified it, Sir, you may be relieved to know that I have reached the seventh of my eight headings - "How does it benefit the Cayman Islands?".

Sir, we are a small territory. We are a territory with a large and powerful and influential neighbour to the north of us. We are a dependent territory of the United Kingdom who have, in a short period of time, built up for ourselves an economic self-sufficiency through the two planks of offshore financial centre and of tourism.

We have been, in the past, the subject and subjected, because of what was, in many cases, unjustly considered the activities that were going on here, to harrassment to attempted reach of extra-territorialism as was exemplified in the Bank of Nova Scotia case and by the fears of persons in our finance industries here, of the risk of harrassment in going in to the nearest jurisdiction that we normally travel to, the United States.

This Treaty and the Bill is of benefit to the Cayman Islands in that the respect from the integrity of the Cayman Islands, that has been built up gradually in respect to a limited part of law enforcement, namely the Treaty negotiations which were preceded by the Narcotic Exchange of Letters, that we built up in the two years since the Narcotic Exchange of Letters was concluded a realization in minds of our neighbour to the north that we were not a place that willingly would harbour criminals, we were not a place that would willingly allow ourselves to launder money - the source of narrotic founded criminal matters.

This Treaty will be of benefit to the Cayman Islands because, by this Treaty and the legislation, we are showing and demonstrating to the financial community throughout the rest of world that we have standards of honesty, of integrity as high as anywhere else in the world, if not higher.

It will benefit the Cayman Islands because, under the Treaty, there are procedures that the Treaty route shall have to be followed in relation to obtaining information so long as the Treaty is in force in respect of that request. It means that when the Treaty is applying that there can be no enforcement, as the Treaty says, of document subpoenaes as happened in the Bank of Nova Scotia case. It shows that we will be free from that fear. It will benefit the Cayman Islands because as an ancillary to the Treaty and contemporaneously with the signing of the Treaty, when the Treaty was being signed here on the 3rd day of July, 1986, in the Cayman Islands, that contemporaneously with that there was an exchange of diplomatic notes between the Embassy of the United States and the United Kingdom Foreign and Commonwealth Office. And that exchange of notes dealt with matters outside the scope of the Treaty. That said:

> "(1) In the spirit of co-operation, mutual respect and goodwill existing between the Government of the United AStates and the Government of the United Kingdom, including the Cayman Islands, concerning mutual legal assistance in criminal matters, the Embassy of the United States proposes that in the interests of facilitating the cooperative use of the Treaty with respect to criminal offences that fall within its scope and of avoiding measures that could result in a conflict our respective

laws, policies or national interests, the contracting Parties shall continue to exercise centralised control and carefully screen and evaluate matters that may involve potential areas of conflict, and shall in good faith, at the instance of either contracting Party, with respect to such areas consult.

(2) Each Central Authority shall be free at any time to invoke the assistance of the contracting Parties ..." (that is the United Kingdom and the United States) "...for the purpose of resolving any differences that may arise in connection with the implementation or interpretation of Article 17 of the Treaty.".

Article 17 of the Treaty, as I have said earlier, Sir, is the very important Article dealing with exclusivity - the Treaty and the way the Treaty must primarily be used. The diplomatic note from the United States Embassy goes on to say:

(3) Even in those cases in which the Parties' obligations under Article 17..." (Exclusivity) "..., have been fulfilled with respect to a particular request, each Party shall continue to exercise moderation and restraint in considering the enforcement of unilateral measures to which the other objects, for the production or withholding of evidence.

(4) Each Central Authority undertakes to discuss with the other any case brought to its attention involving an exercise of jurisdiction with respect to criminal matters which may result in the production of evidence located in the territory of the other Party with a view to resolving any differences in a mutually satisfactory manner.

It is understood that this note, and any reply, do not create any legal obligations, nor do they create any rights on the part of a private person to obtain, suppress or exclude any evidence or to impede the execution of a request with respect to assistance that may be made available under the Treaty.".

That is the contents of the diplomatic notes of exchange. And that briefly, Sir, when you take away the skin of diplomatic verbiage, means, Mr. President, that what is going to happen is that even in relation to matters which are outside the scope of the Treaty, such as pure tax matters, that even in relation to matters in which the Treaty provisions have been exhausted; that even in relation to matters in which either Party can, with a clear conscience, say that, "We may do our own thing because the Treaty does not apply"; that even in those cases there has been a political and a governmental commitment by the United States that they will continue to exercise centralized control and that they, in the Department of Justice and the State Department, will make sure that any activities relating to the Cayman Islands, which may cause conflict, will be centralized through them, and that they, Sir, will on any occasion, in which taking steps that may cause conflict with us could happen, consult with us with a view to resolving those differences - consult us as regards the steps that they feel, in their own interests, they have to take, and we in turn, Sir, have the right, expressed by the United Kingdom, to seek the help and support of the United Kingdom in those matters.

It means, Sir, that the days of worry; of harrassment; of discrimination; of unlimited, uncontrolled service and enforcement of subpoenas, is at an end. And it means, Sir, that we will be able to carry on and progress with the development of our offshore industry without fear and without favour. Sir, having said that, and having briefly spelt out a few of the benefits that the Cayman Islands achieves, may I add one last one.

It is often, and even I have a habit of looking upon this Treaty as one-sided, but it is not. It is a Mutual Legal Assistance Treaty and that is why your negotiators and this Government, and the United Kingdom, changed the title which was contained in the agreement to negotiate from a Law Enforcement Treaty to a Mutual Legal Assistance Treaty. And it means, Sir, that because of the nature of things, we may not, as a country of 20,000 people,

have to enquire with the frequency that a nation of $30,000,000 does; but it means in the spheres that worry this Government, in the spheres of law enforcement and investigation, whenever we believe that evasion of our revenue measures and non-tax revenue measures (and remember everything, practically everything in this country is imported and subject to customs' duty) are being circumvented, that we, too, have the machinery to say to the Americans, on the same basis, "We want help; we want assistance". And, Mr. President, it will apply not only to the spheres of finance that have absorbed most attention; this Treaty applies to co-operation, as I have said before, in matters of what we can call ordinary criminality, and that we now have the United States under Treaty obligation to use the machinery of the Treaty whenever we need help for the investigation and suppression of crimes committed within our jurisdiction. And I fear, Sir, that with the development of our industry and our commerce, that there are crimes that are committed within our jurisdiction that involve international ramifications; that there are people in the Cayman Islands who may have been in the past and may be in the future, using the Cayman Islands internationally to seek the furtherance of international crime. And let those people beware, Sir, because we, too, have the Treaty as a weapon; we have a means of obtaining information and if people think that because they conduct part of their nefarious activities in the United States, that they are free from the investigative process here, they have another think coming to them.

The final headline, mr. .....

MR. JAMES M. RODDEN: Mr. President, just one minute please - the Honourable Member has these under various headings and he was dealing with number 7, I think, which he said was to detail the various benefits that would accrue to us. I would not like him to rush off number 7 yet and get on to number 8, because I have not heard, really, any benefits yet. So .....

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I thank the Member for his helpful interjection. There is an old saying, 'there is none so blind as those who will not see' and there may be another saying, 'there is none so deaf as those who will not hear'.

I, Sir, will not burden the House with an already lengthy speech by lengthening it. I shall leave it for others to express, in more succinct and forceful language, the benefits that will accrue to the Cayman Islands - as the Member wishes; and will say, Sir, that the future holds for the Cayman Islands, under this Treaty and under the Bill, a future stability and a future continuity as an offshore financial centre where persons of integrity and where international organisations will be able to invest knowing that the country that they are investing in has got, and assured them through treaties, that they will have no truck and will not tolerate any form of tainted activity within the jurisdiction. The country can go forward free from harrassment, free from the knowledge that there is yet more to come, because, Sir, there is one last distinction that must be drawn and that is, that whereas in the Narcotic Exchange of Letters there was an undertaking made by the Parties that within a certain time they would enter into negotiations for the successful conclusion of a treaty.

In this Treaty, Sir, we have encompassed, having negotiated in detail, the totality of what we believe to be the cooperation necessary for the suppression of criminality. And, Sir, there is no intention on the part of this Government to vary the terms of that Treaty and there is no obligation in the Treaty or elsewhere, and no intention of the Government to enter into any negotiations on any treaty on any other matters.

Mr. President, Sir, I have no hesitation in commending this Bill, and the Treaty it implements, to the Honourable Members of this House.

Thank you.

MR. PRESIDENT: The question is ....

MR. W. McKEEVA BUSH: Mr. President ...

MR. PRESIDENT: Will you .... both sit down if you will for the moment. I am afraid I have to put the motion.

The question is that a Bill shortly entitled The Mutual Legal Assistance (United States of America) Bill, 1986 be given a second reading.

The motion is open for debate. I saw two Members rise, so there is clearly great competition. I call first upon the Honourable Fourth Elected Member of Executive Council.

SECOND READING DEBATE ON THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1986

HON. VASSEL G. JOHNSON: Mr. President, I, too, rise to support the Mutual Legal Assistance (United States of America) Bill, 1986.

Mr. President, I was delighted at the thorough and very meticulous manner in which the Honourable Second Official Member, the Attorney General, presented this Bill.

I know, Mr. President, that the matter has drawn public attention and what is more interesting about it all is that representation on the Bill came at the eleventh hour. However, Mr. President, I will be commenting on this at a later stage.

I would like not really to retrace the steps put forward by the Honourable Second Official Member because he dealt largely with the legal and technical aspects of the Treaty and the enforcing legislation. However, as a Member of the team involved in the negotiation of the Treaty, I feel that I have a responsibility, not only to this Legislative Assembly, but to the people of the Cayman Islands to state clearly what was my reason for supporting a Treaty and, secondly, to tell you of the various steps and procedure which we followed to ensure that the end product was something worthwhile and beneficial to these Islands.

Mr. President, I was quite aware from sometime ago, a number of years ago, that the Americans were becoming very restless about the operation of tax havens and the Cayman Islands was one of those centres marked by the American authorities.

Mr. President, I do believe that the interest of the Americans was not altogether aimed at the good government and administration, or to embarrass the Caymans' economic growth and development, but a situation had arisen in this hemisphere from the turn of the 1980's, in fact late in the 1970's, where the advent of drugs had become a very worrying thing to the United States. It was said at one time that the drug trafficking and addiction was a communist plot against the United States and the plot was placed squarely in the lap of Castro to design and do what he thought would prejudice the American - not only the American treasury, Mr. President, but the society of the United States. Because we are all aware of what drugs can do, especially to a young society. Besides that, drugs have cost the United States' Government large sums of money. The last I heard of this was that America was spending over $100 billion a year on drugs. All this money is going especially to the South American countries that are specialising in the production of drugs, and the Caribbean, of course, is the pathway for that product into the gateways of the United States. On the east coast it is the Miami, Florida, area. On the west coast it is California and those areas.

The United States mounted, in the earlier days, Mr. President, a force which was originally known as 'project haven' to start dealing with this problem; and I am only showing you, Mr. President, and Members here, that the American attempt to control the situation was not aimed at destroying the economy of the Cayman Islands. What they were searching for was sufficient evidence to convict those people who were involved. And we are quite aware, Mr. President, that it is difficult to get to the root of that evil. We can catch the peddlers, the smokers and the users trafficking the streets; we can fill our jail with those sorts, but that is not getting to the root of the problem; and what has concerned the nation of the United States is: 'how do we get to the root of the problem?' - and so 'project haven' was mounted.

They spent a lot of time, Mr. President, and we remember back in 1976 when the grand jury served summons on the manager of Castle Bank when he was passing through Miami. It was served on him at the airport. There was a big hullabaloo here about it, and we know what the result of that was - that the private sector came running to Government: bankers, lawyers and what-have-you, crying to Government to find a way to stop the American interference here, because according to them, the American

when the Agreement expired in 15 months of its operation, and that it placed an obligation on both the United States and the Cayman Islands to negotiate a law enforcement Treaty.

Mr. President, it is stated here that the law enforcement treaty would relate to criminal matters. It did not say that it should be limited to common criminality. It did not give any guideline as to what those criminal matters should be. Therefore, the onus was placed on the negotiating team to decide the extent to which criminal matters would be included in the Treaty. ABut, the authority was placed on this country, for that Treaty, by the previous government and so coming aboard the ship we found there the Treaty .....

MR. JAMES M. BODDEN: Mr. President, on a point of order, Sir. The agreement which was concluded between the Unity Team government and the United States was not a Treaty and it did not bind us a Treaty; it was known as the Narcotic Agreement and certainly ...

MR. PRESIDENT: I do not think this is a point of order. It is a point you can quite properly make in your speech when the time comes.

MR. JAMES M. BODDEN: Well, I do not think the House should be misled.

MR. PRESIDENT: I do not think that the Honourable Member is out of order in referring ..... well, it is an agreement, I agree.

HON. VASSEL G. JOHNSON: Mr. President, I am dealing with the Exchange of Letters' agreement and what is contained in it. And what is contained in it is that there is an obligation on this country to move on to negotiate a Law Enforcement Treaty. I do not think we should get upset about this.

Mr. President, when we decided to start our investigation into the negotiation of this Treaty, we did so because, for one thing, we wanted to see the vibrant economy of these Islands continue to flourish. We wanted to removed the possibility of the United States conducting fishing expeditions in these Islands because that was a possibility. The fact is, we were privy to a number of these cases that could be looked upon as fishing expeditions.

Mr. President, we, too, wanted to prevent the Americans using their extraterritoriality strategy as we saw in a Bank of Nova Scotia case here, and where heavy fines were placed on that Bank. We also wanted to avoid the Americans using the procedure of using force consent in addition to extraterritoriality activities, and we also saw evidence of that here, in fact, matters that are still current in these Islands.

Mr. President, these tactics could certainly do the financial industry no good. We regarded these as interferring with the pure tax issues of the Cayman Islands, and, Mr. President, it led us to believe that a treaty was perhaps the best alternative for the Narcotic Agreement. In fact, Mr. President, the Honourable Second Official Member mentioned, in his presentation that the Narcotic Agreement was purely an executive authority used by the United States. It was really not a provision that was bound by law or by a force which would involve the entire country. And so it was also our thought that going for a treaty, which would have to be ratified by the Senate, would spread its umbrella over the entire country, and it would not give some State the opportunity of still harassing tax havens and ourselves for information leading to tax evasion activities. In other words we thought that the arrangement where there is a central point requesting information from the Cayman Islands was in our best interests.

Mr. President, really when we look .....

MR. PRESIDENT: We are just past half past four. I imagine you are intending to speak for some further period and therefore I think, in accordance with the provisions of Standing Order 10(2), I must interrupt now, rather than assume that we can conclude certain business if I let you go on a little.

I will invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this honourable 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.

QUESTION PUT: AGREED. AT 4:32 P.M THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, 3RD SEPTEMBER, 1986.

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
WEDNESDAY, 3RD SEPTEMBER, 1986
(THIRD DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, OBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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 EECTORAL 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

(THIRD DAY)

WEDNESDAY, 3RD SEPTEMBER, 1986

1. PRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

2. PRESENTATION OF PAPERS AND REPORTS

PROGRESS REPORT OF THE SPECIAL COMMITTEE APPOINTED BY THE LEGISLATIVE ASSEMBLY TO INVESTIGATE ALLEGATIONS OF INEQUITIES AMONGST TAXIS AND OTHER CARRIERS - TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

3. QUESTIONS TO MEMBERS

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 66: WOULD THE HONOURABLE MEMBER SAY WHETHER GOVERNMENT IS CHECKING TO DETERMINE IF ANY OF THE AERIAL SPRAYS USED BY MOSQUITO RESEARCH ARE HARMFUL TO HUMANS IN VIEW OF SO MANY CHEMICALS BEING BANNED FOR USE IN THE USA BUT ALLOWED TO BE IMPORTED?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 67: COULD THE HONOURABLE MEMBER SAY IF THE RECENTLY SIGNED MUTUAL LEGAL ASSISTANCE TREATY BETWEEN THE UK AND USA WAS A PART OF ANY OTHER AGREEMENTS CONCLUDED BETWEEN THE TWO GOVERNMENTS?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 68: WOULD THE HONOURABLE MEMBER STATE WHAT WAS CAL'S TOTAL OPERATING REVENUE FOR THE 1985 TO 1986 FINANCIAL YEAR; WAS THERE A PROFIT OR LOSS FOR THE YEAR AND WHEN WILL THE AUDIT BE AVAILABLE?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 69: *WILL THE HONOURABLE MEMBER SAY WHETHER THE DEPARTMENT OF TOURISM HAS ENTERED INTO AN AGREEMENT WITH PLEASURE BOATING MAGAZINE TO PROMOTE THE ADVERTISING IN THE ISLANDS AND, IF SO, WERE THE NECESSARY TRADE AND BUSINESS LICENCES GRANTED?*

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 70: *WILL THE HONOURABLE MEMBER STATE WHETHER GOVERNMENT HAS GRANTED OR IS NEGOTIATING A FRANCHISE TO ANY COMPANY OTHER THAN THE CAYMAN WATER COMPANY FOR THE DISTRIBUTION OF WATER GIVING DETAILS OF ANY SUCH FRANCHISE, INCLUDING WHETHER GOVERNMENT HAS AGREED TO PURCHASE WATER FROM THAT COMPANY AND THE DETAILS OF THE PROPOSED PURCHASES?*

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 71: *WILL THE HONOURABLE MEMBER STATE WHETHER IT IS THE INTENTION OF GOVERNMENT TO COMPLETE AND FENCE THE PUBLIC FIELD IN EAST END THIS YEAR?*

4. *GOVERNMENT BUSINESS*

BILLS:-

CONTINUATION OF SECOND READING DEBATE
ON THE
MUTUAL LEGAL ASSISTANCE
(UNITED STATES OF AMERICA) BILL, 1986

The Honourable Fourth Elected Member - to continue.

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WEDNESDAY

3RD SEPTEMBER, 1986

10.06 A.M.

MR. PRESIDENT: Prayers.
The Second Elected Member for George Town. Would another Member care to say prayers in his absence?

MRS. DAPHNE L. ORRETT: 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.

Our Father, which are 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. 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 into us. The Lord lift up his countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Please be seated.
Presentation of Papers and Reports. The Second Elected Member of Executive Council.

PRESENTATION OF PAPERS AND REPORTS

HON. W. NORMAN BODDEN: Mr. President, I beg to lay on the Table of this Honourable House a Progress Report of the Special Committee appointed by the Legislative Assembly, to investigate allegations of inequities amongst taxis and other carriers.

MR. PRESIDENT: So ordered.
It may perhaps be helpful to the House if in the absence of the Second Elected Member for George Town, I report a point that he made to me and that I had understood he intended to mention after the report of the Special Committee had been laid.

It was to draw the attention of Members to the fact that in this interim progress report the Special Committee had expressed the view that it should be empowered to expand its terms of reference, or to interpret its terms of reference as if they had been slightly expanded, in order to enable it to deal with certain related matters which have come to its attention during the course of its enquiries, and I had told Him that if he did speak to that effect, I would be prepared to say, that unless any Member of the House wished to raise an objection and to seek to debate the matter, I would take it that the will of the House was that the terms should be expanded in that way.

In the absence of the Second Elected Member for George Town, I have tried to make his point for him. If any Member wishes to comment, naturally he may do so. But if not, I will as I promised the Second Elected Member for George Town, and I hope this is all right with the Chairman of the Committee, take it that the Committee may interpret its terms of reference as if they had

been enlarged in the way the Committee wished.

No Member having made any point, I will assume therefore that that does reflect the wish of the House.

Questions.

MR. D. EZZARD MILLER: Question, Mr. President. Did the Member indicate what other areas he intended to include?

MR. PRESIDENT: It is in the Progress Report. It is essentially to consider such other matters as may reasonably be brought before the Committee with respect to the improvement of services rendered by taxi transportation operators and to deal with any other related matters. So it is there in the Progress Report, and my understanding was that all the members of the Committee felt it would be helpful to them if they could deal with that too.

Questions. The First Elected Member for Bodden Town.

QUESTIONS TO MEMBERS

STANDING ORDER 22(3)

MR. JOHN B. McLEAN: Mr. President, I was going to suggest that perhaps we could deal with my questions and that may give the Member a chance to get his answer today.

MR. PRESIDENT: Let me just look and see what the rules say. It can be deferred until we have asked the other questions, then we can come back to it can we? Yes, that is right, that is perfectly all right. So, the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 69: Will the Honourable Member say whether the Department of Tourism has entered into an agreement with Pleasure Boating Magazine to promote the advertising in the Islands and, if so, were the necessary trade and business licences granted?

ANSWER: The Department of Tourism has agreed to place an advertisement in Pleasure Boating Magazine, in an issue featuring a supplement on watersports in the Cayman Islands.

Pleasure Boating Magazine does not have a Trade and Business Licence.

SUPPLEMENTARY

MR. JOHN B. McLEAN: Mr. President, a supplementary. Can the Member state whether it would be necessary for Pleasure Boating Magazine to have a work permit to carry on such works in the Cayman Islands?

MR. PRESIDENT: I think that is soliciting - well either it is soliciting a solution to an abstract legal question, or an expression of opinion. I do not think it is admissible under Standing Order 22(1)(g).

Unless there is any further supplementary, the Member for East End may ask the next question.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL

NO. 70: Will the Honourable Member state whether Government has granted or is negotiating a franchise to any company other than the Cayman Water Company for the distribution of water giving details of any such franchise, including whether Government has agreed to purchase water from that company and the details of the proposed purchase?

ANSWER: Government has given approval for the Water Authority to provide a piped water system for the George Town area. Negotiations are now well advanced with Caribbean Utilities Co. Ltd. to produce the water by a system using their

engines' waste steam which is the most economical method of producing distilled water. Caribbean Utilities Co. Ltd. will sell the water to the Authority for distribution.

The Water Authority has also requested proposals from other firms as well, including Cayman Water Company. Under the proposed franchise the first phase is for a system to produce up to 450,000 Imperial gallons per day over 15 years. The Water Authority will not be restricted from negotiating with other firms if this is necessary when the demand rises beyond the current capacity of Caribbean Utilities Co. Ltd. or after expiration of the contract.

SUPPLEMENTARIES

MR. JAMES M. BODDEN: Are the negotiations being conducted, do they infringe in any respect on the present franchise which the present Water Company has with Government?

HON. VASSEL G. JOHNSON: Mr. President, no. This proposed franchise is for the George Town area and it has nothing to do with the area already under franchise to the Cayman Water Company.

MR. JAMES M. BODDEN: Will Government be guaranteeing to purchase any amount of this 450,000 Imperial gallons per day over 15 years?

HON. VASSEL G. JOHNSON: Mr. President, the arrangements start with the Water Authority taking 150,000 gallons per day, and this rises over the years until year five we reach the maximum of 450,000 per day. The 450,000 gallons is not going to be delivered from year one.

MR. JAMES M. BODDEN: If I understand your answer correctly, you mean that we will start out by guaranteeing the purchase of 150,000 gallons a day. Based on that, could you advise the House what the price will be that Government will pay for that water?

HON. VASSEL G. JOHNSON: Mr. President, unfortunately because negotiations have not yet been completed, there is certain information which we could not release. This can only be done when the agreement has been finalised.

MR. JAMES M. BODDEN: Is it proposed that it will be more expensive to the truckers than the water which is presently supplied to them, or will it be lower?

HON. VASSEL G. JOHNSON: No Mr. President, it will be very much under the price the truckers now pay to the Cayman Water Company.

MR. JAMES M. BODDEN: Will Government be able to make anything out of it?

HON. VASSEL G. JOHNSON: I did not hear that question Mr. President. Something is apparently not working too well...

MR. JAMES M. BODDEN: My microphone has probably been sabotaged.

My question was whether the price the Caribbean Utilities will charge and the price that the Water Authority will sell it to the truckers at, whether there is a sufficient amount of money in between to guarantee a profit to the Water Authority?

HON. VASSEL G. JOHNSON: I think the Water Authority is satisfied Mr. President with the margin which will be obtained between the price paid to Caribbean Utilities and the price demanded from the truckers.

MR. PRESIDENT: No. The Member for North Side has been trying for a long time. I will give you another go in a minute.

MR. JAMES M. BODDEN: Just let me deal with this one, and then I will.....

MR. PRESIDENT: If he is prepared to, all right.

MR. JAMES M. BODDEN: Based on the word satisfaction, satisfaction can take many different forms. So I would like to know what is meant by 'satisfaction' in this case. My question was whether there is any difference between the two prices which will yield a profit. I do not want to know whether they are satisfied, or they are not satisfied?

HON. VASSEL G. JOHNSON: The answer is yes Mr. President.

MR. PRESIDENT: Now the Member for North Side if he still wants to ask.

MR. D. EZZARD MILLER: Could the Member state if Caribbean Utilities is going to be required to pay the same 7.5 percent royalty that the Cayman Water Company now pays the Government?

HON. VASSEL G. JOHNSON: Mr. President, the arrangement with Caribbean Utilities is altogether different from the arrangement with the Cayman Water Company.

In the case of the Cayman Water Company all the profit made by that company is for the benefit of the company. Whereas the Water Authority's profit out of it is Governments.

MR. G. HAIG BODDEN: Mr. President, may I ask? Is he saying Government will allow Caribbean Utilities to manufacture water and be in competition with a company who already holds a Franchise from Government, and not charge them a royalty. Am I hearing correctly?

HON. VASSEL G. JOHNSON: Mr. President, let us not get confused with this issue. Caribbean Utilities Company is not in competition with the Cayman Water Company. Caribbean Utilities Company has been requested to produce water. The price at which they are going to produce water is very much below the price that the Cayman Water Company can produce water, and therefore, the concessions which are given to the Caribbean Utilities Company are all reflected in the price of the water to the Water Authority.

MR. D. EZZARD MILLER: Mr. President, I noticed that the Water Authority solicited bids from the Cayman Water Company. Was the Cayman Water Company told that what water they produced for Government they would not have to pay the 7.5 percent royalty on. So they could have lowered their price, if that had been the case?

HON. VASSEL G. JOHNSON: Mr. President, there is no doubt that that is one of the reasons why they could bring the price of their water down to where it is. I should say Mr. President, that all this benefit goes to the public, it is not going into Government's pocket.

MR. JAMES M. BODDEN: Could you tell us what concessions Government has had to make to Caribbean Utilities, in order to convince them that this would be a viable project?

HON. VASSEL G. JOHNSON: Tough bargaining.

MR. JAMES M. BODDEN: Well, for once we can congratulate you, because we have not had much to be able to congratulate. But I am really wondering whether you can state at this time whether Government has given to Caribbean Utilities any concessions such as maybe a duty waiver, guarantee of a loan or something of that nature?

MR. PRESIDENT: Mr. President, nothing over what is given to the Cayman Water Company.

MR. G. HAIG BODDEN: Mr. President, can the Member explain a little about the formula to control the rate for the water to be sold by Caribbean Utilities?

HON. VASSEL G. JOHNSON: Mr. President, the formula is written in the draft franchise. So there is no question that at year six or year seven, Caribbean Utilities will be asking for a review of prices.

MR. G. HAIG BODDEN: Can the Member tell us how much profit the formula will allow Caribbean Utilities?

HON. VASSEL G. JOHNSON: Mr. President, that is a part of trade secrets.

MR. JAMES M. BODDEN: Mr. President, we are dealing with a Government sort of franchise I would think here. Now can it be a trade secret when Caribbean Utilities operates under another franchise to supply electricity, and everybody in the Islands I think knows more or less what that formula gives to them. So how can this be determined to be a trade secret in this case with water?

HON. VASSEL G. JOHNSON: Mr. President, if the Legislative Assembly has confidence in the Government that it will do a good job....

MR. G. HAIG BODDEN: We do not any more.

HON. VASSEL G. JOHNSON: Yes I know, that is from that side, but we have the rest of the Legislative Assembly to also address on the subject.

Mr. President, the negotiations and all Members here are aware of that that during the course of negotiations one does not put things on the blackboard in public. After the franchise is signed, then it can be laid on the Table here so that all Members can see, and judge at that time whether the Government erred in its negotiations.

MR. JAMES M. BODDEN: Mr. President, it would be too late then, and on the point of confidence, it is not our fellow elected Members for whom we have to worry about confidence, it is the public. But what I would worry about at this time is, if we have struck such a good deal with Caribbean Utilities, why are Caribbean Utilities not allowed then to do this as a business venture on their own in competition say with the present water company and pass the savings on to the person who purchases the water, rather than the Government Water Authority then being an in between, to get a profit out of it. If we are so concerned about the public, why do we not pass that saving on to the public also?

HON. VASSEL G. JOHNSON: Mr. President, it is only through the Water Authority and Government's smartness that we are able to give the public such cheap water. If Caribbean Utilities had to negotiate with the Cayman Water Company to serve the public, I am sure the water would be much, much more expensive than that which they are going to pay to the Water Authority.

MR. JAMES M. BODDEN: Mr. President, that is not what I asked. I did not intend for it to be done that way. What I said was, why did not Government use their good graces to bargain with Caribbean Utilities, get the best price they possibly could, get maybe the royalty that they get from the present Water Company, and let Caribbean Utilities deal directly in selling it to the public thus saving the in between profit which will go to the Cayman Water Authority. That was my question.

HON. VASSEL G. JOHNSON: Well Mr. President, the answer to that is that the Cayman Water Company has a franchise with Government, and they were not interested in getting involved in the George Town water scheme.

MR. JAMES M. BODDEN: Mr. President, whether the Cayman Water Company was interested in getting involved in the George Town water scheme or not, am I to be made to understand that this water is going to be sold strictly within the confines of the George Town area, or what? What I meant was, why not allow them to deal directly with the public, thus allowing the public to get the additional savings which will now accrue to the Water Authority from the sale of this water. Why not sell direct, that was my question?

HON. VASSEL G. JOHNSON: Mr. President, from the earliest negotiation with Caribbean Utilities, it was their view that they were not interested in distributing water in George Town or anywhere else. All they were interested in is to produce the water and hand it over

to somebody else, if not Government well somebody else who could distribute the water.

MR. JAMES M. BODDEN: Mr. President, I am not asking about the distribution of water. I did not think that Caribbean Utilities were going to put down a pipeline system in George Town. So, what I am asking is why not allow Caribbean Utilities to sell their produced water directly to the public, and if that public is determined to be, by the agreement, the people within the confines of George Town, rather than passing it through with the Water Authority buying it, and then selling it thus incurring an added cost to the purchasing public. That is my question; can I get a direct answer, or is that impossible in this House?

MR. PRESIDENT: I think that question has just been answered. You have been told that they were not interested in distributing it, which means that they are not interested in selling it to the public, so I think that is the answer. The Member, in reply to your last questions that Caribbean Utilities Company had said they did not wish to distribute water to the public. Well that is selling it to the public, and that surely is the answer to the question you have asked.

MR. JAMES M. BODDEN: Mr. President, with all due respect, what is the difference. They are going to sell from Caribbean Utilities, I do not think Government plans it, I do not think they are this foolish, to be planning to put in a storage area themselves to truck it from Caribbean Utilities to that storage area and then dispense it out to the truckers. What I imagine will happen is that Caribbean Utilities will from their storage centre at the plant, sell to the truckers. So what difference does it make. It is going to involve more bookkeeping on their part if they have to keep a record of everything that Flowers buys, the next person buyes and then pass it through to this Water Authority. Then the Water Authority pays them back and forth. Would it not have been much simpler and much easier on the buying public, if Flowers or whoever it may be who is in the water business could drive up to Caribbean Utilities, buy a load of water and pay direct, or be billed direct for it rather than having the in between services of the Water Authority. Now to me this is really compounding a situation. Why not allow direct dealing, and use Governments effort to get the best price we can for the public?

HON. VASSEL JOHNSON: Mr. President, I will apologise if I did not make it quite clear from the outset that the intention of the Water Authority is to pipe the water from house to house in George Town. If the truckers want to come and buy water they can buy water but the main purpose is not to produce water for truckers. The main purpose is to produce water for distribution by the pipe system from house to house in George Town.

MR. JAMES M. BODDEN: Mr. President, this really compounds the issue more and more, because I do not know if any of the Members of the House were even aware that Government had this plan. I do not think I had been told anything about it, and now we are really getting involved in something which the Members of this House should also be involved in. You are looking at a large expenditure, because to pipe water from Caribbean Utilities to every house in every area of the George Town district is not going to take $100. It is a big venture, and we should be able to know something about such undertakings of Government. We are alarmed at what is happening with Government, because we seem to be rushing headlong into things where nobody knows where they will end.

HON. VASSEL G. JOHNSON: Mr. President, I would just like to say that the 1986 budget contained an expenditure for the water system of George Town.

MR. LINFORD A. PIERSON: Mr. President, on a Point of Order, I believe under our Standing Orders during Question Time, it is the intention that questions will be asked in this House, and not statements made. For the past three days I have sat here and heard a number of statements being made from both sides of this House without an intervention. I believe that this is outside our Standing Orders and is really unparliamentary. Perhaps you could comment on this.

MR. PRESIDENT: Well you are quite right. I am

grateful to you for bringing the point to Members' attention. I have myself, occasionally, pointed out to Members that they must not make statements. It is really those who are asking the questions who principly transgress in this respect, because people who are answering have in a sense, to make a statement, they have to produce an answer. But it is not always easy when the Member gets up to ask a supplementary, it is not always easy to start with to tell whether he is taking rather long to get to his question, or whether he is in fact making a statement. I rely on all Members to assist me by not making statements and by recalling what the rules are.

Now the Member for North Side.

MR. D. EZZARD MILLER: Could the Member state whether the royalty paid by the Cayman Water Company is paid directly into Treasury, or is it going to be used to subsidise the price of water sold by the Water Company?

MR. PRESIDENT: I really think we are getting rather far from the original answer, and the original question and the original answer to it, and we have been a long time on this question and there are a number of others on the Order Paper. I think I am going to move on I am afraid now.

MR. PRESIDENT: Question No. 71.....

MR. JAMES M. BODDEN: Mr. President, could I ask one more question before you close it Sir?

MR. PRESIDENT: Well I have stopped him, or I am afraid I must stop you. You made a statement last time, so no I think we must go on.

The Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 71: Will the Honourable Member state whether it is the Intention of Government to complete and fence the public field in East End this year?

ANSWER: Government intends to continue upgrading the public field in East End. However, a new proposal has been submitted by the East End Football Association and this is currently being evaluated. After the evaluation is completed, decisions will be made to determine which course(s) of action will be taken.

MR. JAMES M. BODDEN: Mr. President, that appears to be the last question on the Order Paper.

MR. PRESIDENT: We are coming to yours, because they were deferred when you were absent, but just let me give a chance to anybody who wants to ask a supplementary first.

SUPPLEMENTARY

MR. JOHN B. McLEAN: I wonder if the Member could say approximately how long this evaluation will take?

HON. BENSON O. EBANKS: Not precisely Mr. President. The proposal was received, or is dated the 26th August.

MR. JOHN B. McLEAN: Could the Member repeat what he said please?

HON. BENSON O. EBANKS: I said that I could not give a precise time, in as much as a new proposal was dated 26th August.

MR. PRESIDENT: If there is no further supplementary we can return in accordance with Standing Order 23(2) to the questions which were not asked earlier, and the First Elected Member for Bodden Town may ask the first of the questions in his name.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND

NATURAL RESOURCES

NO. 66: Would the Honourable Member say whether Government is checking to determine if any of the aerial sprays used by Mosquito Research are harmful to humans in view of so many chemicals being banned for use in the USA but allowed to be exported?

ANSWER: Two liquid sprays are used mainly by MRCU. These are Dibrom and Cypermethrin. Both of these are approved by the Environmental Protection Agency of the United States of America and used widely for mosquito or agricultural crop control.

Another type of insecticide used by MRCU is a granule/pellet type called Bacillus Touringiensis which is also approved by the environmental protection agency and now recognised as the safest method of control.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Are they the only two chemicals which we are using?

HON. VASSEL G. JOHNSON: These are the two chemicals Mr. President approved by the Mosquito Research and Control Laboratory here, and simply because they are also approved by the Environmental Protection Agency of the United States.

MR. JAMES M. BODDEN: My question was are they the only two chemicals which are being used by Mosquito Research in their eradication programme?

HON. VASSEL G. JOHNSON: Yes Mr. President.

MR. D. EZZARD MILLER: Supplementary Mr. President. Can the Member state whether the EPA approves the aerial spraying as is done in the Cayman Islands, or is there approval for a hopper- solid form method of distribution?

HON. VASSEL G. JOHNSON: Mr. President, these two insecticides are used for all methods of spraying in the Cayman Islands, including aerial spraying.

MR. PRESIDENT: Unless there is any further supplementary, the First Elected Member for Bodden Town may ask the next question.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 67: Could the Honourable Member say if the recently signed Mutual Legal Assistance Treaty between the UK and USA was a part of any other agreements concluded between the two Governments?

ANSWER: The answer is found in the 'Exchange of Letters' Agreement between the Governments of the United Kingdom, including the Cayman Islands, and the United States of America in paragraphs 7.1 and 7.2.

With your permission Sir, I will read it:

"7.1
The Governments of the United States and United Kingdom including Cayman agreed to enter into negotiations concerning a Law Enforcement Treaty between the United States and Cayman concerning criminal matters.

7.2
If the Governments of the United States and United Kingdom including Cayman are satisfied that this Agreement the Narcotics Agreement is working satisfactorily, the representatives of the said Governments will meet nine months after the date this Agreement comes into operation to negotiate the said Treaty."

SUPPLEMENTARIES

MR. JAMES M. BODDEN: Mr. President, I like most Members of this House have read that part of the Treaty. It does not relate in any way to the question which I have asked, and if I maybe permitted, I will read my question again.

"Could the Honourable Member say if the recently signed Mutual Legal Assistance Treaty between the United Kingdom and the United States of America was a part of any other Agreements concluded between the two Governments?"

HON. THOMAS C. JEFFERSON: Mr. President, I have been fortunate to be a part of the negotiations for the Narcotics Agreement as well as the Mutual Legal Assistance Treaty, and I remember very clearly Mr. President what we committed ourselves to in dealing with the Narcotics Agreement. We did not commit ourselves to a Mutual Legal Assistance Treaty, but we did commit ourselves to the negotiation of a Law Enforcement Treaty. It was during the negotiations on that Treaty that it was agreed that a Mutual Legal Assistance Treaty would be the better of the two.

MR. JAMES M. BODDEN: Well, Mr. President. My question is being misunderstood, or is being evaded.

Could I ask then the Members a supplementary based on my original question.

Are the members of the negotiating team aware that shortly after the agreement was reached on the present disastrous Treaty which we will be negotiating, that the English Government entered into a Treaty arrangement with the United States concerning certain Irish patriots or terrorists whichever one we label them, to be brought back to the United Kingdom to stand trial. Are the members of the team aware of that?

MR. PRESIDENT: I really do not think that is a supplementary, and in any case it is not something for which the Members have responsibility.

MR. JAMES M. BODDEN: No, they do not have responsibility Mr. President, but I am only trying to ascertain that we was entangled with regards to the Mutual Legal Assistance Treaty, and I am still trying.....

MR. PRESIDENT: All right. I have understood your point. You meant in your original question, was some other treaty of the kind you have described or another a part of it.

MR. JAMES M. BODDEN: Quite correct, and I am asking whether the members of the team are.....

MR. PRESIDENT: I will allow the Member to answer that. That is all right.

HON. THOMAS C. JEFFERSON: Mr. President, I cannot speak for the members of the negotiating team, but I am aware that negotiations are going on between the United Kingdom and the United States on many diffrent matters including Extradition Treaties, including Mutual Legal Assistance Treaties and Civil Aviation matters.

I cannot say Mr. President that this Traty which we have signed had any significant effect on what the United Kingdom is doing. I agree that in all things there is an inter-relationship.

MR. JAMES M. BODDEN: In other words Mr. President, the United Kingdom got what they wanted. The United States.....

MR. PRESIDENT: I think the Member is making a statement.....

MR. JAMES M. BODDEN: No, I am going ..you just wait.

MR. PRESIDENT: Let us have the question.

MR. JAMES M. BODDEN: I am going to give you my question. The United States got what they wanted, and the Cayman Islands was the pawn on the chessboard, am I correct?

HON. THOMAS C. JEFFERSON: If you want my opinion, the answer is no. I do not believe the United States got what they wanted and I do not believe that we were pawn in any Mutual Legal Assistance Treaty.

MR. LINFORD A. PIERSON: Mr. President, I too am getting the feeling that the Member is somewhat vague in answering what is in my opinion, a fairly straightforward question. I wonder if the Member could state specifically, an answer to this question and I would like to read the question again.

"Could the Honourable Member say if the recently signed Mutual Legal Assistance Treaty between the UK and the USA was a part of any other agreement concluded" - specifically yes or no? We do not need to be taken around the bush - yes or no?

HON. THOMAS C. JEFFERSON: It is not a matter of taking persons around the bush Mr. President, and I am not trying to be evasive. I am trying to answer the question to the best of my knowledge, and some people have all the answers to everything.

To the best of my knowledge Mr. President, I am unaware that the Mutual Legal Assistance Treaty was part of any other negotiation.

MR. JAMES M. BODDEN: Was the Cayman Islands delegation in any way advised by the United Kingdom delegation that they were carrying on talks aimed at an Extradition Treaty of the poor Irishmen during the time they negotiated with the Cayman Islands delegation?

HON. THOMAS C. JEFFERSON: I do not know about poor Irishmen Mr. President, when these chaps are terrorists, or that is what they say they are. But to the best of my knowledge, I do not recall the United Kingdom saying that.

MR. JAMES M. BODDEN: Based on the question which I have just asked, I am sure Mr. President, you will consider that this is relevant. I wonder if we could be advised by the First Official Member, at what level of bureaucrats did the negotiations between the United States Government, United Kingdom Government and the Cayman Islands Government take place, and what specific departments of the United States Government were involved?

HON. THOMAS C. JEFFERSON: Mr. President, the same bureaucrats as the Second Elected Member for Bodden Town likes to call them, who were involved in negotiating the Narcotics Agreement, were also involved in negotiation the Mutual Legal Assistance Treaty, but precisely the same persons, but certainly at the same level.

MR. JAMES M. BODDEN: And what departments of the United States Government were involved?

HON. THOMAS C. JEFFERSON: In both cases Mr. President, the State Department and the Department of Justice.

MR. JAMES M. BODDEN: Did the IRS enter in with them?

HON. THOMAS C. JEFFERSON: Perhaps you have the answer to that. I do not.

MR. PRESIDENT: I think we had better pass on to the next question if we are going to get it in in time.

MR. W. McKEEVA BUSH: Supplementary Mr. President.

MR. PRESIDENT: All right.

MR. W. McKEEVA BUSH: Will the Member say when they heard about this Extradition Treaty between the United States Government and the Government of the United Kingdom... whether they enquired as to the truth of the statements?

MR. PRESIDENT: I am sorry, I have not really understood the question. Whether they enquired as to the truth of what statement? If by the statement you mean the question by the First Elected Member for Bodden Town...

MR. W. McKEEVA BUSH: The statement that, in the widely

reported rumour lets put it then- that the United Kingdom had received something in the form of this Extradition Treaty. Whether this Government heard about it, whether they enquired from the United Kingdom Government, or did they think it necessary to enquire?

HON. THOMAS C. JEFFERSON: From my point of view Mr. President, I did not think it necessary to enquire. When we began the negotiations three years ago on the Narcotics Agreement, from that day negotiations were going on and we were aware that the negotiations were going on between the United States and the United Kingdom, including the matters previously explained.

MR. W. McKEEVA BUSH: And it just happened to finish while we were negotiating ours?

HON. THOMAS C. JEFFERSON: Well, all things come to an end. They do not all end conveniently to everyone.

MR. PRESIDENT: I think we will pass on to the next question now. Would the First Elected Member for.....

MR. JAMES M. BODDEN: Well, if my watch is correct Mr. President, I think I would have to ask at this point for the suspension of Standing Order 23(7).

MR. PRESIDENT: You have got another two or three minutes according to my watch, so.....

MR. JAMES M. BODDEN: Well, it may take no longer than that to get the question answered, so I will abide in your hands 'fast falls the evening tide'.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 68: Would the Honourable Member state what was CAL's total operating revenue for the 1985 to 1986 Financial year; was there a profit or loss for the year and when will the audit be available?

ANSWER: The Statements of Accounts covering CAL's 1985-86 Financial year is currently being prepared by the company's auditors. It is expected that these accounts will be available for presentation to this Honourable House at its November 1986 Meeting.

SUPPLEMENTARIES

MR. JAMES M. BODDEN: Mr. President, I did not expect to get any other answer. I only brought this question because in the past, we were lambasted from end to end, if we did not have it by this time of the year. But my question is, was there an operating profit for the financial year?

HON. W. NORMAN BODDEN: Mr. President, first of all, I am sure this Honourable House is aware that the financial year for Cayman Airways ends 30th June, so we have had two months, and the Company has prepared their part of the accounts which have been turned over to the auditors to be audited. At this stage, I am not prepared to make any public statements as to whether there was an operating profit or not. I would prefer waiting until the accounts have been audited and presented to this House.

MR. JAMES M. BODDEN: Mr. President, the question was only asked just to show the difference of how people think, that is all.

MR. PRESIDENT: Order, order. The Member must not make statements. I did ask him earlier.

That concludes questions, and we resume the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill. The Fourth Elected Member of Executive Council to continue.

GOVERNMENT BUSINESS

BILLS

CONTINUATION OF SECOND READING DEBATE
ON THE
MUTUAL LEGAL ASSISTANCE
(UNITED STATES OF AMERICA) BILL, 1984

HON. VASSEL G. JOHNSON: Mr. President, yesterday evening I began my debate on the Mutual Legal Assistance (United States of America) Bill, and I wondered around a bit into areas that might have not pleased some people, like the IRS efforts in tax havens around the world, including the Cayman Islands, and pointing out that they made an error in going after pure tax cases, as opposed to drug and other criminal offences which send vast sums of money into tax havens to be laundered, and that they had spent $25 million in that effort, and succeeded with only two prosecutions, one of which is still pending in appeal.

Mr. President, I went on to state the Americans genuine concern over drug trafficking, and the programme which they mounted against what was seen to be cold-war tactics against them, using drugs. I also stated Mr. President that the Treaty we are dealing with at this Meeting was inherited from the previous Government, as many other things. The Treaty was a device.....

MR. JAMES M. BODDEN: That is misleading Mr. President.

HON. VASSEL G. JOHNSON: Well, your opinion.
The Treaty, Mr. President was a device of the Narcotics Agreement entered into during 1984, and before the Election.

Mr. President, I will start this morning where I left off yesterday. I went this morning Mr. President to deal largely with the article which was seen on the top front page of last week Friday's Compass issue, by the Law Society, where it said 'Law Society urges review of Treaty', and also other presentations in the press by other lawyers and other persons.

Mr. President, what I am going to say this morning is not being said by a new boy in this House. I have been in Government for along time, and I have been involved in the financial industry of the Cayman Islands from its 'initial' stages and down through the years. Mr. President there were the days not long ago when drug dollars poured into these islands, whether all of us want to believe that or not. And Mr. President, it was mainly lawyers who dealt with the dealers, that was the first contact in the Islands, whether you want to believe it or not. Some lawyers Mr. President were innocently trapped into serving these drug dealers. Others pretended they were dealing with clear clients and clear money, when in fact they were laundering crime money.

Mr. President Sir, the lawyers made much money from the trade, some were made millionaires, some retired early. In the process Mr. President, the rest of the country got the bad reputation. They got a reputation which made their beautiful little country look like a dirty spot; a money laundering centre; a haven for drug traffickers. It was at this stage Mr. President that the American cracked down on drug traffickers, and unfortunately the lawyers were mainly those harassed on United States soil. They were served with subpoenas and the situation became frightening to them. At that time they made a cry that the confidentiality which was seem to be the corner stone of the financial industry economy of these Islands was threatened. They came to Government Mr. President, and they asked Government to do something about it, because the continued harassment would certainly destroy the financial industry of this country.

In 1976 Mr. President, Government introduced the Confidential Relationship Preservation Law in responding to the request of the lawyers and others. Mr. President, I can speak of that because the law was a subject under my Portfolio at the time. Following this, and again because of lawyers, the Cayman Islands Government was forced to negotiate with the United States regarding information relating to drug money. And Mr. President, this led the former Government to start the ball rolling by entering into the Narcotics Agreement in 1984, which in truth and in fact Mr. President, upset a lot of people in these islands. For the Agreement gave to the Americans a wide power without Mr. President, any ambiguity.

that is the agreement; the agreement did not accord mutuality, only the United States could obtain information from the Cayman Islands. But the Cayman Islands could not obtain information from the United States which, in the view of the public was a bad precedent.

Mr. President, I am aware that if the United States could have done so, they would have destroyed the financial industry of the Cayman Islands in their attempts or their attack on drug trafficking. It was as bad as all that. Mr. President, in fact, they had started and this is what quickly led to the Narcotics Agreement in 1984.

Mr. President, the lawyers it seems to me were always always very concerned about the situation in these Islands. But they were concerned only to the extent that they would lose their ability to earn money and be able to enter the United States without harassment whenever they wanted to do so.

In 1984 Mr. President, the Election brought into effect a new Government A Government which was to finish the negotiation process set by the previous Government. A process which would consider a Treaty with the United States. Mr. President, I was a part of the Treaty team. I was in fact happy to be so. I had had my days with the Americans in my past position as Financial Secretary, and while I was there they made several attempts at it, but they certainly could not remove the lid from the pot, and they knew too, from the morning last year I walked into the State Department in our first round of negotiations while shaking the hand of one of the members of the American team, he looked at me and said "but you have been in the Cayman Government for a long time", and I said "you are quite right".

Mr. President, the Treaty was a crucial issue to this country. Not really in the sense that the Law Society and others have written to the press, but the Treaty would set a stage at this very crossroads of the country for the future economic welfare of the Cayman Islands. A stage, Mr. President, which would preserve our offshore financial centre status and in return Sir, we would give to the United States nothing but the right to pursue their criminals in our country, and according to our laws. Sir, this we achieved I am happy to say. We achieved it in the Treaty which we are presenting to you in this Legislative Assembly.

Mr. President, when we concluded the negotiation of this Treaty at one fifteen in the morning, in the State Department, I stretched my hand across the table to shake the hand of a United States team member, to congratulate him on the successful conclusion of the Treaty, and he said to me Mr. President "we should congratulate you and the Cayman Islands for what you have achieved in this Treaty", but he said that they could not be congratulated, simply because they had to concede many principles in this Treaty.

Mr. President, when the Canadian team came down here just before the signing of the Treaty which was witnessed right here in this Chamber by of all of us who chose to be present, one of the members of that team who was involved in the Canadian negotiation and one who arranges the formality of the signing of treaties in Canada was sitting across the table from me, and I asked him what he thought about the Cayman Islands Treaty with the Americans, and he smiled and then he said to me "that Treaty reminds me of the end product of a negotiation between two people who have no confidence in each other". But I said to him "well what do you mean by that?" Oh he said, "you have an excellent Treaty. We did not get the Treaty we wanted with the Americans," and then he gave me the story of what happened, but he said "you certainly have a Treaty. Every word of that Treaty is self-explanatory, you do not have to guess at anything at all." Two people that did not trust each other, that is how this Treaty was negotiated Mr. President, and that is quite true.

Mr. President, In view of what we had to face, both here and abroad, I think it was a magnificent achievement on the part of the Cayman team. One Mr. President, which no other team could have achieved.

MR. JAMES M. BODDEN: (INTERRUPTION)

HON. VASSEL O. JOHNSON: That is my opinion. You can give yours when your time comes.

And one Mr. President, I should say which this country will forever thank the four members of this team, and this will be done Mr. President after the record of politics has been forgotten in the Treaty.

Mr. President, all Bills are published in the Gazette before they come before this House. This allows the public sufficient time if they wish to scrutinise the Bills, and then request an input if they think that this is necessary. Most people rely on approaching their elected representative, or the legal advisor to Government, others do not. Others Mr. President, go the route of this paper.

But Mr. President the disturbing trend is for associations, in private sectors to really deal with legislative matters in this way. To wait until the eleventh hour to come forward with this sort of presentation to the public it is an indication that what is behind it all is mischievousness, and really not an attempt to assist the country as they should.

Mr. President, when we were embarking on the Treaty negotiations, we did a lot of preparation for it. We did not just sit and think about the day when we would sail to London or to Washington, or wherever, to start talking about this Treaty. We made early preparations for it, because Mr. President we were aware of the people whom we would be sitting with to negotiate the Treaty. And likewise, we had to be cautious with even our Mother Country, who has special strong views about tax haven operations. And so, it placed a great onus on the Cayman Islands Team, to fortify itself, to fight in any direction. We did that Mr. President, I need not repeat all of it because the Honourable Second Elected Member mentioned these yesterday, the appointment of Grey and Company, as our Washington watchdog; the appointment of the Rt. Hon. Sir Ian Percival who is himself a politician to be our legal advisor on the English end. The Honourable First Official Member of Executive Council and myself, were the only two politicians on that team, all the others were Civil Servants, and we knew Mr. President that the political aspect of things would have to be the decision of the day. And so we thought it was wise to have a legal adviser who was himself a politician.

Mr. President, here in the Cayman Islands, we also prepared for the negotiation. We appointed a team from the private sector simply because Mr. President, we knew that the financial community of the Cayman Islands were the custodians of confidencial information here, and we did not wish to do anything which they did not approve. This was the same attitude taken by the previous Government in the Narcotic Drugs law, and the exchange of letters agreement. They had a committee of the private sector, or a team what ever you want to call them, of leading people in the community, and Mr. President we had practically the same people in our team, they could have been the same because the Cayman Islands are so small that when you go to parties you see the same faces over and over, and so it is in appointing committees and whom you appoint the same people all the time.

But what was disturbing to me Mr. President, was that on that committee we had what we thought were three of the Cayman Islands outstanding attorneys. We had bankers on it. We had trust managers, we had accountants. Mr. President we had representatives of that financial community sitting there. We discussed the draft Treaty with them, once, twice, three times, four times. We gave them the Treaty to read Mr. President. We brought our English legal advisor Sir Ian Percival to address them. We arranged Mr. President, for them to even speak to certain members of the American team who came down here. It is not that we hid anything from them, we gave them the lot, and yet it is disturbing to me Mr. President that they would have allowed their society to come forward with this nonsense, on the eve of the presentation of the Bill to this House.

MR. PRESIDENT: I think we have already perhaps passed the time when we normally take a break for the morning. If it is convenient to you, I will suspend proceedings now for approximately fifteen minutes.

AT 11.30 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.50 A.M.

MR. PRESIDENT: Please be seated. The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: When the adjournment came I was speaking about the disturbing trend of associations and individuals making representation through the press, which to me is purely political tactic and this was really not necessary. It is not helpful, it is perhaps self-defeating because by that move it would seem to the public to be just a selfish reaction to legislation which ultimately would not benefit the community.

The tools for legislative participation Mr. President, by the public, are in place but it seems that most vocal opposition groups prefer not to use this democratic process but rather to use other tactics to undermine the legislative system, and this we need to watch. This is not 1984, and Big Brother is not watching you. We must use the democratic process of expression which exists as a right in this country. Do not use the route that goes otherwise.

Mr. President, we should not think that because an organisation or an association is what it is, that their rights are any more or any less than those of the man on the street. We are a democracy, working for the benefit of everyone in these Islands, and quite frankly Mr. President, we should not allow people in this country to be dictated to by a special-interest group, regardless of their credentials or their qualifications. There is a right procedure for these various views which people would like to put forward. What I am surprised at Mr. President is that the very group which this Bill is seeking to protect and at their own request, should be the very ones now lashing back at Government, about areas of the Bill and Treaty which they do not understand too well. To me that is a bit childish, Mr. President. What is important too is to know exactly where the opposition is coming from. Could it be from members of the financial community, or members of the political group who started these negotiations some time ago?

MR. JAMES M. BODDEN: Mr. President, just on a Point of Order. For my notes and so forth, I would like to know that I am hearing this correctly. Is the Member speaking, from the various things which he has been saying, against the political group of the Unity Team, or is it in reference to the Law Society? I wonder if the Member would clarify this just for my notes.

HON. VASSEL G. JOHNSON: Mr. President, this was not meant to to refer to the political group of the former Government, although there maybe individuals in it, to whom it could refer.

MR. JAMES M. BODDEN: So it is the Law Society. I just want to be correct for my notes. Is that correct?

HON. VASSEL G. JOHNSON: That is correct.

Mr. President, I am not too sure what they hope to achieve. A political football is really what this Treaty has erupted into, and Sir it seems to me that it is just an opportunity for aspiring politicians to mislead people just to further their own political aspirations.

Most of the people now opposing the Treaty do not even know what is contained in the Treaty, I know this. I talk to them every day. I ask them what areas of the Treaty worry them? and Mr. President they all have the same story, believe me. It is either that the law oversteps the Treaty, or the Tribunal is given more authority under the law than it has under the Treaty. But Mr. President, it is just like a singsong - a password. That shows the mischievousness behind the whole thing quite frankly, because they know that, and that is all they can say about it. But if we go into the details of these various sections and explain them, they do not want to accept it. What they believe about the law and the Treaty is such that nobody can explain it to them, and this is what makes it very difficult.

Mr. President, if the public do not want the Bill or the Treaty, or whatever, they should come forward and say so. But before we take any other step, I would like to warn of the consequence. Mr. President, without a Treaty we would see a big flow of drug money coming into the country. We would become known far and wide abroad that the Cayman Islands is a haven for criminals, as we have been tagged before. People in the industry will face continued harassment in the United States. They would be served subpoenas. Some of them would go as far as to breach their own laws in answering subpoenas. Some would become Mr. President haunted

fugitives for the rest of their lives. Our city [illegible] would increase alarmingly, because without the assistance of someone who has the wherewithal to investigate and bring criminals to justice, we with our own limited resources could not do so. Investors would start pulling out of the Island, because of their fear for risk of harassment and perhaps even prosecution. At the end of a few years Mr. President, in assessing our position, we would have nothing left in this country than a bunch of criminals, and their ill-gotten funds. We would have very little else, and Mr. President at that stage we would even lose our self-respect.

The alternative Mr. President, is to keep our ship in the right direction, and on the right course, so that we can continue to attract honest investors. We have many of them here Mr. President, and many more are coming. Mr. President, we must keep out the criminal elements and the drugs, and in all our dealings with everyone, we must be honest and upright.

What stands between these two futures, drug against cleanliness is the Mutual Legal Assistance Treaty and the piece of legislation which we are introducing, the piece of enabling legislation now before us, the Bill.

I wonder Mr. President, if those who oppose the Bill before us remember not long ago, how frightened they were of going to the United States, or passing through the United States. Do they remember how uncertain they were about their own future, and the future of their country. Or do they no longer care what happens to anyone, as long as they keep filling their bank accounts. Mr. President, the only people who were not frightened a few years ago, were those few who knew they had honest clients, or those who were collaborating with foreign agents against their own country. The behaviour or motive of what seem to be the opponents of this Bill, seem Mr. President to be an attempt to halt the growth of the economy, or even achieve a downward trend of activities in these Islands. I wonder sometimes if they do have the foresight or insight or some form of sight to realise what this could do to the country, their method of behaviour, their method of opposing. Have they really Mr. President, not been told that they cannot have their cake and eat it too. That whatever they get in life, all the wealth and everything else that they have gained out of crooked activities, somebody is going to pay for it - do they know that?

Mr. President, the Bill before us is to bring the Treaty into force when ratified finally by the United Kingdom and the United States of America. The Bill itself has been carefully prepared with the best technical and professional advice, and in the same way and in the same manner that the Treaty was negotiated.

Mr. President, the Bill before us is no different from the Narcotics Drugs Law, which was dealt with in this Legislative Assembly in 1984. In fact, sections of the Narcotics Drugs Law have been taken out and embodied in this law, word for word.

Mr. President, if members of the financial community do not want the Treaty or the Law, they must tell the people why. Tell the people why they prefer the drug money and the criminals. Mr. President, someone writing about money laundering, drug traffickers and criminals said in a statement not long ago, that countries which harbour criminals drive away legitimate business. Criminals rarely invest in financial centres, they only fill [one] pockets for the service of protection. These are very true words Mr. President, and I think we should bear them in mind at all times, where our little country is concerned. Because we are now attracting the attention of the world, and people are asking daily where are the Cayman Islands?

Mr. President, it was really gratifying to hear in recent times eminent Americans rising in the Senate, and in their House of Representatives and praising the Cayman Islands to the hilt, for moving in this direction. It has been recorded in their proceedings; the message has gone around the world. Many people are just hearing for the first time about the Cayman Islands, and they are saying what a beautiful place it is to go to, and they are coming here Mr. President.

Mr. President, above all, if those in the financial community do not want the Treaty or the Law, they must tell the people what they are going to live by, when all the clean business has been driven out of the country, because that is a responsibility which faces every citizen of this country, and more so, this legislature.

Mr. President, the majority of

the people of this country think they can survive without the Treaty, well we will go and tell the Americans to take the Treaty back, and we will withdraw the Law from this Assembly. The people must come forward and tell us that, not just a few individuals who intend to make a football out of the Treaty and the Law.

Mr. President, I am sure Caymanians are very intelligent people. I have no doubt about that. They know what is good for their country. I hope they are listening. They know that if the Treaty was not a good thing, we the Government of the day would not have gone for it. We stand for what is best for the Cayman Islands, and that Mr. President was foremost in our minds every step of the way that we negotiated that Treaty. And you know Mr. President, from the very time in early 1985 when we talked about the Treaty, we sat down and we set a number of guidelines which should be followed in the negotiation of that Treaty, and we made no bones about it. We told you that we were not going to be guests in any corridors in Washington or London. That if we went to negotiate the Treaty, we were going to be sitting around the table and defending ourselves, and that we did.

Mr. President, I would like, coming on to the conclusion of my debate, to read again those words of wisdom which you Mr. President uttered at the signing of the Treaty, and words which were quoted in the international press. You said Mr. President, that, "the signing of the Treaty was a sign to the world that the offshore outlaw has no home here in the Cayman Islands." That is the message we want to get across to everyone, and to be very adamant that that is our stand here in the Cayman Islands.

You also said Mr. President, that:

> "while the people of these islands remain steadfast in their commitment to strict privacy and legitimate financial affairs, we will not permit our confidentiality laws to be used as a shield behind which criminal elements seek to operate with impunity."

I hope Mr. President that these words will linger long in the minds of Caymanians because they are as I have said before, words of wisdom. And I would also like to quote the words of the British Minister Mr. Eggar before he placed his signature to the Treaty. He said:

> "This Treaty brings us into uncharted waters, but such waters I am convinced need hold no terror for the people of those Islands. I am sure this Treaty will help to establish the Cayman Islands even more firmly as a stable centre for genuine offshore finance, by providing a suitable framework for legal co-operation with the United States."

Mr. President, the United States has been a dear friend of the Cayman Islands for decades. 75 per cent of our trade is with the United States. There are perhaps as many Caymanians living in the United States as there are in these Islands. Under the Caymanian Protection Law an American can obtain status in the Cayman Islands, the only foreign country that can do this. Normally, we would ask ourselves why do we fear the United States as we do?, especially Mr. President after listening to the words of Mr. Spires the American Minister who was also present here in this Chamber, signing on behalf of the United States Government. This is what Mr. Spires said in his address here. He said:

> "This Treaty is the first of its type which the United States and the United Kingdom have concluded. It is laudable, and I believe, significant manifestation of the commitments of our two countries, and I include the Cayman Islands. To work cooperatively in our respective efforts to combat crime and to find practical means of bridging our differences. It is a model of cooperation."

Mr. President, Mr. Spires is not just an ordinary American. He occupies a very senior and responsible position in the Government of the United States. The praises Mr. President which come from the American is something incredible to us. We could not pay for that sort of publicity Mr. President.

I remember last June when we had an introductory visit to the State Department, to meet prominent Senators and other people. We visited a certain Senator, and after we left his office and the four members of our team gathered on the outside, each

one shrugging his shoulders, because that Senator seemed to have been very cold to us. Yet Mr. President, six months afterwards, that same Senator became one of the Cayman Islands best friends in the State Department.

Mr. President, traditionally, Caymanians have had, or were very strongly steeped in the religious ways of life in this country, and will I hope be so for a long time to come. This Treaty Mr. President, has led us to a crossroads where we must make a decision. What do we really prefer, a clean and respectable way of life, to live as our forefathers of your forefathers in the Cayman Islands, to follow the religious way of life, or, do we want to go the ways of the world to become involved in drugs and crime, and fraudulent dealings resulting in a jail full of people, and many murder cases before the courts being tried at the same time? This is the situation which exists at present in the Cayman Islands Mr. President. Do we want that as opposed to going the clean and beautiful way of life?

Mr. President, sometimes it is difficult to move from the old path, and things which we had been so accustomed to, into a different world, even though we know the advantages. But Mr. President, we must be serious about our future, and we must go the straight way, the side of the road that will provide good things for posterity, to your children's children and to their children. This is the obligation of this present generation, and the obligation of this Legislative Assembly. We must take into consideration posterity. That Mr. President, is why we thought it necessary to have a Treaty with the United States, a country which can render real and true assistance to these Islands under very controlled methods.

Mr. President, there has been reaction to the Treaty. I am not going into the details of it because the Honourable Second Official Member has done a superb job on that already, I would not mar it with any layman's language.

Mr. President, the retroactive effect of the Treaty is one of the things that the clamour was all about. The Narcotics Drug Law and the Narcotics Agreement are retroactive in the same way as this Law, or this Treaty. No Treaty Mr. President holds its retroactive effect. If an American commits a murder two years ago, and there was good evidence in the Cayman Islands to convict that murderer, do we as intelligent people sitting here, deny the Americans of that evidence. and Mr. President, that relates to all criminal matters, because a crime is a crime, and what the Treaty deals with are crimes. They have taken out of the Treaty all the things that we were concerned about, or they have given us a signed letter of their assurance to first discuss with us fully the implications of anything outside the Treaty before it is touched.

Mr. President, we should not be afraid of the retroactive effect of the Treaty, unless we do want to protect shady clients, and I am sure that is not our intention, and we must say to our friends in the financial community that they too must safeguard themselves against dealing with shady clients.

Mr. President, the treaty deals only with information, not with the follow-up process because that is for the court. Mr. President, let not your heart be troubled, believe in what is good and what is wholesome and in what is valuable. Support this Bill, and I would ask all my colleagues here to do the same.

Thank you very much Mr. President.

MR. PRESIDENT: Does any other member wish... the Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Thank you Mr. President for calling on me. I have already told you how I felt when I rose the other day, that two Ministers of Government should not speak one after the next. I appreciate catching your eye at this time.

Believe in what, Mr.President? I appreciate the Member's quotation, but I attend quite a few funerals, and that is what is usually said at the graveside.

Mr. President, I rise today a very troubled man. I am a troubled man. I am confused because I feel that the Bill under discussion and the Treaty it seeks to enact, puts this country of ours at a definite crossroads.

Mr. President, as I look back over the years, at least the past three decades, many times I have had to say "Thank you God for being so good to us". What obstacles we have overcome. We have overcome the years of the "boiling" industry. We

have overcome the years of the banking industry. We have overcome the years of the thatched rope industry. We have overcome the years of sea-life, the time when the majority of men of this country where at sea for periods of more than one year at a time.

Mr. President Sir, I do not speak of these years in a derogative manner these industries served us well in their periods. But we have overcome all of this, and build a life and eked a life out of barely nothing to reach where we are today. Days when we have done fairly well in these latter years, we have built for ourselves a healthy financial industry, and a healthy tourist industry. Our tourist industry, our financial industry have been made possible by a strong Confidential Relationship Law and by a very good Bank and Trust Company Law, and not the least by a good Companies Law.

Our tourist industry has grown in leaps and bounds, and is today doing well. I have always maintained that it is mostly a direct spin-off from our healthy law and financial centre. Like the advertisement says 'we have come along way baby". We embarked upon these in the sixties and early seventies under the able leadership of the now Fourth Elected Member of Executive Council, who has been credited as being the 'Father' of it all. And I would state Sir, regardless of what might be said today, and regardless of the differences which we might have in this particular issue, he manifested wisdom, good understanding and made rightful decisions in developing these industries, to where they have become the mainstay of our economy today. In fact Sir, we are today one of the worlds leading tax havens and financial centres, and I believe we owe him a debt of gratitude. I personally have always held great respect for him in that light. I believe today Mr. President, we as a country can hold our heads high and humbly say "hitherto has the Lord led us".

However Mr. President, today in my minds eye, we are embarking upon a new beginning, and as I have said, I am a very, very worried man, and I pose this question for Honourable Members to consider. Can the future for us be as glorious as it is being told?. Can the future for have a healthy expectation? We are embarking on this new course, and the other question I must pose is, whether when the last eye is counted, would it not sound the death knell of all that has been built these last 20 years? These two questions have bothered me, and is the basis for my downspirit and my concern ever since seeing these new instruments which we seek to imbed in our statute books.

Can our financial industry and tax haven survive this Treaty, and enabling legislation. That is the question which we must seriously consider. Not what some other country wants, but what is good for the Cayman Islands, and what is good for Caymanians. Needless to say Mr. President, we dare not try to fight our great neighbour to the north. My fears Mr. President have been increased since reading statements in leading newspapers and magazines attributed to high officials of that country, and I refer specifically to the statement in the Miami Herald by, Mr. Philip White who was one of the negotiators, and he has said Mr. President, and I quote:

> "If you can wrap a tax evasion case with narcotic dealing or mail fraud, there will be pretty good chances of catching United States tax evaders.
>
> Phillip White, head of the United State Justice Department, Criminal Divisions Office, in charge of negotiating exchange of information treaties with other countries."

Now Sir, how can I as a layman be anything but fearful when I have seen no rebuttal by the United States authorities? Either Mr. President, Mr. White was allowed to say what he said, or what he said was a fact and their true intentions, and this is something which we have to seriously ask ourselves. We have demonstrated to the world our willingness, mutual respect and goodwill, to cooperate with them in giving information on narcotic dealings. How can I put any confidence in them to deal strictly with what they say they are going to deal with when Mr. white is blatantly telling us he is going to cut our throats? Further to that Mr. President, we will have seen the dirty and the nasty way that some, whether they were newspaper reporters or agents I do not know, but we have seen the dirty and the nasty way they came into this country. they came into this country unlawfully. Because they certainly did not declare their true intentions on our immigration forms, and did what they did to our Honourable Financial Secretary.

Mr. President, that does not speak

of mutuality. And yet I have not heard them crabbined. I have seen no advertisement, no headlines in either one of the leading United States newspapers or magazines. This gives no cause for concern, as to whether the welfare of the Cayman Islands is actually being looked after, as has been said to us. They take pictures of luggage going out of the country, and say that it is coming into the country " liars, dirty to the lowest, and I have seen no chastisement from the authorities.

I am a very humble man Sir, and maybe not as educated as those who were educated at Harvard, but I know I have the best interests of my people at heart, and what I am saying Sir is coming from the bottom of my heart. Where are our laws which have been told to me? which can be used? why have they not yet been used to stop this dirtiness, and this blackeye they are giving us? It did give us a blackeye, right after we signed the Treaty. Someone said I must hav faith. I have plenty of faith Sir, my mother's name is Faith.

I honestly feel Sir that we are being foolish to think they, with the help of the IRS would not destroy our financial industry, and we would be helping them achieve this, and achieve their purpose by the enactment of this legislation. Show me where I am wrong, I am not yet convinced.

Mr. President, I have stood against drugs and I agree that we should try to be smart enough and enact legislation wide enough to cut these drug merchants, and their adherance, even if they do not have the drugs in their hands. I have always maintained that. However, it is one thing to stand against drugs and the merchants adherence, but it is another thing to open up ourselves to the IRS and put a shotgun to the heads of our citizens, and I am scared of what I have seen. I am scared that these two instruments can make criminals out of some very good Caymanians, and I will come to all of that later on.

I have read the Treaty, and it is couched in language which some lawyers do not even understand, so I make no claim that I understand all of it. I will tell that to my people. I have read the proposed law to put the Treaty into Force. But, I have been unable to understand the full implication of the extent of the provision of some of the Articles relating to the American offences, and I have been unable, despite efforts I should say, to have any full and comprehensive explanation of these particular provisions by any practising attorney in these Islands, except for what the Attorney General has said in his four-hour speech yeterday. Coming here and telling me that Sir, I am still not convinced.

It was my understanding that one of the main reasons for the Treaty was to alleviate American pressure on the financial industry, in relation to matters particularly pure tax mattes for which information could not have been obtained, according to the Confidential Relationship Preservation Law. It is my understanding that there are no express provisions in the Treaty, which prohibit the United States from issuing suppoenas and seeking to enforce an extension of what is their criminal jurisdiction in relation to pure tax matters, in a manner in which they have previously done before, for instance in the well known Bank of Nova Scotia case. I must ask the question then Sir, whether in fact the main problem we sought to resolve, we have failed to do?

MR. PRESIDENT: I think we have passed the time when normally we suspend proceedings for lunch, and it seems to me that perhaps the Member is proposing to continue for some further period. So if I may, I will now suspend proceedings until approximately two fifteen.

AT 12:47 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT: Please be seated.
Continuation of the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, when we took the adjournment, I was dealing with the subject of purposes and the

United States seeking to enforce an extension of their criminal jurisdiction, in relation to pure tax matters, and in matters similar to the well known Bank of Nova Scotia case. In addition to this Sir, Section 17 of the Treaty appears to give the United States the right to obtain information in matters falling within Article 19, but does not go so far as to prohibit the use of subpoenas in these matters when, for one reason or another, they are unable to obtain that particular information pursuant to the Treaty.

Now here again Sir, the Treaty in my opinion has failed to prohibit the United States from conducting itself in a manner which seeks to extend its criminal jurisdiction outside its sovereign limits. And which conduct has previously cost this Government substantial sums of money in efforts to try and defend the financial industry from these onslaughts. Now if we can remember, I think the figure was in the region of some seven hundred and odd thousand dollars. This money Mr. President, could have very well been used in helping the people of these Islands in many ways, including but not limited to, the establishment of drug treatment Centres which are so greatly needed in these Islands. That piece of expenditure is one which, although in the eyes of the United States minimal, but in the eyes of our people and our economy, extremely great. The American offences appear to include, as I have said, many tax offences and offences such as mail fraud which as has been pointed out, is a very wide offence, and which might result in a person being charged with offence by merely using the United States mail, telephones, or telexes in relation to matters which Caymanians may not be aware are criminal offences in the United States. This Mr. President, coupled with Article 19(1) as I understand it, which section provides that any attempt or conspiracy to commit or participate as an accessory after the fact in any of the above criminal offences, could lead to information being obtained from attorneys, bankers, real estate agents, company management personnel, which information could then be used to bring criminal charges against them. Caymanians therefore, are exposed to the rigours of United States criminal prosecution, by what appears to them to be an honest transaction.

It is also my view, and one which can easily be said will not happen. But I maintain that the possibility is there, that is that a Caymanian may build a house for a person who turns out to have committed one of these offences set out in Article 19, may be charged as an accessory after the fact, if he fails to make proper enquiries as to the source of the money used for the construction of the house. Also Sir, it seems to me that Caymanians now in partnership with Americans and particularly those conducting businesses through companies in which they and the Americans hold shares, even though the Caymanian's money which he used for his part of the partnership, came from a local bank loan. He, the Caymanian may now be subjected to disclose all their records and bank accounts if his American partner has committed any of the offences listed in Article 19. The Caymanian Mr. President, again may now be subjected to criminal prosecution in the United States, by virtue of the giving up of his own records.

The Attorney General Mr. President, spoke of the integrity of Caymanians. And I must ask him this question: how is the Caymanian I am speaking of now going to maintain his integrity if even his name is to be placed in the headlines of the newspaper that he was being investigated. Investigated for going into business with what he knew only to be legal, fair and proper under the laws of these Islands - it is possible under these bi-laterals.

Your name only has to go in any headline in the paper and you are doomed in these small Islands. Your family's name will be destroyed, and your name will be destroyed and where will that leave you? Now you can say that he should have known better. He does not know all these wide American offences.

It seems to me Sir that the provision which previously existed under the Confidential Relationship Law, which allowed the judge in these Islands to remove the names of innocent third parties, does not appear to have been provided for in very clear and unambiguous terms. This right Sir I feel is very important, not only to the stability of the financial community, but for the protection of our own people trying to make ends meet in our sophisticated and complicated world.

Our people cannot be expected, and I will point this out in very strong terms, our people cannot be expected to have knowledge of laws which are foreign to us, and cannot afford the $100,000 to $200,000 legal fees which some American lawyers may demand from them, to try and establish their innocence. They will

therefore, find themselves through what appeard to be an innocent transaction, in a very unfortunate and unjust position.

Another worrying and disappointing situation, is the Law which is now in Bill form, and if it is passed, will implement the Treaty, which appears to give the United States the right to obtain information in relation to offences under the Treaty which occurred prior to the Treaty. This retroactive effect will allow the disclosure of information, particularly information in relation to listed United States offences, which could not have previously been obtained, and may put not only Caymanians, but persons who are encouraged to use the facilities offered by our financial off-shore centre in a way which did not offend any criminal law of this country. It will now put him, the investor, in a serious position whereby the obtaining of this information will now subject the client, investor or what have you, to the rigours of a criminal trial and the distinct possibility of long periods of imprisonment. These are my concerns Mr. President. This is most disturbing to me, as I feel that any responsible Government has a duty to live by its commitments and undertakings particularly in a financial off-shore centre, such as ours which gives undertakings of privacy with certain exceptions. This Sir in my mind, will lead to a lack of confidence from anyone seeking to do business in the Cayman Islands, and the destruction of the off-shore financial centre which we are saying we are trying to create again, and which has taken many years of careful planning to develop; mainly, through the confidence placed in the responsible Government of these Islands.

Now, it may very well be argued and said that nowhere in the treaty is this retroactive aspect stated. However, I maintain that we should not let it be silent; we must not leave it hanging in the air just so, creating doubt. I maintain that a specific section should be embedded where it is capable of being enforced in court, saying that it is not retroactive. Otherwise, if we leave it so silent, when something is done to an investor who for instance came here years ago, during the infancy of this tax haven of ours; the United States authorities could easily say that they did not tell us that it was not retroactive.

Mr. President, I am happy to hear that the United Kingdom Government has said it will not further include by note any other crime, I think it is, and they have said that they are not going to do this. I am happy to hear it. It has taken some of the apprehension away. But while I am on that aspect Sir, and coming back to a question I posed this morning, it is widely stated that the IRA extradition treaty between the Governments of the United States and Great Britain, which was published just after the signing of our Treaty was something which the United Kingdom obtained out of negotiating our Treaty, and I would like to be proven wrong on this. Prove me wrong and I would be very happy. Whether it is true, I do not know. But it has been widely stated and certainly if it had been me I would have enquired as to the true facts surrounding the issue, because coupled with this is the fact that the tax haven close to England and included in the British Isles, is not being put under any pressure to go into any kind of similar treaty to ours. Prove me wrong, but I must question whether our best interests have been protected - prove me wrong.

You know Mr. President, one old man close to me used to say, and I had forgotten about it until I was reminded about it by a good friend; 'love many, trust few, learn to paddle your own canoe'.

Mr. President, one of the most alarming things in this whole situation is that the Bill appears to be to give the United States the right to obtain information in a manner which they would be unable to use in their own country, and which the United States authority would be unable to provide to the Cayman Islands by any similar provision under their law. I am speaking now of what I know to be the Fifth Amendment of the United States Constitution, which constitution has enshrined the rights of the citizen. There appears to me to be no due process of law, and there appears to be far reaching powers of subpoena, search and seizure, vested in a non-judicial authority and for which it appears there is no clear process by which a citizen or resident of this country may question - this just cannot be right. I maintain that this Treaty is not just like setting up the Protection Board, or the Lands Tribunal, it is something deeper and much more severe to us. So do not tell me that those things exist under these two bodies.

The Treaty Mr. President, I feel is no longer mutual. As American enforcement agencies will have so many

rights in the Cayman Islands as in their own country, and will be unable to afford the Cayman Islands similar rights if we make a request. Well they will have more rights, but I say just as many, or more rights in the Cayman Islands, you are right.

Mr. President I see where the Attorney General has Tabled an amendment to take out that section in the law, where it sought to put the citizen in a position where they had no recourse to a court of law, and I am extremely happy about this. But I am asking him this question, is it not so that the Treaty will override our law anyway? Maybe you can answer that question.

Mr. President, for all those reasons I find that I cannot honestly support the Bill, or the Treaty some parts of it, which I had hoped to support. However, I feel that there exact intent is very, very unclear, and that many of the provisions will do nothing but harm to our industries here, and the wellbeing of not only this generation, but future generations without any provision for some altenative to produce the necessary jobs, income, revenue to Government and growth without which, our people will face numerous hardships and will regress. You say you are wrong McKeeva. I would be very, very happy to be proved wrong, and I trust that I may be proved wrong. When I am wrong I will say "McKeeva, you were wrong".

Mr. President, I understand also that the Treaty has not been ratified by the United States Senate as yet. Why are we doing this before they ratify it. In my humble opinion Mr. President, we are not mandated to pass this particular Bill and Treaty, and there are two courses which we can take. One is to wait and determine whether the United States will pass or enact legislation with the exact terms which gives it Central Authority the same powers as we propose to give the Central Authority of these Islands and this would of course, make the Treaty mutual. Of course it would be no better, but the second course we can take, and as I have said I firmly feel that we do not have a mandate from our people to pass a Bill of such magnitude and far reaching consequences. I say, and I think The Honourable Fourth Elected Member hit the nail on the head - let the people decide. The people must come forward and say what they want, but I am a little bit ahead of him on that one, and I say let the people decide.

Mr. President, I feel so strongly about this Bill and this Treaty, that if there ever was a case for a referendum then it is this one. I have prepared a draft motion which I will read for the record, because I feel so strongly about this Treaty and enacting Bill. You can say that I do not know what I am talking about, well, that is your opinion. But this second course which I feel is necessary is a referendum, and I say that:

"WHEREAS the people of the Cayman Islands wish to stamp out narcotic dealings and crimes of that nature;

AND WHEREAS our Mutual Legal Assistance Treaty has been entered into by our Government, the Government of the United Kingdom and the Government of the United States of America;

AND WHEREAS we have demonstrated our willingness to assist in the apprehension and conviction of narcotic dealers and crimes under our laws;

AND WHEREAS the Treaty is of such great magnitude and wide in scope, that there are possibilities of incriminating citizens of the Cayman Islands who have no knowledge of United States Laws;

BE IT THEREFORE RESOLVED that the Government invite the Caymanian public to say 'yes' or to say 'no' to the Treaty and the Bill, by calling a referendum on the issue."

This is my motion Mr. President, so let nobody read anything else into it.

MR. LINFORD A. PIERSON: Mr. President, on a Point of Order. This is a very important point which the Member has made. I wonder if this is the appropriate time for him perhaps to get a seconder to that motion, or will it be taken later on?

MR. PRESIDENT: I am afraid not, he is not putting down a motion now. Notice has not been given to the Clerk or anything else - the Member is announcing what he has in mind.

MR. W. McKEEVA BUSH: Mr. President, I knew that I did not put down a motion, but I feel strongly about it. Remember what was said here - we are at a crossroads. Who are we to take such great measure as has been taken, that we must decide and not put it to the people? If there ever was an issue for a referendum this is one. Call me a fool, or call me an idiot, saying I am playing politics or whatever you want to say, but I have my feelings and my convictions to live by and sleep with. I know that this is not going to be accepted, I am no idiot.

Mr. President, if we call a referendum, and let the people decide, what could happen? You could say that the financial industry will not live without this Treaty, and the other side could say yes it can. But the way the people choose will be the way they choose to live by. The worst, and I say the worst, regardless of what anybody else might say, the worst that could happen is that the Members who negotiated this Treaty if the referendum went against them, could say to the people of the country 'you have no confidence in me', and perhaps a constitutional crisis may arise. But I feel, I honestly feel that that is the worst. The people would have chosen, and I do not feel that we were mandated in the 1984 Election to do this Treaty. I said then that I stood against drugs, and the merchants and their adherence, and I stand by that. But to take the course where our whole Island maybe affected, is something which I really cannot condone, and I tell the Government of the day my feelings on it. Maybe I did not tell them that I was planning to read that motion, I really cannot tell them everything; they do not tell me everything.

Mr. President, I trust that my suggestion is taken in good spirit, as it is given in good spirit, and because of my great, great concern on this issue.

Mr. President, whatever is decided on this Bill and the Treaty, I honestly cannot support them in their present form. If the Treaty and the enacting Bill is passed without my support, and it turns out to be a good thing, the Government of the day can very well say to me 'listen, you cannot take any credit for this good thing, sit down and keep your mouth shut'. They can tell me that. But if my fears are confirmed, and these instruments have detrimental effects, at least my conscience would be clear.

I have tried Mr. President, but I cannot get a clear understanding of the whole situation, no matter what they say about the Second Official Member. I maintain that he should have done that before this came to the House. So not try to convince me now.

I have talked to some bankers and they have said that it is a good thing, with some some probable minimal loss of business in the early stage - this is what some bankers will tell you. Other bankers will say that it has a dangerous element, in that the United States has its foot in the door, therefore genuine business is going to be very, very concerned about coming in - those are two different aspects of it.

You talk to lawyers, and they say that the whole thing is bad, and the Government is doing the wrong thing. You talk to Government, they say that they could not do any better because this matter was begun in 1984, and that we were going to have a Treaty anyway - this is their stand. So they think they are doing the right thing, and if they think that way, you cannot really blame them.

Mr. President, I have got into trouble before, by listening to people who I thought were giving me the right advice, who liked to see me do things, and who said that nothing could really come out of it. Yet when trouble came, I was left standing alone. I am therefore not going to do what my conscience honestly leads me to do - say no. I trust that my actions here will not lead me to get a tongue-lashing, and cries of 'politics' from my colleagues.

These instruments are not just like any ordinary tax measure, they are very strong measures, strong medicine which are far above any political aspirations. Indeed, it is the very lifeline of our being. Mr. President, I am one Member Sir, not bound by any political or social obligation to agree with that already agreed, or to disagree with all those who disagreed. I am a free servant of the people, bound only by the Constitution of this country, and a free citizen labouring under my own convictions. It is one thing Mr. President to oppose for the sake of opposition, and another thing to work for the economic and social reconstruction which is need in these Islands today, and as a legislator, I have pledged to

my people that I will face those challenges. I will struggle unceasingly to change the things in our economic and social life which have been denied to the mass of our people over the years, their rightful places in this country, so history will judge whether I am a man of deed and not of words. However, I feel on my shoulders rests the finality of decision and action.

I love my people Sir, which is why I speak out so strongly in these issues. I pray Sir that God will continue to bless this little land of ours, and bless each one of us as we strive to do what our conscience leads us to do.

Thank you very much Mr. President

MR. LINFORD A. PIERSON: Mr. President, on a Point of Order, I got up a while ago to bring to your attention the notice of a motion made by the former speaker.

MR. PRESIDENT: No. I do not regard this.....

MR. LINFORD A. PIERSON: .....Standing Order 24(5) states that five clear days shall be given. But I have seen you in this House Sir use your prerogative to suspend Standing Orders, over and over, so I see no reason.....

MR. PRESIDENT: .....If the Member submits a motion, I will consider it. He has not submitted a motion to the Clerk yet. Once one is submitted to the Clerk, I will consider the matter.

MR. LINFORD PIERSON: So you are saying Sir that you will consider that it comes before this House.

MR. PRESIDENT: Consider whether it falls within Standing Orders or not. But until a motion is properly submitted to the Clerk in the usual way, there is nothing for me to consider.

Does any further Member wish to speak? If no Member wishes to.....the Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I am barely recuperating from throat surgery, and am forced to be brief, and in fact, had hoped that I would have been given another day's respite before I was called upon to speak. My problem is a very simple one, and the doctors have told me that I can talk as long as I want because they only removed a benign fatty tumour.

The Member for Government who supported the Second Official Member in the presentation of the Bill, ended his discussion by saying "he was troubled". But I believe he mixed up his quotations. The one he intended to use was:

> "Don't you trouble trouble 'till trouble troubles you,
> Don't you look for trouble, let trouble look for you,
> Then don't you trouble trouble till trouble troubles you,
> You will only double trouble and trouble others too."

And this is what has happened to the Government in the matter of this "Treaty" and in the matter of the Bill which is the subject of our discussion. This Bill should not have been brought to this House today, or yesterday. The Bill should not be entitled a Bill to make provision for this Treaty which is called the Mutual Assistance Treaty. The Bill should be entitled the Distruction of the Cayman Islands as a Tax Haven, because by either what happens today, the Cayman Islands as a Tax Haven as an off-shore financial centre is finished. The Government, by the Treaty which they have signed, have destroyed the credibility of the Cayman Islands. They have worked very hard since November of 1984 to destroy our economy. They have made it slow down, but now with one crushing blow they have put an end to the main pillar of our economy. And so, the Bill should be called the Destruction of the Cayman Islands Economy, or better still, the Distruction of Sennacherib and like Lord Byron's poem the first lines of the Bill should read:

> "The American came down like a wolf on the fold,
> And his cohorts were gleaming in purple and gold.
> And the sheen of his spears were like stars on the sea,
> When the blue waves roll mightily on deep Galilee,
> Like the leaves of the forest when summer is green,
> That host with their banners at sunset were seen."

But unfortunately for us, this Treaty and this Bill will not have the fair ending that Lord Byron's poem had, because we have been had. No matter whether we pass the Bill; no matter whether we put out a referendum, and I agree with the idea of a referendum and will support it, we are f**"ered as a tax haven. And instead of spending so much time as the two Government Members have on the technical side of the Bill, and the dirty politics which they read into it, they should have spent some time on telling us what Government is now going to do to restore our economy, or to fill the gap which has been caused by their introduction of this Bill and the signing of the Treaty.

I have been baffled about the way in which Government went about negotiating and signing the American Assistance Treaty. There have been complaints from the financial community that no discussions were held with them, and it is my understanding that Government claims that the Treaty had to be secret, and their negotiations had to be secret and therefore they could not discuss the details. But this does not take away from them, the right to try to get the input from those people who have to work in the financial community. They should have tried to find out what would be the repercussions; what would be the pitfalls. But the Government just continued without direction, except their own self-centered directions and wound up with the Treaty which is totally unacceptable to us.

You will recall, Sir, that you gave me an invitation to attend the signing of that Treaty, and I wrote you a letter giving my reason for not attending, but also added that if it were not for the reason for my non-attendance, I would still feel that I should not be present because I did not know what was in the Treaty. I had not been given a copy of the Treaty, and my presence at the signing would, or could be looked upon as an endorsement of the Treaty. And I believe that those Members who attended the signing, who had not been a part of the negotiating team were in a position where their presence led the public to believe that they endorsed the Treaty, when in truth, knew nothing about it.

There were insufficient detailed briefings of the Legislative Assembly. I recall one occasion when the Clerk notified me that there would be a meeting on a certain day, and when I enquired of the Clerk what the meeting would be about, the Clerk told me that she did not know, they had not told her what the meeting would be about. It was simple that the Financial Secretary wanted to meet with the Members of the House, that was all the notice we received. We get these requests all the time from the Financial Secretary, because he meets quite often during the year with members of Finance Committee, and on other matters particularly now that he is the leader of Government business, and I did not attend the meeting because I figured the meeting was not worthwhile, if they could not even disclose the purpose of the meeting.

So, Members who came to the signing did not know the details of the Treaty. They were not given copies until the time of the signing. And while they may have been told a few things about the Treaty, I am sure they were not told the bad things about it.

I was suspicious of this Treaty, and you will recall again, Sir that in May of this year I submitted a Parliamentary Question which intended to ask if the Treaty would reflect the views of the Elected Members of Executive Council. And to my surprise, that question never appeared on the Order Paper. When I enquired from the Clerk the reason why my question was not on the Order Paper, the Clerk said that the President of the Assembly had told her that my question was hypothetical. This baffled me, and I have still not been able to figure out the ruling, but I am not fighting it today, because in the light of the subsequent events, I now know why no members of the public should know whether or not the Treaty reflected the thoughts of Elected Members of Executive Council, and perhaps I may say I am grateful that you did not put the question down in May.

Government itself created a lot of mischief by the information which they gave to the public by the way of a News Release from the Cayman Islands Government Information Centre. This release was made after 11:30 a.m. on Thursday, 3rd July the day of the signing of the Treaty, and came from a person called Jim Graves. I do not know if he was a member of the negotiating team as well, and anybody wanting anything on it could contact him at 97999 Extension 351.

Even in this news release it simply said "Most of the crimes defined in the Treaty are those which are offences both in the United States and the Cayman Islands", and that simply is not a true statement. We have heard today and yesterday about crimes listed in Article 19 which certainly are not crimes in this place. The Release went on to say that under the 1984 Agreement the Attorney General of the Cayman Islands is obliged to obtain and provide information, certified by the United States Attorney General to be required in connection with the investigation of narcotics related crime. Here again there is a falsification because under that 1984 Narcotics Agreement, what the Attorney General was supposed to provide was documentary information, and it is not the same thing as information, as in this Treaty.

The news release attempted a comparison between the Narcotics Agreement and the Treaty, and they did a poor job of it. The same poor job that has been done here today and yesterday, in trying to insinuate that the Narcotics Agreement was the reason for the kind of Treaty which we now have. In their comparison in the release, they mentioned that fees could be paid for the Treaty, and you could get no fees on the Narcotics Agreement. It reads:

> "Unlike the Narcotics Agreement under which no payment is payable to a Government or an assistor in a request for information. The Treaty provides for the payment by a requesting party of travel expenses for witnesses."

But this was not necessary under the Narcotics Agreement which was purely for documentary evidence. So, what a worthless comparison, and I could go on, but time will now allow me to deal with the news release in detail. I have just touched on a few areas to show that from the very outset Government has been doing what they are still trying to do today. Both the Leading Official Member yesterday and the other Elected Member are letting the public believe that the Narcotics Agreement forced them to enter the kind of Treaty we now have. And I want to show that this is dirty politics, and both those Members should know better, because the only connection between the Narcotics Agreement and the Treaty is a side letter given at the time the Narcotics Agreement was signed, and the passage which refers to the matter is Article 7, and it reads:

> "Negotiation of a Law Enforcement Treaty
>
> The Governments of the United States and the United Kingdom including the Cayman Islands, agree to enter into negotiations concerning a Law Enforcement Treaty between the United States and the Cayman Islands concerning criminal matters. They agree to enter into negotiations."

Of course, I may add that once you agree to enter into negotiations, it would follow that the negotiations should be concluded. It goes on in 7(2):

> "If the Governments of the United States and the United Kingdom including the Cayman Islands are satisfied that this Agreement is working satisfactorily, representatives of the said Governments will meet nine months after the date this Agreement comes into operation, to negotiate the said Treaty."

So, even the negotiation was made conditional upon the Government being satisfied that the Narcotics Agreement was working satisfactorily. And in 7(3) it goes on to read:

> "The Governments of the United States and United Kingdom including the Cayman Islands will use their best endeavours to conclude a Law Enforcement Treaty within 15 months of the date this Agreement comes into operation, with the intention to bring such a Treaty into force as soon thereafter as their constitutional procedures will allow."

But the point which was not hammered by the Second Official Member yesterday was that the conclusion of the Treaty and the negotiations of the Treaty were to be conditional on the fact that the Narcotics Agreement had worked well.

and not only that it had worked well, but that the Government was satisfied that the Agreement is working satisfactorily.

And I want to tell the House today that the Government took no steps to find out if the Narcotics Agreement was working satisfactorily. They took no steps at all to be satisfied that the Agreement was working satisfactorily. And in fact, during the Election campaign certain members who are now Members of the Government complained about the Narcotics Agreement, they said it was no good and they had to be elected so that they could change it and get a more satisfactory Agreement. They complained that the United States was getting too much information under the Narcotics Agreement and they had to be elected to change it. No sooner were they elected, then they announced that the Treaty was working well, it was a good Treaty. The Narcotics Agreement was a good Agreement and they were going in to a further Treaty. I want the public to know the hollowness of the present Government.

So the Narcotics Agreement did not as the two Government Members tried to make us believe, or make the public believe, force them into the Treaty which we have today. Because, the Treaty which they have signed is far different from what was anticipated under the Narcotics Agreement. And in fact, this same subsection (2) said that once the Government was satisfied that the Agreement is working satisfactorily they would take the steps necessary to negotiate the Law Enforcement Treaty mentioned in subsection (1). But they went beyond this Sir, and they came up with what they call the Mutual Legal Assistance Treaty and they must have put in the word 'Mutual' to try to fool the public. The word should have been 'Unilateral' Treaty. So they came up with the Unilateral American Assistance Treaty without having satisfied themselves that the Narcotics Agreement had worked well, and this is their failure. Because subsequent events have shown that the Narcotics Agreement has not worked well. The Americans have abused it, and I understand that the Second Official Member has been notified in writing that there has been abuse by the Americans under the Narcotics Agreement. And I am calling on that Member as a public servant of this Government to take the steps necessary today to withdraw this Bill, until we can look into the abuse of the Narcotics Agreement by the American Government. I am referring Sir to the indictments which have been issued by the United States against Gerry Lee Harvey.

According to my information, the Americans requested under the Narcotics Agreement, information to investigate a Gerry Lee Harvey, on the grounds that he might be involved in drug related matters. The investigation was carried out and not a single bit of evidence was found to indict the man for any drug offences. They apparently turned the information over to the IRS and they handed down an indictment of five...

MR. PRESIDENT: IRS, for the record.

MR. G. HAIG BODDEN: Well whether it may be, the IRS handed it down to the United States tax authorities, and the IRS handed down five separate tax indictments against Gerry Lee Harvey, and this is a clear abuse of the Narcotics Agreement, where the United Stats has received information under the guise of getting information on drugs, and when their fishing expedition was completed, they turned the information over to the prosecuting attorneys and re-charged the man with five separate tax charges. And it is not incumbent and in fact it is an obligation, and in fact it is the duty of our Attorney General as the guardian of the interests of the Cayman Islands to stop this Bill today, or when the debate on the Second Reading is finished, until he can investigate the case of Gerry Lee Harvey and can find out how the five separate counts which are all tax offences have come about, and if he is satisfied that there has been an abuse - it will be grounds for going back the United States and say look, you have taken advantage of us. You have abused our trust and we want the United Kingdom to get us out of this mess which they have put us into.

MR. PRESIDENT: I wonder whether it would be a convenient moment to take our customary afternoon break now. In that case I will suspend proceedings for approximately fifteen minutes.

AT 3:30 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:45 P.

MR. PRESIDENT: Please be seated. Continuation of the debate on the Mutual Legal Assistance (United States of America) Bill. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, at the time the original Narcotics Agreement was put through the House, one member of the negotiating team for the present Treaty was a Member of the House at that time, and every fault that be found with the Narcotics Agreement has been multiplied ten times, and he has helped to put in the present Treaty. For example, the First Elected Member of Executive Council said at that time "Mr. President, my whole problem with this Bill is the fact that it circumvents the legal system". He was saying that th Narcotics Agreement circumvented the legal system. Yet, he has allowed this Treaty not only to circumvent our legal system, but to pretend that it does not exist. He has made a mockery of our Confidentiality Laws by this Treaty.

It is interesting to read these old Hansards. That same Member also said at the time, "I do not favour surrender or recapitulation to the extent that our entire financial industry could be placed in jeopardy." Now, he was saying this about the Narcotics Agreement, which only allowed the United States Government to gather information on matters relating to narcotics. It will be interesting to hear what he will say in this debate about this Treaty, which not only deals with narcotics, but to every conceivable crime that the Americans can think up. Moreover, the Treaty is all encompassing. He also had a fear about the Narcotics Agreement, which he disclosed in the Assembly on that day, when he said and I quote from the Hansard:

> "The other thing is that I am not sure if anyone has yet determined how closely related in our financial industry, and what we term our tourist industry, and it would be interesting if a study were carried out to determine this. I have heard estimates which range as far as, or go 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 which 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."

Now, since the Election he has had two years to determine the relationship between our tourism and our off-shore banking. Yet, by his consent to the Treaty, and his support of the Bill, he is destroying our financial industry which he full well knows will also have an impact on the tourism industry, because many of the people who come here and stay in our hotels are not tourists on a holiday, but business people who have come to take advantage of our financial industry here.

Another objection to the Narcotics Agreement was that the Bill, he said, was for administrative enforcement as opposed to a Bill enforceable in accordance with our judicial system. Yet we find the same thing in the Treaty which we are discussig today. Because the Judge of the Grand Court, or the Chief Justice who is the Authority appointed under the Bill, does not act in a judicial role. He becomes an administrative officer whenever he serves for the purposes of this Treaty.

The last matter I would like to deal with is the statement which he made when he claimed that the worrying part of the Bill which was the Narcotics Agreement, was that the Attorney General of the United States would have certain powers in the Cayman Islands which he does not enjoy in his own country. He cannot in the Unitd States circumvent the legal process, and yet we find that in the Treaty certain powers are given which the Government may use, which they could not use in the United States, because a person can claim the right to use the Fifth Amendment so that he will not have to testify to the detriment of himself, on the grounds that his testimony might incriminate him. But under this Treaty that right is taken away, and even if the person who is questioned tries to claim his immunity, the evidence is still taken from him. Having all this background knowledge, this is the alarming part that the Government which includes this Member went so hastily into this Treaty. Now we

know there was a time frame, and we know that the time had been exhausted, and we know that the Governments agreed on an extension of that time. I am wondering why they did not seek more extensions, because they were not prepared to deal with it, and the resulting Treaty shows clearly that they had not mastered all the points which had been put into that Treaty.

One Member in speaking against the Bill mentined the case which was reported in the Miami Herald, in which the United States Law Officers said that they could get their information on tax matters. They would only have to tie it to some mail fraud or other crime.

On the day the Treaty was signed, the 3rd July, 1986 the Wall Street Journal came out with an article whose headline reads "US Will Gain Access to Bank Records on Cayman Islands Under New Treaty". This is the Treaty which the Government is now trying to sell to us. This is the Treaty which caused the Second Official Member to make his longest speech in the Legislative Assembly in an attempt to sell it to the Members, or maybe to justify his own feelings on it. But, this Treaty has destroyed the credibility of the Cayman Islands as an off-shore financial centre. In the Wall Street Journal the article reads:

> "The United States and the Cayman Islands today will sign a long awaited Treaty giving American Law Enforcement Officials broad access to previously secret off-shore bank records".

Now, I do not know how many people understand that opening paragraph the way I do. But what it is saying is that today the Cayman Islands will lose forever its position as one of the leading off-shore financial centres of the world, and this already had been accepted by the United Kingdom and by everybody, else apparently, but our own negotiators.

In a book which has recently been published, and which I bought since the signing of the Treaty. The Turks Islands are listed as the worlds best or leading tax haven. Chapter five reads: "Turks and Caicos Islands, the worlds best tax haven". So whether this is correct or not, some of the outside world is now looking to other countries. The reason why I mention this is because the writer, to backup his claim, lists certain reasons why they are, and amongst them he says that Great Britain also encourages this tax haven use as a revenue producing means thereby enabling the colonies economic independence, and that is not at all strange because the Turks Islands have been a burden to the British tax payer. Britain has had to give them money to balance their budgets. This has not happened in the Cayman Islands, and in fact, I think the British tax payer has always been envious of the position of the Cayman Islands.

We heard mention of the Treaty signed between the United Kingdom and the United States three days after agreement was reached on the Mutual Assistance Treaty, in which it will now be possible to extradite terrorists, Irish terrorists from the United States. And one Member indicated that there might be a relationship between that Treaty and the Treaty which we have just signed. I am convinced, until evidence is brought to the contrary, that we have been sold by the United Kingdom. We have been bargained, we have been pawnes and we have been used so that the United Kingdom could get what they wanted. This was brought out this morning during Question Time in the House, and as the moments of the day go by I am more convinced that this has happened. We know that we were sold down the river during the Bermuda II Agreements when the United Kingdom wanted concessions on the transatlantic routes, and our concessions were bargained away to Hong Kong and to other places, so that the United Kingdom could gain an advantage from the United States. So I am convinced from what I have heard and seen recently, that the United Kingdom helped push us into this Treaty so that they could conclude negotiations which I understand had stretched out for more than a year with no end in sight until they had a carrot in the form of the gullible Cayman Islands.

The Wall Street Journal goes on in paragraph two to say that the Government of the tiny Caribbean Islands has agreed to open up financial records, and to cooperate in other ways with Justice Department prosecutors in most types of criminal investigations, ranging from mail fraud and corrupt activities, by federal contractors to insider trading cases. The Agreement also covers bank records dealing with alleged tax evasion. The article goes on to say that the Cayman Islands Treaty also encourages

an existing interim agreement under which the United States has received bank records only in a limited number of major, carefully selected drug investigations. The crimes covered by the Treaty are nearly all encompassing, and it will greatly help prosecutors gather evidence in many more cases, asserted a senior Justice Department official.

This is a point which needs to be stressed over and over, because it appears to me that the Government has been trying to sell the idea that there is not much difference between the Narcotics Agreement and this Treaty, but there is a vast difference. The Narcotics Agreement only deals with drug-related crimes. This Treaty covers nearly every crime that is on the books, and under it, if the United States want information on tax matters, they simply have to do what the Miami Herald reported "tie the tax matter to something mentioned in the treaty". The article goes on to say that the Agreement will also help prosecutors gather evidence in Narcotic related cases which are not covered by the current Agreement, according to Associate Deputy Attorney General Charles Blau (????). The article reads:

> "The Regan Administration for years has sought such concessions from the Cayman Islands."

And Mr. Tomlins acknowledged that some critics maintain that the United States has bullied us into the Agreement, and I think they did and probably with the help of the United Kingdom Government.

Since the 1960's, Island officials have baulked at providing any information to help United States Authorities pursue tax evaders, but that story will change with the signing of this Treaty. And finally from the article it repeats what the Miami Herald carried:

> "When prosecutors suspect that violations of other laws are connected to alleged tax violations, the Treaty calls for providing speedy access to the relevant bank records. 'We can package the case under a different statute, and still get the same information' said one Justice Department Official."

And we know that this is what happens. If the United States wants somebody badly, they contrive to charge the person with an offence, and they will seek to attach other crimes to that singular offence and get the information on the ancillary crimes so that they can actually have it to use for the major crime.

I feel that because this matter deals with the life blood of this country, we must take strong action today. I propose that the Government withdraw the Bill, and go back to the United Kingdom and see if they can get an amendment to the Treaty. Remember, we have no right to amend this Treaty, unlike the Narcotics Agreement it has no time limit. The Narcotics Agreement was to last for fifteen months and then come to an end. The Treaty is for all times and all people and all ages. We are not a contracting party to the Treaty, if you look at the first definition in the Treaty, you will see that a Contracting Party are the United Kingdom and the United States. We are merely a Party which is defined in the second definition of Section 17 of the Treaty. But we are not a Contracting Party. This Treaty is between the United Kingdom and the United States, so we cannot change it, we can only go back on bended knees to our good Mother and plead that in her tender loving mercies she will go to the United States and say you are bleeding the life blood away from the Cayman Islands.

So, my proposal is that the Government withdraw the Bill and go back to renegotiating the Treaty if this is possible. If they feel that they are not able to face the stern negotiators which we have heard about, I would suggest that they take a negotiating team headed by Mr. Truman Bodden and including someone appointed by the Law Society and someone appointed by the Chamber of Commerce, and as many other people as they care to take and go up and see what can be done. And, if the Government is not prepared to do this in the light of how we see which I have shown, I think the next step would simply be for them to resign, and then maybe we could have new elections for the Government. Because this is such a serious matter, it is a matter of national importance I feel that you as Governor, you should exercise your authority under the Constitution

and call new elections - you can do that Sir, you have the right to call an election at any time. Because, this is a serious matter today Sir, and if the course which I have outlined is not followed I would suggest that you do this, and if you are not strong enough Sir, I think you should be replaced. We should ask Mr. Barwick to come in from the British Virgin Islands and act as Governor, and dissolve this House and let us get on with the job because we are in serious problems today. This is beyond the realms of politics, this is a serious matter when our economy is threatened. Anyway, if nothing is done I suspect that in two years we will be worse off than Jamaica and no Seaga or anybody else will be able to bring us back. Though I trust that between now and the closure of this debate at the end of this week, that you will put your Executive Council Members together and discuss these possibilities.

I have many other things to say and do before I finish, but would like to take a few short minutes to examine the Treaty, and after that I would like to take a few minutes to examine the Bill, and then afterwards I will want to deal with the case put forward by the Government. I will want to support the Law Society, I will want to support the Accountants and I will want to say a word in favour of the people of the Cayman Islands - however they have borne this indignity with great patience.

The Treaty is intended to provide help to the countries, in getting information to suppress criminal offences, the nature of which is set out in the Treaty. Criminal offences are defined in Article 19. The scope of the Treaty is wide indeed, and the assistance given will be in the taking of statements from persons; providing documents, records, articles of evidence, serving documents, locating persons, transferring persons in custody for testimony, executing requests for searches and seizures, freezing criminally obtained assets, assistance in proceedings related to forfeiture, restitution and collection of fines and other steps deemed appropriate by both Central Authorities. In other words, it has a clause in it which leaves it wide open so that any time in the future, anything else can be added to it.

I will admit that the Treaty does say that the assistance afforded, will not extend to the collection of taxes, except for any matter falling within sub-paragraphs 1(a) and (e) of Article 19. But the alarming part about this is that that section is weakened and can be circumvented by other sections of the Treaty, as I will point out later on.

The article I read:

> "The Requesting Party shall not use any information or evidence obtained under this Treaty for any purposes other than for the investigation, prosecution or suppression in the territory of the Requesting Party of those criminal offences stated in the request without the prior consent of the Requested Party."

Now we have found out that the United States actually abused the Narcotics Agreement. Is it too much to expect that despite the language of this clause, that there will not be an abuse here. There are no checks and balances in this Treaty, and we have virtually no control over it.

The sad part of the Treaty is that it is retroactive, or can be retroactive, although the Treaty is silent on this matter. There is nothing to prevent the United States from seeking to get, and nothing to prevent us from giving information on matters which occurred 15 or 20 years ago. And in fact, if we look at the indictments against Gerry Lee Hersey, which I mentioned earlier, we will see that in Count 1 the matter goes back to 1979. So, the Treaty here as the Law Society fears, and as any other intelligent person be he lawyer or not, fears this Treaty can allow the United States to go back many years, and this could never be right.

I wonder what has enraged the people who are now in the Government. I can remember how they roared and they reeled against retroactive legislation on very simple matters. One of them was like transporting a prisoner to Cayman, or something. And here they have a Treaty which is retroactive, goes back to time immemorial, under which the United States can investigate facts and things which have happened long ago.

MR. PRESIDENT: I make it just after four thirty now, and since the Member has given notice of his intention to cover a

wide spectrum of additional matters. I take it he is not interring to finish his speech in the near future, and I will ask the First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 10(2), I move that this House be adjourned until tomorrow morning at ten o'clock.

MR. PRESIDENT: The question before the House is that this House do now adjourn until 10.00 a.m. tomorrow.

QUESTION PUT: AGREED. AT 4:20 P.M. THE HOUSE WAS ADJOURNED UNTIL 10:00 A.M. THURSDAY, 8TH SEPTEMBER, 1988.

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
THURSDAY, 4TH SEPTEMBER, 1986

(FOURTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

(FOURTH DAY)

THURSDAY, 4TH SEPTEMBER, 1986

1. PRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR GEORGE TOWN.

2. QUESTIONS TO MEMBERS

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

NO. 56: WOULD THE HONOURABLE MEMBER STATE WHAT AUTHORITY THE HEALTH PRACTITIONERS BOARD HAS TO REFUSE TO LICENCE GENERAL PRACTITIONERS WHO POSSESS DEGREES OR DIPLOMAS WHICH IT HAS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7(2) OF THE HEALTH PRACTITIONERS LAW?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 72: WOULD THE HONOURABLE MEMBER STATE WHAT IS THE CURRENT RESERVES OF THE COUNTRY, THE CURRENT BALANCE OF GOVERNMENT REVENUE FOR THE YEAR AND HOW DOES IT COMPARE WITH THE SAME PERIOD IN 1984 AND WHAT IS GOVERNMENT'S PRESENT OVERDRAFT POSITION?

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 73: COULD THE HONOURABLE MEMBER SAY IF GOVERNMENT WILL SET UP A CONSUMER PROTECTION BOARD TO GUARANTEE THAT PRODUCTS SOLD CONFIRM TO THEIR LISTED DATE LIFE AND THAT ITEMS OUTLAWED BY THE FDA IN THE USA ARE NOT SOLD FOR HUMAN USE?

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

NO. 74: COULD THE HONOURABLE MEMBER SAY IF MORE ATTENTION WILL BE PAID TO ENFORCING THE TRUANCY LAWS AND WILL A MORE COMPREHENSIVE SOCIAL SERVICE PROJECT BE ADOPTED?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 75: *CAN THE HONOURABLE MEMBER SAY WHAT PROPORTION OF TECHNICAL AND PROFESSIONALLY SKILLED PERSONS HERE ARE ON WORK PERMITS?*

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 76: *WOULD THE HONOURABLE MEMBER SAY WHETHER IT IS CORRECT THAT 30 RUSSIAN SHIPS HAVE BEEN REGISTERED IN THE CAYMAN ISLANDS?*

NO. 77: *WILL THE HONOURABLE MEMBER SAY WHETHER IT IS CORRECT THAT GOVERNMENT WAS ASKED TO REGISTER 210 MORE RUSSIAN SHIPS IN THE CAYMAN ISLANDS?*

3. *OTHER BUSINESS*

PRIVATE MEMBERS' MOTIONS:-

PRIVATE MEMBER'S MOTION NO. 15/86 -
INVESTIGATION OF REPORTS OF ILLICIT DRUGS IN NORTHWARD PRISON

TO BE MOVED BY THE SECONDED ELECTED MEMBER FOR WEST BAY

TO BE SECONDED BY THE ELECTED MEMBER FOR NORTH SIDE

4. *GOVERNMENT BUSINESS*

BILLS:-

CONTINUATION OF SECOND READING DEBATE
ON THE
MUTUAL LEGAL ASSISTANCE
(UNITED STATES OF AMERICA) BILL, 1986

The Second Elected Member for Bodden Town - to continue.

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THURSDAY

4TH SEPTEMBER, 1986

10.00 A.M.

MR. PRESIDENT: Prayers. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: 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 peform the responsible duties of their high office.

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

The Family Prayer. 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. Lead us not into temptation; but deliver us from evil. For Thine is the kingdom, the power and the glory, for ever and ever. Amen.

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

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

QUESTIONS TO MEMBERS

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

NO. 56: Would the Honourable Member state what authority the Health Practitioners Board has to refuse to licence General Practitioners who possess degrees or diplomas which it has approved in accordance with the provisions of Section 7(2) of the Health Practitioners Law?

ANSWER: The Health Practitioners Board does not licence Health Practitioners. The Health Practitioners Board registers Health Practitioners in accordance with the Health Practitioners Law of 1974.

SUPPLEMENTARIES:

MR. D. EZIARD MILLER: Mr. President, it is going to be necessary unfortunately, for me to make a statement before I ask my supplementary question.

I would like to humbly apologise to the First Elected Member of Executive Council for using the word "licence" instead of register, but a rose by any name is still a rose, and I wonder if he could now tell me Sir, what authority they have

used to refuse to register General Practitioners under the same section of the Law?

HON. BENSON O. EBANKS: Mr. President, maybe I can save some time if I state what I understand to be the policy, or the procedure regarding medical practitioners from outside, wanting to come in to the country to practice.

I gather that an informal arrangement has been established whereby the Medical Practitioners Board does not register a practitioner until they have had a gainful occupation licence. I understand that the procedure is that the Caymanian Protection Board when dealing with this particular type of application, usually seeks the view of the Health Practitioners Board, as to whether they think a sufficient number of persons of a particular category are registered. In other words, whether the market is saturated with that type of person. I suppose they are seeking to establish whether the interests of persons already established in that line of business would be protected, and the Practitioners Board gives its advice. So there is, shall I say, cooperation between the two Boards, and this might be what the Member is getting at.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Could the Member state if he is in fact saying, because I believe Sir that he has the cart before the horse, because from my own experience in applying for work permits for health practitioners, the Protection Board first wants to see, in fact it has to be included with the application, the registration certificate from the Health Practitioners Board. Is he saying that what has happened is that the persons already established here and licenced have got together and closed the shop so that they can charge the people of this country whatever fee they like, thereby eliminating competition and better health care for the people of this country?

HON. BENSON O. EBANKS: No Mr. President, that was not what I was saying. I was saying that the Medical Practitioners Board established under the Law, makes that decision on which representation exists from among practitioners; from among the consuming public and Government. The Chief Medical Officer is their Chairman, and there are other Government practitioners on it as well. It is not with a view to having a closed shop, I can assure you.

MR. D. EZZARD MILLER: Supplementary Mr. President. Could the Member state whether the present ratio of doctors to patients as published by PAHO and WHO, taking into consideration the in-transit population of tourists, has been exceeded in this country?

HON. BENSON O. EBANKS: Mr. President, I can assure the Member that before this question was received, only a few days before, I had raised the matter with the Chief Medical Officer, and his opinion was that in the area of general practitioners, the place was well served and in fact, had reached the point of saturation.

MR. D. EZZARD MILLER: Can the Member state whether general practitioners are being confined in their licence by the Health Practitioners Board, to general practice, and not specialists?

HON. BENSON O. EBANKS: Mr. President, I am afraid I am unable to answer that with any degree of particularity.

MR. D. EZZARD MILLER: Could the Member give the House the undertaking that he would provide us with that information, and if it is in the positive, that is if general practitioners are being allowed to dwell in the areas of speciality, he will do his best to see that in the future their licences are in someway controlled through licence by the Health Practitioners Board, to things which they are qualified to do.

HON. BENSON O. EBANKS: You mean registration?

MR. D. EZZARD MILLER: My humble apologies Mr. President. Yes Sir, I do in fact mean registration, and not licence Sir. I am sorry.

HON. BENSON O. EBANKS: Yes Mr. President, I undertake to

give that information to the House, and to look into the matter the Member is eluding to.

MR. D. EZZARD MILLER: Supplementary Mr. President. I wonder if the Member could state whether, when the Health Practitioners Board is granting a registration to a doctor, he is asked to conform with any code of ethics in this country?

HON. BENSON O. EBANKS: Mr. President I assume so. If the Member recalls, there was a regulation in that regard published not too long ago.

MR. D. EZZARD MILLER: Could the Member undertake Sir to ensure that that code of ethics is being followed, because I do not believe it is Sir?

MR. PRESIDENT: I think we have strayed a little bit from the original question, and I think perhaps it is time to say we have had enough supplementaries on that particular question now.? First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 72: Would the Honourable Member state what is the current reserves of the country, the current balance of Government revenue for the year and how does it compare with the same period in 1984 and what is Government's present overdraft position?

ANSWER: The current (or general) reserves of the Cayman Islands were $5,833,115 as at 29th August, 1986.

The total revenue collected from January to July inclusive amounted to $41,248,478. For the same period in 1984, the amount collected was $34,045,800.

The Government at present has no overdraft at any bank.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: Mr. President, it appears that part of my question has not been answered, and for clarification I will read the question again. "Would the Honourable Member state what is the current reserves of the country." That has been answered. "The current balance of Government revenue for the year and how does it compare with the same period in 1984," that has not been answered. I have no indication here in the Answer Paper to tell me that we now have a current balance of $3 million, $4 million or whatever it might be, which has not been spent up to this period, and my question was then "how did that compare with the same period in 1984?"

MR. PRESIDENT: In other words, you wanted expenditure figures as well as revenue so you could get a balance.

MR. JAMES M. BODDEN: No, I was not asking for that. Well, that would be a part of it, but what I was saying in my question and it is fairly plain, is the current balance of Government revenue for the year. Meaning, if we have collected $41 million and we have spent $40 million, then we have a difference of $1 million, and I was trying to find out what the net amount remaining was from the two of them, and comparing that to the same period in 1984? It is a very plain and simple question.

HON. THOMAS C. JEFFERSON: Mr. President, maybe the question is too plain, because in accounting terms when you talk about revenue, that is exactly what you are talking about. You are not talking about profit; you are not talking about surplus and you are not talking about expenditure, and I answered the question in accordance with how my accounting knowledge required the question to be answered. If the First Elected Member for Bodden Town wishes to have other figures, I am happy to provide them.

MR. PRESIDENT: Do you have them here though, or will you circulate them later? It is an expenditure figure which would try to balance, would suffice.

HON. THOMAS C. JEFFERSON: I do not have them here Sir, but I would be happy to circulate them during the day.

MR. JAMES M. BODDEN: Mr. President, the good Lord did not bless me to be fortunate enough to get an accounting degree. However, I have dealt a lot with accounts and figures all my life, and what I did ask for was the current balance of Government revenue, which could only mean the amount which is remaining in the till after we have spent whatever we have spent.

MR. LINFORD A. PIERSON: Supplementary Mr. President, and I will get to my question in a short while, but I think as a Member of this House who perhaps has the most extensive training in accountancy, it is quite clear that this question is asking for the net revenue position. It is not asking for the total revenue collected. This is why it said 'the current balance'.....

HON. VASSEL G. JOHNSON: Mr. President.

MR. LINFORD A. PIERSON: .....of Government revenue.

MR. PRESIDENT: Let us have the question.

MR. LINFORD A. PIERSON: And my question is that would the Member state what the net revenue position was at the end of this period, as compared with the same period in 1984? And perhaps the Fourth Elected Member will wait....

MR. PRESIDENT: With respect, that question has already been asked. It is not a supplementary.

HON. VASSEL G. JOHNSON: Mr. President, I was going to draw your attention Sir to yesterday, when that very Member spoke to you about statements being made at Question Time, and he started there making a statement.

MR. LINFORD A. PIERSON: On a Point of Order Mr. President. The Fourth Elected Member yesterday made a statement without turning it into a question. I was turning my statement into a question. Perhaps he should have waited and listened.

HON. VASSEL G. JOHNSON: Mr. President, what statement he is speaking about was an answer I was giving.

MR. PRESIDENT: I would be obliged to all Members if they would be kind enough to try and avoid making statements in the guise of questions.

The First Elected Member for Bodden Town. Question No. 73.

MR. JAMES M. BODEN: Before we go to Question 73 Mr. President, can I have an assurance that sometime before this long debate ends, that I will have the answer to my question.

MR. PRESIDENT: You were given an assurance that the figures would be circulated today.

MR. JAMES M. BODDEN: All right.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 73: Could the Honourable Member say if Government will set up a Consumer Protection Board to guarantee that products sold confirm to their listed date life and that items outlawed by the FDA in the USA are not sold for human use?

ANSWER: Government is prepared to investigate the possibility of establishing a Consumer Protection Board to deal with the shelf life of products and items outlawed by the US Food and Drug Administration.

SUPPLEMENTARY:

MR. JAMES M. BODDEN: Do we have a current list in Government which will indicate the products which are sold for human use on the Islands, and which are outlawed in the United States, but yet, are allowed to be shipped abroad?

HON. W. NORMAN BODDEN: Mr. President, I am not aware if there is a current list, but I imagine I could get this information from Public Health.

MR. PRESIDENT: If there is no further supplementary, perhaps the First Elected Member for Bodden Town will ask the next question.

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

NO. 74: Could the Honourable Member say if more attention will be paid to enforcing the Truancy Laws and will a more comprehensive social service policy be adopted?

ANSWER: Hardline absenteeism is the focus of attention of the school's Liaison Officer who makes it her business to visit homes, using the arts of persuasion rather than applying to the Courts to resolve social ills responsible for the absenteeism. Government considers that the social service projects in respect of school children, are quite comprehensive.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: A supplementary before I get the answer.

Mr. President, three to four years ago we heard nothing preached but the social ills which existed in this Country, and I am asking, whether the present administration is attempting to put together a policy which will deal with the combatting of the social problems which they themselves admitted were evident in society?

HON. BENSON O. EBANKS: Mr. President, I am wondering whether we have two unrelated questions rolled into one here Sir, or whether the social policy which the Member is referring to is in respect of truancy, or at least to schools, school children?

MR. JAMES M. BODDEN: Mr. President, if it will help him, I will be very glad to assist.

We can take it in two questions, but I am asking if there is a more comprehensive social service programme than that which we see in evidence in the Islands at this time?

HON. BENSON O. EBANKS: Mr. President, if the Member is speaking of social services generally, they are in a continuous state of revision and improvement.

MR. JAMES M. BODDEN: Let me follow with my next question, then offer the answer.

All the Members of this House are probably aware that the absenteeism would be focused with some particular officer in Government, which in this case would be the Schools Liaison Officer, so that is no news to us, that is no answer.

What I am attempting to find out is whether we are going to try to put together a policy, whether it is going to be done with kid gloves, whether it is going to be done with a whip, is immaterial at this point. Are we going to try to put together a policy which will get the school-age children into the schools, rather than roaming the streets and roaming the beaches of this Country, and smoking ganja at an early age? What I am trying to find out is, what are we going to do about the young people in the community? Are we going to leave them alone until they become a problem and be sent to Northward Prison? Or is this Government, which was going to cure every ill in the world, going to wake up and do something about it?

HON. BENSON O. EBANKS: Mr. President, I believe that anyone with a knowledge of the school system will know that great attention is paid to absenteeism and truancy in the schools, and while it is true that there are a few hardline absentees, the general percentage of absenteeism in the school system is good, compared to other areas.

MR. JAMES M. BODDEN: Following on the reply which was given to me on my question, could the Member state (and his answer was 'Government considers that the social service programmes in respect of school children, are quite comprehensive').

Would the Member outline to this House the programmes which are on-going, and what is being done?

HON. BENSON O. EBANKS: Mr. President, for children in need, uniforms, shoes and socks are provided. School lunches are provided. School fees are waived as well as book fees. Foster homes are provided. We have the Caring Homes in operation and in addition to that, amenities and funds are provided by the schools themselves.

MR. JAMES M. BODDEN: Supplementary. Would the Member advise this House, how long the programme which he has outlined has been in effect in this Country. Whether it has recently been adopted, or whether it has been adopted for several years?

HON. BENSON O. EBANKS: Mr. President, most if not all this has been on-going for many years.

MR. JAMES M. BODDEN: In other words, you utopian regime has done nothing to cure the social ills of the Country. Correct?

HON. BENSON O. EBANKS: Mr. President, I think that the social ills of the Country are much larger than centred on schools.

MR. PRESIDENT: I think we could pass on to the next question. The Second Elected Member for West Bay.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 75: Can the Honourable Member say what proportion of technical and professionally skilled persons here are on work permits?

ANSWER: Information from the 1979 Population Census together with incomplete data from the Employment Survey indicates that there are approximately 2,850 persons employed in these categories, of which 1,819 persons or 64 per cent were here on work permits as at 30th June, 1986.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Supplementary Mr. President.

Can the Member say what is being done to get more Caymanians qualified in those areas?

HON. JOHN LEMUEL HURLSTON: No, Mr. President. If the Member wants that information, I think he should put down a substantive question and it would be answered by the appropriate Member of Government responsible.

MR. W. McKEEVA BUSH: Can anybody say at the present time, without doing a lot of research?

MR. PRESIDENT: I do not know whether the Member for HESS is prepared to answer. It seems to me a reasonable supplementary, and if an answer in general terms can be given, perhaps that would be helpful to the House.

HON. BENSON O. EBANKS: I must admit, I did not get the questions.

HON. W. McKEEVA BUSH: In accordance with the answer, can the Government say what is being done to get more Caymanians qualified in these areas?

you were asking?

MR. JAMES M. BODDEN: I think that was the gist of it.....

MR. PRESIDENT: I do not remember the wording, but the substance....

MR. JAMES M. BODDEN: I would ask that the transcript be played back, and a copy of it made and given to the Member, so that his mind might be refreshed on what I said, that he may be able to answer.

MR. PRESIDENT: Well, I will invite the Member to get a copy if he has, Member or Members.....

MR. W. McKEEVA BUSH: Supplementary Mr. President.
When I submitted the question, I sort of expected a little jive on this, because, and I am getting to my question Sir, but give me a chance. I too was sent one of those little reports which the Third Official Member spoke of, and I sent it back in and I have been receiving them ever since. I do not have that kind of time. I get one and I sent it back in, but I expected it.
Could the Member state at this time, whether the 64 per cent is indicative of those employed in the Civil Service?

HON. JOHN LEMUEL HURLSTON: Mr. President, 64 per cent does not include the public sector Sir.

MR. W. McKEEVA BUSH: So we have a lot more.

HON. JOHN LEMUEL HURLSTON: I do not have the information on the public sector with me.

MR. W. McKEEVA BUSH: Could the Member give us a guarantee that he will get it?

MR. PRESIDENT: The Member for North Side.

MR. D. EZZARD MILLER: Supplementary Mr. President.
Could the Member state whether the Caymanian Protection Board is requesting or demanding that employers who are seeking work permits for these professional and technical people, are asking to demonstrate whether or not they are attempting to train Caymanians, to fill some of these positions?

HON. JOHN LEMUEL HURLSTON: Very much so, Sir. That is one of their primary functions and responsibilities.

MR. PRESIDENT: The Elected Member for East End, the next question.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 76: Would the Honourable Member say whether it is correct that 30 Russian ships have been registered in the Cayman Islands?

ANSWER: To confirm that 30 Russian ships are registered here would not be an entirely correct statement.

The ships, which I am assuming are being referred to, could be those which were registered on 7th April under the ownership of a Cayman registered non-resident company. From information provided, it has been shown that these ships were previously Russian-owned.

SUPPLEMENTARIES:

MR. JAMES M. BODDEN: If it was not 30, could you advise this House how many there were?

MR. PRESIDENT: I would like to see the answer, because I do not think the number was in the question, was it? What was the answer? Perhaps you would like to just look at the answer

before you frame your supplementary.

MR. JAMES M. BODDEN: Yes Sir, I knew I was not dreaming. There had to be 30 somewhere.

The Question asked was 'Is it correct that 30 Russian ships....to confirm that 30 Russian ships are registered would not be correct?' All right. So I am asking then, what is the number of ships registered, which could have had Russian ownership, which were registered on 7th April of this year?

MR. PRESIDENT: Well, I will certainly allow the supplementary. But my understanding of the answer was that there was not a doubt about the number of the ships. There was a doubt about the ownership at the time of registration. They had previously been Russian owned.....

MR. JAMES M. BODDEN: (INAUDIBLE)

MR. PRESIDENT: Well, let me allow the supplementary, and we will see what answer comes.

HON. THOMAS C. JEFFERSON: Mr. President, there is no question about the number. The number is 30. What the answer tried to point out was that they were not Russian ships when they were registered here.

MR. JAMES M. BODDEN: That reminds me of the old joke Mr. President, when a fellow was talking about a lady having a child, and he said "well, is it a boy?" and he said "guess". "Is it a boy?" "No", he said "is it a girl?" and he started laughing. He said, "but somebody must have told you already." Well this is about what is happening here this morning. But, Mr. President could we be advised as to who the representatives are of these people in the Cayman Islands?

HON. THOMAS C. JEFFERSON: Mr. President, I would ask that the Member clarify exactly what he means in his question.

MR. JAMES M. BODDEN: Could you advise us where the registered office is?

HON. THOMAS C. JEFFERSON: Mr. President, I did not prepare myself for that supplementary, so I will undertake to give the answer to the Honourable Member in writing.

MR. JAMES M. BODDEN: I would like that one to have been answered in the open.

Could you tell us whether these are tankers, freighters, cruise ships, barges, torpedo boats, or what?

HON. THOMAS C. JEFFERSON: I am not certain Mr. President whether they are tankers or cruise ships, or tug boats or what they are. If the Member wants that information, I will happily add it to the other information which I agreed to give him in writing.

MR. JAMES M. BODDEN: Rather than adding it to that, I wonder if a statement could be made to the people of this Country. Because we have all been very alarmed about communism and so forth, and it is no use hiding under something by saying that these ships came here because they were washed at some other place.

Mr. President, something alarms me about this, and you will have to bear with me making a statement, until I can ask the question on it.

MR. PRESIDENT: Well, as long as you come to the question quite quickly. I am going to stop you if you do not.

MR. JAMES M. BODDEN: I am going to come to it quite quickly. But we have problems in the Central American area with the Russians and the Cubans against what we call the democratic way of life. What happens if one of these ships registered under the Cayman Islands flag should go into Nicaragua with a load of arms and be caught and exposed to the world, or be attacked and blown up?. Where do we stand in relation to such an exposure as that on the world scene? That would be nearly as bad as this Mutual Legal Assistance Treaty being passed. Could I be answered on that question?

HON. VASSEL G. JOHNSON: Mr. President, I truely want to apologise to the Second Elected Member for George Town for accusing him a while ago of making statements, because statements in here at Question Time is a matter of fact it seems to me.

MR. JAMES M. BODDEN: Will you sit that man down. If he does not know what we are trying to do in this House, please give him a pill and let him go to sleep.

MR. PRESIDENT: Order, Order.
The supplementary, as I understand it is 'What action would the Government be minded to take if.....

MR. JAMES M. BODDEN: Mr. President, I am asking the question. I had to explain the reason why I am asking the question, which was very short and brief, as to what happens with one of these ships on the international scene, with us as the smallest Island in the Caribbean, having 30 Russian ships registered under our flag.
Now there have been many things talked about lately in the last few years, about curtailing the activity of registering ships here, and so forth. Now we have registered 30 ships and nobody knows what they are. I am saying that if one of those ships gets caught on the high seas.....

MR. PRESIDENT: I have understood your question, and I am asking the Member.....

MR. JAMES M. BODDEN: I am asking him for a reply.

MR. PRESIDENT: I am asking him to answer it.

HON. THOMAS C. JEFFESON: Mr. President, once the ships are registered in the Cayman Islands, they would be under the Cayman flag. Therefore it is not any longer a Russian ship per se. We agree that perhaps there were, as indicated in the answer they were Russian owned prior to being registered in the Cayman Islands. If the ship, like any other ship which is registered in the Cayman Islands takes arms into Nicaragua, or any other part of the world, they run the risk as you have explained. What is done about it, would be that we would investigate that particular accident or disaster.

MR. JAMES M. BODDEN: Mr. President, another supplementary.
We have no control over the operation of these ships, particularly if they are Russian, and how are we going to advise the Western World, advise the United States and say "yes, that was our ship, it is under our flag and it was carrying missiles into Nicaragua; missiles from Russia. How can we answer that to the Western World Mr. President? Now we are not that poverty stricken....

MR. PRESIDENT: I think you have made your point. That will do.

MR. D. EZZARD MILLER: Supplementary Mr. President.

MR. PRESIDENT: The Member for North Side.

MR. D. EZZARD MILLER: It does not seem as if it makes sense to just wait your turn here because everybody is jumping up and down like a jack-in-the-box, and I have been waiting a long time. Could the Member state whether the same position did not exist when all Samosa's ships were registered here in the early 1980's?

HON. THOMAS C. JEFFERSON: I am not quite sure about Samosa's ships Mr. President, and I would hesitate to give a definitive reply. But I think the answer to all the problem which we seem to have touched on this morning, and the control of ships and the power of the registrar to refuse ships, or to strike ships from the register, was the intention of the piece of legislation which was put here in May of this year, and because of representation, government has taken its time to consider the representation being made by the private sector, and we will be bringing that Bill to the Legislature shortly. The legislation gives the power to the Registrar to refuse to register ships, the power which he does not have at the moment under the

Merchant Shipping Act, and any ship which meets the requirement as laid down in the Merchant Shipping Act, he has absolutely no power to refuse to register it, once the ship is owned by a British subject, even if it is a company.

MR. G. HAIG BODDEN: Now would you be correct in saying....

MR. W. McKEEVA BUSH: Mr. President.....

MR. PRESIDENT: Sorry, just a moment. I am not sure whether you had finished answering, had you? You had, I am so sorry. Well actually it was the Second Elected Member for Bodden Town who was the first to catch my eye, if he still wants to ask his question, and then I will take you in turn.

MR. G. HAIG BODDEN: The question I want to ask is, is it not correct that most foreign ships when being registered are put into companies just so that they can comply with certain specific requirements of the law, and the fact that the ship is in a company, as these Russian ships are, does not change the beneficial ownership of the ship, and it still remains Russian if it was Russian prior to being put into the Company, simply to meet the requirement of the law?.

HON. THOMAS C. JEFFERSON: Mr. President, the answer to the first part of his question I take it, is the fact that yes, as given in the answer the ships are owned by a non-resident company. Which means they are owned by persons who are not residents of the Cayman Islands.

As to whether the ships are still owned by the people who owned them previously, it is a possibility, but I think very unlikely.

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I think my question has been answered. I just wanted it in clear terms that the Government had not registered Russian ships.

MR. PRESIDENT: Well all right. The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Mr. President.

I have three questions, which I think with your permission, I would just like to ask, they are not long, because I cannot get a chance to ask questions in this House very readily.

Number one, I would like it repeated for the benefit of the listening public, that we have not registered 30 Russian ships.

Secondly, Mr. President, I would like to ask the Member if the ship were owned in Timbucktoo, Taiwan or Russia, once the ship has been sold it is no longer registered as a Russian ship, or whatever the nationality may have been, prior to that?

Thirdly, if indeed a ship registered in the Cayman Islands, whether it belonged to a local company or under whatever name, is found carrying arms, it jeopardises itself as would Cayman Airways or Fawcett Airlines, or any carrier who chose to carry arms, is that correct?

HON. THOMAS C. JEFFERSON: Mr. President, I hope I have unanimous agreement when I bring the legislation to control what ships can be registered in the Cayman Islands, hopefully in November, and then we will not have the need for these sorts of questions to be asked in the future. But, the Third Elected Member for West Bay is correct. We did not register Russian ships. The Member is also correct in saying that if any ship, or any aircraft which is registered in the Cayman Islands carries arms, drugs or anything else into any other part of the world, we are held responsible. It is very easy for us to recall that back in 1983 that was a problem for us. Small pleasure craft being caught in the Gulf of Mexico going into the Eastern Seaboard with drugs on board, and splashed across the headlines is the fact that the Cayman Islands is the drug centre for

trafficking. It was a Cayman Islands ship on which a thousand bales of what ever was found on board. These are the problems. In those days nobody talked about those ships being owned by Russians. But, as in any other case, anything which happens to the Cayman Islands means headlines. Because, when you are successful you are going to have a lot of shots fired at you. If you are a small, little country, or a big country which has not proved success, everybody wants to hand you something on a platter, but they do not take pot shots at you.

MR. W. McKEEVA BUSH: That is a good speech Mr. President.

MR. PRESIDENT: The Elected Member for East End next.

MR. JOHN B. McLEAN: That is right Sir, it was my question.

I have one short supplementary, and I hope the Member can answer it. Since we have been told so many stories Mr. President, I wonder if we could be enlightened as to the ownership of the Cayman Islands registered non-resident company?

HON. THOMAS C. JEFFERSON: Mr. President, I am not sure I heard the Member correctly. If he is asking for the ownership of the company which owns the ships, I am unable to give that information as it is confidential.

MR. PRESIDENT: I think it is the First Elected Member for Bodden Town's turn. He has been waiting a while.

MR. JAMES M. BODDEN: Mr. President, I do not know what the genious on this side meant by asking the question on Samosa, but I will ask the First Official Member, is it not correct to say that Executive Council has power to lay down directives to Government Departments, when it maybe for the national good?

HON. THOMAS C. JEFFERSON: I do not think Mr. President that Executive Council, and this is only my opinion. The legal representative in this House may differ from me. I do not think Executive Council has any power to lay down any guide lines which go against legislation which is set down, as in this case the British Merchant Shipping Act. I do not think they have that power.

MR. PRESIDENT: They do not.

SUSPENSION OF STANDING ORDER 23(7) AND (8)

MR. JOHN B. McLEAN: Mr. President, in an effort to get my last question answered, I would like to move the suspension of Standing Order 23(7) and (8).

MR. PRESIDENT: The question is that in accordance with the provision of Standing Order 83, Standing Orders 23(7) and (8) be suspended in order to enable the last question put down in today's Order Paper to be asked.

Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. STANDING ORDER 23(7) & (8) SUSPENDED.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 77: Will the Honourable Member say whether it is correct that Government was asked to register 210 more Russian ships in the Cayman Islands?

ANSWER: According to the Acting Registrar (that is the Registrar of Shipping), no request has been made to the department with regard to the registration of 210 Russian ships (or any other number of such ships).

SUPPLEMENTARY:

MR. JAMES M. BODDEN: This is a broad question, but maybe you might have the answer to it. Would you be able to tell the House

whether to the best of your knowledge, there are any Russian ships registered in the United Kingdom?

MR. PRESIDENT: I really do not think we can expect the Member to answer that. He is not responsible for it, and it is not a supplementary. He maybe prepared to try and get the information for you.

HON. THOMAS C. JEFFERSON: Mr. President, when the First Elected Member for Bodden Town says his supplementary is broad, I was wondering, I am very clear now. The next time he says 'broad' I will think about the world. I have no such knowledge Mr. President. If the Honourable Member wishes to have that information, I will be happy to request it from the United Kingdom Government.

MR. PRESIDENT: Unless there is any further supplementary, that concludes Question Time. The next item of business is Private Members' Motions. The Second Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO.15/86 INVESTIGATION OF REPORTS ON ILLICIT DRUGS IN NORTHWARD PRISON

MR. W. McKEEVA BUSH: Mr. President, I beg to move Private Member's Motion No.15/86 standing in my name, which reads:

WHEREAS there have been reports that illicit drugs are available to prison inmates at the Northward Prison,

AND WHEREAS Government needs to do everything in its power to remove this evil from our community,

BE IT RESOLVED that Government investigate all such reports of illicit drugs being available to prisoners and take appropriate action,

AND BE IT FURTHER RESOLVED that the results of the investigation be reported to this Honourable House as soon as possible.

MR. D. EZZARD MILLER: Mr. President, I beg to second the Motion.

MR. PRESIDENT: The Motion is duly moved and seconded. Does the mover wish to speak to it?

MR. W. McKEEVA BUSH: Certainly Sir.

Mr. President, the intention of this motion is for Government to do everything in its power to shut off the supply of illegal drugs to persons serving time in our prison. To me it is imperative that Government move with resolve towards this end, now.

There is Sir, no use in us any longer keeping our heads in the sand like the ostrich, and pretending that drugs are not available to inmates at Northward Prison. We recently had a case in which a prison guard was found in the possession of drugs, and I myself have had numerous complaints from released prisoners that drugs were available to them there.

From time to time Sir, we hear remarks from the bench of the Summary Court that convicted persons are being sent to Northward to 'dry out', and with the information I have, it is my opinion that sending someone to Northward to dry out is tantamount to jumping into the ocean to keep dry.

Let us face the facts, and let us face up to our responsibilities. Illegal drugs are the biggest threat to the stability of our society today. Many of our young people are becoming involved with this scourge, and destroying not only their future, but the future of this Country with it. And the thing which tears my heart apart is to see that we really have no facilities to help them. No facilities to help them find their way back to reality

once they have become involved in drugs. It is therefore heartbreaking Sir, when we hear them being sent to prison for rehabilitation, and we know that drugs are as readily available there as perhaps they are on the outside.

Mr. President, it is going to require not only an investigation into this matter, but constant vigilance by the Government to stop this supply of drugs to prisoners.We all know by now that once a drug market has been established, you cannot close it down simply by taking out one supplier, because another supplier quickly steps in to fill the void. It is because of this that I have brought this motion, urging Government to do more to stem this tide of destruction. It would be perhaps as well if Government would adopt a policy similar to the one being adopted in other countries where Government employees in responsible positions are required to take the urine test for drug usage. Mr. President, this would go a long way towards eliminating people associated with drugs from positions where they can contaminate others. I know Sir, that this would seem to be a drastic measure, and you might hear that it would destroy the Civil Service, it would destroy this Board, it would destroy that Board. There are a lot of things which could come up in opposition to my suggestion, but we need to do something. We see it in the prison, we hear about it in the Immigration Department.

Mr. President, please let us not try to protect these worthless people in our society, and I am not criticising the whole of these departments, or any one department. We need to do something, and they have got to get going. If Reagan and George Bush can do it we can do it here too.

As I have said, it would be a drastic measure, but in my opinion it would go a long way towards removing the suspicion which is currently leveled at this matter. Further to this, I would suggest that all prisoners at Northward as well as the prison staff be required to take the urine test periodically.

Mr. President, I would emphasise, that if this flow of drugs into Northward Prison is not stopped, not only will the prison fail in its role as a rehabilitation station, but other young people who are sent there for crimes unrelated to drugs may find it impossible not to become involved while they are serving time. So that in fact, when the are released they are worse off in that they then have a drug problem.

Mr. President, I do not need to say much more on this. All of us here are aware of what is taking place in this Counry, even if some of us do not want to admit it. I can only reiterate my earlier plea, that Government move as fast as possible on this matter, and that it does not get a whitewashing, and that it comes here as quickly as possible.

Thank you very much Sir.

MR. PRESIDENT: I think perhaps before we open the motion for debate, it may be convenient if we take our usual morning break. It is about the time when we normally do, it maybe a moment earlier. So I will suspend proceedings for approximately fifteen minutes.

AT 11:12 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:37 A.M.

MR. PRESIDENT: Private Member's Motion No.15/86 is now open for debate. Does any Member wish to speak? The Third Official Member.

DEBATE

HON. JOHN LEMUEL HURLSTON: Mr. President, I can readily support this motion Sir. But let me begin by making it abundantly clear that this motion does not of itself, trigger any action which would not otherwise have been contemplated in relation to what Government regards as its on-going responsibility for the maintenance of law and order.

The facts are, that drugs and drug addiction is an evil ever increasing in our small society, and addiction is one of the most terrible things that can happen to any

individual and the fact is, that wherever there is addiction persons will take risks in order to fulfill that demand.

It is true Sir that many of the inmates at Northward are incarcerated for offences either directly or indirectly drug related. It is also a fact too Sir, that unlike perhaps other prisons in other jurisdictions, Northward Prison is located where access roads make it possible for the public to get very near the perimeter fence. It is no secret Sir that drugs can be accessed into any institution by any number of creative ways. One very popular way is to introduce the drug into another article which is going to be handed in for prisoners. The inmates understand and believe that they know all the security arrangements and search practices, and perhaps there are persons both on the inside and the outside of the institution, who are prepared to take risks and collaborate in the supply of illicit drugs to them.

It is also a fact Sir, that convictions have already taken place in our courts on at least four, different occasions where inmates were found to be in possession of ganja and their sentences were further increased because of their committing of an additional offence while serving their sentences. There are incidents on record of other activities which have taken place in an attempt to pinpoint the source of supply, and the perpetrators for various reasons, have been able to escape prosecution and conviction. Nevertheless, the prison authorities will continue to be as vigilant as their resources will permit them, in their duty to, as the mover of the motion put it, 'shut off the supply' if one wishes to use that term.

I join the mover of the motion Sir, too in expressing concern that we have no appropriate rehabilitation facilities as yet, and perhaps that is one of the saddest things about this whole drug and drug addiction problem. Without attempting to prejudice the investigation, or to prejudge its conclusion, may I just mention that the Government has for some time now been analysing statistics of the prison population in demographic categories, with particular reference to detailed accounts of persons serving sentences for all types of drug offences. And while such information might be particularly helpful in looking at trends and expectations, it might also prove helpful to any such Government investigation.

Mr. President, any responsible Government must welcome the opportunity to investigate something when such an investigation is warranted, and on the basis that the motion says that it is the Government's responsibility to do everything in its power to remove this evil from our community, I have no hesitation in supporting the motion Sir.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, It was not my intention to speak on this motion today, but having heard the very able presentation by the mover of this motion and subsequent comments, I feel that I would be remiss in my duties if I sat glued to my seat.

Mr. President, I speak on this motion as one who can freely, with a good conscience say that I have never been involved in drugs. I do not smoke, and rarely do I have a drink. So I can speak with a good conscience on this motion.

Mr. President, I too do not follow the path of the Medes and Persians and get up in this Assembly just because I hope the Members of the various churches will hear what I say, and will consider giving me a vote in 1988. I speak from my conscience Mr. President, but this question of drugs goes far wider than Northward Prison.

The motion before us today specifically refers to illicit drugs available to inmates at Northward Prison. But Mr. President, this motion should be dealing with drugs which are being brought to this Country by people who seem to be untouchable - the very high-ups. We are concerned about the little man on the street, even thought I know some Members of this Assembly scoff at such remarks. But what we should be concerned about Mr. President is the source of this scourge, the source of the drugs. Mr. President, it has come to my attention that drugs have been coming in through our Airport, assisted by certain Government officers. They have been coming through our Port! some say from the cruise ships, some say otherwise, with the knowledge of certain Government officers. Some even say through certain Airlines which are coming to this Country. With the knowledge of this information Mr. President and

sometime back, I requested a pass so that I could observe the situation as reported to me as existing at the Airport, but I am sure there was a good reason why this was not given to me. But Mr. President, regardless of efforts to try and block me by bureaucratic means and by legal and other means, this will not stop my resolve to try and find the real culprits; to try and locate the very source. I have also been told of the progress of that letter which I wrote, and where it is right now. But Mr. President, I will deal with this in due course. My intentions were very sincere and honest. I am not one who goes to the Airport and requests a lot of favours, but I had received specific information that drugs were coming in through that Airport, and that there were certain Government employees who were also involved in this, and I wanted to see it with my own eyes. But alas, the great powers of bureaucracy stopped it, and I think the individuals involved should be patting themselves on their shoulders as they often do in this Assembly.

Speaking Mr. President of urine tests, this is very interesting. I would like to see urine tests Mr. President carried out randomly on yourself, on the Attorney General, on the Financial Secretary, on every Member of Executive Council, on every Member of the Legislative Assembly, on all the people of the Cayman Islands, but not just a few, randomly carried out.

MR. D. EZZARD MILLER: Let us start this afternoon. I will provide the containers after lunch.

MR. LINFORD A. PIERSON: Thank you Mr. Miller, I would like to see this done randomly, but not just on a few people.

HON. THOMAS C. JEFFERSON: I agree to it too Mr. President, any time they want it.

MR. LINFORD A. PIERSON: I am happy to hear this. This is exactly what President Regan said when he was asked what he expected the results to show. President Regan said "the results can only show one thing, because I know what I took in". And I hope each Member can say that. This was extended to Vice-President Bush also, and he took the test. Let us not deal with the little people, show by our example what we are prepared to do. This is the only way we will be able to catch the big boys, to deal with the big boys in this Country. Let us not fool ourselves by meeting in some covert activity to try and trap innocent people. I am aware that there are certain senior Government officials who are in little groups trying to trap innocent people. Alas, unfortunately, those people do not have the best interests of the people of the Cayman Islands at heart.

Mr. President, I read recently Sir about an effort made by the Police Department to try and assist with the drug problems. I am aware that there is a major drug problem in this Country, because I represent a district within the Cayman Islands that perhaps suffers most from this problem, the district of George Town. But I have also been told that certain reports made to the Police have fallen sour in the laps of the people making the reports. One member of the commercial sector of George Town told me that somebody made a report of a drug activity from his premises, and before the Police squad car could get on the scene, there was a Policeman in plain clothes who came up in a car, made a signal and before the squad car could get on the scene, the alleged drug pushers and operators had disappeared. That very night Mr. President, an attempt was made to burn his premises down. Is this a sign Mr. President that the Police Department do not also have areas of concern within their own force. Perhaps it is most appropriate that they have in fact launched a campaign to say 'no' to drugs. Perhaps some of the main problems not only exist in Northward Prison, but also in our Police Force.

Mr. President, drugs in this Country are is not a recent phenomena. We know that very many years ago the source of some of the drugs brought to this Country. Mr. President, I am concerned that the very people who get up and preach "let us make the Northward Prison bigger", this is what I have heard, and I have seen it in this House. We vote money for larger prison cells, and I have stood here time and time again, and said that this is the wrong course we are following. What we need to be spending money on is on more social services to deal with these problems at the root source, to deal with these problems at the foundation. It is too late Mr. President to close the gate when the horse has gone out. We need to be looking into the environmental and social problems of our people.

I grew up in the district of East End, and we were proud to say without offence to any Member here that we had one of the nicest districts in the Cayman Islands. But when I go to that district today Mr. President, and the Member for East End will bear me out, I feel ashamed of what I am hearing. What is the problem? Is it because motions brought to this House to provide facilities are ignored? Is it becaue proper outlets are not being provided for our young people. This reminds me Mr. President that I heard a Member get up in here and say tht the reason for the necessity for supplementary expenditure is because of Private Members' Motions brought by Members of this House. Well, I can assure that Member that no Private Member's Motion which I have brought here has incurred any expenditure. Why it has not, I will tell you. Because the Member responsible for putting these in action has done nothing about them. Mr. President, I see it as an effort in futility, to be bringing any motions to this House, because they are passed to placate the mover - make you feel good - of course we will pass them. But we will get to them in due course, which could be in the next three or four years.

Recently I was called by a officer of a Portfolio and asked whether anything had been done towards my motion, when in fact I had written a letter reminding that Portfolio that I would wish to see some action taken, but yet because of the bureaucracy, because of the lack of interest that Portfolio was not even aware of what was happening.

Mr. President, the cause of our problems with drugs is a lack of interest. We hear about programmes, "we do not need facilities", this is what I hear. What we need are programmes. We do not need a Civic Centre in the centre of George Town, because we have a Centre in Prospect. We have the High School Auditorium. We are loosing sight of the basic cause for the problems which we are having in Northward Prison. We are dealing with the effects but not the cause. We are shortsighted, and unless some Members of this Assembly feel that certain suggestions agree with their point of view, they will sit on these matters. So while I can support this motion today Mr. President, I see that this motion is dealing with the effects. Members of the Assembly, and in particular Executive Council Members responsible for the Portfolios and the relevant Portfolios should be more vigilant and far sighted, and should be looking into these matters.

Mr. President, I have visited the Northward Prison, and I have been very saddened by what I see there. I see 95 per cent of the inmates of Northward Prison being young men and women between the ages of 18 and 30 being wasted Mr. President. They go to Northward Prison and because of the lack of proper rehabilitative processes, they come back out after serving their time, worse off. Then, we are surprised to see them back in there, and in no time at all they become institutionalised.

A young man came to my office a few days ago, and he said to me "Mr. Pierson I want to borrow $25.00". I had to remind the young man that I had not yet set up a bank. But when he explained to me the purpose for it, I could clearly see what he wanted. He said "Sir, I know that I am going to be sent down for eighteen months, and I want $25.00 to buy a little transistor radio to keep me company, because I have been in there before and I will not have anything to do".

Mr. President, it is a serious, serious situation which we are faced with. Let us start looking from the highest echelons of the society. Let us extend our interest not only in inmates of Northward Prison, even though this is important. It surprises me Mr. President, when I see some Civil Servants who are making perhaps one fifth of the salaries of people in my profession, who have homes which would be the envy of Onassis. It surprises me Mr. President when I see those individuals driving cars which you could never afford to buy. Where is this money coming from? Mr. President, I submit that there has to be some other source, and I am yet to find a Caymanian so willing and free of heart to dish out money willingly. It is not being given to him freely. There are very few philanthropists in the Cayman Islands. These are the areas which we need to be looking into. If inmates at the Northward Prison are using drugs, where are those drugs coming from? The source Mr. President is what we need to look into. Mr. President, we will be just touching on the fringes of this problem if we do not look closely into all aspects of the problem; not only the users Mr. President, but the suppliers.

Let us be more vigilant on the docks; let us be more vigilant at our Airports; let us be more vigilant in examining the planes which come to this Country; let us be

more vigilant with our Coastguards, or Police boat. Mr. President, drugs will destroy this Country.

One of the biggest problems which we have right now is the problem with 'crack'. We have seen documentaries on this, yet apart from the Police endeavours in saying 'no' to drugs, what major programme has been initiated by Government? I am also aware Mr. President that the Lions are trying to initiate the Quest Programme, and this is something which I fully support. Recently Mr. President, a gentleman in my constituency of George Town called me at home and asked me to visit his home. When I went to his home this gentleman who is a grandfather poured out his heart to me and said that he does not know what to do because of the drugs which he is aware are being used right in his back yard. And this gentleman told me that he had called the Police on various occasions, but up to the time I was talking to him, nobody had turned up.

How serious then Mr. President is the Police Department in trying to stamp this out, and I am not crying down the Police Department, because I have stood in this Assembly and defended them. But this is a matter which is much bigger than the Police Department of this Country. It is much bigger than the Prison Department of this Country. It is much bigger than our Legislative Assembly. Mr. President, let us use our consciences, let us think seriously about this situation.

Mr. President, in closing I would again suggest that this motion should extend far beyond Northward Prison, and I would like to see Government initiate a programme where all senior officials would agree to be subject to drug testing. All Government employees would agree to it. Then, and only then, would the people of this Country be convinced that Government is sincerely doing all in its power to stamp out this scourge of drugs.

Thank you Mr. President.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, I will not speak in any great detail on this motion, other than to say that I fully support it. I hope it could be broader, and I hope that something can definately be done about it.

It is about time that we come to grips with the drug situation in this Country. It is ruining the youth, it is ruining the Country. When the youth of a country is destroyed, all hope is lost for that country, be it ours or anyone elses.

My colleague from George Town raised a point which I had wished to have raised, therefore I fully support him on it, and I think that it is time that there should be enforced, random testing of people. It may assist us to come to grips more fully with this problem. It should be done with the Civil Service; it should be done with the Legislature; it should be done with the man on the street. Maybe if we do this, we will save a lot of hurt in the future. I for one am willing to agree to it at any time, and I support that as well as supporting this motion, or any action that Government can take which will help us to eradicate drugs from these Islands.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak? The First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, I believe that all of us in this Honourable House are trying to wrestle with a monster which is not easy to find the solution to.

We know that there has to be substantial money behind the scenes that is supplying drugs in this country, and I agree Mr. President with the comments made by the Second Elected Member for George Town, and the First Elected Member for Bodden Town, that Civil Servant should submit themselves to random testing. Mr. President, in agreeing with it, it also means that I am quite willing to submit myself at any time to any sort of test.

But whenever we are dealing with something of this type Mr. President, there are many people with many ideas, and it seems that the old way of dealing with it is to form a committee. I am not sure Mr. President that this is the answer. I am not sure that building a Civic Centre is the answer. I think Mr. President it must be, to my mind, a very broad and comprehensive

approach which encompasses facilities as well as a proramme, as well as personnel who are sufficiently capable and skilled to deal with the one to one situation. To deal with the person who is hooked onto drugs.

Random testing in the Civil Service Mr. President, there is nothing wrong with it - we will agree to it. We only hope that when the random testing begins, and your Civil Servant runs to you and says "I am singled out", we do not hear a different story from any Member of this Honourable House, because what we are seeking to do is to agree with the sentiments here today.

Thank you Mr. President.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Sir.

Mr. President I rise in support of Private Member's Motion No.15/86, regarding the investigation of reports of illicit drugs in Northward Prison.

I do not think I need to remind Members here of the stand which I take on drugs in any form - alcohol not being an exception.

However Mr. President, as the First Official Member has just mentioned, drugs are a monster. We have a problem not only in the supply but now in demand. I am of the firm opinion as I have stated here on many occasions, that prevention is always better than cure. However, what this motion seeks to deal with is to investigate reports of drugs within an establishment which is designed to help to cure that ill, in prisoners being there.

Mr. President, I realise that not all one hears in the Cayman Islands is correct. But often where there is smoke there is fire, and it has to be since that facility was opened that there have been rumours that drugs were available there. Recent events have proven that at least persons employed at that facility have been guilty of being in possession of drugs in quantities which would indicate that the drugs were not merely for consumption by the person or persons involved. This would seem to be a fair indication that perhaps the drugs were found in the possession of the person and were for sale. Some people get rich in this Country quickly.

I will deal with the Mutual Assistance Treaty later, but there is more than one reason why I feel the way I do about it. However, Mr. President the love of money is still the root of all evil, whether you look at it directly or indirectly, that is exactly what this is all about, and one has to agree that there are certain people who have become rich in the Cayman Islands pretty quickly. I tell you, I have seen some homes where I still cannot fathom where the money has come from to have them constructed. There are some cars that I still wonder how people in certain positions have so many of a certain make, and they are not second hand either. But I do not know, maybe they have businesses which are prospering very well, I am not here to comment on that.

However Mr. President, there have been rumours that there have been personnel in Customs, in the Prison Department, in the Immigration Department, in the Police Force who are involved. My personal opinion is that within any of these departments we have some of the finest officers anywhere. On the other hand Mr. President, doubts and question marks have on many occasions arisen in my mind as to whether or not there are the few who continue to be involved in this illicit trade, and they are fueling the fire which is consuming the young people on these Islands. We are faced with a problem, and I do not need to remind Members of that. These Islands have a problem.

Mr. President, it has been mentioned to me on more than one occasion that at the Airport, one of the main tactics is that when certain Customs Officers are at the Airport, individuals who wish to bring drugs into this Country can make overseas calls, find out the times that those people are to be stationed at the Airport, and it is those particular officers who look through their luggage. Mr. President, whether or not this is so, I cannot be sure. However, what I would like to see at the Airport is someone there who will direct someone in a position which we can really trust, to direct passengers to whom ever he wishes to direct them, and not that a passenger can walk up to a Customs Officer. I know that this is what is done at an Airport in Miami. You just walk up to a certain Customs Officer. But if indeed this is correct, I

feel that this is one of the ways of curtailing this means of importation.

Mr.. President, it has even come to my attention that drivers of school children consume drugs during the day when they are transporting children to school. The matter of drugs is serious, and believe me, if random testing is done, one of the first areas where I wish to see it done will be on the drivers of those school buses.

Cayman Airways, is another area which has been brought to my attention where employees whether they are stewardesses, pilots or whoever, people in such responsible positions should be subject to random testing.

Mr. President, the motion before us is not dealing directly with this, but we are dealing with drugs - they are everywhere. It is not something which the Cayman Islands have and nobody else has, it is everywhere. But Mr. President, I am here to say that if the supply was not so prevelant and so readily available, the demand might be less in this Country.

We have some strong laws on drug pushers, and people who get rich, although there day is coming Mr. President. I can assure anyone in this House that if Mr. Kipling Douglas does not sentence them, they have a sentence coming. Down the road, anybody who gains their wealth through destroying young people's lives, and if indeed a situation exists in Northward Prison, which requires the attention and investigation of personnel in that department, and mind you, I still believe that there are only a very few involved in any Government department, I feel that this ought to be done.

Mr. President, it is not an easy solution, it is not an easy solution. But I am afraid that this Government has to look seriously into the matter of rehabilitation of the drug addicts on these Islands. We can extend Northward Prison as much as we wish, and I know that has helped many of them because cerainly they come out looking a lot better than when they went in. And many of them are acting a lot better and doing a lot better. But in addition to that, I feel that we need to look seriously into the urgent provision of facilities where these drug users can be helped.

In addition Mr. President, investigations into these areas where it is understood that including rumours that even the Police boats have not been doing exactly all that they ought to be doing. Again, this is only a rumour, but what I am hoping Mr. President is that this Government, working closely with these departments is able to ensure to the people of this Country that it is doing everything possible to eliminate this problem.

I support this motion Mr. President, and in doing so, I congratulate those vigilant officers of the Government departments who are trying to help us, whether they be Customs, Immigration, Police or whoever. But if indeed there are those few who are lining their pockets from the profits gained in these areas, then Government needs to look into the possibility of investigation, to bring those persons to an early demise as far as their trade in drugs is concerned.

Thank you very much Mr. President.

MR. PRESIDENT: The Third Elected Member of Executive Council.

HON. CAPT. CHARLES KIRKCONNELL: Mr. President, I rise to support the motion and to congratulate the Second Elected Member for bringing this to this House.

Mr. President, we have a sick society. We have an epidemic in our society, and we have to tackle this problem. And it is not only the Government who should tackle it, it is the responsibility of every citizen in this Country. The motion says 'Government needs to do everything in its power to remove this evil from our community'. I am saying Mr. President that we, the people of the Cayman Islands, should do everything within our power to remove it - not only the Government. The people are the Government of this Country, and I hope that all Members will realise this fact.

The Second Elected Member for George Town touched a spot when he said Mr. President, that we need to get to the source of this problem - find out who is supplying drugs. He could not have been more correct.

In this very Session Mr. President, we are trying to pass a Bill which will help us get to the source of this problem, and to stop the drugs coming in here, because this

little Country has not got the resources of its own, to fight international drug traffickers and other criminals, and that is what the Bill before this House which is being disputed, is trying to do.

Mr. President, I heard one Member say that we should stop the proceedings of this House until one Jerry Lee Harvey's case has been thoroughly investigated.

MR. PRESIDENT: I must interrupt the Member for a moment. I really do not want to give other Members an opportunity to turn the debate on this motion into a further debate on the MLAT which we are already debating, and the debate on which, will continue once the motion has been disposed of. So perhaps I have been very liberal, flexible, whatever you like, in allowing other Members to stray a long way from the strick text of the motion, because I felt that the House wished to hear what Members had to say about the drugs problem, because I know how much that concerns the community. But I think at this point, I must say I would prefer that we not bring the MLAT into it. And at a later stage, when we are debating the Bill on the MLAT, you will have an opportunity to make those points.

MR. W. McKEEVA BUSH: Mr. President, I, on a .....

MR. PRESIDENT: If it is a Point of Order.

MR. W. McKEEVA BUSH: Just, well just an observation Sir. Mr. President I could have risen earlier and stopped Members under Standing Orders, from the wide and varying debate. But I think you have already set the precedent, by allowing Members to go on, but if you are going to stop one now, then you are going to be discriminating against that particular Member. I in particular Sir....

MR. PRESIDENT: Well....

MR. W. McKEEVA BUSH: ....would not be willing to stop if I wanted to answer something which had been said. I think what we are getting here is good debate from all Members, and I would encourage you to....

MR. PRESIDENT: Please sit down.

MR. PRESIDENT: Please sit down.

MR. W. McKEEVA BUSH: ....let the Member carry on.

MR. PRESIDENT: You have made your point, but I am going to maintain my ruling. I will allow Members to stray widely to discuss the drugs problem, but I will not allow discussion of the Mutual Legal Assistance Treaty under this head, and I hope Members will understand. What I am trying to do is to prevent a second debate on the subject which we are essentially debating already, and you know, I fear that if I allow one Member to pursue that topic, then others will feel they must answer, and we shall be away. But that aside, I will continue to allow general discussion because of the concern the community feels about drugs.

HON. CAPT. CHARLES KIRKCONNELL: Mr. President, I was merely talking about the source Sir which the Second Elected Member for George Town referred to in his earlier debate. My point was that I agree with him, and this is exactly what we should do, touch the source of the supply of drugs. And I went on Sir to say that there was a suggestion that we stop the proceedings of the House.

MR. PRESIDENT: I have understood. All I am asking you to do is not no introduce debate about the merits of the Mutual Legal Assistance Treaty.

HON. CAPT. CHARLES KIRKCONNELL: Yes Mr. President, I appreciate that Sir, but the point I am trying to get across is that the particular person G. Lee Harvey who was a drug trafficker.....

MR. PRESIDENT: I think, lets leave the discussion of that until the MLAT is itself under discussion. Otherwise I shall be told by other Members rightly that they should have during the debate on this motion, an opportunity to answer what you are saying now.

I am prepared to listen to arguments that we should get at the source of the drug traffic, but I am not prepared to allow anything which directly touches on the MLAT, or

points which were raised during the debate on the MLAT. I hope you will assist me to make that distinction.

HON. CAPT. CHARLES KIRKCONNELL: Yes Mr. President, I will get my point across later on Sir. But we cannot protect drug traffickers on the one hand, and then condemn them on the other. We cannot blow hot and cold, we have to do.....

MR. LINFORD A. PIERSON: On a Point of Order Mr. President. I think the Member is inferring that I was suggesting that drug traffickers should be protected, and if this is the inference, he is wrong.

MR. PRESIDENT: I did not read it like that. If I thought he had been inferring that, I would have stopped him straight away.

HON. CAPT. CHARLES KIRKCONNELL: Mr. President, that is a most incorrect assumption. I had no such thing in my mind, nor was I casting any aspertions whatsoever Sir. What I am saying here Sir is coming from my conscience.

I agree Mr. President with the suggestion that all persons whether in the public sector, or anyone involved in the private sector whom we might suspect, that we have the urine test, and remove all doubt from ones mind. I would just like to say at this point Sir that I would welcome it, and I would be one of the first volunteers.

I thank you Sir.

MR. PRESIDENT: The Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I too rise to support Private Member's Motion calling for the investigation of reports of illicit drugs in Northward Prison.

Mr. President, I was glad to hear Members speak about drugs, and the seriousness of the problem. But I was even happier to see the vast amount of support for this Private Member's Motion. It was most rewarding to me Mr. President to see this, because over the past couple of days I spent nearly two hours on my feet trying to impress on Members here, and on the public of the Cayman Islands the seriousness of the drug problem. Because that is what the Treaty is all about.

MR. JAMES M. BODDEN: Mr. President.

MR. PRESIDENT: I must ask, yes I think you are going to make the same point.....

MR. JAMES M. BODDEN: We all know what the Treaty is and we all know what the Narcotic Agreement was. The Narcotic Agreement was done to help control drugs, we know that.....

MR. PRESIDENT: I must ask all Members to assist me by not drawing the Narcotic Agreement or the Mutual Legal Assistance Treaty into the debate on this motion.

HON. VASSEL G. JOHNSON: Yes Sir, I am grateful to you Sir, stop me any time you wish.

Mr. President, what was really coming to light in my mind, and then I became confused because here is a motion this morning calling for investigation of reports on illicit drugs, and yet the same Member Mr. President, was suggesting in other debates and other subjects that we take a long and distant route to see whether the people of these Islands wish to take a certain proceedure to deal with the drug problem.

MR. PRESIDENT: The Member invited me to stop him if at any time.....

MR. W. McKEEVA BUSH: Mr. President, on a Point of Order.

MR. PRESIDENT: .....by whatever means, I think I am capable of stopping him.

MR. JAMES M. BODDEN: But Mr. President....

MR. PRESIDENT: Please sit down, I am speaking, you can have a go when I have finished.

I must ask the Member once again, not to revert to the earlier debate about the Mutual Legal Assistance Treaty, and if he does it yet again, I shall have to stop his speech altogether.

MR. JAMES M. BODDEN: Mr. President, I know that the Member is confused, we all know that. But there is not a Member of this House who I do not believe is fully against drugs, and that is why we have the Narcotics Agreement with the United States, so do not confuse the issue. The Treaty is not to be confused in this discussion.

MR. PRESIDENT: I am asking that the Treaty be left until we are debating the Treaty, and that it not be further brought into the debate on this motion.

MRS. DAPHNE L. ORRETT: Mr. President.

MR. PRESIDENT: No, unless you have a real Point of Order.

MRS. DAPHNE L. ORRETT: Yes, it is a real Point of Order Mr. President.

MR. PRESIDENT: All right.

MRS. DAPHNE L. ORRETT: The First Elected Member for Bodden Town said that he does not think there is one Member in this House, if I understand him correctly, who is totally against drugs. I beg to differ on that point.

MR. PRESIDENT: That is not a Point of Order, with respect.

MR. LINFORD A. PIERSON: What is the Point of Order?

MR. PRESIDENT: You are quite right, it was not a Point of Order, and I am telling the Member so, and I must ask Members not to raise spurious Points of Order.

MR. JAMES M. BODDEN: Well, Mr. President if.....

MR. PRESIDENT: Is this a Point of Order?

MR. JAMES M. BODDEN: Yes Sir, I think it is, but I am just trying to clarify something.

If it came out the way the Member is putting it, what I was trying to say, and I think I did say, was that there is not a Member of this House, and I was trying to include her in that also, who is not totally against the irradication of drugs. I was giving everybody the benefit of the doubt.

MR. PRESIDENT: Thank you.

Now, the Fourth Elected Member of Executive Council, for the third time, and please assist me.

HON. VASSEL G. JOHNSON: Mr. President, I would like to say to you Sir that I am certainly not confused, and I am certainly not trying to confuse the public in this issue. We are talking about drugs, and drugs is a very wide subject when you raise it on the floor of this Legislative Assembly, please remember that.

However, I will bow to your ruling Sir, and I will not touch that other Law which is so controversial on the other side, and confusing.

Mr. President, mention was made here about testing individuals, and I would say Sir, that testing for drugs is an ideal thing, and that the only aspect of it which I would ask you to look at is that the testing must be done on surprise. Nobody should know when certain individuals are going to be tested, otherwise the purpose of it will be defeated. We want to catch those people who are involved, and so they should not know of the date of the testing.

Mr. President, I believe that this Government is doing all it can in the way of drug investigation. The

Police, in my opinion, are doing quite a good job. They have made many, many arrests. There have been many, many convictions in the Court - people who have been running wild for years dealing with drugs. Northward Prison in fact is filled up with people. Mr. President, perhaps one of the problems at Northward Prison is that there are so many drug dealers, peddlers and users in that Prison, that while they have to find the source of drugs in order to satisfy their ego for it, it could be one of the reasons why we hear about the use of drugs in the Prison. I support the motion Mr. President, because that institution should be kept at all times free of drug use, in the manner as set down in the motion.

Mr. President, I think the motion has had quite a lot of debate, and as I have said before, I rose to support it because it is something which everyone of us here, and every right-thinking citizen of this Country should be concerned about.

Thank you Sir.

MR. PRESIDENT: Does any other Member wish to speak? If there are other Members wishing to, I think probably we are unlikely to complete the debate before lunch. If there had not been anybody else, I would have invited you to wind up.

MR. W. McKEEVA BUSH: Mr. President, why do we not carry on until one o'clock Sir, and I am certain we could be finished.

MR. PRESIDENT: We can, but I do not know that that really....all right, let us see. The Member for North Side, we will give it a few more minutes. You wanted to speak, I am sorry, is that right? Yes.

MR. D. EZZARD MILLER: Mr. President, for once I am glad to see the enthusiasm with which a motion brought by myself and the Second Elected Member from West Bay is being received. Because normally, we get one or two who will support us, but most of the time we are accused of apathy and wanting to introduce the wrong kind of things in the Country.

I too Mr. President, have been concerned about reports by former prison inmates who have seen the light, and have now joined the confines and have given their souls to God, about the availability of drugs in Northward Prison. Therefore, I had no hesitation in seconding this motion, and I would also be prepared to have the motion expanded if it was allowed, to say that not only Civil Servants and the Legislative Assembly should have random drug testing, but I think Sir, that this is not a problem for the Members of the Legislative Assembly and the Civil Service alone. This is a problem for the Country. Since the Father of the House, the First Elected Member for Bodden Town so graciously referred to me this morning as the genius from this side of the House, I am going to suggest to Government how it can be done, so that we can accommodate random drug sampling throughout society.

I think Sir that the Traffic Law is presently being redrafted, and I think Sir that that is the place to allow it. I think if we allowed the Police Officers, not only to stop drivers, test them and check their drivers license, the registration on their car, their insurance, but also include a breath analyser test for alcohol, and maybe a urine or blood test for drugs. Then we stand a chance to get to the root of the problem.

It is unfortunate that according to the debate, some people feel that the Police maybe involved in this in some way. Maybe, if the Members of the Legislative Assembly had have been privileged to have seen two reports which were done on the Police Force some years ago, some of this could be put to rest. Maybe it is not too late yet to take those reports out and dust them off and let the public know what was contained in those reports. Further Sir, if we want to get to the root of this problem of drugs in our Country. I believe that the root which feeds the drug trade in this Country is money, and the possession of money in this Country is no crime. But I think we had another expert come here and do another report which was put in the cellar of the Administration Building and not revealed to the public of this Country. It was Sir Geoffrey Briggs I think it was, who suggested that maybe all Civil Servants, politicians, etcetera, should declare their assets when they are seeking election, or that they could be called on at any time to declare their assets. Because Sir, there is no question in anyone's mind that there are a lot of people who have done exceptionally well in this Country in a

short time. Although the banks are often willing to lend you money, because most of the people in this Country are working for the banks, and the only people who really make any money in this Country are the banks, out of interest rates that they charge. If someone has five or six cars, or a house which could have been the envy of Onassis, and he does not have the commitments at a bank, or other lending institution to justify such assets, then he should have to explain how he got them.

I think too Sir that the problem is so big that one of the foundations of Cayman society might have to be sidetracked in order to rid this evil from our society, and that is the Caymanian protective loyalty towards his fellow Caymanian. These people need to start singing, and they need to start identifying the people for whom they are pushing these drugs. The Police need to have the information, and one often wonders Sir whether people who go to Northward for drug offences, are maintained on some sort of a salary from these people, or they have struck some deal behind the scenes with these people, because they will be in prison for years. We do not see them losing their houses to the banks. They do not lose their cars when they come out. And sometimes, as the Third Elected Member for West Bay said, they are better off then when they went in, and that seems a strange set of circumstances. It is a big problem which has to be tackled as a Country, and Mr. President if the Traffic Law is amended to allow for alcohol and drug tests etcetera, we should not exclude the possibility of having some of these road-blocks near to the cocktail parties and near to the Rugby Club, because most of those cocktail parties, the liquor is free, and as we all know, the quickest way to get drunk is free liquor which has to be consumed in a short period of time. And Mr. President, I do not suggest that the penalties should be a fine or a term of imprisonment, because a fine would mean nothing to most of the people in the higher economic bracket of our society. The Country cannot afford to put them in Northward Prison and feed them for any length of time. Maybe we should come up with some novel thing, like a big sticker on their car which says "I am a drug dealer; I have been found with drugs; I have been tested positive for blood alcohol, so that everybody in the Islands, everybody who comes here knows that Joe Blow who drives that Mercedez Benz or that Toyota, or that volkswagon with that sticker was found to have been using drugs of one kind or another.

Mr. President, the Third Official Member in accepting this motion said that it was a fact that there had been some cases where inmates had been convicted of actually consuming, or having drugs in their possession while in prison. That revelation Mr. President, makes it even more important that this motion is taken seriously, and I hope that when the Report is brought back to this House in November, I hope, it is detailed enough to alleviate the rumours on the street, and if it also confirms the rumours, it must show the prosecutions which have taken place and where the recommendations have been implemented to put this thing to rest.

Mr. President, I support the motion.

MR. PRESIDENT: Does any other Member wish to speak? Well I still think really that Members would probably prefer to have their lunch now, and we can finish off the motion afterwards, because there are one or two more who may speak.

So, I will suspend proceedings until approximately two fifteen.

AT 12:53 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT: Please be seated.

Continuation of the debate on Private Member's Motion No.15/86. The First Elected Member of the Lesser Islands had caught my eye before we....

CAPT. MABRY S. KIRKCONNELL: Mr. President, I rise to support Private Member's Motion No.15/86.

I complement the mover and the seconder for bringing it to this Honourable House.

If the situation does exist, I think it needs attention. Not living on Grand Cayman like the other Elected

Members, I am not as familiar with the situations which exist in Grand Cayman, but I am extremely concerned as to what illicit drugs are doing to use of our Islands, and I feel that every effort, and I concur with my colleague the Third Elected Member of Executive Council, when he said that it is something which concerns every person in the Cayman Islands not the Government alone. I think everyone of us should join together, united in this effort to try to irradicate drugs and alcoholism to the best of our ability.

The Third Official Member of Executive Council mentioned the need for rehabilitation at the Prison. I join with him also in this need. I am concerned about the number of our youth who are spending sentences regardless of the duration of their sentence there. If they come out into society no better prepared to meet the evils than when they went in, we really have not achieved anything. I feel it is incumbant upon us to attempt to make every effort to establish as early as possible a means of trying to rehabilitate these young people. It is really alarming to me when I see the youth of the Cayman Islands, some of them not even able to mature into adulthood in a proper way, due to having been addicted to drugs. Many of them have brought their families to disgrace. Fathers and mothers who I have known to be extremely reputable people are today having serious problems with their children. This is a shame, and I feel that if there is anything that the Government combined with all the people of the Cayman Islands can do to improve this situation, we should do it now.

And again in closing, I would like to complement the Member for bringing this, and I look forward to an early Report.

Thank you Mr. President.

MR. PRESIDENT: The Member for East End.

MR. JOHN B. McLEAN: Mr. President, much has been said on the motion and it is not my intention to prolong the debate. However, I feel that the subject is important enough for me to partake in the debate.

First of all Mr. President, I too join the others who have supported this motion. I feel the Members should be complimented on the motion. It is one which is very important to our Islands. I hope Mr. President that the Honourable Mover of the Motion will see fit to broaden its scope and to include other areas besides the Northward Prison.

I am very concerned Mr. President. I am concerned as a representative of the people; I am concerned as a parent. Anyone who does not agree that we have a problem here in these Islands, is honestly telling an untruth. We can see it every day.

I agree with previous speakers who have said that we need to put more emphasis on the source, rather than dealing with the 'little one' on the street. In some cases Mr. President, my heart is touched when I see young men and young girls who at one time were quite promising young people, and because of this terrible habit, have now reached the point where special help is needed, and I do not agree that taking them and placing them in Northward Prison is the answer. The time has come when we as responsible citizens, we as parents must stand up to the problem which we are faced with and try and work together as a united front to curtail this problem. I know Mr. President that this is a world-wide problem, and I am sure this has been brought out here several times in the last few days. But I agree with the mover of the motion. The motion is quite timely, in lieu of other matters that have been discussed.

Charity begins at home Mr. President. Let us clean up our area before digressing to assist in cleaning others.

I will not take the step of other Members to be sat down by you Sir, and for that reason I base my argument on the perimeters of the debate here yesterday.

The motion before us calls for an investigation, and I hope Mr.President that Government will see fit to take the motion in the light in which it was presented, and to have as fast action as possible.

Thank you.

MR. PRESIDENT: The Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I rise too to support Private Member's Motion No.15/86.

I had not planned to speak on this subject, although it has my full support. But it is an important subject, and one of very serious concern to all of us in this Country. And when the Member for West Bay brings a bad motion, he does not find too many takers. But whenever it is a good motion, everybody jumps onto the bandwaggon and I as a representative of George Town, do not want to be left off either.

I think that this motion is timely, and worthy of full investigation by the Government, because it is somewhat ironic that there is a possibility that the place where we are putting our people to prevent them from drugs, that there is a possibility that at this place it can be made available to them through whatever arrangement.

The Airport operation and Cayman Airways figured prominently in the debate. And I would like to say Sir that I am supportive of any action by Government or the private sector, that can implement or institute any rules or regulations, or whatever is necessary to assist our Airport and Cayman Airways to be free from any involvement in any drug activities whatsoever.

I would say here, that as far as the Civil Aviation Department is concerned, I believe it was one of the first departments in Government to take action for drug testing through urine samples. This programme has been in place amongst the firemen and Air Trafic Control Officers for several months now, in fact I think from the early part of this year.

Mr. President, the magnitude of this problem has been receiving for a long time international recognition and concern, and this is why cooperation is needed in order to solve the complex and interwoven plan which drug traffickers can put forward when they want to make big gains from these illicit drugs. I agree with the Member who said that it involves our whole community, not Government alone.

We have the Police Department, and while there are criticisms and probably some of them justified, I believe that the majority are doing a good job. There is also the Crime Branch as well. But until our community joins forces with Government and the service clubs, we will not get the sort of results which we desire. So I hope this message has been put forward loud and clear, and that the co-operation will be forthcoming so that some evidence of improvement in our country is seen in a very short while.

I look forward to what the investigation will reveal, and look forward to the day that it is presented to this Honourable House, so that appropriate action, or whatever action is necessary can be taken. And with that short contribution Sir, I support the motion.

MR. PRESIDENT: Does any other Member wish to speak before I call upon,...yes, the Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, this motion like many others which we have dealt with over the last two years simply offers the patient an aspirin, when what he needs is major surgery. I am not saying that it is not good to have a committee investigate any matter which the Members of the House may feel should be investigated.

But, the largest single problem in the Cayman Islands today, and in many of the other countries of the world is the drug problem. So what we need is a comprehensive programme. We need a statement from the Member of Government covering all areas of drug abuse, and listing the steps that Government will take to reduce the problem, or to combat the problem.

I think we need a full-scale education programme. Education to start probably in the Middle School, or earlier, to teach children the bad affects of drugs. Because once the young person starts to use the drugs it is more difficult to convince that person that the drug is bad, and so we need to start with a programme of education. We also need a programme of education for adults, because there are many parents who would welcome some information on drugs. There are parents I am certain, who do not know the signs to look for. The telltale signs which would let them know when their child has started on the road to drugs. And I think we need adult education, and a lot of information going out to the public, so that parents understand as well as children.

Whether we like to admit it or not,

there has been an escalation in the number of drug-related cases over the last two years. Some people feel it started with the sending away of Commissioner Stowers, because a lot of people felt he had had a pretty good control of the problem at the time he left. I am not saying that this is one of the reasons. Some people say that Government itself has been permissive in many areas. For example, since November 1984 we have seen a lot of new liquor establishments licensed. I do not know the pecentage, but there has been a substantial increase in new liquor premises. There has been permissiveness in the law. The mandatory sentences have been removed from the law, and I believe we need harsh penalties for drugs.

Another thing which has crept into our society is that there has been a lot of sympathy building up for the user, and I have no more sympathy for the user that I have for the seller. And the reason is this, and very few people realise this; it is not the seller of drugs which brings the young person into using drugs. When a child receives drugs for the first time, it has been found world-wide that nine times out of ten, that child gets the drugs from his closest friend. It is the friends of your children and my children who introduce children at a young age to drugs. They say boy or girl "this is good you should try it". And in fact, very recently a young woman told me that the first time she had seen ganja was at a house party when one of her friends asked her to smoke a cigarette, and this young person did not accept the invitation, but told me that she nearly did because it was her best friend who offered her the cigarette. So, it is not the dope peddler who is going around asking strange children to use drugs. It is the close friends who inveigle their close associates to try drugs for the first time, and it is only then, when the child gets a taste of whatever good feelings they appear to get, it is only then that they seek out the sellers. So I have no sympathy for the users, because it is the users who are spreading the use. They provide the demand for the drugs, and I think we should get tough. The sellers should be in prison for life because they are murderers there is no question about it. When you give a young child 'crack' or cocaine or any hard drug, it is only a matter of time when that person will die. So the sellers are murderers, they are mass murderers and I would like to see our Law changed to provide life imprisonment for all who are caught selling drugs, even the first time. The users cannot be treated lightly either. I think our Laws are too lenient, and I would support any measures to increase the penalties; because the United States tried to stop the flow of drugs, and they found that they could not because the demand was there. The user was demanding it; the user would pay the price and we must not be carried away by talk of rehabilitation. It is true that we should use it wherever possible, and particularly for first or second offenders who are caught with the drugs. But we must not get too sympathetic with the user, because the user is a threat to society. In fact, if there were no users there would be no sellers. I do not believe it is the other way, that if there were no sellers there would be no users.

So, we have a serious problem here, and I do not know why the Prison has been singled out for an investigation. But if this is the wish of the House, my negative vote would not prevent the investigation. But I wonder how much good is really going to come of this. I am wondering how much this is really going to help the massive problem which we have. About fifty percent of the Magistrate's time is taken up now in our Courts with drug-related cases. It is our largest single problem, and in fact I think it was the last sitting of the Appeal Court when the first six cases on the Courts calendar were appeals against convictions for drugs. So it is a large problem, and it is a problem that should be beyond politics. It is a problem which needs to be tackled at every level; with education, penalties, with rehabilitation wherever it is possible and I think that if Government would spend more time trying to find out what to do about the drug problem instead of counting green parrots and finding out where the little boy can fish, we would have a better country.

I must commend the Member for bringing the motion, if it is his feeling that this will in some small way not only help, but highlight the problem which exists, so that we do not get buried in Marine Parks and all this sort of nonsense, and look at this evil which destroys every human being that it touches. We know that there are young able-bodied people in their twenties who no longer have the ambition to work, because they have been using too much alcohol, too much ganja or too many hard drugs. So, this is a serious problem. This a scourge and if remedial action is not taken on a large scale, we could well loose a lot of young people, and

perhaps more mature people to drugs.

I found it difficult listening to some of the debate today, and all the calls for testing of the Members of the Legislative Assembly, and parish priests or whoever is in society. Certainly, the only people who would need to fear a test of this nature would be a person who knows that his test would be positive. The action sought by the motion is simply that Government appoint a Committee to examine one area of the problem. But I believe that what we really need is major surgery, where Government examines every part of the problem, and tackles the use, the demand, the supply, the effects on the community, the educational side of it. So that if we cannot even stamp it out altogether, we can lessen the hardships which will be put on future generations.

MR. PRESIDENT: The First Elected Member of Executive Council.

HON. BENSON O. EBANKS Mr. President, when this simple short motion was introduced this morning I did not think there would be such a wide debate on it, and I thought that the Third Official Member had given Government's position on the motion. But it seems as though we have cast quite a wide net with this motion, and have introduced quite a lot of other matters into the debate.

The last speaker said that this subject should be above politics, and I could not agree with him more. But it is a pitty that he had not set the example in his speech.

Now Mr. President, it is probably true to say that there has been an increase in the number of drug related prosecutions recently. But Mr. President, I am certain that one of the reasons for this is the improved and better law enforcement. It is also true that the abuse of drugs has taken on new dimensions. There are new products, and naturally the problem escalates rapidly.

When the United States President's Commission on Crime Report was issued about six months ago, at that time 'crack' and 'rock' did not warrant comment within the body of that report, it was mentioned as a footnote, and today it is the number one problem in the United States and possibly here in the Cayman Islands as well. I am only mentioning this to show how rapidly the problem has escalated.

I do not accept Mr. President that the escalation of the problem has anything to do with the permissiveness of the present elected Government. In my own district I do not believe we have had any new bar licenses as a result of the change in the Law. But Mr. President, as far as I can gather, there has been an increase in the abuse of drugs. Lets make no mistake about it Mr. President. If a person wants alcohol, he will get it by legal means or foul, and the same thing is extended in my opinion to other substances of abuse.

If Members had attended the "Say No to Drugs' effort put on by the Police, they would have found that at least the two ex-drug users who gave testimony at that function, were persons who had been convicted prior to two years ago. So lets not come here and suggest that the abuse of drugs was unknown two years ago. I accept and agree Mr. President that education is the key to fighting the drug problem. But, unfortunately as I have said ealier, this scourge moves so quickly, the development of it moves so quickly that you are hardly making plans to attack it on one front when it appears on another. But since it seems that the approach to the problem through an educational programme is supported, I hope that Members will support the provision for personnel to get a meaningful programme on the road, when it is presented in the 1987 budget.

In the meantime, Government is working with the service clubs and the police to reach youth through the schools and other organisations, and I hope it will help.

I do not like to get personal Mr. President, but it is interesting to note that the ex-Commissioner credited with having such success in drug related areas told me only a few weeks ago that education in this regard was a waste of time.

I believe Mr. President that what could help as well is if all members of society cooperated with the Police in the matter of drug abuse. If you get information, go to the Police with it, and let us stop trying to be Police Officers ourselves. I believe the job of legislators is to legislate laws, not to enforce them, and if we have information that drugs are coming into the Country, or there is a drug dealer around, let us give that

information to the people who are supposed to enforce the laws, and not lets try to be Policemen ourselves. If we want to be Policemen, let us put on the uniform and get out there. The Police Force in any country can only be as good in any respect, as the population allows it to be. And if we are not going to co-operate with the Force, then their task is going to be much harder, much greater, much less effective and much more costly to the community.

Mr. President, I support this motion and I should go on record Mr. President since everybody else seems to have made their position clear, that if Members of the Legislative Assembly want to be tested, I will be in there. But I would remind Members Mr. President that we must be careful of not just making a bit of a charade out of this issue. Because as I see it, for the test to be valid under the present Law, the Police have to suspect one of having used a substance, and then request the test, and it be done in accordance with the Law. Just going in and giving a test as you know, is not always effective. But I am prepared to do it if that is the wish of the House.

With those few words Mr. President, I support this motion.

MR. PRESIDENT: Any other Member wish to speak? Does the Mover wish to exercise his right of reply?

MR. W. McKEEVA BUSH: Yes Mr. President, I was hoping that the Honourable Attorney General being the only one who did not exercise his right, would have risen.

MR. D. EZZARD MILLER: He is going to be tested too.

MR. W. McKEEVA BUSH: Mr. President, I am really happy.....

HON. MICHAEL J. BRADLEY: I am saving my breath for the reply to the other debate.

MR. W. McKEEVA BUSH: You are going to need more than breath for that one.

Mr. President, I am really happy to see the unanimity on the House on this issue, and until the votes are counted, I believe we have 99.99 per cent. The other one per cent really is nothing to worry about.

I am happy to see that Government has accepted the motion, and I am not going to prolong the debate, but there are some points which I would speak to.

One was raised by the Honourable Third Official Member, that one of the problems at Northward Prison is that people can get very near the fence, and my only answer to that is, if people are getting that close to the fence because of the roads which are so close to the fence, then close the roads. Or, the other solution would be, and probably the only solution as far as the fence is concerned, is to patrol the fence better. That would be a good start.

But, let us face the fact, and that is why I brought the motion. The fact is that we have had complaints that inmates are getting drugs. The other fact is, we know that at least one guard has been caught in the possession of drugs, and there you must start.

MR. PRESIDENT: Correct me if I am wrong, but I think that case may still be sub judice, in which case....I think one guard has been perhaps charged, but not convicted yet, and therefore you must not say anything that could prejudice Court proceedings.

MR. W. McKEEVA BUSH: I am not saying anything Sir which could prejudice any Court. Are you sure there is going to be some kind of Court? I have my doubts until I see it done. But I do not think I am prejudicing any case her, only Commissioner Stowers did that.

On the issue of testing Sir, in opening the debate I stated that the President and the Vice-President of the United States had agreed to do some sort of test themselves, and we should do the same thing here, and I maintain that. Furthermore, I am going to offer an amendment that we do it - whether you allow the amendment, I do not know, but that will test them on the issue of testing.

The other point was Mr. President, raised by the First Official Member was that he hoped that when Civil Servants came to Members and complained that they were being singled out, we would not make any noise. Well, let me say Sir, that I believe that if we start at the top as I had suggested in 1993, then no one should get mad about taking the test, because this would prove to the world that we are genuine about this drug problem. So I am hoping that not any little person would be singled out, but that we would take it from the top starting right here. I would be the first one to agree to take a test.

Mr. President, the points raised were all good points, whether some people felt there was politics, there was some politics. For instance, the Second Elected Member for Bodden Town raised the issue of Commissioner Stowers, and I know he thought that would get under my skin, but I will leave him with that. Commissioner Stowers is in London or England and that is where he deserves to be. What we need to do is to send some more people there. One of the reasons why I stood against that man was because he had told officers that he had no drug problem. But let us not draw Commissioner Stowers into this problem. As far as I am concerned, he was not a good officer and I have stated that; he has gone from here and we have to deal with what we have now.

Mr. President, I certainly feel that random testing is necessary, especially Sir at Nightclubs frequented by our young people. We recently saw in the paper where one Nightclub was complaining about being harassed. I am not in for harassment of any business premises. If there are complaints, then we have to check them out. Something has got to be done because I attend those Nightclubs, I see what is going on, and there is a lot which needs to be checked into.

We had a situation jut a few days ago, down at the Islander Club where I think three young people were involved, and they nearly went crazy Mr. President because something was put in their drinks. Crazy, to the extent that they were taking off there very clothes - three young girls Mr. President, and we hear talking about politics. We had better take this situation carefully, and as far as I am concerned, the man who says that we should not have any sympathy for the user, I have sympathy for him, for the user. Because I believe that drug addiction is a cronic sickness Mr. President. Those worthless no good people who are perpetrating this thing in our Society should be hung, and Mr. President I speak because I have a nine year old son and I have a six year old daughter and they are my concern, not only for them but for all of this Country. But I see what is happening here, and I speak from the bottom of my heart Sir. We need to do something about our situation, and stop fooling around, and stop putting the little boy in West Bay in Prison, and saying that you have got a prisoner and you have got a conviction. We are not touching the root of the problem. So put that in your pipes and smoke it.

Mr. President, I am not going to prolong this issue. Everybody has got the idea here. I am only going to read my amendment, and I trust you will consider it although you say you are not going to allow it. But I would like to move an amendment that:

WHEREAS the Government needs to set an example of their good intentions to eradicate drugs.

BE IT RESOLVED that all Members of this Legislative Assembly show their good intentions by agreeing to take the urine or blood test forthwith.

Thank you Mr. President. Now vote it down if you want, but this is where I stand. We have to set an example. It is no good us catching people on the road speeding, and some of us can drive in our cadillacs, driving this and driving that, and then we do not hear of anything happening. Go to cocktail parties and you see them swaying too and frow. That is not right, and may I tell you Mr. President that this is what is perpetrating our society - a hard feeling against the top echelon of our society, and they are going to ruin us you can believe me on that. It is going to ruin us, because that little man down there feeling the pressure, is not going to take it much longer. He is going to stand up, and he is going to say "it is time now, this is mine, I am a man born here", that is what you are hearing you know. Laugh at me if you will.

Thank you Mr. President.

MR. PRESIDENT: Just in case any Member of the House is under any misapprehension, the motion on which we are voting now is Private Member's Motion No.15/86 as it originally stood, not as amended. The mover of the motion I think fully understood that it was not possible for me to accept the amendment, which he has managed to read into the record, nevertheless.

MR. G. HAIG BODDEN: Mr. President, may I just ask on a Point of Order, will there be a debate on his amendment?

MR. PRESIDENT: No, because it was not accepted you see. The Member asked me before lunch whether he could amend the motion in that sense, and I explained to him that Standing Orders, in my view precluded me from doing so, and he said he understood and accepted that. But he was going to manage to.....

MR. G. HAIG BODDEN .....Because I want him to know that I support the amendment.

MR. PRESIDENT: Well, you have managed to get that into the record too.

MR. W. McKEEVA BUSH: Mr. President, we are getting the real unity in this matter it looks like.

MR. PRESIDENT: But let me take the vote now.

QUESTION PUT: AGREED. PRIVATE MEMBER'S MOTION NO.15/86 PASSED.

MR. PRESIDENT: I declare the motion carried, and perhaps I may say for the record that although I considered I was obliged to disallow the amendment to the motion which the mover wished to introduce. It really I think related to an offer which was made by the Elected Member for North Side, to arrange for all Members of the Assembly to have tests. My own view notwithstanding the point made by the First Elected Member of Executive Council is that there would be certain merit in such tests, even if they were not carried out in due accordance with the provisions of the Law, and the results could not form the basis of any prosecution. The fact of taking the test seems to me to set an example, and if the Member for North Side is indeed able to make the necessary arrangements, I shall be glad to volunteer to take a test, and I hope perhaps some other Members will, as some have indicated, join too.

MR. D. EZZARD MILLER: Yes Mr. President, I will try to have the arrangements made for the equipment and the person to be here at four thirty.

MR. PRESIDENT: Well I think after all that excitement, perhaps it is timely to take our afternoon break, a minute or two early, and I will suspend proceedings for approximately fifteen minutes.

AT 3:12 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:35 P.M.

MR. PRESIDENT: Please be seated.
Continuation of the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Second Elected Member for Bodden Town.

GOVERNMENT BUSINESS

BILLS

CONTINUATION OF SECOND READING DEBATE ON THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1986

MR. G. HAIG BODDEN: Mr. President, yesterday when I stopped speaking I had been dealing with an examination of the Treaty,

and of course, this examination which I am doing now is merely a preliminary one, because I will examine certain sections in more detail when I go to answer some of the things which have been raised, and deal with some of the criticisms that have come from the private sector.

I mentioned that Article 3 did state that tax offences would be exempt. But I went on to say that Article 3 was weakened by subsequent sections which I will deal with later on.

So now I would take a look at 4 of Article 7, which in my mind makes Article 3, almost impotent, because whilst Article 3, says that the information gathered would not extend to the collection of taxes, except for any matter falling within subsections 3 (d) and (e) of Article 19., or any conduct not punishable by imprisonment of not more than one year. We find that Article 7, 4 leaves it wide open for information which is passed on to the United States, to be used for tax offences. And the way it is done is set out in 4 (a):

> "Where a trial results in a conviction for any criminal offence within the scope of this Treaty, for any purpose against the person(s) convicted."

And that simply means that if the United States receives evidence and uses it and gets a conviction against a person for a crime such as mail fraud, once that trial was over the person could then be tried using that same evidence for any other crime, including a tax related crime. So, Article 3, which promises the exemption from prosecution for tax related crimes, becomes of no effect if the person tried has been convicted, he can then be tried again for a tax offence using the evidence which had been used in the original trial.

(b) of subsection 4 is even worse than (a), because that reads:

> "Whether or not a trial results in the conviction of any person, in the prosecution of any person for any criminal offense within the scope of this Treaty."

So, it appears to me that even if there is not enough evidence to convict the person of the crime for which the original evidence was gathered, that after the trial they could still trump up other charges to use against the person.

(c) is even broader. 4.(c) reads:

> "In civil or administrative proceedings, only if and to the extent that such proceedings relate to -
>
> i) the recovery of the unlawful proceeds of a criminal offense within the scope of this Treaty from a person who has knowingly received them,
>
> ii) the collection of tax or enforcement of tax penalties resulting from the knowing receipt of the unlawful proceeds of a criminal offense within the scope of this Treaty."

And we learn from the article put out by the Law Society that under United States Law it is not necessary for a person to know, in order to be charged with a crime. So it is quite clear that even without abusing the section, the person investigated would be wide open to be charged for offenses not related to the original investigation.

I move on to Article 8. Two of this Article reads:

> "If the person referred to in paragraph 1 asserts a claim of immunity, incapacity, or privilege under the laws of the Requesting Party, the evidence shall nonetheless be taken and the claim made known to the Requesting Party for resolution by the authorities of that Party."

And this is the section which I believe the Law Society and other people claim, puts the Treaty above the Constitution of the United States. Because what it says in effect is, that if a person being investigated claims that he should not give the evidence because the evidence might incriminate him, and he has a right under the Fifth Amendment to the Constitution of the United States not to give incriminating evidence against himself. That our authority here shall take the evidence, in other words, simply ignore his plea for immunity and take the evidence. Now what is the purpose of taking the evidence if the evidence is not to be used. It follows as night follows day that once the evidence is taken, the evidence will be used against him. Of course, it goes on to say that our authorities here will make known to the United States the claim for immunity made by the person being investigated. And the United States will resolve whether the immunity plea should be of any good as a

defence for the person being investigated.

So, under this Treaty, the United States can do to a United States citizen what they could not do at home, because at home the person being investigated would have a constitutional right to immunity under the Fifth Amendment to the United States Constitution. And the point our Authority makes known to the United States, the man's claim for immunity does not in any way help him at all.

Now Article 17. has to be the joke of the century, because this is the Article which I think they would want the public to believe, that no compulsory measures could be used to gain information. Article 17. 3 reads:

> "No Party shall enforce any compulsory measure, including a grand jury subpoena, for the production of documents located in th territory of the other Party with respect to any criminal offence within the scope of this Treaty, unless its obligations under the Treaty have first been fulfilled pursuant to paragraph 4 of this Article with respect to a request concerning those documents."

The Article does not say that the United States or the Cayman Islands Authorities will not use compulsory measures, will not issue those extraterritorial subpoenas. If they had really wanted to do that, they would have put into it that you could not use them, and in fact, 17.3 would have stopped at the word 'Treaty' in the fourth line, and would have read:

> "No Party shall enforce any compulsory measure, including a grand jury subpoena, for the production of documents located in the territory of the other Party with respect to any criminal offense within the scope of this Treaty."

But no, it does not stop there, it goes on to say that they shall not be enforced unless its obligations under the Treaty have first been fulfilled.

And what are the obligations under the Treaty? Simply that the United States requests the information, and our Authority either gives the information or denies the information. So, it is left wide open and the result is, if the judge who is a Cayman Islands Authority gives the information, everything is fine and the United States abides by the Treaty. If the judge in his wisdom does not allow the information to be given, the United States can then ignore the Treaty and go outside the Treaty and use a compulsory subpoena to obtain the information.

And 4 of Article 17. even makes it worse again, because that reads:

> Where denial of a request or unreasonable delay in its execution may be jeopardizing the successful completion of an investigation, prosecution or other proceeding, the Central Authority of the Requesting Party shall so inform the Central Authority of the Requested Party in writing. Thereafter, either Contracting Party may give a least 45 days notice in writing to the other Contracting Party that, unless othewise agreed, the Parties' obligations under this Article shall be deemed to have been fulfilled; provided that in no case shall the obligations under this Article be demed to have been fulfilled sooner than 90 days after the date of receipt of the request for assistance."

So, what does 4 say? It says that if our Authority denies the request for information, or if there is an unreasonable delay in producing the evidence, and if this delay would jeopardise the successful completion of the investigation (notice the broadness of this), not simply if it would jeopardise the trial, or jeopardise the indictment, but simply jeopardise the investigation. These are grounds for the United States to write and say that 'I give you notice, we will be moving outside the Treaty, and will get the information regardless of what the judge of the Grand Court says'. And having given that notice after 45 days, their obligations under the Treaty will end, providing that the period of 90 days has elapsed, and the way it is written, 90 days may seem like a long time, but it is only a three-month span. So, where is the exclusion from subpoenas? And if our negotiating team had not been so anxious to conclude this Treaty, I believe they could have held out for an unconditional guarantee in this Treaty, that the United States would not attempt to use the extraterritorial subpoenas. We know that the use of these subpoenas together with the demand against the Bank of Nova Scotia were at the root of the formation of the Narcotics Agreement, and one would have thought that our four negotiators would

have gone to London or Washington and made only one statement which would have been "We have come prepared to give you a Treaty on the condition that you do not try to use your subpoenas against our citizens, or against United States citizens, using our territory. Because we did not get an unconditional guarantee, the Treaty has failed.

Remember, that in paragraph 4 of Article 17, when mention is made that either Contracting Party may give notice that they are going outside the Treaty, this does not apply to the Cayman Islands, because we are not one of the Contracting Parties. So, we cannot tell the United States that we are going outside the Treaty, but the United States can tell us through the United Kingdom that they are going outside the Treaty.

I do not want to spend too much time on the Treaty, because I will be examining it in more detail at a later stage. But I would like to turn to the Bill which is before the House, the enabling Bill to put into operation this Treaty.

We have been told that this Treaty is so good, the United Kingdom is satisfied with it. I would like to pose a question. If this Treaty is so good, why did the United Kingdom not negotiate such a Treaty on behalf of the Channel Islands? I will tell you why, because Mrs. Thatcher could not get this Treaty through Parliament, if it applied to the Channel Islands. That is a pure and simple fact, Mrs. Thatcher would not dare to lay before her Parliament such a Treaty as this, if it applied to the Channel Islands, that is a pure and simple fact. Mrs. Thatcher would not dare to lay before her Parliament such a Treaty as this if it applied to the Channel Islands, and that is why this 'good' Treaty has not been made for the Channel Islands, and the nearest they could come to it was a place beginning with 'C' the Cayman Islands. So, this Treaty was not made for the benefit of the United Kingdom, it was made for the benefit of the Caymanian People.

Under Clause 1. of the Bill it reads that it shall come into operation on a day to be appointed by the Governor, and even if the Members of this House are gullible enough to support this Bill, and to have it passed through this Chamber, the Governor of the Cayman Islands still has to fix the day to give his consent, and for the Law to come into operation. And I would like to state that the Governor alone, is responsible for foreign affairs under our Constitution. Now, a part of his Executive Council may have gone to London or Washington to negotiate this Treaty. But the ultimate responsibility for foreign affairs under the Constitution lies with the Governor and the United Kingdom Government, and not with Elected Members of Executive Council. Although I would personally like to blame them for it. They have their share in it under the Constitution, in that all important matters have to be disclosed to them by you. We know how the Constitution works, and I dare say that you or the Governor of these Islands would not dare to put his signature to the Treaty, nor to the Bill if it did not have the approval of the Executive Council. So you are all tied into it, with the ultimate responsibility being yours. And this is why Sir, I am going to hold you personally responsible for delaying the coming into effect, or the coming into operation of this Law which is sited as the Mutual Legal Assistance (United States of America) Law, 1986.

As I mentioned yesterday, and will repeat tomorrow when I close my debate, that you should delay this Bill long enough to find out if your negotiators can go back and seek amendments to the Treaty, and then we will amend the Bill accordingly.

So, the Governor of these Islands cannot wash his hands as Pilot did, and bear no blame for the destruction, which I think will follow the passage of this Bill.

Under Section 4. of the Bill the Second Official Member has offered an amendment which I call a mere cosmetic change, because he in speaking on the amendment, convinced me that he did not feel the amendment so very important because he felt that as the Bill is written, despite the fact that (2) says that the decision shall not be subject to any appeal, that there is the slim possibility that the 'Prerogative Writ' as he called it could still be exercised, although it would not be as simple without the amendment. And it seemed to me that he put forward this amendment yesterday merely to appease the wrath of the two brothers-in-law or to thwart their attempt to get into the Guinness World Book of Records. But the amendment cannot satisfy anyone, despite the fact that he removes the entire subsection (2) which read:

> "A decision made or order given by the Cayman Mutual Legal Assistance Authority shall be deemed not to be a judicial

decision or order, and shall not be the subject of any appeal to, or review by, any court."

Because, we have seen it happen here in cases. I remember one case under the Cayman Protection Law where despite the fact that there would be no appeal, that the applicant was successful in taking his appeal into the Grand Court.

So, whether this subsection (2) is removed from 4. or not, very little change has taken place in the Bill. And I would not like anyone to believe that the Government is acting in any conciliatory manner, by amending one section of the Bill, because they are under pressure, and pressure there is.

Section 10. of the Bill makes a mockery of our Law, that is, our Confidential Relationships (Preservation) Law. It also makes a mockery of Section 10. of the Banks and Trust Companies Regulations Law (Revised), and makes the provisions of those two Laws of non-effect pertaining to matters handled under the Treaty. This was a claim that the First Elected Member of Executive Council made in regard to the Narcotics Agreement. Yet, we find that he consented to put this into the Treaty which is much wider in application than the Narcotics Agreement, and which will last for all time instead of 15 months. Section 10. reads:

> "A person who divulges any confidential information or gives any testimony in conformity with a request shall be deemed not to commit any offence under the Confidential Relationships (Preservation) Law, or under any other Law for the time being in force in the Cayman Islands, by reason only of such disclosure or the giving of such testimony; and shall be deemed not to commit any offence under section 10 of the Banks and Trust Companies Regulation Law (Revised) by reason only of such disclosure or the giving of such testimony; and such disclosure or testimony shall be deemed not to be a breach of any confidential relationship between that person and any other person, and no civil claim or action whatsoever shall lie against the person making such disclosure or giving such testimony or against such person's principal or employer by reason of such disclosure or testimony."

And the part about the Confidential Relationship Law and the Banks Law is not as bad as the last part of this section. Because the last part of this section says that it is not an offence, it is not a breach to give out confidential relationship between that person and another person. Now this is taking the joke too far, for as far back as history records, the relationship between a doctor and his patient were private. The relationship between a lawyer and his client were private and confidential, and under this Treaty, a doctor or a lawyer can give out information on his client or his patient, and it is not considered a breach. This has to be a serious destruction of the cardinal principles which have governed the relationship between lawyer and client and doctor and patient, and I could name a few other categories - the priest in confession and Ministers. So who can anybody trust any more, when we have a Treaty with such wide application which has ignored every decent principle ever known to the human race? And, if you think Section 10. of the Law is bad, take a look at Section 11. Section 11. reads:

> "Section 3A of the Confidential Relationships (Preservation) Law shall be deemed not to apply to confidential information given by any person on the directions of the Cayman Authority given in pursuance of a request."

So it is wide open, and once the Cayman Authority gives the directions, the confidential information given away, will not be a breach of our confidential laws. How much wider could they have made this Treaty? So while Section 10 makes a mockery of the Law, Section 11 circumvents it altogether.

Apart from the article published by the Law Society, and apart from the letters from our Guinness World Book of Records, there were many letters from a wide cross-section of the public. And one which came to my attention appeared in this mornings' paper, and was written by a young lady Miss Pamela DaCosta. This is a good letter, well written and I welcome it because here is a young person who is not afraid of the might of our Legal Department; not afraid of the Government machinery but has stepped forward with honest criticism and many good suggestions.

So, it is not only seasoned lawyers and brain-pieces like Mr. Truman Bodden who are criticising this Treaty. It is coming from every level, young and old, and I would like to take a few minutes to deal with some of the thoughts expressed

on this Treaty in this letter. The writer says:

> "Our reputation as a tax haven with professionalism did not come easily, nor did it happen overnight. It took years of specific planning, adjustments, consciencious concerted efforts of the accounting and law firms, carefully charting where we would like to be today. Our reputation did not come easily."

We heard the erudite Wall Street Journal pronounce that for years the Reagan Administration had been trying to pierce the veil of secrecy which surrounded our financial transactions.

And yet, by this Treaty the Government has destroyed completely our tax haven business. Any single moment of time, any single flourish of Mr. Lloyd's pen our House has come tumbling down.

If one studies political history, one will know that Karl Marx found out that if you want to subjugate a people you must do it by destroying their economy, and every country which has come to its knees, has come to its knees simply because the things which were working well and producing revenue and jobs were destroyed. But the Cayman Islands is the only Country which I know of where this happened overnight. On the day before the signing of the Treaty, we were in pretty good shape although there had been a slackening of the pace of our economy. All the other countries which have been destroyed have taken years of economic hardships, but the Cayman Islands, destroyed in one day what it had taken them many years to build up. Because, no matter what happens to this Bill, and this Treaty we are finished as I said yesterday as a tax haven.

Another valid point made in the letter was that since the United States wanted us to sign this badly, could we not have got a few concessions while they were in the act of begging on their knees, why? This was a Mutual Assistance Treaty, why did we not get any benefits?

We yesterday heard from the Second Official Member of an eight point agenda which dealt with areas in the Treaty, and I believe one of them was the benefits we were going to get, and together with my colleague from Bodden Town we strained our ears and we listened attentively. Although we may fall into the category of those who have ears and hear not, we did not hear of any benefit. I thought he would have gone on and added the ninth point to his discourse, and that would have been the hurt which the Cayman Islands received, and entitle that as I said in my opening the destruction of Sennacherib.

But the plain fact is that we received nothing, why? It is my opinion that our negotiators asked nothing, and there is an old proverb which says "blessed are they who expect nothing for they will not be disappointed". And so, we did not ask the United States to lift the ban on our Turtle Farm. We did not ask them to give us the insurance concessions and the tax investment incentives which we hear will be going to Barbados and Bermuda. We did not ask for immunity from extraterritorial subpoenas. We did not hear anything about any steps to guarantee that there would not be a retroactive outburst of harassment of our citizens, and just as importantly, the harassment of our clients. Because for years we have wooed the investing public, we have invited them, we have had seminars, we have put out brochures, we have had budget addresses which would make the hairs of your head crawl, talking about the confidentiality of the Cayman Islands and how the American investor could hide his money here, and it would never be disclosed. These are people whom we have hurt, and we have lost as I have said perhaps too often our credibility in the eyes of the foreign investor.

One reaction to the writer of the letter was, why did the United States not go after Panama first, since Panama is close to them, since they have given Panama the canal, and since more illicit money is hidden in Panama than in any other tax haven, why? Why did they strike at a defenceless little nation whose Mother Country held us on the stakes while we were being whipped, why? Why had it to be the Cayman Islands, and why was our Government so gullible?

The writer mentions the crimes set out, and touches upon insider trading which the writer says "greases the wheels of Wall Street," and went on to say:

> "Insider trading is really not the culprit, but the culprit is the tax dollars the United States is missing. We know that insider trading has been a part of Wall Street from the

time of old Joe Kennedy. He made his millions by insider trading. The fortunes of the Kennedy family came from insider trading, but insider trading as mentioned in this Treaty is not the culprit that the United States fears because how can you have insider trading in a place like the Cayman Islands with nothing to trade. It is the tax dollars that they are really after.

So she concludes that paragraph by saying "tax avoidance now becomes the issue, which is legal here and this is the real culprit."

MR. PRESIDENT: If the Member was concluding one particular section of his speech it might be convenient.....

MR. G. HAIG BODDEN: Yes Sir, I was just going to say that I was moving on to the Law Society, and that will probably take all of tomorrow, and this would be a good time to break.

MR. PRESIDENT Well, leaving aside the question of whether it will take all of tomorrow, you may run out of your alloted period, let us agree to break now then. Would you like to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 10(2) I move that this House be adjourned until ten o'clock tomorrow.

MR. PRESIDENT: The question is that this House do now adjourn until ten o'clock tomorrow.

I was given notice by one Member that he wished to speak on the adjournment today, I do not know if he still wishes to or not.

STANDING ORDER 11(6)

MR. W. McKEEVA BUSH: Yes Mr. President.

Mr. President, we have all received two letters from Waldos Food Store and Deli. The proprietors of this business happen to be members from my constituency, and I would ask all Honourable Members and Government to consider these letters deeply, and consider whether there is anything that Government can do which might offer some relief to the situation. They are experiencing some hardship, severe hardship, under the Sunday Trading Law, and I feel that we must do our best to help them. These are two honest citizens of West Bay, I have known them all my life and they have tried. This is one thing the which they have done which has had some success Mr. President, and after receiving the letter which I received, and which all Members have received, especially the one coming from his wife, I feel that we must do our very best to help them. Whatever we can do to help honest Caymanians comes ahead, we as a Government must look at every possibility, do everything in our power without doing anything detrimental to the free enterprise system to help Caymanians get ahead.

Mr. President, it is a proven fact that they lost one third of their business after closing on Sundays. Competition stopped some of their business, but they lost one third of their business after closing on Sundays.

A point worth mentioning Mr. President, is that the clause in the Law which states that stores in the confines of hotels can open; will probably open the eyes of hoteliers if it has not already done so, and condominium developers, to probably put up their own store and thus putting a lid on small businesses like Waldos Food Store and Deli.

Mr. President I am only doing here this afternoon what I was put here to do, and that is to represent my people, and to pinpoint their needs, and to try and help them in whatever way I can as a representative of the people.

Thank you Sir.

MR. PRESIDENT: In accordance with the provisions of the relevant Standing Order, the Member responsible may now respond.

HON. W. NORMAN BODDEN: Thank you very much Mr. President.

I, needless to say, am very sympathetic to the case which the Second Elected Member for West Bay has just brought to the House.

As is well known, the Sunday Trading Law was amended in March of this year. It was not aimed nor tailored, nor intended to create hardships to anyone. In fact, I think it was amended by this House, where the articles that could be sold on Sundays were extended extensively, and this in fact was intended by the House, to help the small corner grocery store. I think the reason why the Bill was brought to the House was well known. The Sunday Trading was spreading and the amendments to this Law were intended to bring some form of control.

It is true Mr. President, that competition is becoming stronger each day. We are having more and more stores opening, and it is also a fact that those larger businesses with more and larger financial resources are faring better than the smaller ones. However, with all due respect, I have members in my constituency too, who would perhaps like to be allowed for their stores to be open on Sunday. Nevertheless, I feel that this situation must be fairly and realistically examined.

It is true that there is provison under Item 20 of the First Schedule, I think it is, where exemptions can be made for establishments concerned in the provisions of such essential services as may be prescribed by the Governor in Council by Order. However, there is no doubt that if exemption is made for one, there will be many other applications to follow, and where do you draw the line. Nevertheless, bearing all this in mind Mr. President, in view of the particular circumstances, I am still willing as the Member responsible, to take this up formally with Executive Council, to place it formally before Council for further discussion, and we will communicate to Mr. Waldo the final decision and recommendations.

Thank you very much Sir.

MR. PRESIDENT: The question now is that this House do now adjourn until ten o'clock tomorrow.

QUESTION PUT: AGREED. AT 4:35 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY, 5TH SEPTEMBER 1986.

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
FRIDAY, 5TH SEPTEMBER, 1986
(FIFTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

THIRD MEETING OF THE 1986 SESSION OF THE
LEGISLATIVE ASSEMBLY
(FIFTH DAY)
FRIDAY, 5TH SEPTEMBER, 1986

2. PRAYERS

TO BE READ BY THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS.

3. PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING BUSINESS COMMITTEE FOR THE THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY - TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS.

5. QUESTIONS TO MEMBERS

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

NO. 78: COULD THE HONOURABLE MEMBER SAY IF GOVERNMENT WILL CONSIDER HAVING A DIETICIAN MONITOR AND SUPERVISE THE MENUS AVAILABLE IN THE SCHOOL LUNCH ROOMS AND A SYSTEM OF COUPON PURCHASE BE INITIATED RATHER THAN THE USE OF CASH BY SCHOOL CHILDREN?

NO. 79: WOULD THE HONOURABLE MEMBER STATE IF GOVERNMENT WILL UPDATE THE PRESENT RESTRICTION ON HARMFUL DRUGS TO STAY IN LINE WITH THE MARKETING OF NEW DRUGS AND FURTHER RESTRICT THE DISPENSATION OF OVER-THE-COUNTER DRUGS AND MEDICATIONS?

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 80: WOULD THE HONOURABLE MEMBER SAY WHETHER OR NOT THE TERMS AND CONDITIONS OF THE RECENT GOVERNMENT APPROVAL TO THE CAYMAN ISLANDS YACHT CLUB, SAFE HAVEN OR ANY OTHER MAJOR DEVELOPMENT PROJECTS ALLOW FILL IN EXCESS OF THE REQUIREMENTS OF THE PROJECT TO BE TAKEN AND REMOVED FROM THE PROJECT SITE?

NO. 81: WILL THE HONOURABLE MEMBER SAY WHAT HAS HAPPENED TO THE PROPOSED GUIDELINES FOR DREDGING AND OTHER COASTAL WORKS WHICH WERE TO BE DISCUSSED BY EXECUTIVE COUNCIL EARLY IN THE YEAR AND RELEASED TO THE PUBLIC FOR COMMENT?

1. *GOVERNMENT BUSINESS*

BILLS:

THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1996

(1) *CONTINUATION OF SECOND READING DEBATE:*

The Second Elected Member for Bodden Town - to continue

(2) *COMMITTEE THEREON*

(3) *REPORT THEREON*

(4) *THIRD READING*

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FRIDAY

5TH SEPTEMBER, 1986

10.06 A.M.

MR. PRESIDENT: Prayers.
The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: 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.

Let us all repeat together.
Our Father, which art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done in earth as it is in Heaven. Give us this day our daily bread: And forgive usour trespasses, as we forgive them that trespass against us. 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.

MR. PRESIDENT: Please be seated.
Presentation of Papers and Reports.
The First Official Member.

PRESENTATION OF PAPERS AND REPORTS

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Standing Business Committee.

MR. PRESIDENT: So ordered.
Questions. Since the First Elected Member for Bodden Town is not here, would the Member for East End ask Question No.80.

QUESTIONS TO MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES:

NO. 80: Would the Honourable Member say whether or not the terms and conditions of the recent Government approval to the Cayman Islands Yacht Club, Safe Haven or any other major development projects allow fill in excess of the requirements of the project to be taken and removed from the project site?

ANSWER: As a general rule, Government will allow fill in excess of the requirements to be taken and removed from the project

out to the Law Society, by the Second Official Member and his supporter the Fourth Elected Member of Executive Council. In fact, in the introduction of the Bill, the Second Official Member laid the foundation carefully so that the public would not listen to the expositions of the Law Society. The Member was careful to let the public know that the Law Society did not contain any Member of the Government: any lawyer from the Legal Department, and I think between the criticisms from the two Government Members who have spoken, the public may get the idea that the Law Society is just being very political about this whole matter. And in fact, their criticisms were so severe, and in my opinion unjustified that yesterday we saw a headline in the paper saying 'Member of Executive Council Wraps Law Society' or something like that. This morning we saw an editorial which condemns the actions of the two Government Members who spoke about the Law Society. And it reminds me of what the First Elected Member of Executive Council said in discussing the Narcotics Agreement in 1984, that if you cannot answer the objections, you just go ahead and talk. What he actually said was "when the facts are on your side, you argue the facts, and when the law is on your side you argue the law, and when neither the facts nor the law is on your side then you simply argue." I believe that that is what the two Members of Government did.

HON. BENSON O. EBANKS: I did not mean for you to do that.

MR. G. HAIG BODDEN: They could not reply, because there is no answer to the paper put out by the Law Society, other than to admit that Government erred in signing the type of Treaty which has been signed.

The Law Society made it clear in their Paper that they had no wish to be political, and simply dealt with the facts as their Committee saw them, and in fact, they said that the Paper had been put out not only because of their own concern, but because members of the public had made numerous requests, so the Law Society simply published a Paper in which they honestly I believe, stated in legal language what everybody else in the Islands had been saying in the vernacular of our country.

The Law Society like everybody else received a copy of the Treaty after the signing, and they said that when they received the copy, or when they had reviewed the provisions they felt obliged to express concern at its effect. I mentioned this in passing yesterday, that the Government has not yet dealt openly with the bad effects on our economy, and the bad effects which will result from this Treaty.

I mentioned how the Second Official Member had spoken about the benefits, but neither he nor the other Member who has spoken has mentioned the evil effects, and I trust that some of the other Members of Executive Council who have been holding back their fire until after I have spoken, as they always do, will have the courage to admit that there can be bad repercussions and try to allay the fears of the people of these Islands, as a result of the signing of this Treaty.

The first criticism which is made is that in general, the drafting of the Treaty is imprecise, and gives rise to numerous difficulties of interpretation. But in its present form, the Treaty may assist the prosecution of a Cayman Islands resident, or citizen, for an attempt as a conspirator or as an accessory after the fact in relation to a wide range of United States criminal Law offences.

In Article 19, in addition to narcotics trafficking, the United States offences of racketeering, fraudulent securities, fraudulent securities practices and foreign corrupt practices are included together with any defined criminal offence, where United States Federal Jurisdiction is based on inter-state transport, use of the mail, telecommunications or other inter-state facility. Such further offences as may from time to time be agreed upon by exchange of diplomatic notes between the United States and the United Kingdom, including the Cayman Islands. Any attempt or conspiracy to commit, or participation as accessory after the fact to, any of the above defined criminal offences. And it was that section which I claimed yesterday has left the Treaty wide open, so that by an exchange of letters between the Contracting Parties, any new offence can be added to this Treaty. And in fact to be specific, the offence of 'tax avoidance' can be added merely by an exchange of letters between the Parties. So, the criticism that the Treaty is wide open, that its wording is imprecise is a valid criticism.

I would have been satisfied if the two Government Members had tried to answer these criticisms instead of finding fault with the policies of the Law Society and the rich lawyers who make up its number. But this is the only answer when the facts are against you.

The Law Society says:

> "It is to be regarded as unfortunate that offences so wide ranging in application should have been included. A telephone call or a letter mailed from the Cayman Islands to the United States connected with a criminal offence as defined, would suffice."

So that no one, no matter how innocent his action may have been in the past can now be certain that he will not be caught up under this Treaty. And the bad part of it is, that every person who has ever been employed in any of the financial institutions, or every client who has ever used our financial institutions could now be the subject of an investigation.

The article goes on to say:

> "No professional legal assistance in relation to matters of United States Law is presently available in the Cayman Islands, to assist the Cayman Islands citizen, or resident with regard to advice on matters of United States criminal law, and its application to transactions undertaken in the Cayman Islands. Accordingly, grave difficulty may result in endeavouring to ascertain whether any United States criminal exposure arises in relation to any such past or future transaction."

The Second Official Member tried to brush this aside, and what I gathered was that he expressed the view that in a sophisticated place like our financial center, there should be someone with some ability to advise the clients on these matters. However, that is not the case. My understanding is that when a United States client comes to the Cayman Islands to do business, the lawyers simply advise him as to what he can do under Cayman Islands Law. If there is any question as to whether he is in breach of American Law, he is advised by the lawyer here that he must talk to his United States lawyer, or to his tax accountant in the United States to find out if he is breaking American Law.

Our lawyers do not advise clients where they stand with regard to American Law. If they take certain actions here. So, this statement of the Law Society that there is no one presently available in the Cayman Islands Law to assist people in the Cayman Islands, whether they be residents of the Cayman Islands or citizens of the United States, it does not matter. There is no one available to advise them on the application of American Law.

The article goes on:

> "The Treaty presently places an impossible burden of proof on the Cayman Island professional, who cannot know with certainty, regardless of enquiry, whether a listed offence has been committed by his client or customer, or a predecessor prior to his envolvement."

So that no matter how careful the lawyer taking on a United States client is, it is impossible for him to be certain that his client may not have in the past committed an offence which would be an offence under this Treaty. And what is even more alarming is that the Law Society mentions that they have been advised by practicing United States Counsel that guilty knowledge on the part of the Cayman Islands professional is not a prerequisite to his subsequent prosecution and conviction in a United States Court, as an accessory after the fact and on the basis of information which he may have been required to produce under the Treaty. And this is important, because the Second Official Member in introducing the Bill stressed certain areas where the word 'knowingly' was highlighted. Areas where the words 'willfully' were highlighted, and on the surface it would appear that if the person did not knowingly do something, or did not knowingly know something, that he could commit no offence under the Treaty. But that is not the case in United States Law, according to this. You can be charged as an accessory after the fact, despite the fact that you did not knowingly know, you did not know that what you had done was an offence.

So, this brings us to what I think is one of the serious deficiencies, and one of the amendments which needs to be made, and that is that this Treaty should have no effect at all on any transaction which occurred prior to the signing of the other Treaty. In other words, it should not be retroactive, and I cannot help but mention again that the present Government campaigned as strongly, that there would never be any retroactive legislation. We know that the previous Government did attempt to put forward a bit of retroactive legislation in a simple administrative matter, not in a criminal matter, in a simple administrative matter like the transfer of prisoners to Jamaica. Some of the Elected Members who are now in the Government, campaigned that if they were elected one would never hear anything about retroactive legislation. But what I think they meant by that was that one would not hear about it in simple administrative matters. They would save their Treaties and legislation for retroactive implementation of the more serious crimes, because what apparently the other Government has done was childs play, and they were not going to horse around, they were going to do the real thing.

So, the Treaty needs an amendment stating that anything in the past cannot apply, and its application will only date from the signing of the Treaty.

The Law Society claims:

> "As the Treaty stands, it is retroactive in effect, which gives further cause for concern, not only to any Cayman Island professional including Real Estate Agents, Bankers, Trustees, Corporate Managers, Accountants and Attorneys-at-Law, but also to clients who have used the Cayman Islands in the past, on the basis that its Confidentiality Laws were paramount. Past transactions now fall within the disclosure provisions of the Treaty. This is regarded by the Law Society as wholly undesirable. There is no precedent for retroactive legislation in relation to criminal matters."

You simply do not create an act or perform an act, and then the Government goes out and makes that act a crime, and then goes back to charge you under a law which was not in place at the time of the act, there is no precedent for this.

The Law Society says:

> "Official commentary to date has expressed the view that the Treaty does not extend to require the provision of information in relation to pure tax matters. But the drafting of the rlevant provisions which are set out below is regarded by the Law Society as being sufficiently unclear to offer little or no comfort on the point. Article 19 provides that the Internal Revenue Service and other United States Authorities expressly have the right to obtain information in relation to any conduct or matter which relates directly or indirectly to the regulation in position, calculation or collection of United States taxes in the following areas:-
>
> > Wilfully or dishonestly obtaining money, property or valuable securities from other persons by means of false or fraudulent pretences or statements, whether oral or written, regarding or affecting benefits available in connection with the laws and regulations relating to income or other taxes.
> >
> > Wilfully or dishonestly making false statements, whether oral or written, to Government Tax Authorities (for example, wilfully or dishonestly submitting a false income tax return) with respect to any tax matter arising from the unlawful proceeds of any criminal offence covered by any other provision of this definition, except sub-paragraph (f), or wilfully or dishonestly failing to make a report to Government Tax Authorities as required by law in respect of, or to pay the tax due on, any such unlawful proceeds."

So how can the investor not fear that he will be investigated for tax matters. I dealt with it yesterday, when I showed how Article 5 said that the Treaty would not apply to tax matters, but how that subsequent Articles, circumvented

Article 3, and made it abundantly clear that the main reason for getting this Treaty was to get information on tax matters. They did not need it for drug matters, because that was sufficiently covered under the Narcotics Agreement, and would simple need an extension of that Treaty.

> "We welcome the provisions of the enabling legislation which establish a Cayman Mutual Legal Assistance Authority which consits of the Chief Justice of the Cayman Islands although unfortunately sitting not in a judicial but in an administrative capacity. However the law is regrettably silent on the applicable law that the CMLAA must apply in determining whether "there are reasonable grounds for believing that the criminal offence specified in the request has been committed". Nor is it supposed that the CMLAA will have any particular expertise in the interpretation and application of matters which are essentially related to United States criminal law."

Now, I have listened to many campaign speeches during the 1984 Election, and at nearly every meeting, especially those that were held at the Thompson Building in front of the Post Office, we heard that the Narcotics Agreement had taken the matter of confidentiality out of the hands of the court, and put in the hands of the Attorney General, in an administrative matter. When these bright boys were elected in 1984 they would renegotiate that Treaty and put the confidentiality back where it belonged in the courts. Unfortunately, their actions were not like their campaign promises, and while the Chief Justice is the authority under this Treaty, to decide whether an offence has been committed, and whether the information can be given. He does not sit as a judge, and is merely an administrative clerk for the purposes of the Treaty. I must say that I have great faith in not only the present judges of our Grand Court, but in the men who have filled it over the years, and I trust that anyone who is elevated to that position, will be worthy of the post. But when the judge of our Grand Court sits as the Cayman Mutual Legal Assistance Authority, he has to act as an administrative officer and is stripped of his judicial capacity. And, will not have the precedents of law to help him decide what to do, because there are no precedents under this Treaty. When he sits in court, the judge has the help of decisions made by former judges; he has the help of laws and the application of those laws in certain circumstances, and he has the whole power of the judicial office behind him. When he acts as an 'officer' under this Treaty, he has been stripped of his judicial accoutrements and simply becomes an administrative officer, and as such, has no law to guide him in determining that there are reasonable grounds for believing that a specific criminal offense has been committed. In fact, he is then an ordinary citizen, using his own discretion to determine whether information should be given, and to determine whether a criminal offense has been committed under American law, which he knows nothing about. This is how our big boys kept their campaign promise, by putting the Narcotics Agreement back into the courts. I wonder if they are going to tell the public that they were unable to keep that promise, and the best they were able to get was to have a judge bear the office of Administrative Assistant under the Treaty.

The Law Society goes on to say that:

> "The CMLAA is deemed to be administrative in nature and no apparent right to appear is given to the individual in question or his Cayman Islands representative at the point where the United States authorities first request the information."

Now, not even in Russia would there be something like this, where no right is given to a person to appear at this stage. He does not even know he is being investigated, because the Treaty makes it a criminal offence for anyone to tell him that he is being investigated. The Article goes on:

> "The CMLAA has wide powers to cause persons to appear by subpoena, to cause premises to be searched and items to be removed by seizure and it is unclear as to whether any of these matters may be challenged by way of appeal or by recourse to the Cayman Islands court on an application of the usual principles. The implication is that they may not.

> Apparently in relation to these matters due process of law is excluded."

In other words, the right to a fair trial, the right to justice is denied by this Treaty. This is not to say that a smart lawyer could never find a way, if he found a tolerant judge, to circumvent some of this. But as the Treaty is intended for the ordinary man who would not have the resources to pay for many appeals, certainly the Treaty is bad in law and takes away the right of the individual to protect his interests under this Treaty.

The Article goes on:

> "Furthermore there appears to be no express power in the enabling legislation to edit information required to be produced under the Treaty to exclude references to the identity of third parties who are not the subject of the investigation."

And this is a serious blunder, because what will happen here is that during the investigation of a particular person, the authorities can come into information on a third party not related to the matter being investigated, and naturally, if this involves a tax matter this again will be turned over to the IRS and they will get the information which will result in a pure tax indictment based on information gathered under a supposedly different crime.

The Article continues:

> "Also included are powers that enable the CMLAA to require that a Cayman Islands citizen or resident shall not disclose to his client the fact that information has been disclosed pursuant to the Treaty. This re-enacts an unfortunate and quite novel provision of the Narcotics Drugs (Evidence) U.S.A. Law 1984 and maintains an extraordinary reversal of the usual standards of professional secrecy in favour of the United States Government and to the detriment of the client or customer."

And this is a sad state of affairs. Because, while this was done under the Narcotics Agreement, the Narcotics Agreement only applied to drugs and drug related crimes. It did not apply to tax avoidance and other matters that are covered by this Treaty. So that while the provision might have some slight justification in the Narcotics Agreement, it should never be in this Treaty. The Law Society goes on in the next paragraph to say the same things:

> "Whilst a provision of this type may have been justified in relation to narcotic offences its extension in relation to the United States criminal offences listed in the Treaty is regarded by the Law Society as an abuse of the usual rules of privilege and confidentiality in professional relationships and particularly given the circumstances where, it must be remembered, no crime has been proven."

It is my understanding that under the Narcotics Agreement, the United States Attorney had to make out a prima facie case before he could get information. He had to sign a certificate, and I have the certificate here Sir, that alleged that an offence had been committed, and that they needed to investigate it. However, under the Treaty it seems to me, that it is easier to get information on the very matters which we do not want, or if we had any sense should not want them to get it on. The Government has been co-operating with the United States in drug-related cases. But the Treaty hardly mentions drug-related cases. The emphasis has shifted to tax related matters, despite what is said in Article 3. In actual practice, this Treaty is going to be abused and used solely for information on tax related matters, and this is the danger of the broadness of this Treaty. And this is the reason why we should ask the United Kingdom Government to to ratify this Treaty. But we have had no word from the Government bench that they have sent any cable, or any message to London, even to ask them to withdraw the Paper which we understand is being laid before Parliament. Perhaps the other Members to come from the Government bench will have better news for us

than the two who have already spoken.

The Law Society is alarmed by the abuse of the confidentiality which has existed between the lawyer and his client. In our courts here, I do not think there is any provision to force a lawyer to get on the witness stand and give evidence against his client, no matter what the crime. Whatever the client told the lawyer is kept in confidence and not used against the client. Under the Treaty, the lawyer can be forced to give information against his client, and is prevented by the Treaty from even telling his client initially that he has given out the secrets which he held in trust. The Law Society states:

> "We are advised that no similar powers to obtain evidence in confidence from professional advisers exists in the United States under United States Law."

So the Treaty gives to the investigating authorities a unique power. A power which they do not have in the United States, and that is to put a lawyer on the witness stand and force him to disclose the information which he received in confidence from his client. The Article reads:

> "Whilst the Treaty is described as a Mutual Legal Assistance Treaty it grants to the U.S. enforcement agencies extensive powers which they do not possess under United States Law. It is the view of the Law Society that it is most unlikely that reciprocal provisions may be introduced as a matter of United States Law which provisions would clearly abuse Constitutional rights as they are enjoyed in the United States. The disturbing conclusion is that a U.S. citizen or resident by virtue of using the Cayman Islands in relation to offshore financial activity is stripped of the Constitutional rights and immunities he enjoys under United States Law."

So what the Law Society is saying is that while the United States authorities under this Treaty can come here and force a lawyer, or a banker or whoever the professional is to disclose information from his client. They doubt if we could go to the United States and get the same thing, although the Treaty is supposed to be a mutual one. And in fact when the United States citizen comes here, he loses his immunity under the Constitution not only for the revelation of information from his lawyer, but he loses his own immunity and would be forced to give evidence which would incriminate him:

> "Although the disadvantages are clear notwithstanding careful analysis it is difficult to see what particular benefits the Treaty confers."

And that is true. My colleague here from Bodden Town tried to get the Second Official Member to extend his speech, because he had listened and could not find any benefits. I too listened, and I did not hear of any. I thought the Member was going on to Article 9 as I said yesterday, to tell us of the evil which we have received, rather than the benefits, and then maybe I would have turned those evils into benefits. But there are no benefits for us. The Treaty offers no benefits to us, especially, the Law Society says 'specifically in the event that the CMLAA determines not to provide information to the United States authorities under the provisions of the Treaty. I spent a lot of time on that point yesterday.

The Treaty works however badly it works up until the time the Chief Justice or whoever it is, says this case is not a case on which I can authorise the gathering of information. It works up until the time we hand up that information as fast as we can gather it. But if there is any holdup in gathering the information; if there is any delay, I think they put in the word 'unreasonable', if there is any unreasonable delay in gathering the information, the Treaty ceases to work because the United States can then go outside the Treaty and give 40 days notice that they have complied with the Treaty, and then free of the Treaty they can go outside the Treaty and get the information anyhow, or any way they can gather it. So the Treaty only works if the Chief Justice is a 'yes' man, or whoever the Mutual Assistance Officer is under the Treaty. As long as he says 'yes' to every request, and as long as he expeditiously hands over the information, the Treaty works. But, the

moment there is any unreasonable delay and the moment that he feels that a case is not justified, the Treaty ceases to work, and he - as soon as he informs the United States that he will not give them the information, they if they wish, can give notice that the Treaty has ceased to work and they are then free to issue their extraterritorial subpoenas, or use any other highhanded method available to them for getting the information which they intended to get in the first place. So the Treaty ceases to work unless we say 'yes'.

The Article goes on to say:

> "There is nothing in the Treaty that would then prevent United States authorities from proceeding against the Cayman Islands resident or citizen with the same powers of documentary and personal subpoena as have existed hitherto."

In other words, if they had been honest with us, and really wanted to put an end to the issuing of subpoenas, they would have said so in the Treaty, and would have accepted the rulings of the Mutual Assistance Officer, but they are not going to accept it. They will accept it however, when he says 'yes'. Any time he says 'no', or any time there is an unreasonable delay the Treaty ceases to function after the 45 days notice and the 90 days have elapsed, the Treaty ceases to function. So we can give away all the information we want, but if we want to withhold just one case where we feel there has been no criminality except a tax offence, we will find that the Treaty has ceased to work.

> "The conclusion of the Law Society is that the Treaty affords no exclusivity and is likely to be regarded by the U.S. enforcement agencies merely as a procedure of first recourse."

In other words, this treaty is only a well-oiled bit of machinery for the United States to get all the information it needs in as simple a procedural manner as possible. Information which will probably be gathered by our C.I.D. officers.

But today, if we try to put our foot we will find that we no longer have a Treaty, and we not being a Contracting Party to the Treaty have nothing to do with the 45 days notice which will be given.

Is this not amazing that this Treaty which our good and loving Mother has made for us, does not contain a single line of protection for us - we have no say in the matter. We cannot terminate it, we cannot amend it, all we can do is suffer under it.

> "It is the Law Society's conclusion that persons with legitimate business in the Cayman Islands may be reluctant to continue to do so on the basis that their private and commercial affairs will be subject to greater disclosure than would be the case in other jurisdictions and certainly greater disclosure than would be the case in the United States where the right to have judicial review of any investigative process of an enforcement agency remains."

For years we have been saying that we want good clients: we want honest clients: we want clean money. I think our reputation to date is probably the best of any of the tax havens, as far as having honest investors come here. There have been a few exceptions, as one would expect. But, with the coming into effect of this Treaty, we are going to lose all those honest investors. And the Law Society rightfully concludes that persons with legitimate business will take it elsewhere. Why should they come here? Why do they not go to the Channel Islands, where they cannot be investigated? Why do they not go to London where they cannot be investigated? Why do they not go to Turks Island, where they cannot be investigated? Why do they not go to the Bahamas, why do they not go to Bermuda? Because it is only in the Cayman Islands that the IRS can get information so readily, and get information which would not be available.

Now I have said the IRS, simply because the Treaty makes it clear that once they get the information, and the person is convicted of any crime, not a tax matter, they can then use it for any other crime against that person. So the IRS will subsequently get the information, and also if there is no conviction it is even worse, because then the information can be used against any

person for any crime. This is something which the Government bench would like to cover up. The First Elected Member of Executive Council is making hurried notes at this time, but it is a fact, that under the Treaty the IRS can get information subsequently after it has been passed on, and that is something which he cannot whitewash.

MR. PRESIDENT: I have been deferring our morning break, because I earlier thought the Member only intended to speak for an hour or so. But clearly, he appears to be going on rather longer than originally he had intended, and does not seem to be nearing....

MR. G. HAIG BODDEN: It appears to me Mr. President that I may have to ask for an extension of the four hours. I have so much....

MR. PRESIDENT: I do not think...well, you can ask the House for that. But at any rate I think it will be convenient if we take a break now, but let us try and shorten the break to approximately ten minutes.

AT 11:20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:44 A.M.

MR. PRESIDENT: Please be seated. The Second Elected Member for Bodden Town to continue.

MR. G. HAIG BODDEN:

> "The Law Society recognises that those who seek to mis-use the facilities offered by the Cayman Islands with regard to the proceeds of criminal activity should be precluded from so doing."

This has been the hope of the Cayman Islands from the time we started to attract offshore investors. From the very infancy of this business, we have tried to be a model, and I trust that no other tax haven will follow our example in this Treaty. If the United Kingdom wanted to help the Cayman Islands, or even put us in a favourable position with her other colonies which are tax havens, would she not have insisted that these other colonies have the same Treaty at the same time as the Cayman Islands. So I can only believe that the United Kingdom wanted to isolate us, wanted to single us out, wanted to destroy us economically for whatever reason. We have been put in a position where there is no one else like us. No one else with a destructive Treaty; no one else with a Treaty which will prevent investors from coming here.

The Law Society feels that the number of people engaged in mis-using the facilities offered by the Cayman Islands has been greatly exaggerated, and I believe that. We have had a good record, and while there have been isolated cases of misuse, by and large, we are a reputable financial centre. We are a reputable tax haven.

Now we know that some people, and particularly the Second Official Member, tried not to use the words 'tax haven' and mostly referred to 'financial centres'. But I am not one to quibble over semantics or whatever name we call it. The purpose of our operation here is to attract American investments or investors from Europe or from whatever country, so that they would do business here. If they in so doing business, infringed any tax laws in their countries this would be up to them. They must take advice from their tax lawyers and from their tax accountants, so that when they do business here, the business is on the level. I would say that probably 90 percent or more of the investors who have come here have been on the level, although as in every other business there would be some unscrupulous ones. My fear today is not that we will lose the unscrupulous investors, but that we are also going to lose the legitimate investors; the honest investors particularly Americans, who do not like to be harassed. They do not like to be subjected to IRS investigations. They do not like to be the subject of tax audits, because these matters are time consuming and expensive to the businessmen, but here, we have opened up the floodgates:

> "The provisions introduced under the Treaty and the enabling legislation exceed what may, in the view of the Law Society, properly be regarded as being necessary to deal with the concern and to the detriment of the Cayman Islands as an offshore financial centre."

In other words, what we have here is a case of overkill. If the Treaty simply wanted to deal with narcotics or serious crimes, the Treaty should have been limited in its scope. What it has really done is to open up the floodgates, so that every investor no matter how pure at heart he may be, is now open to harassment just because he opens a bank account in the Cayman Islands. And once we run away these investors, it will not be easy to get them back. We need only look at our sister island, Jamaica who was once our stepmother and from which we derived many benefits. But unfortunately, they were saddled with the Manley Government which set out to destroy the economy, and to run away the foreign investor. To get rid, as our campaigners have said, to get rid of the Texan dollars, and now Jamaica has found that it cannot regain the credibility of the foreign investor.

In an article published during the second quarter of 1985 in the Journal of Economic Growth, I quote:

> "Shortly after Seaga took office, a committee of businessmen was established to promote foreign investment in Jamaica. At that time there was wide agreement by officials in both the United States and Jamaican Governments, and by the multilateral aide agencies that foreign investment was the key to Jamaica's prosperity. But since then very little investment has actually occured, because the perception persists tha the Jamaican Government is a serious obstacle to investors."

And I am afraid we are not in the same boat. We have destroyed our credibility, and it will not be easy to lure back the people who were using our financial institutions. And we will find as the months go by that we will have less and less demand on our services, until finally we feel again the pinch of poverty. Also in this article is says:

> "That investment is also discouraged by frequent labour disputes and high minimum wages."

This will be the second round in our distruction if the Labour Bill comes to the House.

So the Cayman Islands find themselves in a position that nobody could have dreamt about two years ago. None of the people who supported the present Government could have expected that two years down the line they would be fighting for their very existence. But people make mistakes, and it is never too late to correct them.

I know this Bill will pass the House. I know the extensions of Executive Council will support it, and I know the Bill will pass, although it is definitely to the detriment of these Islands financially. This is not my opinion alone, it is the opinion of the Law Society; it is the opinion of the Chamber of Commerce; it is the opinion of the Accountants; it is the opinion of the man on the street; it is even the opinion of the United States. Because I did not hear any stories about shaking hands and congratulating our negotiating team. The only story I heard out of Washington was that one person remarked "if we had known it would have been so easy, we would have asked for more".

To conclude my remarks on this article by the Law Society, I read the final paragraph:

> "At the least the Law Society advises in the strongest possible terms that urgent consideration be given firstly to a review of the listed United States offences with a view to establishing a true mutuality and secondly to the introduction of a full immunity from prosecution under United States law in favour of any Cayman Islands citizen or resident who is required to provide information by the provisions of the Treaty. The Law Society would willingly assist in any reconsideration of the matter by the Legislative Assembly."

Now is it not funny that when the

Government wants to find out where the little boy can throw out his fishing line, and wants to find out who they can give a license to, to use a spear gun, that they spend lots of money in putting out propaganda. They have news releases, they have district meetings, they have committees. They take weeks and months to decide where the Marine Parks should go, and they refuse any discussion at all on a Treaty. It is the item of most significance in the last twenty years in the Cayman Islands, because upon it hinges the life or death of this country as a financial institution. We know that Government's revenue comes only from three sources, one is tourism, the other is banking and the third are whatever taxes can be collected on things like motor cars and whatever licenses and fees can be charged. I may be wrong in the percentages, but the financial industry is providing a very large part of Government's revenue. Tourism which is providing another large part of revenue includes the people who come here to do business, and when we take out customs duty from the revenue, we find that we are greatly dependent on the revenues from the financial centre and from tourism, which is linked to the financial industry.

So if the Government is going to be strong headed, and just show us that they have a strong and vibrant political party which, although not registered as such, in practice has worked effectively to ramrod legislation through this House in a hurry, because the Select Committees have been a joke. Government must now step forward today and tell us how they are going to replace the revenue which this country is going to lose because of this Treaty. They must step forward and tell us where the jobs are going to come from, for the workers who will lose their jobs because of this Treaty.

My suggestion is that we can do nothing by spending the Bill, unless we amend the Treaty. So the step open to us is for the Government bench to make the recommendation and then we know the backbenchers will go along with it: to delay this Bill: put in a Select Committee decide on the areas which need to be amended: take the advice of the Law Society, the public and all the other organisations and see if they can go back to the United Kingdom to get it amended.

On the 3rd September, I received a copy of a letter from the Cayman Islands Society of Professional Accountants, and I am sorry I am running out of time and thus cannot spend the time I would like to spend on this. But I want them to understand that my brevity on this matter is simply the compulsion of the constraints which have been put upon me by the Standing Orders, and has nothing to do with what is in it.

The Cayman Islands Society of Professional Accountants in the second paragraph of their letter say:

> "Of particular concern to the CISPA is the potential retroactive effect of the Treaty as it now stands, and the numerous difficulties of interpretation of the Treaty as cited by the Law Society."

I can only add that this matter has been of particular concern to me as well. The retroactive effects of this Treaty will have repecussions which will shatter our financial institutions.

> "Although our Members recognise that a Treaty with the United States may be necessary, we support the views expressed by the Law Society, and would recommend that serious consideration be given to a review of the Treaty by a Select Committee."

The Professional Accountants Society like all other sensible people recognise the need for a Treaty. This was recognised at the time of the Bank of Nova Scotia case, and recognised at the time the Bank Managers were being arrested, and were being served subpoenas in the United States. It was recognised in the Narcotics Agreement that there would be a Treaty, but nobody imagined that the Government would give to the United States the type of Treaty, a wide open Treaty, and while the Narcotics Agreement simply said that the parties agree to enter into negotiations on a Treaty, the Narcotics Agreement could not have envisaged a Treaty of the scope, a Treaty with the potential to destroy which we have before us today. And as one writer in the newspaper today said:

> "It would have been better if our negotiators had stayed at

> home and then the United States and the United Kingdom could have sent us down what they wanted to send us. At least we would have saved the expenses of the travel, and the Government could say that we had nothing to do with it."

"Unfortunately for them they cannot claim to be exempt, because they were there, they agreed to the Treaty, they had the blessing of Executive Council and all by themselves, they produced a document which is the worst of its kind in the entire world. What we have before us today is in my opinion, the worst Bill that has ever come to this Legislative Assembly, and I am going back to the year 1832 when the first laws were passed in Bodden Town which was then the capital of the Island. In over 150 years, no Bill has ever come to this House which could destroy by one single blow the economy of the three Islands of these dependencies of Great Britain. No Bill has had the potential to destroy those Islands, not even the 1932 hurricane could have the devastating effect that this Bill will have. The days of the Cayman Islands prosperity are over. Her days of adversity have begun, and although it is late in the day, I believe there is some hope. I believe that the Government is now just beginning to understand the Treaty.

You know Rousseau once wrote that the young man writing a love letter, that when he sat down to write he did not know what he would write, and when he had finished, he did not know what he had written. I believe that this is the story of this Treaty. I am not faulting the technical aspects of the Treaty. I believe the man they took along with them was quite capable of drafting a Treaty in the legal terminology which identifies this document as a Treaty. But, unfortunately, we would have been better off instead of taking Sir Percival, if we had taken Mr. Truman Bodden or Mr. Raymond Alberga or Mr. Arthur Hunter. Because these men have lived in these Islands, they know the vital importance to our economy of the banking business. Mr. Truman at least, knows the matter from every angle, having worked as a prosecutor, having been engaged in the Narcotics Agreement, having been in the Government and now, having the distinction of entering the Guinness Book of World Records, and if he does not even get there for the multiplicity of his letters, I think a statue should still be raised in his honour for having the nerve and the courage to point out the pitfalls of this Treaty.

Yesterday in my absence, I understand that two Members of Government mentioned the case of the United States resident Mr. Gerry Lee Harvey who is now facing indictments under information which was gathered under the guise of drug offenses. I went to make it clear that when I mentioned that case, I was not seeking to exonerate Gerry Lee Harvey. I was not seeking to paint a puritanical picture of him. My reason for sighting this was to bring to the attention of the public the fact that two things had happened. One, that either the United States had abused the Narcotics Agreement or that the Second Official Member of Government had betrayed our trust under the Narcotics Agreement, and by this I mean that the information gathered on that man under the guise of drug related matters, proved not to have anything to do with drugs, but were pure tax matters. There was only one way under the Narcotics Agreement that Gerry Lee Harvey could be indicted, and that was that the United States abused their agreement, or the Attorney General gave permission to use it, and I would like to hear from Government Members what happened in this case. Just in case they try to make the public believe that this man is charged with drug related matters, I would like to read just one of the indictments. I will not read all five, but I hope my colleague the Second Elected Member for George Town will read all five of them, to show that they are all tax indictments. I only have a few minutes left to speak, and I will read one:

> "The Grand Jury charges that Count 1.
> On or about April 15th 1979, and on diverse dates thereafter up to and including January 17th 1984 in the Southern District of Florida the defendant Gerry Lee Harvey, a resident of the southern district of Florida did wilfully and knowingly attempt to evade and defeat a large part of the income tax due, and owing by him to the United States of America for the calendar year 1978. By concealing and attempting to conceal the receipt of taxable income in the Southern District of Florida by laundering unreported taxable income from the Cayman Islands to the United States. Distruction of records reflecting the receipt and disposition

> of unreported taxable income. Making false material statements and documents to a Grand Jury and other means, and by preparing and causing to be prepared by signing and causing to be signed and by mailing and causing to be mailed a false and fraudulent United States Individual Income tax return, Form 1040, which was filed with the Internal Revenue Service, wherein he stated that his taxable income for said calendar year was the sum of $17,203.00 and that the amount of tax due and owing thereon was the sum of $4,859. Whereas as he then and there well knew and believed, his taxable income for said calendar year was substantially greater than $17,203. Upon which, said additional taxable income he owed to the United States of America and income tax substantially greater than $4,859.00 all in violation of Title 26, United States Code, Section 7201."

And again I repeat, the point I am making is that whatever the criminal activities are of this man, the fact is he was not convicted and the information gained from us was used to indict the man on five separate tax charges.

Members of Government may get up and try to paint this gentleman a different colour, but regardless of whatever he may have done, the plain fact is that this case is a clear indication that the United States abused the Narcotics Agreement. We should not move into a Mutual Assistance Treaty, because if they were unfaithful in the little things, how much more unfaithful will they be in the bigger things. This is a further reason as to why this Treaty and this Bill should not be rammoded today.

We were told by the Second Official Member of Government that one of the requirements for this Treaty to go into operation was that the United Kingdom Government would have to ratify the Treaty, and the method of ratification was that they would lay th document before Parliament, which appears to be in recess, and that sometime at the end of either September or October the ratification would be final. So the United Kingdom itself has not yet concluded its ratification of the Treaty. Why should we conclude the passage of this Bill today, or Monday whenever the debate finishes. Why do we have to act before then, when it has already been shown that we have acted with undue haste, because the Government in my opinion did not take the time to satisfy itself that the Narcotics Agreement had worked satisfactorily. I would suggest that when the Second Official Member comes to wind up his debate, that he will recommend that this Bill goes to a Select Committee where it will remain until after there has been a satisfactory amendment to the Treaty.

I mentioned on the day of my opening, that the path is not easy. The Treaty is already signed. The Cayman Islands have been left out of the right to amend the Treaty. We are not, according to the definition in Article 19 a Contracting Party to the Treaty, and have no right or no way of getting out of it. So the path is not easy. We can only go back to the United Kingdom and ask them if they will try on our behalf. I believe that is a sufficiently clear case is made that the United Kingdom will have to listen, but we must send a message to them today asking them to hold up their ratification, and that a delegation will be coming up to discuss amendments to this Treaty, and then maybe, the Bill can be brought back to the House in November at the Budget Session.

The Fourth Elected Member of Executive Council in his speech on this Bill, said "let the people come forward and say what they want", and I hope that he has convinced the other six Members of Executive Council that they too should let the people come forward and say what they want. But in order for the people to come forward, the Bill will have to be delayed. We will have to put it in a Select Committee. Remember, this Government was not given a mandate at the November Election to enter into this type of Treaty. They had no obligation under the Narcotics Agreement to enter into this type of Treaty, although there was an obligation to negotiate a Treaty. But they were not compelled by the Narcotics Agreement to get us into the mess that they now have us in....

MR. PRESIDENT: I think the Member knows that he has now finished his four hours. I gave him warning, and I have given him about three or four minutes on my reckoning, three or four minutes beyond four hours to be quite sure....

MR. G. HAIG BODDEN: Yes Mr. President. I appreciate that

and I think your timing is very accurate. However Sir, I am going to ask you for leave of the House to suspend the Standing Orders so that I may go on for a while.

MR. PRESIDENT: You can certainly ask for leave of the House to suspend...I cannot grant you leave myself, but you can ask that Standing Oreer 32(6) be suspended to permit you to go on, if that is what you wish.

MR. PRESIDENT: Yes Sir, to give me at least two hours more.

MOTION

SUSPENSION OF STANDING ORDER 32(6)

MR. PRESIDENT: I am not sure whether I am putting words into the Member's mouth, but he will no doubt correct me if I have misunderstood him. The motion he proposes to move is that in accordance with the provisions of Standing Order 53, Standing Order 32(6) should be suspended in order to enable him to speak for at least a further two hours. Is that correct?

MR. G. HAIG BODDEN: No, I would just say.....

MR. PRESIDENT: Indefinitely.

MR. G. HAIG BODDEN: until I have concluded my speech.

MR. PRESIDENT: Indefinitely you mean. Not just two hours, but indefinitely.

MR. G. HAIG BODDEN: Yes Sir.

MR. PRESIDENT: Well that is the motion.

QUESTION PUT: AYES AND NOES.

MR. JAMES M. BODDEN: Could we have a division Sir.

MR. PRESIDENT: You can certainly have a division.

HON. VASSEL G. JOHNSON: Mr. President...

MR. JAMES M. BODDEN: Mr. President, before we do this, should we not have been able to have debated this?

MR. PRESIDENT: I think...

MR. JAMES M. BODDEN: .....Under the Standing Orders I think we are allowed to. We should not have taken the vote before the debate.

MR. PRESIDENT: Well you may be right, but I am afraid I have taken the vote now, and if I was wrong in doing so I must apologise to the House. Perhaps the Clerk will call the division.

MR. JAMES M. BODDEN: I hate to object again Sir, but I have to. This takes away another democratic right which the Members of this House have, and I feel strongly that we have lost enough ground as it it already. We had the Standing Orders of this House that worked quite well for a number of years, I think approximately probably 14 years, and all of a sudden everything was changed, the Standing Orders have been repeatedly changed. It is ridiculous to try to restrict a Member to four hours of speech on important issues that affect the country as this one does. I stood strictly against it when it was done, and I stand strictly against it now, and I think that it is an infringement on the rights of the people of this country, and of their elected representatives.

MR. D. EZZARD MILLER: Mr. President Sir, I also objected in the Committee stage to the limit of four hours, and suggested that we all be allowed to speak as long as we wanted to, without a break. It was the Second Elected Member for Bodden Town who moved the motion to limit peoples' speech to four hours in the Committee.

MR. G. HAIG BODDEN: The Member must not get away with misleading the House. The Member knows full well what happened in the Committee. The Committee of which he was a part, and all his party members were there, were if I can say it 'hellbent' on limiting the speech of a person just talking as long as he could stand up. In other words, if the Member got up at four o'clock in the evening, and we stopped at four thirty, then that would be the end of his speech. In order to preserve some rights, I suggested four hours. But the other Members of the Committee, I do not think my people were there, were bent on limiting the speeches to about a half-hour, and so to save it, but I can tell you that if I ever get the votes again I am going to remove that Standing Order.

MR. PRESIDENT: I think it must be on the record somewhere.

MR. D. EZIARD MILLER: Yes Mr. President, it is on the record. If I can set the record straight, my motion said that the House should not be adjourned, nor suspended while a Member is speaking. If he started at four thirty and he spoke to twelve o'clock at night, the House would not be adjourned nor suspended while he was speaking. That Member is seeking to mislead the House on what I said Sir.

MR. G. HAIG BODDEN: No Mr. President, it is his version of it. The other Members.....

MR. D. EZIARD MILLER: Can the Clerk produce the Minutes of the meeting please?

MR. G. HAIG BODDEN: I think the other....

MR. PRESIDENT: Order. Order. Please be seated.

MR. G. HAIG BODDEN: I just want to say the other Members wanted to limit it.....

MR. PRESIDENT: Please be seated. Thank you.

MR. LINFORD A. PIERSON: Mr. President we have a miscarriage of justice.....

MR. PRESIDENT: Please, please be seated until I have spoken....

MR. LINFORD A. PIERSON: ....in this Assembly.

MR. PRESIDENT: Please be seated until I have spoken.

MR. G. HAIG BODDEN: Will you allow the Member for North Side to speak...

MR. PRESIDENT: When I have finished speaking, other Members may speak if I call them.

What I was wishing to say was firstly that the Standing Orders are matters for the House to make. My function is simply to seek to interpret them as best I can, and it is therefore a matter for the House not for me to decide whether speeches should be limited to four hours, or to some other period.

As to the question of what happened in Committee, and how it turned out that the four-hour limitation was imposed. There must I think be records of the meeting of the Committee, and I would urge Members to read them, rather than to have angry exchanges and accusations across the floor of the House.

Now, if the Second Elected Member for George Town still wishes he may, if he has a Point of Order, raise it.

MR. LINFORD A. PIERSON: Mr. President, my only point which I was raising is that we allow the Member for North Side to get up without stating his Point of Order. He said what he wished to say, but as soon as the Second Elected Member for Bodden Town got up, he was being made to sit down, and I am saying that that is not right. Whatever applied to one....

MR. PRESIDENT: They were both on their feet at the same time at that stage, and I was trying to stop them both.
Now, I will ask the Clerk to take the division.

DIVISION
NO.24/86

AYES: 4

Mr. Linford A. Pierson

NOES: 10

Hon. Thomas C. Jefferson
Hon. Michael J. Bradley
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles Kirkconnell
Hon. Vassel O. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell

CLERK: Mr. James M. Bodden.

MR. JAMES M. BODDEN: Yes. And I hope the people will see how the freedom of speech is denied their representatives.

MR. PRESIDENT: Order! Order! A Member must just vote.

MR. JAMES M. BODDEN: You can order me out all you want, it does not .....

DIVISION (CONTINUED)
NO.24/86

AYES: 4

Mr. James M. Bodden
Mr. G Haig Bodden
Mr. John B. McLean

NOES: 10

Mr. D Ezzard Miller

MR. PRESIDENT: I declare the motion lost.

MOTION DEFEATED BY MAJORITY

MR. PRESIDENT Does any other member wish to speak? I am not sure whether the Third Elected Member for West Bay was trying to catch my eye or....no she was not.

MRS. DAPHNE L. ORRETT: I thought it was lunchtime Sir.

MR. PRESIDENT: Well, it is in fact only about five minutes before we normally break for lunch, and perhaps it is inconsiderate to ask any Member to start a speech. I wonder whether we might try to resume a little bit earlier. Supposing I said we try to resume about ten past two instead of a quarter past, maybe we shall actually be started by a quarter past. So I will suspend proceedings until approximately ten past two.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIENT: Please be seated.
Continuation of Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. Does any Member wish to speak? No Member rises to speak. I shall have to invite the Second Official Member to exercise his right of reply, if he wishes. The Second Elected....the First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, I am very surprised to see that the Elected Members of Executive Council in particular, as

well as their back benchers whom I have seen rapidly making notes, have not seen fit to defend their policy.

However, I will assure the House of one thing, and that is that by the time my allotted span has been used up, they will be more than willing to jump to their feet. We still have some ammunition left on this side from a Member who is willing to wait them out.

Mr. President, sometime in the not too distant future, historians will begin again to rewrite the history of the Cayman Islands. And when they undertake this massive job, they will have to draw some of their inferences from the Bible to help put our history together, and in so doing, they will mark the history of the Cayman Islands with the names prominently displayed of the Judases who have betrayed us.

One Member of the Elected House, several times in th past two years has tried to label Members of the Opposition with treason. If treason has ever been committed, it has been committeed by the members of the negotiating team who went to the United Kingdom and Washington to negotiate this Treaty. I can only surmise Mr. President, that somebody out have had a liberal dose of chloroform and chloroformed them in their rooms while they wrote this Treaty, and then handed it to them to bring back here. I cannot believe that people with good common sense, who had the interests of our people at heart, would have negotiated something like this.

At least when the Biblical tale is told of Jesus Christ at his Last Supper with Judas Iscariot, it is recorded that Judas Iscariot got thirty pieces of silver. I do not know what the Judases in the forms of the Fourth Elected Member of Executive Council, the First Elected Member of Executive Council and the Second Official Member of Executive Council may have received, or what promises of nobility may have been bestowed on them. But one thing they have succeeded in doing is that they have torn down everything which has been built up in this country for the last 20 to 25 years, in particular. Jesus Christ found it in his heart to forgive Judas Iscariot. I doubt that the people of this country will find it possible to have such forgiveness in their hearts for these three noble gentlemen.

I heard the Fourth Elected Member of Executive Council expound greatly yesterday on the good will which was shown to him in the corridors of Washington and London, and the handshakes he has received. Well in future maybe we can bestow on him the title of our 'Good Will Ambassador Abroad.' Maybe he will be able to do that for us correctly.

Mr. President, I find it very difficult to believe that the Members who we have in the Law Society; the people in the Chamber of Commerce; the Accountants' Association; the Young Mens' Business Association; the Bankers Association; the laymen of this country; that everyone in these groups are foolish and a bunch of ignoramuses as some of these Members would try to let us believe. How can this be so? How can we all be wrong, and just the few Members of the Government bench be right. There would at least have to be one or two things right in what these people are saying. These people deal with the financial community every day. These people who have dealt with the Treaty very seldom do, other than the Honourable First Official Member.

I am sure by this time Mr. President that the public is wondering where we are heading. They are wondering what connections we are making abroad. They are wondering what connections have been made of which we do not know anything. I am sure that the public at this time is wondering whether our affiliation and economic boycott of Cuba will shortly end, and we will find Havana is an established route for Cayman Airways. The people are wondering these things. They are wondering about this Mr. President because if we do away with our capitalist system it means that we will have to embrace the communist system, and it appears that we are already beginning to do so. We have had a question answered in this House which tells us that we now have 30 Russian ships registered under our flag, and flying our flag, and they were registered by a very close colleague of the present Administration, one of their Rasputins, Mr. Hunter. So the people must wonder.

I had hoped that this would not become a political speech, or that we might not really discuss this politically, but rather, that we would unite together for the good of the country and see the best that we could get, because I viewed the consequences of this Treaty as being above politics. This view was shared by most of our political group on this side of the House, but

alas Mr. President, we find it impossible to do otherwise but to fight this politically. I personally tried if I may say so in humility, on bended knee, to convince several Members of the elected Executive Council of the dangers which were inherent in this Treaty- and to advise them of the way people on the street were thinking of it, and I begged them to take time with this Treaty. I begged them to put it into a Select Committee and to bring in people who could advise us correctly before we would deal further with it, and implement it into law. They admitted to me that they saw the pitfalls, they admitted to me that it should not be rushed; they led me to believe that what I was saying had merit. But alas, ten minutes later on a particular occasion they stabbed me in the back. They called a meeting with their political backbenchers from this side of the House. Ten minutes after talking to me they tried to convince their backbenchers to help them pass this legislation as quickly as possible. This conduct Mr. President I find difficult to tolerate from leaders or so called statesmen of the country. And I personally find it impossible from now on to work with them on any issue. I am quite content to continue to work on issues with our small loyal group, however small it may be.

It is not only the people of the Cayman Islands who are speaking in this manner about the Treaty. I will read some excerpts from the Miami Herald, and it says:

> "International law experts pondering a newly signed U.S. Treaty with the Cayman Islands, are asking themselves and each other whether the days of true bank secrecy in Caribbean tax havens are over. Most say they are, or that their end is very near. 'If the nail was half down before, it has gone down now by another third' said Robert Brier a Miami Tax Attorney. 'Somehow the U.S. Government will be able to get most of the secret data it is trying to get.'
>
> 'Bank secrecy has been eroding for years' said Miami Tax Attorney Leonard Soklow. 'The Cayman's Treaty opens the door a little more.'
>
> While the new Treaty with the Caymen Islands is aimed at pursuing drug dealers and organised crime figures, many analysts say that the Agreement may also help the U.S. catch U.S. tax evaders."
>
> The key question analysts say is how long will it take before the U.S. Government is able to obtain the names of American citizens or residents who keep off-shore bank accounts, to hide their income from the IRS. The new Treaty with the Cayman Islands for instance, provides for cooperation in virtually all cases where U.S. deposits derive from a legal income. 'If you can nap a tax evasion case up with narcotics dealings or mail fraud there will be pretty good chances of catching US tax evaders,' says Philip White, Head of the U.S. Justice Department, Criminal Divisions Office, in charge of negotiating exchange of information Treaties with other countries."

Those are just what a few of the American Attorneys are saying. That is what one particular head official of the United States Justice Department has said. I have papers here that quote several more, and it all boils down to one thing, the United States officials who would deal with us in this Treaty are bluntly telling us that they have their foot in the door, and if they do not get the information from us one way, they will get it another and will use it as they please. Now they are some of the highest officials in the Justice Department of the United States. Then these people would try to come here and delude this House and delude the people of these Islands by telling us that "do not worry we have been lulled to sleep so you can come along with us and let us sing sweet lullabies together." -- this is ridiculous.

The Honourable Second Official Member of Government would have us believe that we can get the same treatment from the United States courts as we give them. As I proceed in my deliberation, I will do my very best to point out that that is impossible. I would like to have the Honourable Member obtain clarification from the United States Attorney General in writing, and submit it to this House, confirming the things which he said a few days ago concerning how this would work with regard to United States Law. The Treaty cannot offer us "from the American side, what we offer

them, because they are fully bound by the United States Constitution, and no rule or law can be made in the United States which is contrary to the United States Constitution. The United States House of Representatives and the Senate would first have to amend the Constitution, and I have seen nothing in the American Press that would lead me to believe that the United States Senate or the United States House of Representatives is considering an amendment to the Constitution which would enable the Cayman Islands to override their present Constitution, and I will deliberate on this in greater detail later on in my speech.

I again raise the question, in asking the negotiating team from this country, at what level did they negotiate with the United States Government? Was it the janitors who swept the buildings? I cannot believe that they negotiated at the political level where they could have laid our case in a political manner. I do not believe it was done that way.

As I proceed again with my speech, I feel that I am quite qualified to speak on the Treaty. I feel I am quite qualified to speak as a representative of my people. If I were not, then the Honourable Second Official Member of Government bestowed it on me a couple of days ago, because I think he said that anyone would be qualified to be a speaker, if they had been involved in many Government negotiations. So in the past....yes I think you said that, I am sorry if you did not, if I recalled differently, but I have a note made to that effect, if I am wrong....

But, I feel that although I am not a lawyer; although I do not possess any legal training I am just a layman, but I feel that the grey hairs on my head have been gained by more than just time. And I do not wish to be known in history as a part of this Government which is being led like a horse with blinds on it, which goes in one direction only, headlong into destruction. I fully support all measures that can control the drug movement, and any measure that can control criminal activity. I would not believe that the Members of the Government bench would try to inject into this Treaty that that is the only thing that we are discussing here. If that was the only thing the Treaty was dealing with, I am sure not one member of this House would have risen in opposition, because every member of this House as was shown here yesterday, is quite cognisant with the problems of drugs, and is willing to do anything he can to stamp it out of our midst. No one is objecting to co-operation with regard to narcotics. We in the past Government fully agreed with this, and the Narcotics Agreement was something that showed, that we stood up to be counted in our fight against the narcotics. We entered into that Agreement because we thought it was good for the Americans, good for us, good for our people and good for humanity. So please do not try to make anyone believe that because any Member of this House may use his constitutional rights to defend his belief, that he is against the Treaty, because he is trying to cover up for narcotics; that is ridiculous, and I would hope that you Members of the Government bench have more manhood in you than to say something like that - it is very misleading. It is also misleading to try to say that the Narcotics Agreement which was entered into with the United States led us into this Treaty. I will deal with that at length, as I progres with my speech, if the limitation which has been undemocratically imposed on this House will allow me to deal with it.

The Honourable Second Official Member of Government tried very hard, along with the assistance rendered him by the Honourable Fourth Elected Member of Executive Council to say that this Treaty was an off-shoot of the Narcotics Agreement. It was not necessary to go into a Treaty with regard to the Narcotics Agreement. The Narcotics Agreement could have been strung out with negotiations over many, many years. We could have added offences to it for fifteen-month periods, for example, a case of armed robbery in the United States and two million dollars being stashed away in a bank account here, and as a result of that armed robbery a guard was killed or something, sure, in a case like that we should give assistance, and if the Honourable Second Official Member will tell the truth and will admit it, he knows that that was a point which I raised with the American Authorities very early on in the Narcotics Agreement, that we would consider in the next stage, to give them assistance in areas like that. But that when they mentioned a Treaty from the beginning, I stood against it, and I said "you will never have a Treaty with th Cayman Islands as long as I have anything to do with the Government of the Cayman Islands." Is that not right Honourable Second Official Member? Your Irish smile will not fool everybody. The Honourable Member is quite fruitful with the fact that

this was a plan of our elected Government that we would not go into a Treaty, and that we would string the Narcotics Agreement out over a long period of time. The Treaty part, I am sure because I do not recall it in any meetings that I had anything to do with was in it before. I think it was added on either the last or the next to last trip which was made to London. The Honourable Member said that these negotiations leading up to the Treaty were conducted in detail. Well, if they were conducted in detail Mr. President there are many loopholes which have been left uncovered.

In my opinion, the Legislative Assembly Members of this House who have been elected by the people of this country to represent them. We are not elected just to come in here and talk. We are elected to look out for the welfare of the people. We are put here to see, whether we are in opposition or whether we are on the other side that democracy prevails. If we are in opposition, then we are the watchdogs of the Administration. But conditions are so bad in this House that we cannot even be the watchdogs any more. They should have taken the Members of the Legislative Assembly into their confidence, instead of going to their cohorts in the private sector who they are now de ouncing - that is the loyalty these members have. They open their coats and they put these people under their coats and say "come on with me, you are my friend" and when they start to warm up a little bit, they take their coats off and they say "you know, you go and fend for yourself, you are not my friend any more," just like they have done to people of this country, there is nothing different. The Members took a small group from the private sector into their confiden e, and appraised them fully of everything that was taking place with regard to the negotiations for the Treaty, and no Member of this House I do not think was ever appraised of it, other than maybe a five-minute dissertation about the good of it until the thing had been finished, and it was a 'fait accompli' and we were told to come in here and line up like stool pigeons, while we watched the American delegation and the English delegation laugh behind our backs and make fools of us. Thank God I had enough sense, and I think most of our political group from the Unity Team had enough sense not to join you.

Before the last Election, every Member of the present Elected Government ridiculed and condemned the Narcotics Agreement. It was one of the things they lied to the public about to get elected, as they did so many other things. Now they are saying after they have ruined the country, that the Treaty is the best thing since God created milk and honey. How can we believe these people? How can we trust them, how can the people on the street trust their representatives under such conditions. I would like to know how they are going to go back and explain this to the population. I would like to know how they are going to explain to the population of this country that they are ramming the Treaty through without anybody having a chance to stand in opposition to it. When, as my colleage from Bodden Town in his deliberation said, that for the last two years they have done nothing but spend Government money with Committees, films and everything else they could do to try to get the people together to tell them who they should give a speargun license to, and what part of the ironshore they should license for the little ten year-old boy to go and throw his fishing line off. How ridiculous can you get. If you need public input to do things like that, my God you more than need them to do things like this. Why are we determined to push this piece of legislation through? What do we have to gain by doing it at this time? Has somebody been promised a knighthood. I am sure that if the Honourable Second Official Member ever decides to vacation in Belfast, he had better be prepared, or he might have his neck stretched when his Irish brothers and sisters know that he may have been a part of selling them back to the English, under the Extradition Treaty.

I am sure that if the Honourable First Elected Member of Executive Council, or the Honourable Fourth Elected Member ever expects that they will get a knighthood through this, they can forget that also. I think they have received all the E's and the B's that they are going to get, because the people of this country for once, I think are going to stand against such foolish things.

The Honourable Second Official Member spent quite a long time expounding on this Treaty. It was broken down if I remember correctly into eight sections with which he dealt. Number seven was the one that held me rooted to my seat in anticipation, because I was waiting to find out what the gains were. He said that we had big gains coming to us. I waited and waited and

waited. Finally number seven was over and he proceeded to number eight. It is on the record at that point that I had to interrupt and ask him "please do not go to eight yet, please tell me what we were going to get in number seven." Ladies and gentlemen: people of the Cayman Islands, I like you, am still waiting to find out what we were getting under number seven - lucky seven, no. I am afraid it must have been deuces we were throwing that time. I think the Member did say that we had received one big gain, and that was that the United States allowed us to set up our own Central Authority. Now that is really a big gain, ladies and gentlemen. The United States has allowed us to take our Chief Justice out of the Grand Court of our country and set him up as an authority unto himself, and they have agreed to it, and we had to ask them. Now if that is a gain which we have received, my God I am glad we did not get any more, because maybe if we had proceeded further in gains, we would have given them this Assembly building to interrogate the people who would come before the IRS.

I really did not believe that we had every reached the point where we would have to go and ask permission, or secure permission from the United States of America, as to how we would set up such an Authority in our own country.

The Honourable Member spoke of the reciprocity that would be forthcoming under this Treaty. There cannot be reciprocity under this Treaty, because the United States laws forbid them to give to us in the even that we had to ask for it, what we are giving to them. The Honourable Member said that we can deny assistance if such assistance is deemed to be against the public interest, and he went on to say that acting on the advice of Executive Council, such a determination could be made with regard to the public interest. I hope I am quoting this correctly. My question at this point is, how can this be when requests that come from the United States according to the enabling legislation would be privy only to him and the Chief Justice? And if I read into this correctly, as I will be dealing with it later on, I get the impression that if a man has to give certain answers to the court under this enabling legislation, he would not even be able to discuss it with his wife. So how in God's world is the elected Executive Council going to be brought into it, to assist him in making a determination that it is against the national good. I think it is plainly stated in the enabling legislation that to do such a thing would be an offense, to make it known to a person or to a group of people. The Elected Member said that the Treaty does not spell out what specific United States laws people could be charged under. And I would say that I think that that is a good thing, because it may be better if it did specify, then we would know what we are dealing with.

It is unusual for me to speak in this tone, as I usually would try to be conciliatory, in particular to Members of the official Government bench. But I think that the Honourable Second Official Member became political in his speech yesterday, in the introduction part of the enabling legislation, and he made some very disparaging statements concerning the Law Society, and my colleage from the last Government Mr. Truman Bodden.

As far as I am aware, I know we have made some very bad legislation in the last two years. But I do not believe that we have made legislation which takes away freedom of speech from us, and freedom of expression. So these people are entitled to speak, they are entitled to have their opinion. Collectively, the Law Society - I am not here to defend them, I think they can do a better job of it than I can - is made up of what we consider to be professionals, and they deal with the problems of the financial community every day. I am sure to be able to put out a statement, they must have had to have the consent of the majority fo their members, which would probably have to be 25. And how can 25 members be wrong on something, and only one person right? The odds alone would let us wonder about it.

I think the danger which we must worry about is that the United States laws are very wide ranging. Their tentacles reach out into every area, and our Government Members and the people of this country including myself, are not conversant with them and we are only looking at our own laws. We are trying to tailor our laws to comply with what the United States wants. The United States cannot tailor their laws to comply with what we want. To use our judges and our court system to assist in the implementation of the Treaty, is making a mockery of our system of justice. How could we ever expect that a person would be able to clear his name from a charge under such circumstances. I ask you, the people if the Chief Justice is sitting in this position and he has to make a ruling

against someone, and that ruling was wrong, or it was incorrect and the person had a chance, let us say to fight it, which I think he is precluded from doing, but let us say the chance was there to make an appeal, and if that appeal was allowed, how can we expect that it might not be a prejudiced decision. You know, justice must not only be done, it must appear to be done. I am not casting any aspersions on the Chief Justice of this country, or anyone whom he may nominate. I am just pointing out to you, Members of this House and to the people of this country, the ridiculous position I think we are putting the man in, and in which we are putting ourselves, if a decision has already been made by the Chief Justice or his appointee. And if you had to appeal that decision, it would be like the age-old saying of 'appealing from Caesar unto Caesar'.

The Honourable Fourth Elected Member in his discourse yesterday said that they wanted to stop fishing expeditions by the United States, and that the states of the United States were not bound by the Narcotics Agreement. To an extent that is quite correct. But again, the Honourable Second Official Member of Government is well aware of how that was handled under the Narcotics Agreement, and if he would ever tell the truth about it, which I doubt he would in my case, he would be able to tell you that I was the one who interjected at that time and suggested a way they could get the information through to their states offices and county offices and so forth, and warn them that if they did not live up to it, then we would furnish them with no further information. I am sure to the best of my knowledge that after the Narcotics Agreement became operational, I was not aware of any additional subpoenas being acted upon by the United States Government after that.

While I am working on the Honourable Fourth Elected Member of Executive Council, let me continue before he leaves the Chamber. It was very surprising to me, as I am sure it was to the people of this country, to hear him ridicule and lambaste the Law Society. That Society was one of his inner circle, it contained his friends. They helped to elect him over there to fool us today. The Honourable Member said that the Law Society people had become millionaires in the few years, from working for those associated with the drug trade. You know, this really surprises me because in the last campaign which was fought in this country in 1984, his running mate in that election was purportedly one of the top millionaires in this country. Now why is he only seeing the heels of the Law Society now, and the manner in which they may have received their ill-gotten gains. Has it taken two years for the Honourable Member's eyes to open, or are they open now?

You know, I wonder where do these people's loyalties lie, do they have any? The Honourable Fourth Elected Member got elected on the backs of this gentleman, whom I will say in this House today he is no friend of mine. I would rather see the Honourable Fourth Elected Member in here than see him. But still I will say that there was no reason to lambaste the man in that manner. He admitted in this House that the Members from the community at large whom they had selected to assist them had the information on this Treaty. And again I will say one more time, that we the Elected Members of this House only knew it as a faite accompli we had no input in it. We were only asked to do then, as we are being asked today, to shut up our mouths and be good boys, go along with us and sign this Treaty and let us all go to hell together.

I want to pose a question, hoping that the Members who have not yet spoken from the Government side will be able to answer it. Why should any American Investor use our financial facilities in the future, or invest here when there is no more secrecy and he could put himself in jeopardy of prosecution, conviction, jail term and whatever else you may think of in his own country, once this Treaty goes through. He could probably make much more profit under the current economic system in his own country than he can in investing here, and why should he take the chance. You know, it is a shame, what is really going to happen to our country.

Today, or which ever day of this Session that we agree to pass the enabling legislation to put this Treaty into effect will be marked in the history books of our country as the greatest moment of decision which we have ever faced. Today, or that day, will decide whether we continue to provide our people with the better life to which they have become accustomed, where they can hold up their heads proud of our accomplishments, or whether we shall hang our heads in shame and humiliation. If that day dawns in this Session, we shall become again hewers of wood and drawers of water, relegating ourselves to the poverty level, rather than being a

proud, prosperous and determined people, as we have become known. It will be a day in our history which we will live to regret.

The world in its many years of history have seen many countries rise to great heights. One of these was the Roman Empire. History tells us that that great empire destroyed itself from decay within, and I will liken ourselves to a similar position today, as the Roman Empire. In my view, this is of grave national importance. It affects our survival today, and the future of generations unborn. Today we are at the crossroads of our destiny, and we must take time and make the right decision. Time is what I have requested from the Honourable Elected Members of Executive Council. Support in the end to do what is necessary, and what is right, but also time for us to make the right decisions, which have been denied to us as the elected people of the country. It has been denied to the people of this country.

Whether or not I agree with the politics of the present regime in power is not the point. If in my opinion this Treaty could benefit our people, I would join ranks with them. But I believe I am speaking for the majority of the people of this country today in voicing objections. All my senses as a human being tell me that the step we have embarked upon is the wrong step, and I will do my utmost to see if I cannot do something which will stop this. I am sure there is enough blame attached to this to share around with everyone. I am content to let history 20 years hence or 100 years hence judge us all. But I am sure that we will be judged much more quickly if we hastily adopt this Treaty.

Countries are made up of people. It is people who lend character to a country. It is people who set the course and destiny of a country. It is the people of a country who set its policies and determine its future. In this small world of today, the character of a country is quickly known abroad, and your reputation helps to determine your standing in the world community, whether or not you can be trusted. Our country, the Cayman Islands has built an enviable reputation in a few short years. A reputation for reliability, stability, confidence and controlled growth. As small as we are, with such few people, we had become the envy of the Caribbean if not of the world. We could truly echo the words of that great statesman and politician Sir Winston Churchill, 'Never in the history of the world has so much been done by so few'. As Caymanians we have always been determined, stubborn, proud people. But looking back into time and our accomplishments, there is not one Caymanian in the past decade or so that would not stand in the highest places with his head held high, eyes staring into your face and saying "I am proud to be a Caymanian". Today we are robbing our people of this! today we are taking it away from them! today we are burning our bridges! we are repudiating our word! we are putting our people's lives and wealth in jeopardy. We are saying thanks for helping us build our country, now we do not need you any more. Now we have progressed to the point where we can throw you from the sinking ship, without any means of saving yourself. Now you must be in jeopardy in your own country! you must fend for yourself. That my friend is a very embarrasing position to put this country into. Our countries prosperity is due to the fact that foreigners, particularly people from the United States of America trusted our word, and trusted their wealth to our guarantee of secrecy. And now, we are going back and repudiating 20 yeas of them trusing us, and casting them adrift.

Should we proceed with the enactment of this Treaty. The outside world will view us like a ship loaded with women and children, sinking in very heavy seas. The male crew taking to the lifeboats and rowing away, that would be the Elected Executive Council, leaving the poor women and children to their miserable fate. Today will be known in our history as the darkest hour, like the dark hours Sir Winston Churchill preached about. It will be known as the 'Waterloo' of the Cayman Islands.

I crave the indulgence of this House to try to refresh our minds as to where we have come from, we the people of the Cayman Islands and the hardships that we have encountered. Approximately 300 years ago some of our ancestors began to call these Islands home, some of our ancestors came later. Some ancestor came from Europe, some came from Africa. Some came with hope, some came with fear and dispair just as we have today. Now let us reflect on those who came here from Europe. They fled in most cases, from opression, poverty, dispair. They were either in the military service or were serving as merchant seamen. Their services had probably been secured by press gangs, who snatched them up as they walked their native streets, taking them away from families who would

see them no more. They endured the hardships of a sea life, flogging, probably even keelhauling. They finally came to the end of their rope and deserted, knowing that if they were caught they would be hung. Either that, or they were shipwrecked here. Let us look at the other probability. They may have committed offences and were probably in jail in England, and were exiled here. They may have endured religious persecution over there. They were probably thrown into the hold of a stinking leaking ship, torn from all their family and friends. Crossing the stormy Atlantic with little water or food, they arrived here on a barren, desolate coast, no shelter, swarms of mosquitoes, no money just one thing, determination. Like our ancestors from Africa, they were sold by their friends or enemies for a few beads to a greedy band of aliens. They were torn from family, native surroundings, their culture, whipped and lashed into subjection and chained into the hot hold of a leaky, stinking sailboat to cross the ocean depths. They had little food or water, they finally arrived here and were sold into slavery to the highest bidder, years of working without hope. That is the background from which we, the people of the Cayman Islands stem. That is a background which does not lend itself to the subjection that we are being dealt today. Our history has told us that the relationship existing here between the European and the African was tolerant and lenient, thus laying a foundation for the present respect and friendships which exist today, and saving us from the racial strife which has torn other areas of the world asunder.

The two different races and cultures began to build a culture of their own, based on hard work, dedication and determination, and for many, many years they formed our own Government and we ruled ourselves without outside interference. By whatever source or means, our ancestors came here although they may have had little hope, they had determination and dedication. Our ancestors realised that survival came from hard work and their unity to each other. They took to the sea and became the greatest mariners in the world, building their own boats mainly from local wood, and venturing far afield to conquer the elements, and bring prosperity to this country. For many years prosperity came from the turtle fishing, and there were very few of the older generation and their fathers that did not embark on a sea-going career in their early teens, starting at the turtle grounds in the Caribbean.

Through World Wars I and II our men continued to go far afield for service in the Merchant Marine of many countries, many becoming Captains and Chief Engineers of large ships, and bringing great credit to our country. Many sacrificed their lives to bring peace to the world, and prosperity to this country. Our economy here was supported by the remittances from their earnings. We became a Matriarchal society. Many of our people did not return home, and they settled abroad.

The true rise of our local growth commenced when National Bulk Carriers began to utilise all available men from our Islands who wished to go to sea. Many of our young men went, and many became very successful, becoming captains and chief engineers of the largest ships afloat. They sent home their earnings; they built nice homes; they began businesses; they began to better educate their children; they became the pillars on which the country was built; the country began to build the present society we have today. But alas, there is no more demand for merchant seamen. Ships have become less and less, and no more do we go down to the sea in ships.

About 30 years ago, we decided to diversify the economy. We embarked on the worlds sea of finance. We enacted legislation to lure and promote the formation of companies. We enacted bank secrecy laws. We began to promote tourism. Our economy began to expand rapidly and the dreams of our people became a reality. We began to be respected in the eyes of the world community. We became the envy of many areas of the world. Our children began to earn college and university degrees in all areas of higher education.

Today, or tomorrow or the next day, we are about to destroy it all. Will our people be willing, ask yourself this, to go back to what this present Administration promised you in the last Election? The good old days; the good old days when we cut our firewood before we left home in the morning to go to school; where we milked the cows before we left; where we endured the swarms of mosquitoes; where our pants had the bottoms turn out of them; and our mothers had to cook at the caboose, and if you wanted anything that would be considered cool, you had to put it in a galvanised can on a rope and hang it down in the well to touch the

water.

Now ladies and gentlemen, do you think the people, the children of this generation are willing to endure those hardships and go back to that, just because of the foolishness of a very small group of people. I say no, and I think the people of these Islands will say so.

MR. PRESIDENT: I wonder if this would be a convenient moment to break for a few minutes?

MR. JAMES M. BODDEN: Yes Sir, I am getting a little tired.

MR. PRESIDENT: I thought perhaps it might suite you well. Then I will suspend proceedings for approximately ten minutes.

AT 3:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:34 P.M.

MR. PRESIDENT: Please be seated.
Continuation of Second Reading
Debate on the Mutual Legal Assistance (United States of America) Bill. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, I am well aware that most of what I have said will fall on deaf ears, as far as the elected Executive Council is concerned. But, it is not them that I am really trying to reach. I am trying to reach the people of this country. The people of this country fully understand where we have come from. They fully understand what makes us a little bit more distinctive from some of the other people of some of these other islands and countries.

While we were having the break, and I was refreshing myself with a cool drink, I was reminded that I too have a little Irish blood in me, and I would beg of our Honourable Second Official Member that he show some leniency on our Irish cousins across the sea.

The Caymanian male has always been known as a ferocious seaman. He has built the country, he has built us. It is not an easy life, frankly, I sometimes get a bit perturbed to think that our young people have lost that way of life, and will not experience some of the bad things which people of my age had to endure. I am very proud that I was a merchant seaman. Many times when I was at sea I did not like it. But on reflection, it moulded me as it moulded so many Caymanians including my ancestors. So, I am pointing this out to the people of this country, that we Caymanians are of a different mould. We may have good dispositions. We may be willing to take and endure a lot of problems and a lot of things thrown at us, but finally we begin to get to the point where we say we have had enough. I think I can safely say that the people of the Cayman Islands as a majority in the past two years have begun to reach that point, the flash point is here. They are saying to themselves, even within the confines and secrecy of their own homes 'we have had enough'.

As we were having the break, I noticed that the two doors giving entrance to this Assembly building have four panes of glass in it. I will make a suggestion today and that suggestion is that we have a good painter come in and paint on one of them the effigy of the Honourable Second Official Member, who should be in the middle, and he should be flanked as the good Lord was by two other members of the negotiating team namely the Honourable Fourth Elected Member of Executive Council and the Honourable First Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: What about the Honourable First Official Member?

MR. JAMES M. BODDEN: So that as historians a thousand years from now excavate the remains of this building, they will be able to see the three people who destroyed the Cayman Islands. They will be able to look at it and say that the Roman Empire through the decay of Caesar was destroyed from decay within. But here in the Cayman Islands it took three people to do it. That will attest to

some of the strength of this country which is not being shown today. Mr. President, our people are a very proud people, determined people. And I will say to you today as the President of this House what I have said to many of your predecessors, that I can walk or roam the sandy parts of Grand Cayman, and I say the sandy parts because that is usually where the cemeteries are located, and I can point to many grave stones and to many areas that do not have grave stones because they were too poor to be able to put any marble statues to the people lying mouldering there. But they are my ancestors, those are my roots, and that is where my loyalty lies, therefore you or no one else must ever expect that you will silence the voice of James Manoah Bodden! only death will do that.

I will stand by my principles, I will stand by my belief, I will stand by my country and I believe that there are at least 15,000 other true-born Caymanians out there that feel the same way I do, and are willing to stand up and be counted.

The Statue of Liberty in New York harbour has been a symbol for many years for immigrants to the United States of America, and for Americans within its shores. An inscription on it says 'give me your poor, your tired, etcetera.' We did not erect a statue in this country, but for over two decades our light has burnt bright in the worlds financial market, and we have become a symbol, a symbol to the outside world. We have invited the investor and his money, and guaranteed him secrecy and security. We have guaranteed that we would not reveal information that would jeopardise him in his own country. We have gone to great lengths to tailor our laws to fit this commitment. They have trusted us, and we have become a leading off-shore financial centre, bluntly, a tax haven. We do not believe in forms of direct taxation, although we may soon get it because I do not know what else they can tax, I do not know where else they will get the money. To run this Government they way they are doing, if they do not tax the income, property and so forth, but that is another matter we will have to debate it when it comes. But we have become a leading off-shore financial centre and we have attracted world-wide investors here, and our people and our country have prospered by leaps and bounds. We have nearly 500 banks offering employment to the young people of our country. Ask yourselves why did these banks come to the Cayman Islands? Ask yourselves if they will stay once this Treaty is passed? When this is passed they will know that we have sold them out. They will know that they can no longer trust us, and they will not stay just for our own good. I wish we could have a report even now, that would truthfully tell us the amount of money which has already left this territory since it has become known what our Government has done. These banks will close slowly one by one, and our young people will use their jobs and our economy will be in shambles. We have been taught from childhood that we should honour our commitments. We have one to the outside world and we must honour it, or never again will people and countries trust us. Our heads will be bowed for ever in shame, shame on the head of the Honourable First Elected Member of Executive Council. Shame on the head of the Honourable Fourth Elected Member of Executive Council. They are the two real culprits whom I must blame! they are the elected people! elected by people who trusted them! elected to serve honestly, this country.

London today is the leading financial centre of the world, it has surpassed all expectations and has become larger than the Hong Kong market. Some days there is upwards of ninety billion dollars of trading on the London market. The Channel Islands off Britain operate an off-shore financial centre system which is similar to ours right in the backyard of the United Kingdom. Ask yourselves whether in your opinion all the money which is passing through the London market and the Channel Islands, whether it is clean, virgin money? Ask yourself that question. With that volume of money it could not be. Ask yourselves, why did the United Kingdom not extend this Treaty firstly to themselves, then to the Channel Islands and then to us?. If they had done that we would have maybe no room to complain, but not to use this little tiny dot of an island in the Caribbean as an example, just because they could use their might, and they could soft-soap somebody with the promise maybe of an OBE. No, we will not accept it Mr. President, and we are prepared to go into the streets, into the highways and byways or whatever else of this country and preach that. We are prepared, if we all have to go to jail to stand in full objection to this. Prove to us, and when I say prove I mean from a higher authority that we have here, that this will not destroy our country, then we will support it, but until then we will not. They imposed their will unilaterally on

this small speck in the Caribbean, the decendents of people whom they had forced from their country, and decendents of African slaves whom they had sold into bondage because we had become competition to them. That is why. We were becoming as the old saying goes 'too big for our own britches'. We were becoming prosperous, but what was more alarming to them than anything else was that our children were becoming educated, and soon we would reach the stage where we would not accept being treated as children, that is the crux of this whole matter, prove me wrong.

I am not a novice. I have negotiated abroad on many occasions for this country. I am well aware of the manner in which the English diplomats treat us when we try and negotiate on our behalf, and I can prove that. I can tell first hand many such stories. Every negotiation which was vital to the Cayman Islands Abroad such as the Bermuda II Agreement we have suffered. We were sold down the river in the Bermuda II Agreement in favour of Hong Kong. This time we have been sold down the river in favour of England extraditing the Irish. The next time, but will we have anything left to be sold down the river for, maybe our religion next.

I say to this House and to the people of this country, we have nothing to do with the problems in Ireland. Whether they are patriots in their own sense, or whether they are terrorists in the English sense it is a problem they must handle amongst themselves. They must find a solution to it, rather than using us like pawns in a chess game, and that is what we became. The United States was told by England in the privacy of some of the halls, 'yes the United States you can get all the tax information you want, just give us the few Irish patriots whom you have roaming free in the United States, we will strike a bargain, the Cayman Islands will pay for it do not worry, we will give you Cayman on a silver platter,' and that is what happened.

I like most Members of this House, and as we were willing to show yesterday, have always been against dangerous drugs, and the harm done to the community by their use. I have spent much of my own money and time for information which would benefit our law enforcement branches. I have championed laws with stiff penalties which have now been changed, thanks to this Government. I have advocated treatment and counselling for the afflicted. I was a strong supporter of the Narcotics Agreement with the United States. I stand firmly against anyone who derives profit from criminal activities, but I do not believe we should abandon our commitments, our principles, the corner stone of our economy to give the United States of America information on a few cases that may now exist here. If we had any such money here, I believe that the Narcotics Agreement that we entered into has seen it taken care of. I believe that most of that illicit money has been taken from our country. Why would we go so far as we have done to involve ourselves in the internal affairs of the United States of America. Because, as I will deal with later, there is nothing mutual about this. This is as one sided a deal as it was in World War II when the Americans dropped the atomic bomb on Nagasaki in Japan. You might as well have said at that time that dropping the atomic bomb was like dropping a pound of TNT in comparison.

I am of the belief, and I think that this can be substantiated that under the Narcotics Agreement with the United States, there were very few requests in comparison to the amount of business which was done here, which was made under the Agreement with regard to cases being tried in the United States. That Agreement could have been extended indefinitely and it could have been broadened. It could have been broadened every fifteen months to cover other illegal activities. For instance, if someone had robbed an armoured car in the United States, killed a guard, stolen two million dollars, formed a Cayman Islands Company as you would form a company in which to put Russian ships, and then deposit that money here, yes, we could have added that to it for another fifteen months, crimes of that nature. In another fifteen months we could have done something else. We could have dragged the negotiations out over a period of ten to twelve years, while we found something else with which to build up our local economy, but no, the easiest thing to do was with one stroke of the pen to let us give them everything. I could make a good crack at this time on that, but I guess it would be best not to.

Under the Treaty, we have relinquished all our local autonomy and sovereignty. The sovereignty aspect touches me very deeply to the core, and that is because I am a proud Caymanian. Proud of my ancestry of hard work, which is why I have taken the time in my deliberation to go back into our history,

That is why I have always felt that we as Caymanians are capable of doing much more than we usually do. But after this, we can always say that we have had two Caymanians who have done more than they should do, because they have destroyed the country along with their supporters. We have once more become as children at our mothers knees, saying our prayers and asking for forgiveness, that is where we are at. Do not you, as proud Caymanians looking back on your heritage, feel that today you are being whipped into subjection. Do you not feel as if you had been caught by the Japanese on the Baton??? death march and had been in prison for about three years and just starved to death. Yes, starved to death, starved of your belief, starved of your belief that you have something worthwhile, that you have a country that you can love! starved into the belief that one day the Cayman Islands can hold its head up again, let us hope we will live to see that day.

Our supposed leaders have told the world that we are not capable of shaping our own destiny. They have told the world 'let someone else do it for us! let our Mother do it for us'. That is just like you gentlemen today, going to your aged mothers, probably mothers the age of mine and saying 'mother I need a dollar to go and buy a pack of cigarettes.' That is nearly the position you are putting our country in.

Have you no dignity? What possesses you all any how? Do the people of the Cayman Islands realise that at the stroke of a pen which may destroy our complete future was not even signed by anyone from the Cayman Islands? It does not even need to be ratified by our Parliament. All we are asked to do is to put in a piece of legislation which can bring it into force, certain sections of it. Everything has been done by someone else for us. We have given away any little respect that the Cayman Islands had built up in the world community, which has now been lost. It has been given away, it has been bartered away by those two gentlemen sitting over there - they should be tarred and feathered.

The word 'Treaty' comes from the old French word 'Treta' and from medievsl latin 'tractatus', and the dictionary gives many meanings and definitions for it. I will quote two of them:

> 1. An agreement between two parties concerning the purchase of property at a price privately agreed.
>
> 2. Any other formal agreements between Indian bands and the Federal Government, by which the Indians surrendered their land rights in return for various forms of aid.

People of the Cayman Islands, are these the two meanings which we must apply to the Treaty and to ourselves? Remember those two definitions. Are we being asked to return to complete subjection to English ruler and be grant-aided. Must we get on our knees like Turks and Caicos again. We were there before and it was under the Unity Team Government that took you out of it. If it had not been for us you would still have been grant-aided. Now you are going to be grant-aided again - it is a pity. What do we expect to get in return? An empty basket, not even promises. They did not even tell us that they had got some promises.

You know, rather than for us to be standing here today debating the enabling legislation, and considering to agree that England will ratify the Treaty on our behalf. What we should be doing is petitioning the the United States, for us to become the 51st State of the United States. Some of you may think that that is ridiculous, but I am going to tell you why I am saying it. I say that because if we were to do that, we might gain some benefits. But as it is now, we are gaining no benefits and we are giving the United States more control over us than she has over her own states, so we would be better off becoming the 51st State of the united States. But I guess you are keeping that in the corridors for us, and we will soon find that we will be a province of Cuba. I am sure you are negotiating that away now too.

An Article appeared in the Wall Street Journal on 7th March, 1986 and it said:

> "The Cayman Islands Treaty goes much further than an existing interim agreement under which the United States has received bank records only in a limited number of major carefully selected drug investigations. The crimes covered by the Treaty are nearly all encompassing, and will greatly help

prosecutors gather evidence in many more cases."

Now this was said by a senior Deputy Attorney General of the United States Justice Department. Another Justice Department official is quoted as saying:

"We can package the case under a different statute and still get the same information."

This my friends means that no one's bank account will be secret any more. There will be no more confidentiality. The IRS in the United States will get what it wants, and there will be many prosecutions and convictions in that country. Ladies and gentlemen, these are the words of two senior American Justice Department officials. I think one of them helped negotiate this Treaty. And if they are saying that before it is ratified in London, before we do anything to bring it into force, what do you think they are going to do after we do it? Where do you think we will stand? It will be like my colleague spoke about in another case this morning which I may touch upon if time permits as I go along.

The warning bell detailing the adverse effects of this Treaty and the enabling legislation has been sounded by many sectors of the community, and it is our duty to our people to take time, move slowly, put the brakes on, get the best deal we can. Maybe there is not much that can be done about the Treaty; that may take some time. But the enabling legislation can be tightened to where the United States cannot make the onslaught that they hope to make. And meanwhile, if these negotiators do not have the guts to negotiate, I will go back and negotiate it for them, and we can get a better deal.

HON. BENSON O. EBANKS: And get lost in New York again.

MR. JAMES M. BODDEN: You do not have to worry about me getting lost in New York. I have been in many ports my boy in your life which you have never been to. You could never live to follow me behind much anything less anything else. You would get lost in the toilet.

It is our duty to our people to take time on this legislation. The Compass Newspaper as everyone knows very seldom will take a public stand which in any way might present a cloud between them and Government. Yet, it its editorial on 28th August, 1986 it implores the Legislative Assembly on behalf of the people to take time, so that we properly understand the course we are embarking upon. I agree, as so many other people have always said, that the details are vaguely worded in the Treaty, as well as the enabling legislation. It involves United States law and practice, which is alien to our system. The public at large should better understand what we are doing. If we can take time to work with the people, district by district; set up Committees to deal with Marine Parks; to deal with fish nets; to deal with spear guns. We can spend time with the people to explain to them fully what this Treaty and the enabling legislation means. If the people as a whole are willing to accept it after that is done, well then we come back in here, we all shut our mouths and we say "Aye" that is the people's wish by a majority. But I am not convinced that this is a majority. What I am convinced of in my mind is that this is the desire of maybe five percent of the people living in the Cayman Islands, and of the other 95 percent, their voices are not being heard and their wishes are not being adhered to.

Now, if we have to have new Elections to handle this in the proper manner, then I am prepared to call on you Mr. President, as my colleague called upon you to do, and if you are not able to do it, bring another man here who can do it. But let us deal with it properly. To the man on the street, our people, let them say what we want this time.

Local Attorneys, Truman Bodden, Orren Merren and Ian Paget-Brown have written extensive articles condemning the Treaty, and the enabling legislation. The Law Society which comprises most of the legal minds in our community and the people who come in daily contact with the investors, have condemned it. The Chamber of Commerce, the financial development side of the community stand in opposition. The Young Business People's Association stand in opposition. The Accountants stand in opposition. Unfortunately, one area most affected remains silent, but has through their President given luke warm support, and that is the Bankers

Association. We can only wonder Mr. President why that is so. But I will use the own words of the so-called President of that Association. "We have to look closely at the source the support came from." his words, and I throw them back at him.

The majority of our people are concerned and they are worried. They see their standard of living being eroded, and the future welfare of their children being downgraded. My views after many days and nights of studying the Treaty, and I have never spent in my 14 years in Government the time on any piece of legislation that I have spent on this one, and after probably 60 to 70 hours being spent on it, I am convinced that the Treaty and the enabling legislation spells nothing but trouble for our country. I have talked with concerned people abroad, I have talked with them here. I have sought counsel from an American Attorney, as to how their laws would work with this Treaty, and I am about to expand on all of that as I go into my discussin. My views coincide with the majority of the views expressed, and some of the quotations which I have used can be attributed to these sources.

The Treaty is known as the Mutual Legal Assistance Treaty. The word 'mutual' is derived from the old French word 'mutuel' and from the latin 'mutuus' and it has several meanings again, as does the word Treaty:

1. Experienced or expressed by two or more people, or groups of people.

2. Common to or shared by both or all.

Now, it was erroneous to label this Treaty as being 'mutual', because there can be no mutuality under that Treaty. The United States is in a position that it cannot afford us the benefits which are called for under that Treaty, which is supposed to be mutual and would accrue to them and accrue to us. They can get all the benefits, we can only get nothing. It is a one sided Agreement, it is tailored strictly for them and I say we must renegotiate. What we must bear in mind is that all American law is derived strictly from the United States Constitution. No law can have greater effect than that which the Constitution of the United States will allow. State law and Federal law are two destinct processes, and in some cases Federal law does not override State law. The Treaty and enabling legislation gives to the United States Government rights it does not have in its own country. The United States can deny to us on constitutional grounds rights in the United States which we are about to bestow on them here.

What I am saying here is that under the constitution, if we raise certain points and request certain things to be done, all the United States has to say to us is that it cannot be done, it is unconstitutional and is covered under their Constitution. We are opening the doors, we have nothing to fall back on, we are giving them everything. The Fourth Amendment to the United States Constitution states that the right of the people of the United States of America to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall be issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized. Federal officials in the United States have been prosecuted under the provision of the Constitution for burglary and criminal trespass in attempt to gather evidence without proper authority, and it has been repeatedly ruled that such evidence is not permissible in a United States Court of Law. So therefore, how are the United States going to give us the things which are in that Treaty, when it is ruled out by their Constitution, but yet we are opening the flood gates to give it to them. The Fourth Amendments' warrants clause must be administered in the United States by neutral and detatched Federal Magistrates who decide whether constitutional grounds have been met. The Magistrate must not serve merely as a rubber stamp for the police, but must be neutral and detached in deciding whether there is sufficient cause to justify issuance of a search warrant. If United States Authorities wish to obtain information from a bank in the United States, they must comply with the above.

The Treaty sets out in Article 1, section 2(f) that the party requested shall execute requests for searches and seizures. Article 4, section 2(c) states:

"To the extent necessary and possible, a request shall also

> Include a precise description of the place or person to be searched and of the articles to be seized."

Article 14 section 1. of the Treaty states:

> "A request for assistance pursuant to Article 1, involving the search, seizure and delivery of an article to the Requesting Party shall be executed if it includes the information justifying such action under the laws of the Requested Party."

Mr. President, I am pointing out that this particular Amendment of the Constitution of the United States precludes the United States from acting in the same manner with regard to judicial dealings with the Treaty, as we would deal with it in our country. Our enabling legislation is opening it up, we have no constitution to fall back on, other than our constitution which was given to us in 1972 or something like that, and which again is very vague and does not give us any real rights. But the American Constitution is enshrined in their history, it transcends everything else, all laws of the United States. And the United States Government cannot do anything contrary to that Constitution, so I am posing the question to the Honourable Second Official Member and the negotiators of this - how is the American Government going to be able to give us these things, called for in the Treaty when the Constitution forbids them to do it in the manner in which we would be able to do it under the enabling legislation?

The manner in which evidence of this nature is secured in the United States is handled under different laws, but they all have to comply with this section of the Constitution, and they cannot secure evidence in their own country in this manner. How do they expect to secure it from us in our country? They are asking us to use our laws to deny their citizens here the constitutional rights that they have in their own country, and if you will remember, it says in there that the evidence even if the person claims such a right, they must force that person to give the evidence, noting that he has brought that point up and then they will determine whether it is right or wrong. All right, they do not have a thing to determine, they have already got the evidence, they have got the information about his bank accounts, they can go ahead and charge him and then they can always say to him "well no you are right under the Constitution we cannot ask you to do it," but they have already got the material and they take their prosecution and they convict the man. Would you not all really think that you would look like fools at that point?

I do not know where they got this Sir Percival or what ever he was from, but his eyes must have been as blinded as yours were.

Under the enabling legislation we will deny to our own Caymanians the rights that they have against search and seizure, even if the United States could comply with us under the Constitution, even if we met all the guidelines set down in their various laws we would still have to contend with the Right to Financial Privacy Act 1978 in the United States, that would then come into play. Under that law notice must be given to the party effected within 90 days following the issuance of the search warrant. The person affected must have been given notice of what is taking place; the nature of the enquiry and records sought; his right to request the same court to forbid the delivery of the records and authorised official certificate to the financial institution that notice to the person involved has been given; the person has a right to challenge the subpoena before a Federal Court and the right to claim civil damages from the financial institution and injunctive release if information is given contrary to this section.

Now that is a section which would apply to most of the things that you are telling me here are reciprocal. And under our enabling legislation, we are saying that the man involved who may be asked for this information does not even have the right if I read it correctly, it says 'his Attorney' it does not say that he can discuss it with his wife, it does not say he can discuss it with his preacher or anyone else. He only has the right to discuss it with his Attorney but in the United States they have to advise him of what is taking place, the nature of the enquiry and what type of records they seek, when he has the right to request a name court, to name the court to forbid the delivery of the records and

authorise official certificate to the financial institution (that is the Government) must give that, that notice to the person involved has been given. And after all of that, he has the right to challenge the subpoena before a Federal Court and the right to claim civil damages from the financial institution, which goes contrary to this section of the law. Now those are the safeguards built into the American law, and yet we are taking the little safeguards which are in our present legislation, we are taking them out and we are putting in some foolish legislation which says that we can force you to do anything you want, we can give any information you want. How far do you intend to go with this stupidness? Do you not think that the people of the Cayman Islands are justified in their anger at this point? Do you not think that they still have some rights? You may have taken a lot of them away it is true, but they still hav some rights, and we in the minority here are standing for them and we are going to see that they are protected.

Section 13 of the enabling Bill to enact this Treaty binds a person who has any knowledge of any Governmental action that may affect him to only discuss such action with his Attorney (I have just dealt with that) and precludes him from taking any action to protect himself. Once he gets that information he cannot take any action that may help in any way to safeguard any right of his that he may yet have. He is being led like a sheep to the slaughter, by sheep who have been slaughtered.

I did not think that we were willing to stoop to the point where we would subject the people of the Cayman Islands, the people at present and the people unborn to this type of legislation. I did not think we had the nerve to bring such legislation in this day and time before a Legislative Assembly. I think for one that if we made an appeal to this to the United Nations it would be objected to strenuously, to try and inflict legislation of this sort against the people of a country. This is contrary to all excepted laws which are in our books. A person is entitled to the protection of life and property. We have that right, we are not going to give it up easily.

Section 6 of the Draft Bill provides sweeping powers of search and seizure under authority from a Magistrate, a Justice of the Peace or officer of a Court. I have just detailed to you that in the United States it must be a High Federal Magistrate who gives that order under their law. Yet, under our law we are saying that it can be done by a Magistrate, a Justice of the Peace or any officer of the Court, this carrying ridiculousness too far.

Mr. President, the time has come, I think there is one minute left and it would not pay for me to go onto another page. I am willing to yield the floor and I am really hoping that the Members of Executive Council will get down on their knees during the weekend, take into consideration all that has been said, bear their sole to their maker, face the people of the Cayman Islands and do what is right for the people of the Cayman Islands.

Good night.

MR. PRESIDENT: Am I right, you are suggesting that the adjournment be moved? You are not finishing your speech.

MR. JAMES M. BODDEN: I have only got one minute. I make it four twenty nine.

MR. PRESIDENT: That is quite right. I just wanted...I do not want there to be a misunderstanding. You have not finished your speech?

MR. JAMES M. BODDEN: No, no, no.

MR. PRESIDENT: No, no, no. You want to move on to the next subject. I have understood you, that is perfectly in order. You want to continue your speech on Monday?

MR. JAMES M. BODDEN: Yes Sir.

MR. PRESIDENT: Yes.

MR. JAMES M. BODDEN: What I was saying was that my time is four twenty nine and rather than ma.....

MR. PRESIDENT: That is quite right. No, no I agree with you, but I did not want anybody else to misunderstand and to

claim on Monday that you were not entitled to go on speaking. There is one minute still until four thirty, but I think it will probably be convenient for you and the House if we take the adjournment a moment early, rather than oblige you to move to the next topic.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 10(2) I move that this Honourable House be adjourned until ten o'clock on Monday morning.

MR. PRESIDENT: The question is that this House do now adjourn until ten o'clock on Monday.

QUESTION PUT: AGREED. AT 4:29 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. MONDAY, 8th SEPTEMBER, 1986.

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

MONDAY, 8TH SEPTEMBER, 1986

(SIXTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES L KIRK ONNELL	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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

(SIXTH DAY)

MONDAY, 8TH SEPTEMBER, 1986

1. PRAYERS

   TO BE READ BY THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS.

2. STATEMENTS BY MEMBERS OF THE GOVERNMENT

   STATEMENT BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

3. PERSONAL EXPLANATIONS

   PERSONAL EXPLANATION BY THE ELECTED MEMBER FOR NORTH SIDE.

4. GOVERNMENT BUSINESS

   BILLS:-

   THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1986

   (1) CONTINUATION OF SECOND READING DEBATE:

   The First Elected Member for Bodden Town - to continue

   (2) COMMITTEE THEREON

   (3) REPORT THEREON

   (4) THIRD READING

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MONDAY

8TH SEPTEMBER, 1986

10.00 A.M.

MR. PRESIDENT: Prayers, The Honourable First Official Member.

PRAYERS

HON. THOMAS C. JEFFERSON: 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 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.

Let us repeat the Lords 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. Amen.

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

MR. PRESIDENT: Please be seated. Statements, the Honourable Second Elected Member of Executive Council.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

HON. W. NORMAN BODDEN: Mr. President, this statement is being made as a result of a Parliamentary Question No.59, and supplementaries thereto, raised by the First Elected Member for Bodden Town at the Sitting of the Legislative Assembly held on Tuesday 2nd September, 1986. The question was:

NO. 59: Would the Honourable Member state what is the present appraised value of CAL's two Boeing 727 aircraft and what is the amount still owed on them?

ANSWER: According to the Managing Director of Cayman Airways the present market value of CAL's two Boeing 727 aircraft is approximately US$25,000,000. However, no formal appraisal has been made. The amount owing on these aircraft is US$21.2 million.

This is to further clarify to this Honourable House and the people of this country the position as regards the ownership and leasing arrangement of the two Boeing 727 aircraft, presently operated by Cayman Airways, and how the balance shown as owing in Cayman Airway's books is accounted for:

1. These two aircraft are owned by Lloyds International Leasing Limited. They are leased by Interfirst Bank of Dallas, Texas and sub-leased by Cayman Airways in December, 1982 for a period of 14 years.

2. According to the Auditors, it is an accepted accounting practice to capitalise aircraft leases, and after thorough research as to fair market value of the aircraft concerned, and consultation with CAL's Board of Directors in 1983, the Company, Cayman Airways Ltd. recorded the aircraft in its books as assets under Capital Lease at US$24 million.

3. It is necessary to note here that lease charges payable to Interfirst Bank by Cayman Airways are treated as a mortgage for accounting purposes. All payments made are therefore divided between 'principal' and 'interest'.

4. As of June 30th, 1986 the lease payments made by Cayman Airways since December 1st 1982 are accounted for as follows:

Contribution to Principal	US$ 2.8 million
Contribution to interest	US$ 6.1 million
For a total of	US$ 8.9 million

In accordance with the terms of the lease agreement of the total payment of US$8.9 million, which Cayman Airways has made to Interfirst Bank of Dallas over the past four years, US$2.8 million has been applied to principal. Deducting this amount of US$2.8 million from the aircraft value of US$24.0 million, leaves the balance outstanding as US$21.2 million, as of June 30th 1986.

5. It must be clearly understood that at no time was US$20.5 million paid by Cayman Airways for these aircraft, as the two Boeing 727 aircraft being operated by Cayman Airways are leased, not purchased.

6. Note must also be taken that the overall financial implications of Cayman Airways in the lease agreements are that the Company must make to Interfirst Bank of Dallas during the 14-year lease period:

Aircraft lease and interest payments of	US$36.2 million
Plus a baloon payment at the end of the lease period of	US$ 5.8 million
For a total of	US$42.0 million

This amount will overall be accounted for as US$24.0 million for aircraft capitalized lease and US$18.0 million interest payments.

7. The aircraft are being depreciated to a residual value of US$5.8 million over a period of 14 years which coincides with the equivalent amount held in Escrow by Interfirst Bank which amount represents the proceeds from the sale of the two BAC 1-11 aircraft plus accrued interest by the year 1996.

8. At the end of the sub-lease period Cayman Airways has the option to:

(a) Return the aircraft to Interfirst Bank, Dallas and receive the estrow funds of US$5.8 million held by the Bank.
or
(b) purchase the Bank's rights in the aircraft for US$5.8 million and cause the aircraft to be sold to an independent third party.

I trust that this will clarify

the position as regards the ownership and leasing of the two aircraft operated by Cayman Airways at the present time.

Thank you Sir.

MR. PRESIDENT: Personal Explanations. The Elected Member for North Side.

PERSONAL EXPLANATIONS

MR. D. EZZARD MILLER: Mr. President, on Friday 5th September 1986 during the voting on a motion to suspend Standing Order 32(6), certain incorrect allegations were made about the proceedings of the Select Committee on Standing Orders. As they involved my part in those proceedings, I seek the indulgence of this Honourable House to read those Minutes to set the record straight.

The Minutes are as follows:

"MINUTES of the Standing Select Committee's first meeting held on Thursday, 2nd May, 1985, at 2:00 p.m., in the Committee Room of the Legislative Assembly Building, George Town, Grand Cayman.

PRESENT: Hon. Dennis H. Foster, CVO,CBE,JP - Chairman
Hon. Michael J. Bradley, QC,LL.B
Hon. Benson O. Ebanks
Hon. W. Norman Bodden, MBE
Hon. Charles L. Kirkconnell
Hon. Thomas C. Jefferson, JP
Mr. G. Haig Bodden
Mrs. Daphne L. Orrett
Mr. John B. McLean
Mr. W. McKeeva Bush
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. Linford A. Pierson, JP (arriving at 4:05 p.m.)

APOLOGIES: Hon. Vassel G. Johnson, CBE, JP
Mr. James M. Bodden

1. TERMS OF REFERENCE
The standing Select Committee was appointed pursuant to the passing of Government Motion No.4 of 1985, at the Sitting of the Legislative Assembly held on Monday, 25th March, 1985. The Motion is appended hereto.

2. CHAIRMAN OF COMMITTEE AND QUORUM
The Chairman, the First Official Member, the Hon. Dennis H. Foster, CVO, CBE, JP, Chief Secretary, was appointed by the President of the Legislative Assembly in accordance with Standing Order 69(2). The quorum for the Committee was set at seven Members, including the Chairman.

3. DRAFT AMENDMENTS TO COMMITTEE
AGREED that the Honourable Second Official Member, the Attorney-General, draft the proposed amendments to Standing Orders for the next meeting in accordance with the Committee's deliberations set out hereunder.

4. AMENDMENT TO STANDING ORDER 5(5)
AGREED that Standing Order 5(5) be amended to provide that four Elected Members receiving the highest votes shall be declared to be the four Elected Members of Executive Council and that procedures to resolve ties be drafted by the Honourable Second Official Member.

5. PROPOSED AMENDMENT TO STANDING ORDER 8(1)
Pursuant to Private Member's Motion No.1 of 1985, passed by the majority at the Sitting of the Legislative Assembly held Tuesday, 5th March, 1985 Members considered the proposed amendment to provide for bi-monthly meetings of the House.

QUESTION PUT: AYES AND NOES

DIVISION
NO. 1

AYES NOES ABSTENTIONS

Mr. W. McKeeva Bush	Hon. Michael J. Bradley	
Mr. D. Ezzard Miller	Hon. Thomas C. Jefferson	
	Hon. Benson O. Ebanks	
	Hon. W. Norman Bodden	
	Hon. Charles L. Kirkconnell	
	Mrs. Daphne L. Orrett	
	Capt. Mabry S. Kirkconnell	
	Mr. G. Haig Bodden	
	Mr. John B. McLean	
2	9	0

PROPOSED AMENDMENT TO PROVIDE FOR BI-MONTHLY MEETINGS OF THE HOUSE DEFEATED BY MAJORITY

6. PROPOSED AMENDMENT TO STANDING ORDER 10(1), (2) & (3)
Pursuant to Private Member's Motion No. 1 of 1985, passed by majority at the Sitting of the Legislative Assembly held Tuesday, 5th March, 1985 Members considered the proposed amendment to provide for a change in the hours of Sittings of the House FROM 10:00 a.m. to 4:30 p.m. TO 2:00 p.m. to 7:30 p.m.

QUESTION PUT: AYES AND NOES

DIVISION NO.2

AYES	NOES	ABSTENTIONS
Mr. W. McKeeva Bush	Hon. Michael J. Bradley	
Mr. D. Ezzard Miller	Hon. Thomas C. Jefferson	
	Hon. Benson O. Ebanks	
	Hon. W. Norman Bodden	
	Hon. Charles L. Kirkconnell	
	Mrs. Daphne L. Orrett	
	Capt. Mabry S. Kirkconnell	
	Mr. G. Haig Bodden	
	Mr. John B. McLean	
2	9	0

PROPOSED AMENDMENT TO PROVIDE FOR A CHANGE IN HOURS OF SITTINGS OF THE HOUSE - DEFEATED BY MAJORITY

7. AMENDMENT TO STANDING ORDER 23
AGREED that Standing Order 23(1) be amended by deleting the words "by reference to its number" as they appear in the fourth line.

FURTHER AGREED that the following be incorporated into the section - "That questions be tabled in the Clerk's Office and that the Clerk shall cause the questions to be forwarded to the President and Honourable Members no later than five days prior to the commencement of any Meeting of the House."

8. PROPOSED AMENDMENT TO STANDING ORDER 38
Pursuant to Private Member's Motion No.6 of 1985, passed by majority at the Sitting of the Legislative Assembly held on Thursday, 14th March, 1985, Members considered the proposed amendment to withdraw Standing Order 38.

QUESTION PUT: AYES AND NOES

DIVISION NO.3

AYES	NOES
Mr. W. McKeeva Bush	Hon. Thomas C. Jefferson
Mr. G. Haig Bodden	Hon. Benson O. Ebanks
	Hon. W. Norman Bodden
	Hon. Charles L. Kirkconnell
	Mrs. Daphne L. Orrett
	Capt. Mabry S. Kirkconnell
	Mr. D. Ezzard Miller

2 | 7

ABSTENTIONS
Hon. Michael J. Bradley
Mr. John B. McLean

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PROPOSED AMENDMENT TO WITHDRAW STANDING ORDER 38 DEFEATED BY MAJORITY

9. PROPOSAL FOR LENGTH OF SPEECHES
Discussions ensued concerning a time limit on the length of speeches for debate.

Motion No.1
Moved by Mr. D. Ezzard Miller that the House cannot suspend or adjourn whilst a Member is speaking

QUESTION PUT: AYES AND NOES

DIVISION
NO.4

AYES	NOES
Hon. Michael J. Bradley	Hon. Thomas C. Jefferson
Mr. D. Ezzard Miller	Hon. Charles Kirkconnell
	Mr. W. McKeeva Bush
	Mrs. Daphne L. Orrett
	Mr. Linford A. Pierson
	Capt. Mabry S. Kirkconnell
	Mr. G. Haig Bodden
	Mr. John B. McLean

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ABSTENTIONS
Hon. Benson O. Ebanks
Hon. W. Norman Bodden

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MOTION NO.1 DEFEATED BY MAJORITY

Motion No.2
Moved by Mr. G. Haig Bodden that any speech be no longer than four hours, excluding breaks.

QUESTION PUT: AYES AND NOES

DIVISION
NO.5

AYES	NOES
Hon. Thomas C. Jefferson	Hon. Michael J. Bradley
Hon. Charles L. Kirkconnell	Mr. G. Haig Bodden
Mr. W. McKeeva Bush	Mr. D. Ezzard Miller
Mrs. Daphne L. Orrett	
Mr. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	
Mr. John B. McLean	

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ABSTENTIONS
Hon. Benson O. Ebanks
Hon. W. Norman Bodden

MOTION NO.2 THAT ANY SPEECH BE NO LONGER THAN FOUR HOURS, EXCLUDING BREAKS - PASSED BY MAJORITY

10. STANDING ORDER 34
AGREED that the Presiding Officer be advised that in the opinion of the Select Committee stricter interpretation should be given to what interruption may properly be exercised.

11. CLARIFICATION OF POINTS OF ORDER
The following points were clarified as Points of Order -

- contents of speeches
- behaviour.....

MR. PRESIDENT: Does the Member wish to read the remainder, you have already covered the point that was discussed.

MR. D. EZZARD MILLER: Yes Mr. President, I wish to read the whole Minutes, and tell the whole truth and nothing but the truth, and the truth. I do not want anybody to say sometime later that I did not complete the Minutes Sir.

MR. PRESIDENT: All right.

MR. D. EZZARD MILLER: As I was saying.

11. CLARIFICATION OF POINTS OF ORDER.
The following points were clarified as Points of Order -
- content of speeches
- behaviour of Members
- reading of speeches
- deviation

It was pointed out tht Members calling on a Point of Order must refer to the relevant Standing Order.

12. DATE OF NEXT MEETING
AGREED that the Committee's next meeting be held on Thursday, 9th May, 1985, at 2:00 p.m.

13. ADJOURNMENT
At 4:40 p.m. the meeting adjourned."

Mr. President, it is unfortunate that the Standing Orders do not allow me to interject the necessary expletives to demonstrate the idiosyncratic ignorance of moving a motion and voting against it.

Thank you.

MR. PRESIDENT: Item 4. Government Business. Continuation of the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill. The First Elected Member for Bodden Town to continue.

GOVERNMENT BUSINESS

BILLS

CONTINUATION OF SECOND READING DEBATE ON THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1984

MR. JAMES M. BODDEN: We have just had an example of pettiness and I hope that the public understood the meaning of the last few words, because in my limited vocabulary, it was beyond me, and I am sure it was beyond most Members of the House.

MR. D. EZZARD MILLER: Mr. President, under Standing Order 31 with the leave of the presiding officer, a Member may make a personal explanation, although there is no question before the House,

no controversial matter.....

MR. PRESIDENT: I do not think this is a Point of Order.

MR. D. EZZARD MILLER: No debate may arise thereof Sir.

MR. PRESIDENT: No, no he is not debating it, please sit down.

MR. W. McKEEVA BUSH: You are wrong you know Mr. President. I am rising Sir....you were wrong for allowing the First Elected Member for Bodden Town to reply.

MR. PRESIDENT: I do not think that the First Elected Member for Bodden Town is replying, and if I think he is, I will stop him.

MR. JAMES M. BODDEN: The Second Elected Member for Bodden Town will reply in due course.

Mr. President, I understand that recently the Finance Minister of the small British Virgin Islands was interviewed in the international press in the United States, and he was asked if his small country would be willing to enter into Treaty arrangements with the United States. Although we consider them to be smaller than us, and in some cases more backward, I understand he was intelligent enough to stand up and say that the only way in which they would ever consider it would be if the United States made several concessions in their favour, and he mentioned a few of them, and they included an extension of the convention tax privileges as well as the excise tax on insurance matters and so forth and so on. Here we have opened the complete barn door, and we have received nothing in return.

Article 8 of the Treaty is a very worrisome and dangerous section, stating:

> "A person requested to testify or to produce documentary information or articles in the territory of the Requested Party may be compelled to do so in accordance with th requirements of the law of the Requested Party.
>
> If the person asserts to a claim of immunity, incapacity, or privilege under the law of the Requesting Party, the evidence shall nonetheless be taken and the claim made known to the Requesting Party for resolution by the authorities of that Party."

This section really raises some constitutional difficulty, should the Cayman Islands ever apply for such information in the United States of America. Their Constitution strictly would preclude this. The Fifth Amendment of the United States Constitution provides that no person shall be compelled in any criminal case to be a witness against himself or be deprived of life, liberty or property without due process of law.

I started in the first part of my debate by pointing out that the Constitution of the United States overrides every other law in existance in that country. This Amendment protects anyone, whether they are in a Federal or a State Court, and one does not have to be a defendant in a case, in order to claim the Fifth Amendment

This section in my opinion would apply in most cases under Section 19 of the Treaty. Many notable cases in the United States have hinged on the Fifth Amendment, and here this is being denied to us in our own country, as well as it is being denied to Americans who are resident here. The United States Courts would lack jurisdiction over our courts, and we would have no jurisdiction in theirs. The point here Mr. President is that once the evidence has been taken, the damage has been done. Because if a person is forced in our Courts to give the evidence that would incriminate him, although he may claim immunity and it be noted that he has claimed immunity, and the United States Autorities are then notified that the has claimed immunity, it will not protect him because the evidence and the damage has been done. The United States Authorities at that point would have the evidence against him.

I was also always under the

impression that even under our judicial system, that a person would have the right to remain silent in any case. We are jeopardising our people, we are making a mockery of our laws and our judicial system in order to placate the whims of the Americans. We are being treated as second class citizens one more time in our country.

Section 7 of the Draft Bill forces the compliance of a person who is called upon under the Articles of this Treaty. Under the Narcotic Agreement which my colleagues have readily referred to so many times, these rights in protecting the person and property were protected under Section 7 subsections 3 and 4. Should our Government not comply with the request made by the United States Authorities, the Treaty offers no exclusivity, and the United States can go outside the Treaty after anyone with subpoenas, as they did before the Narcotic Agreement. This is really a sword of Damocles which they will hang over our heads for a long time to come.

Another very alerming part of the Treaty and the enabling Bill which has been presented to this House and which gives much reason for concern deals with the relationship between a client and an Attorney. This safeguard in my opinion has always been enshrined in the United Kingdom, the United States of America and our own Cayman Islands policies. Can it be considered proper for a person asserting this privilege under the laws of either of the parties to this Treaty, to be denied it. Problems can arise even with a client consulting a Cayman Islands Attorney on problems which do not offend our laws, but would trigger exceptions under the United States Crime Fraud provisions. A Cayman Islands citizen or resident cannot disclose to his client, be he an Attorney or be he anyone else such as a banker, the fact that information has been disclosed pursuant to the Treaty against him. As I pointed out previously in my discussion, if I am reading both the Treaty and the enabling legislation correctly, a man would not even be able to divulge or disclose that he was being investigated, to his wife or to his preacher.

Article 19 of the Treaty gives much room for concern in its various sections which are not explicitly written. Grave concerns are expressed regarding the implications of Article 19, that information will be given in certain cases to allow the United States to collect taxes. It is true that it is stated that these would be triggered by implication with various criminal activity, but what about the cases where there is no proven criminal case: what will happen to the information supplied, and what about the fishing expeditions? We have, most of us in our possession now, information that this has been done even under the Narcotic Agreement, in a particular case in the United States in the name of some fellow by the name of Harvey. I may hasten to add that I did not know that this gentleman existed until we came into the Chamber and I have no connections with him. I am not here to defend him, or defend any action of his, I know nothing about him other than that which I have seen in the papers which were sent to us by his local Attorney. But I am worried, that if this is correct that the privilege which we have extended to the United States of America under the Narcotic Agreement has been abused in this manner, and it should concern each Member of this House that if it has been abused in this manner under the Narcotic Agreement, how much more will it be abused in the future once our 'Mother' has signed it on our behalf.

We all know that the Americans are good at their fishing expeditions to obtain evidence. We have had many cases of it in the past and I am sure there will be many cases in the future. But, again I am speaking again subject to correction, but I understand that there have only been about sixty cases that warranted subpoenas with regard to evidence linking companies here with narcotic traffic. If that is correct, we have probably had about fourty thousand companies registered and struck off and registered again on our statute books. If this is correct that there have only been sixty which have been really attacked by the United States, it proves to us that there is not the evidence of narcotics traffic as we would be led to believe. In the case of an offence involving the mail or transportation in inter-state commerce and in the cases of conspiracy, a foreign person can be deemed to have committeed an offense for which he can be extradited and prosecuted in the United States, even though he has never been present in that country.

Concern has been expressed by the Chamber of Commerce that the Treaty will enable the United States Authorities to obtain evidence with the assistance of the Cayman Islands Authorities which would be used in prosecutions in United

States Courts of members of the local business community, thus I am repeating the words here and the concern of the Chamber of Commerce. I do not know how many members the Chamber of Commerce has in the Cayman Islands, but I imagine it is over one hundred. If those people can have that concern, what I am saying to the Members of the House and to the people of the Cayman Islands today is, that that concern should be addressed by the Legislative Assembly. There must be some reason for them to be so concerned. It cannot be that the only people who have the facts and know the facts, is the elected Government of this country with their extension cords - it cannot be that way. They could be convicted in a United States Court even though the act complained of was undertaken in good faith in the belief that the duty was merely to ensure that the act was not in breach of Cayman Islands law. But the thing again Mr. President which is very worrisome, is that the United States law embraces most of Article 19 which is known as the RICO Statute, which is an all encompassing law. It provides severe penalties of up to 20 years imprisonment, and large fines. And when applied civilly, treble damages in the event the case is won.

It is conceivable that Cayman banks, trust companies, law firms, accounting firms, real estate companies and other legitimate Cayman Islands businesses could be caught in the 'RICO' web. A person could derive income from a pattern of racketeering activity without ever having committed a racketeering act or even knowing that the income is derived from racketeering activity. If some racketeering income was used in acquiring an intersest in a business enterprise in the Cayman Islands and used by that business in the normal course of business, they would be guilty under Article 19 of the Treaty. It is possible that a person could be found guilty merely for their association with a business enterprise which is being used by others as a vehicle for criminal conduct. The inclusion of the RICO statutes in the Treaty have caused concern due to the present large scope in which they may be used. This concern was voiced in the United States by the American Bar Association and Members of the United States Supreme Court. The net cast is so broad that unless the enabling Cayman Islands legislation incorporates sufficient safeguards, virtually every kind of tax haven activity conducted through the Cayman Islands will come under scrutiny, including those of legitimate legal businesses, which without any knowledge of any wrong doing, became involved in an activity touched on by some Statute of the RICO Law, or some sections of the RICO Law.

Article 19 of the Treaty allows the United States Authorities to act retroactively with regard to any act they allege has taken place, and under the RICO Law they can go back to 1970; this is absurd and it should not be allowed. I have heard some of the Members of the present Government lambasting the previous Government of this country for simple retroactive legislation mainly dealing with administrative matters. Here, we are allowing the United States to act retroactively in our country back 16 years on criminal matters, and they are not saying a word about it. They are saying that it is a good thing; they are being lulled to sleep by the Irish lullabies sung to them by the Honourable Second Official Member of Government.

At least, if we cannot make any other changes, let us curtail this activity coming into effect in the Treaty. Under Article 19, section 3. A law firm or accounting firm who advised a client in the United States to set up a Cayman Island company or trust to defer United States tax and by the United States now coming forward and alleging that such a firm(s) acted wilfully or dishonestly, they can obtain assistance through the Cayman Islands Authorities and obtain information from banks, trust companies, law firms, accounting firms which would then convict them for criminal activity in the United States - this is ridiculous. We are about to tear down every bit of credibility which was ever established in our country. This would be so, even if after investigation on the initial charge, the United States prosecutors determined that there was no evidence of wilfull or dishonest behaviour. The Cayman Islands would therefore assist the United States in prosecution and collection of taxes. This is what the Cayman Islands economy has been based on, is that people who did not believe in their form of taxation in the United States of America, and we have seen nothing wrong with that for twenty something years, and all of a sudden it is as if the Honourable Fourth Elected Member with his colleague and running mate in the last election is now accusing him and the members of the Law Society of getting rich off the narcotics money of their client. Yet, for 17 years or 16 years as he many times sites in this House, he was the Member of Government responsible for seeing that the bank secrecy was

enforced; that the banking community was upheld, and yet, for 16 years he had a veil over his eyes and did not understand what was going on, and it is only now since he has been hearing those sweet Irish lullabies that he is able to understand. Every other Member of this House might have their ears tuned to those Irish lullabies, but I am telling you I am deaf to them, tone deaf I mean because I am hearing none of them.

Under the RICO Statute, if the United States sees fit to come forward on that, all international bank transfers of over ten thousand dollars to the Cayman Islands since 1970, can be examined by the United States Authorities, and the customers so affected can be required under subpoenas to deliver all necessary information to the United States Government, and be subject to prosecution and conviction. Imagine what will happen to what we would consider innocent people, if we allowed this. The people who trusted us for so many years; the people who brought down their money and let the bankers count it and take the one percent off the top for counting it; plus all the other things which they did with it; plus the Government getting their fees; plus this plus that. Those same people whose heads we are now putting on the chopping block in their own country. Do you believe that anyone with any sense will ever trust the Government of the Cayman Islands again?

Under the mail fraud section of Article 19 - whoever takes or receives any such matter or thing which is deemed to be fraudulent is guilty and subject to a fine of $1,000 or imprisonment up to five years, this is under the RICO statute again. A telephone call or a letter mailed from the Cayman Islands, could be interpreted by the United States Authorities as connected with an offence charged under this section and could suffice to provide the prosecution for an unsuspecting person.

The Mail Fraud Statutes which could be applicable under Article 19 state that it is not necessary for the United States to prove that the defendant actually mailed the offending material in order to get a conviction. An indictment may be based on a co-schemers or non-defendants use of the mail, yet we are willing to allow the Americans to do this to people in their country which could be people from our country, when for all these years these people brought their money here, they helped us build this country up, and today we cast them aside. I cannot believe that we could ever get to this point. I am really waiting to hear the Government bench get up and tell us why, and for what reasons they did this to us. They must have a defence; either they were asleep; they had been chloroformed as I have said before, or something happened. How could we get our country into this mess? What are we going to do? What will happen when our economy is in shambles?

Do you all realise that every year there is probably close to 300 children coming out of school, and the next year it might be 350, and it will be increasing every year? Jobs must be found for these youngsters. Where are we going to find them, when there is no money in the Cayman Islands locally, and we depended on the foreign dollar in order to build this economy, and there are no foreign dollars coming in any more - what is going to happen? Ask yourself this! The people of the Cayman Islands between the years 1972 and 1976 because of bad Government policy. So what could happen to their lives with regard to poverty and so forth? It is coming back on them again and the same people are bringing it back on them. If the Members of the Legislative Assembly still not wake up, I hope the public at large will be wide awake from today on.

The drafting of this Treaty is imprecise. The Internal Revenue Service in the United States and other United States Authorities have the right to obtain information which relates directly or indirectly to the imposition, calculation or collection of United States taxes, for instance where a person wilfully or dishonestly makes a false statement, and that statement can either be oral or written to Government Tax Authorities. If that statement is connected with any tax matter which falls under several definitions in Article 19 of the Treaty, which deals with racketeering activity and so forth and so on. These things have a wide ranging effect. Even one of the people who I understand may have assisted the United States in drafting this Treaty has said to the world press "we can get any information we need, we only have to wrap the tax case around some other case and we get all the information we need," and we now see where they can get it, because it is like a turtle net which was set on the banks of Nicaragua many years ago by our local fishermen, and the next morning a flock of turtles would come through at night and tear big holes in it. That is what we have got, the big

holes which nobody can see, nobody who will do anything about it can see anything wrong. There is no right to edit out information pertaining to third parties before the information is passed on to United States Authorities. This is another grave situation, because you could have a company doing business under our Law that is a narcotic related company. The Honourable Second Official Member or some of his group gives the requested information to the United States Authorities with regard to his bank accounts, and let us say that an American living in the Cayman Islands who has stashed away US$100,000 on which he had not payed income tax, had bought a condominium in this country and that condominium was built here by Cayman labour, Cayman labour derived the help, the Cayman Islands Government was paid the taxes, and now the American sells it to this company. He does not know anything about their narcotics activity, but there is evidence there that a cheque was given to him by this company, and then you send that information to Washington, and that American is then called in and is told "You neglected somehow or the other - what about your condominium in Cayman? What did you do with that money?" Cannot these people see. Do you realise the position into which you would be putting people? They could have bought carpeting from an American company that may not have paid the taxes in relation to that, and we do not look at it as being a criminal offence under our Law. And yet, after the United States has tried and tried to convict their own people because of not paying their income tax, then we hand them on a silver platter to them. I cannot believe you Members would do it.

Further offences can be added to the Treaty by the exchange of diplomatic notes between the United Kingdom and the United States. This again is absurd, it is an indignity for our people to suffer this. At least if we are going to add anything else to it, let the Cayman Islands try to add it. At least say 'well we will write a letter to the United Kingdom, and the United Kingdom will pass it on to the United States, and you will add it that way, because the United Kingdom can put any 'junk' into it that they want to put, and we would not have a word we could say about it. It would be just like this a fait accompli comes down to us, it is done, then you tell us then to accept that too. The people of any country should be entitled to declare their own national policy and proceed with it, not have it detailed and thrust upon them.

A Treaty should never have been signed, because by so doing we gave up all our rights to control our destiny, allowing the United Kingdom and the United States of America to decide our future, taking away our sovereignty, bargaining it away, we became as kids sitting on to doorstep asking our parents if we can come back inside because our bare feet are a little bit dirty. That is the position this country is in today. We can now be considered a vassal state of the United States of America, and a state which obtains no benefits but gives everything.

It is written in the Treaty that 90 days notice can be given to terminate. This notice has to be given to the United Kingdom. I am asking, not you, because I know the answer I would get. I am asking the people of this country that if we today gave the United Kingdom 90 days notice that we wished to terminate this Treaty which they have put upon us, what we would get? It is not for the Members of the Legislative Assembly to answer that, but the people of the Cayman Islands. Because, you know what we would get, we would be told maybe in diplomatic language 'but you are kids, go back to the corner and sit down where your mother put you, we will deal with this as we see fit.' That is the treatment we would get, the treatment we have always received. Is that good enough for the people of the Cayman Islands? I say no. I say we have progressed out of the stage of being sucklings, and we should not give it up easily. If we were to take that step, we would not only have to wait years for anything to be done, but during that waiting period we would suffer many humiliations from the United States Authorities. Many drastic acts would be taken on us, and I will say openly to the people of the Cayman Islands today that there will never be a termination of this Treaty as long as we are a territory of the United Kingdom, never. We are entering something today which we will live with for the rest of our lives, our children's lives, our grand children's lives and generations a thousand years hence.

The enabling Bill attempts to be even broader, and more ridiculous than the Treaty itself, it is too far ranging, badly drafted and very ill-conceived. Section 4 subsection 2 of the enabling Bill states that a decision made or an order given by the Cayman Mutual Legal Assistance Authority shall be deemed not to be a judicial decision or order, and shall not be the

subject of any appeal to, or review by any court. This is ridiculous and foolish. It abolishes the inherent rights of justice heretofor afforded to all who come before our courts. If a decision made is wrong, as happened supposedly in the case of the American Mr. Harvey, then there is no appeal, and that maybe is a minor case. What about the bigger cases which will follow. There is no way to right that wrong, that wrong which has been done by one or two persons, and where you have taken away our right to fight that decision in a court of law. If a decision is made by the Legal Assistance Authority and it is a decision made which is not even covered under the Articles of the Treaty, then there is no right to protect yourself from the error in a Court of Law. If it is covered, there is no right to protect you. If it is not covered, there is still no right to protect you. This takes away the civil rights and liberties of an individual who has been unjustly wronged. The Treaty itself is silent on these matters, yet our wonderful draftsmen who have drafted the enabling legislation, have seen fit to make the enabling legislation even broader than the Treaty, and have included these things in it. We are placing our entire future, the future of our country, the future of generations to come in the hands of two gentlemen. Regardless how impeccable their character and ability may be, I am referring in this case to the Honourable Second Official Member and I am referring to the Chief Justice I think who is the one whom they propose under the enabling legislation to appoint to this position. I say it is wrong. These people, regardless of their ability, regardless of their impeccable character they have no connection in our country. They have no roots, they have no grave stones in this country they can look to. They have nothing to lose by making the decision which could be detrimental to our people. They can make it, they can brush themselves and they are gone, 'so long Cayman, you stay and endure the hardships' and it is wrong. I will deal with it further later on too, because if we are going to do this I think we should set up another body to handle it, rather than to expect the Chief Justice to do it.

In my opinion the Treaty has come about because of a lack of understanding and our people have been misled and lulled into complaisance: I frankly believe that. I believe that the United States Authorities, being those about ten grades down from where they should have been negotiating it in the first place, along with those from the United Kingdom, drafted this Treaty, gave it to the Honourable Second Official Member and he sang his Irish lullabies and put the rest of the Members to sleep. So the Members were misled, they were asleep, they did not understand it and now, they have thrust it upon the twenty thousand or so people in this country.

The Treaty and the enabling legislation gives much room for thought. We must ask ourselves if justice is real in a system which increasingly tolerates an erosion of our procedural safeguards. It takes away the rights of generations unborn, and relegates us to the position of beggars. Ladies and gentlemen, that is what is happening with the Treaty and the enabling legislation. We are being made to become beggars. If there is anyone we can beg from. Because even Castro might not want us to beg from him, although we may soon have that business starting here too. But, what are we going to do with our people? What are you going to do with regard to balancing the Budget of the country in the years to come? You have had enough trouble trying to do that since you have been here, and you have not succeeded in doing anything worthwhile. We have had nothing but failures in the last two years. How much longer are we going to tolerate it?

The United States has not ratified this Treaty, and will probably not do so until early next year. I am asking the Members of the Government bench why are we rushing into it like blind fools at this time? We are being led by a few blind people, like sheep to slaughter.

If the United States of America with all their power and might within their own territory cannot successfully enforce their income tax laws, why must we do their dirty work for them? We are not able to enforce ours locally, why are we going to try to do theirs too? We have never received any aid directly from the United States Government, and very little from Britain, and the little we have received from Britain we helped to pay that back during Bert Watler's 'Mother Needs You Fund' drive. If we had not sent that million dollar cheque to England, we would probably never have seen the Queen visiting our shores. But when they found out that we could send a million dollar cheque, then they thought that we were wealthy, and that is probably the cause of our downfall today.

Why, having built ourselves up to such prosperity as we have done, must we now grovel like dogs fighting over a bone? I say to the people of this country 'shame, shame on the heads of the elected Government of this country.'

If this enabling legislation is passed in the manner in which it is drafted, and if we do not try to do something about this Treaty, persons with legitimate business interests will close down their businesses rather than be subject to disclosure and harassment, and go to other areas. There are many other areas that they can go to where they have the tax haven facilities. And maybe they will honour their word to them. Maybe Panama will not get on their knees, although the United States gave them a canal, which brought much prosperity to them, and gave it to them, even they, will not agree to a Treaty similar to this, yet we who have received nothing are opening every door to them. I think it is time, if nothing else can be done, to declare Little Cayman independant and let us go there.

The banks and the insurance companies that operate in this country are mostly foreign owned, and in most cases, they have really no tangible assets here. They can close their doors and leave, we have to stay and suffer. And believe me, you will see many of the companies from which the Government is now deriving income being struck off the books in the next couple of years. You will see many of the banks close, one by one. You will see the insurance companies one by one, leave, because in case the brilliant team which negotiated this Treaty does not know it, several other islands in the Caribbean have now got an agreement with the United States with regard to insurance companies and excise tax. So they will be beckoning them and holding their arms wide open to them, while we will be pushing them aside. So they are not going to stay here just because they like the sand on Seven Mile Beach, they can find it on some of the other islands. They are not going to stay here because they like us as individuals that much, they are going to go. The only thing I am sorry about is that when they go, they do not take the Honourable First Official Member of Executive Council, the Honourable Fourth Elected Member of Executive Council and the Honourable Second Official Member along with them.

What will the Members of Government say when the down town office buildings are empty. Will they walk around town then and say "we need a new Planning Department, will we need a new Board to decide how many of the rocky areas the little boys can fish from?" When Government has no money to pay the Civil Servants, and that it going to come and come quickly, that is the day you are going to catch it. You will not be able to pay them with promises, and it will not be as it was in days gone by when they would wait. There are no jobs for our people; school children graduating roam the streets without jobs; drugs become more rampant than they are now; people begin to lose their homes and people are hungry. At that time, will your answer be as it has been? 'Give the people more legislation, give them more taxes, give them a spent pension scheme without money, give them a new draft of the Treaty and the enabling legislation. Take the enabling legislation and the Treaty, put it in flannel, rub it over the children's bellies to ease the hunger pangs while you will sing to them the lullaby that the good old days are back in the Islands which time forgot, and no one knows any more - that is the lullaby you start singing then. You will forget your Irish lullabies and you will sing the new one, you will sing the one 'the Island time forgot' and no one knows any more, and hat will be the Cayman Islands. You will be the people who have put in that position.

The financial industry has and will continue to lose the respect of the international business community, that is the financial industry, which is operational in this country under our laws, and we will forever be known as the country which cannot be trusted. The hardships which will have to be endured locally, the sad state of our economy will be immeasurable and will impact on our political stability. We have always been known as a country which is stable politically, but how long do you think it is going to continue, when you have people out of jobs, when you have people losing their homes, you have people who are hungry, you have children of 17, 18 and 19 coming out of school and cannot find jobs. You have very few of our children going to university or colleges, only those of the privileged few as it was 25, 30 or 40 years ago. What do you think will happen to the political stability of the Cayman Islands at that point, or is that already a part of your master plan, by agreeing to allow a large number of Russian ships to be put under

our flag - is that a part of the deal? Is that the next thing we are going to be asked to deal with in this House, to accept communism because capitalism is dead? is that where we are headed? There are only two roads to go, capitalism or communism. You might accept the lesser name, and say socialism, but socialism and communism are pretty closely linked, and if we do not have unbridled capitalism, then we are going to have some form of socialism or capitalism, and God forbid that it will happen. But it will happen if this society and the laws which govern it, continue to deteriorate in the manner in which they are deteriorating today.

We had two economic factors in our favour, the financial industry and tourism. We are about to lose one, and the other is deteriorating in quality. The two are tied very closely together, and in the tourism sector at least 30 to 40 percent of the tourism market is tied directly to the financial industry. Whatever the percentage is, it is tied directly to the financial industry, that is the section which spends the most money in our community. Those are the people who will stay here for maybe five days, will rent a condominium, hire maids, hire a rental car for five days instead of one day on coupons, as most of the business today is being done. They will spend money in the restaurants, they will spend money in the community. We are losing that, we are going to lose all of that. What are we going to replace it with? The charters out of Canada which bring down two loads of bread and two jars of peanut butter, is that what we are looking for for the future? We have nothing else to fall back on. Jamaica had its bauxite, they had problems with it, they have lost most of it and now they wander around the world trying to replace the income from it in the country, and they are failing. What are we going to replace ours with, guano, as we tried to do years ago? We do not have that any more either. We cannot replace it with the turtle, you were not smart enough to negotiate that for us, when you gave way on the Treaty. So with what will we replace our faultering economy. What will our people use as a means of livelihood to rear their families with, tell me? You must have a good story, I am hoping we will hear it, as to how you perceive the people of this country being able to continue to enjoy prosperity.

Maybe what you are working on is that you will have a tourist attraction, where on one side of George Town you will have a sign that says 'Death Valley' this direction, and the other side will be 'Ghost Island' with a big sign for that. Maybe we can get people from the cruise ships or from the airplanes, maybe all the American airlines will be glad to run in here and bring people to see the society which has killed itself, and to see the nice signs which you have erected, so that you can show it off to the world. Maybe that is what your plan is. At least it would be a plan, you have been able to come up with none since you have been there.

Many notable things will go down in the history books about the Cayman Islands. But I am sure that there is one epitaph which we will carry, and that is that we will go down in history as the dwarf which took two Goliaths to kill. But those two Goliaths had three Judases with them. That will be in the history books of the Cayman Islands a hundred years from now.

MR. PRESIDENT: If the Member has reached a break in his speech, and since it is about the time, slightly beyond the time when we customarily.....

MR. JAMES M. BODDEN: I would welcome that Sir.

MR. PRESIDENT: In that case I will suspend proceedings for approximately ten minutes.

AT 11:24 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:40 A.M.

MR. PRESIDENT: Please be seated.
Continuation of Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill. The First Elected Member for Bodden Town.

MR. JAMES M. BODDEN: Mr. President, we have a commitment from the United Kingdom throne which you represent, to

protect us. That does not mean to just protect us in time of war. It means to protect our economic rights and our right to remain the proud independent minded and resourceful people we have been. I call on you for action on behalf of the people of this country to protect them. It has been admitted by Executive Council Members to the Chamber of Commerce that this was a political decision. It should have been a political decision, because it is on the shoulders of the elected Members that the responsibility for good Government rests. They are the people who are answerable to the public. They are the people who are answerable to the people who saw fit to elect them, and I am calling on you seeing as how this was a political decision, and as this decision rests heavily on the shoulders of everybody resident in the Cayman Islands, that when the time comes to vote in this House, tha you will restrain your official Members from voting on this piece of legislation, and that you will allow only the Elected Members of Executive Council to vote. It is my opinion that you should also let them exercise a conscience vote. They should vote their feelings, not have a collective vote. If this opportunity is given to this House, we may see our rights protected, we may see that we have a chance of continuing the prosperity that this country has known. I am hopeful that you will see fit to do this.

I also call at this time on the Honourable Second Official Member, that an undertaking will be given to this House and to the people of this country that until the enabling legislation has been properly passed and completed in every stage, that he will refrain from giving any co-operation to the United States of America until that is done. I am hopeful that we will not find out that the Treaty is being implemented before it has been passed by the United States Senate, ratified by the United Kingdom Government and passed into law in the form of enabling legislation by ourselves.

We have held out the olive branch of conciliation. We have made many approaches and recommendations. They all fell on deaf ears. We have no other recourse than to fight this in the political forum, which we are now doing to try to advise our people as to just what is happening.

I once more implore the Elected Members of Executive Council to heed the public outcry, the mumbling, the grumbling which is going on, take time, do not rush into this law, we do not need to rush this through. We have taken time on many minor pieces of legislation, we can take time on this major piece of legislation.

I am asking before it is too late, that they will place a motion before this House to appoint a Select Committee of all Elected Members to study this Bill carefully; to allow public imput and report back to this House the first of the year. I see no reason why this cannot be done. We must remember that there is nothing noble in starvation or poverty. Our livelihood, our future and that of our children and grandchildren is being given away.

I call on our people to unite, to stand up and be counted; let your voices be heard; join with us in denouncing this Treaty and this enabling legislation.

I understand that one member of the negotiating team when he was asked if we had received anything in return, said "We did not ask for anything because we did not know what the Americans would ask for." Well, they asked for everything, and we gave it to them.

Mr. President, I am prepared to offer our people a chance to do something about this. I think that a petition should be circulated, which could be signed by every person in this country over 18 years of age, asking that we go no further with this enabling legislation and the Treaty at this time. That would give a chance to everybody to voice their feelings on this, and to say whether it is needed or not needed.

On the heels of this, if the Treaty is passed at this Session, hastily passed, I would recommend that we get a petition circulated throughout the Islands, asking for the resignation of the elected Executive Council Members and for the removal of yourself from this country, and that this be sent not only to the United Kingdom but that it be sent to the United Nations. If the Elected Government of this country will not listen to the people's voices, and if the United Kingdom will not listen, then maybe the rest of the world will listen. But, there is time for drastic action to be taken, and Mr. President I feel strongly that we cannot allow this Bill to go through at this stage - time is needed. We should at least get a review of the United States offences, with a view to

establishing a true mutuality between ourselves and them, and to the introduction of a full immunity clause from prosecution under United States law, in favour of any Cayman Islands citizen or resident who is required to provide information under the provisions of this Treaty.

We need to have many different areas of the implementation law struck out, many of the sections are too broad. Many amendments are needed, and now is the time to do it. If we wait too long, we will find that we cannot do anything about it. The only time when we can make an outcry or do anything which may curtail the activity of the Treaty, is now. As far as I can see Mr. President, there is no course other than that which I have mentioned, and that which I have proclaimed. It is better to die by the sword, than of hunger grovelling at the feet of the master, and if the Elected Government will not pay heed, I feel that the public at large must have a chance to voice their sentiments, and I will be calling on them in the future on behalf of the people, to resign immediately and let us have new elections and let us see is someone else can deal more intelligently with the Treaty and with the implementation of this enabling Bill which has been placed before this House.

I will now give the floor to any Member who wishes to answer the many questions that I have put to this House.

Mr. President, I once more say that on behalf of the people of the Cayman Islands, I think we should have our questions answered. We should take time, we should not rush this legislation, because we are dealing with the lifeblood of this country. Our people's future is at stake, therefore we cannot foolishly and blindly rush in to something, because we will all live to regret it.

Thank you.

MR. LINFORD A. PIERSON: Mr. President....

MR. PRESIDENT: The Sec....I am so sorry, I did not see. I am afraid I was looking down at the moment when both of you rose. I think the Honourable Second Elected Member of Executive Council did in fact catch my eye first.

HON. W. NORMAN BODDEN: Mr. President, I rise to support the Bill before this Honourable House. A Bill shortly entitled the Mutual Legal Assistance (United States of America) Bill, 1986.

I do not profess to have all the answers, but I am here Sir today, to state to the Members of this House and to the people of this country my stand, and the reasons therefor.

This Bill when it becomes law will give effect to the Mutual Legal Assistance Treaty, recently signed between the United Kingdom, the United States and the Cayman Islands.

Mr. President, I have heard so many varied explanations and hypothetical cases given to this Treaty by the opposition, the critics and the experts, that as is said in the Good Book 'it is enough to confuse the minds of the very elect'. What it really reminds me of, Mr. President, and I say this with respect, because I have respect for the religions of this or any other country, but it reminds me somewhat of those religions which will select one verse from the Holy Scripture and read a portion of that verse to base their argument on, and to justify why they believe what they do.

I have no legal training Sir, I am just an ordinary Caymanian with a High School education. But this is one time that I thank God that I can at least read for myself, and use the common sense which he has given me. And this I believe is all the people of George Town, who elected me to this Honourable House expect of me. I can do no more than that.

I have listened carefully to all the speakers so far, but especially to the Honourable Second Official Member of Government who so eloquently presented the Bill and took the time to clearly explain the details of the Treaty, which this Bill is intended to legalise as far as the Cayman Islands are concerned.

Firstly, as has been stated, this Treaty is designed to co-operate with the United States in supplying information which will assist with the prosecution and supression of crimes committed in the United States primarily. And through this desire, and the need I might add, to improve and make law enforcement more effective in bringing criminals to justice, this

Agreement has been reached.

The procedure for obtaining information has been carefully outlined in the Treaty, and when and if, information is supplied to the United States, this action is based on the decisions of Cayman's Central Authority with involvement of our Honourable Second Official Member.

As I understand it, the extraction process of that information, the procedure I am referring to, is in full accordance with the laws of the Cayman Islands. It is also clear to me as far as I can read and understand, that America does not have carte blanche access to information in these Islands. Firstly, the United States must establish to the satisfaction of the Cayman Central Authority that there are reasonable grounds for seeking that information. Secondly, they must prove that the information they seek is indeed located in the Cayman Islands, and thirdly, the United States must establish that the information they need is in fact related to the criminal offence on which they are seeking information. Furthermore Sir, Cayman Central Authority can deny any assistance whenever our Honourable Second Official Member considers it against the publics' interest. And additionally, Cayman's Central Authority can also supply information subject to conditions.

Like most people Mr. President, one of my main concerns was the position of pure tax matters, whereby those individuals who saw fit to use their hard honestly earned money and business ability to avoid United States taxes, by using the services these Islands offer, this was of serious concern to me. What would be the position with regard to that category of persons? This has of course, already been explained by the Honourable Second Official Member and I only repeat here that Article 3 of the Treaty clearly states that assistant shall not extend to pure tax matters, but does extend to what is refered to throughout this Treaty as the unlawful proceeds of any criminal offence which, in my language Mr. President, refers to swindlers, robbers and crooks, not to honest people.

Mr. President, Article 7 dealing with Limitations on Use and Article 19 3. dealing with the definition of criminal offence are to my mind two of the more important sections of this Treaty, and I do not profess to be able to deal with everything in them, but I will place some emphasis on these two sections.

In Article 7 1. it is clearly stated that information can only be used for those specific offences stated in the request received from the United States, unless Cayman's prior consent is obtained. So that in the first place the United States would not be given the information unless the Cayman Central Authority is satisfied that the United States is seeking information on one of the criminal offences as defined in the Treaty. However, it is true that there are three additional purposes for which the information can be used. In Section 4, with certain exceptions which I understand to mean firstly, that whenever the information which has been released, is used in the successful prosecution of a person accused of a criminal offence as defined within the scope of the Treaty, if other crimes committed by that person emerge as a result of the trial, then the original information which is by now public, can be used for further and other charges against the person who has been convicted. To my mind, Mr. President, this is dealing with a Mafia-type individual who no one wants to be running around loose in their society, and so why should the law not be able to throw the book at him.

Secondly, if the trial does not result in a conviction, the information can be used for other charges, but only those specified within the scope of the Treaty. In other words, my interpretation of this is, that if a person is charged with insider trading and has not been convicted of that crime as charged, but as a result of the trial it has developed during the proceedings, that he is obviously involved in narcotic trafficking, then that information which has already been made public can be used to charge that peson with narcotic trafficking or any other criminal offence listed in Article 19.

Thirdly, information can additionally be used in civil or administrative proceedings which relate to the recovery of unlawful proceeds of a criminal offence, crimes as defined in the Treaty, where that person concerned has knowingly received the funds.

Article 19 does cover a wide range of serious crimes, but in respect of tax matters, is limited to

those which arise from the proceeds of crime. This section qualifies the conditions of any unlawful act, by the use of the words 'willingly' and 'knowingly' and 'wilfully' or 'dishonestly' obtaining money. To my mind these are conditions which must be proven.

Sub-sections (j) and (l) of Section 3. of Article 19 dealing with mail and telecommunications, also caused me some concern. But here again, these relate to wilfully and knowingly being involved in crooked deeds.

As regards subsection (k) of that same section dealing with such further offences as may from time to time be added, it is ridiculous and misleading to say that pure tax matters can be added later on, because they cannot be added without Cayman's consent, since the section distinctly speaks of an agreement between the United States of America and the United Kingdom, including the Cayman Islands.

Mr. President, as far as I am concerned, this is a Treaty designed to bring crooks to justice. A class of crook which would make Al Capone look like a country preacher. Professional crooks and drug runners which are professions for which I have no respect nor sympathy.

I take my stand to support this, because for me this Treaty says to the world that the Cayman Islands will remain a tax haven, but not a crook's haven, and this is something of which all right-thinking Caymanians should be proud.

Mr. President, it has not been too long ago that I remember how indignant our people here, and especially those living abroad would become when the name of the Cayman Islands was being blackmarked and linked by the foreign press with crooked and shady deals, and accused of letting itself be used as a base for swindlers to hoard their illicit funds from dirty deeds and drug trafficking. Many of them would write home with copies of the newspaper articles and say "I know this cannot be true, somebody had better correct this. It cannot be the Cayman Islands they are talking about." But unfortunately for us Sir, some of the claims were actually true, and we had little or no defence.

I well remember too Mr. President, the concern that was expressed by Government officials, the Honourable First Official Member past and present, in many of their Budget Addresses, the concern expressed by many too in the private sector as well as politicians of the day, about the very bad image and concern for the ugly reputation the Cayman Islands name was bearing abroad. And Mr. President, to my mind, the first step towards putting that concern into action as far as I know, came with the signing of the Narcotic Agreement in 1984, and then just the same as the case today, there were those for the Narcotic Agreement and those who prophesied that it would ruin the Cayman Islands, and it must be accepted that this will always be the case regardless of which Government is in or out. And Mr. President, I agree with those who have said that politics should have been kept out of this. I agree fully that a document as important as this one, should go beyond the boundries of politics too, but it must be accepted that keeping politics out of anything in this House, is tantamount to keeping water out of a fish pot which has been set.

It is a known fact that the role of the opposition in this country, the role of the press, the role of various organisations, and I am proud to say that I am happy that I live in a country where every man can have his say. But it is a foregone conclusion that there will be no Treaty, no Law or Bill, or anything brought to this House by this Government which will be supported by the opposition. Let not the public of this country be misled about that. This is politics, and this is a foregone conclusion, whether it is good, bad or indifferent, and that Mr. President is my view.

Now Mr. President, speaking of the Narcotic Agreement, and as to being informed of what was going on in 1984, as a Member of this House as far as that Agreement was concerned at that time, I being a foreigner from the other side of the House, remember being called to one meeting, and I was told that for the past year and a half or so, as far as I can recall, Government had been conducting the most difficult negotiations with those hard-nosed Americans who were the toughest negotiators around. That as a result, Government had to sign an Agreement with the United States and the United Kingdom against narcotic trafficking. That this information was top secret, and highly confidential and that Government had obtained the best deal possible, as our Government was negotiating from a position of weakness. I was shown a paper to read, and before

the meeting ended, the paper was taken back from me for reasons of confidentiality, I was told. You talk about being treated as a poor relative. Nevertheless Mr. President, I made up my mind to support what I thought was best for the Cayman Islands, regardless of the attitude of others. So when the Bill for the Narcotic Agreement was brought to this House, even though I did have some concern which I voiced at the time, I gave the Bill my support, I voted in its favour along with the Government bench and the Hansards of this House can back up that statement. Mr. President, I supported that Agreement, because it was against crooks dealing in drug trafficking, and I support this Treaty today for the same reasons, because I see it as a continuation of the war against crime.

Now I know that it has been said before, but I want to repeat it here again. The present Treaty has been brought about because when the Narcotic Agreement was signed, a timetable was set for a Law Enforcement Treaty on other types of crime to be concluded with the United States of America. I will not belabour the point by reading the three sections in Section 7 of that Agreement. But in my humble opinion, when you talk about concluding an Agreement, I think it means exactly what it says, and I have seen information as well in other documents, which implied that it was the understanding of the American Government at that time, that a comprehensive Law Enforcement Treaty would be negotiated, and I dare say Sir that if all our Caymanian people could take the time to read the many sad and disgraceful accounts of how crooks, as I have mentioned before, big-time crooks who would make Al Capone look like a country preacher, have deprived uneducated farmers and their families of their hard-earned, honest money through illegal schemes. Of those swindlers who used their better education to enrich themselves at the expense of innocent people, of those families who have been forced to live near starvation, while those who robbed them roam the world free, and live in luxury. Of those crooks who have encouraged elderly people to invest their lifesavings and sometimes their inheritance in fictitious companies which were supposed to be operating at a big profit in the Cayman Islands, but in fact, those companies never really existed. Not to mention, those lives all of them, at all ages which have been wrecked and are being wrecked through the sordid activities of drug dealers. If these pictures Sir could be clearly projected to my Caymanian people, I am convinced that they would see this Treaty in its true light, and support it unreservedly. They would support it as the means of cleaning up the Cayman Islands bad and sordid image. They would support it as upholding the high principles of honestly and integrity, of which the Cayman Islands boasts, and they would support it too Sir, as the means of encouraging honest investors to conduct business within a financial centre of quality and calibre.

Mr. President, while I do not accept America's claim to extra-territoriality, I believe like many, that they too must learn to respect the Sovereign rights of our country. But it is my view, and this is my opinion, that if we in the Cayman Islands can co-operate with the United States in bringing criminals to justice, but still maintain confidentiality on pure tax matters which has obviously been accomplished in this Treaty, then I say without reservation whatsoever, what country in this world is more deserving of our co-operation than America?, country which has been the lifeline of these Islands for over a century, a friend and a good neighour. A country which supplies 84 percent of the tourists who come to our shores, and yes, I know too that a percentage of this is busines travel, I am aware of that, a country in which Cayman's sons and daughters lived, worked, supported their families to a sumptious life style and some of whom have become millionaires in an honest way of course, but nevertheless America provided the opportunities, and a country Sir, on which we are almost totally dependent for our very existance, and last but not least, the country to which Caymanians would be first to hold out their hands to in the event of any disaster in our Islands. We would expect America to come to our rescue, and they would too. We must never Sir, burn the bridge which carried us across. And let no one believe that Washington is not fully aware of all these things, and of our heavy dependence on their country, on America, for economic survival.

Mr. President, it has been known for a very long time now that Washington's frown on countries which harbour United States criminals and impeed their being brought to justice was becoming larger, darker and more serious. Relations between our countries have been strained, and after the signing of the Narcotic Agreement, any delaying tactics which we thought we could

adopt could only worsen the situation. To me, it was co-operation or confrontation and let nobody kid themselves, if there was confrontation there is no doubt as to who would be the loser, because Mr. President let us be perfectly frank and realistic about the situation. A country of 280 million inhabitants with vast resources and the most technologically advanced country in the world can always find a way to get what it wants, and that way might certainly not suite these Islands. Therefore Mr. President, it is my considered opinion that we are far better off operating within the perimeters of a Treaty, than without the understanding laid down in such an important and respected document.

I do not believe for one moment that our financial community could afford to return to the days of harassment, subpoenas and other compulsory measures which the United States could and would resort to.

While it is true, that after the provisions of subsections 3. and 4. of Article 17 of the Treaty have been exhausted, that this could still occur, at least the Treaty sets the stage, and affords an opportunity for consultation. It establishes an agreed procedure to be followed, and a time frame of 90 days to work within before resorting to difficult and unpleasant actions outside the Treaty.

Finally Mr. President, I feel that the people of this country must be told, and it must be emphasised time and time again, the seriousness of the situation which exists between the United States and the Cayman Islands, and the risk that Cayman stood to take, and needless to say lose, by not co-operating with the United States, at least cooperation to a point. I refer here to the fact that any failure on the part of the Cayman Islands to reach some working arrangement with the United States after the Narcotic Agreement had been signed, could have resulted in that country taking up the position that they were free to resort to any action or method it deemed necessary, to obtain information including the cutting of air links between the Cayman Islands and the United States of America. Mr. President, I refer here specifically to the report of the Senate Sub-Committee on Investigations, filed in 1985, and the recommendations made therein, which were brought to our attention by Her Majesty's Government. There can be no doubt about it Mr. President, the United States Government might not want to do it, but if they once decided to slap a trade embargo on this country, we could not last two weeks, and regardless of who says otherwise, this is not a defeatists attitude, but a realistic one. America also knows the phrase 'enough is enough,' and those who believe that the situation could not finally reach such a serious stage are only fooling themselves, and attempting to fool the people.

Perhaps Gadhafi thought that the United States would never be driven far enough to bomb Tripoli too. This is not cheap talk Mr. President. These are the facts and realities which have to be faced and accepted by our small country.

Mr. President, it is my sincere and humble opinion that our financial industry, like tourism, will continue to thrive despite the gloomy predictions from the critics as regards this Treaty. Our two main industries will continue to prosper just as long as these Islands remain stable and peaceful. This is where our emphasis must be placed, and our energies spent, not to see who can out-fox the other, or who has the best brains. And speaking of tourism, I would like to say here Sir, and this is not in a boastful manner, tourism is getting bigger and better all the time. The quality is improving and the type of hotel accommodation and services which we offer, are bound to continue to attract those who can afford to spend money in our country, and I hope for the sake of this country, not just this Government, this continues far beyond 1988.

Mr. President, I once heard the remark that the treatment is worse than the disease, and I have been thinking lately Sir, that the treatment given to this Bill and Treaty could cause more harm, create more uncertainty and long-term damage to this country than one thousand Treaties like this.

I am not here to say that the Treaty is perfect, and that there will always be smooth sailing. I do not believe that either, but let me tell you this, neither do the Americans, because I am certain that they would prefer an easier method and a more direct route.

I know too Sir, that there is naturally an element of genuine concern in all of this. But let us not kid ourselves about it, much of it is political, and to my mind,

those who are spreading the seeds of discontent are definitely doing a disservice to this country at this time, a country which they claim to love. I do not believe that they really have the interests of the Cayman Islands at heart. They are only interested in filling their own pockets by whatever means they can, and satisfying their own political ambitions - this is my view and nobody can change that.

Mr. President, despite all the harsh things which have been said, despite all the doomsday predictions, through political or genuine concern, the Cayman Islands will continue to move forward with dignity and respect, and our small country will continue to occupy its rightful place in the financial centres of the world.

As I have said before, the George Town people have elected me as one of their representatives until 1988, and here I am going to remain, and I will do my best to do what I believe is right for our country, because there is no human being who has any greater love for these Island than I have.

Before closing my brief remarks Mr. President, I would like to clear up the claim by some members of the opposition, that the United Kingdom and the United States of America negotiations on the extradition of terrorists, IRA or other, had a bearing on the outcome of the Mutual Legal Assistance Treaty negotiations. This is not the case, and could be very misleading. My information is Sir, that negotiations between the United Kingdom and the United States on extradition of terrorists, IRA and others took place during March 1985, that the signing ceremony took place on the 25th June 1985, and that in those proceedings there was absolutely no mention of the Cayman Islands Treaty. There was no linkage whatsoever between that Treaty and the Cayman Islands Treaty.

Mr. President, after all is said and done, I believe that much depends on the interpretation and application of this Treaty by the parties concerned, and this is obvious from the various interpretations which have been out forward by the various sectors.

Before concluding Mr. President, I would like to take this opportunity to thank the negotiating team for doing a job well done. They worked hard, they put in many long hours and I believe, just as those who negotiated the Narcotics Agreement might have done their best, our team did their best and they are nothing to be ashamed of, because the choice was not any greater in 1986 than it was in in 1984. The American noses did not become any softer in 1986 than they were in 1984, and I think they did a good job, and I heartily congratulate them.

I would also like to say Sir that mention has been made about the enabling legislation. I am not an expert on this, and if there are areas which can be changed at Committee stage, I have no problem whatsoever in giving those changes my support. I think notice of a change at Committee stage has already been circulated, Section 4(2), and if there are others, I am willing to give them what ever they might be my support, if I am convinced that they will improve the situation.

I would like to thank you very much Sir, and this is my short contribution to this debate today.

Thank you.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, let it not be said that I sit here waiting for Members of the Government bench and or their extension cords to make contributions before I speak, because it hardly matters to me what they say on this Bill and the Treaty.

I will indeed try to be as honest and as objective as possible, and I want to make it abundantly clear Mr. President that I too represent the people of George Town, and indeed, I hope that I represent the views of perhaps the majority of the people of the Cayman Islands.

Mr. President, when I sit here and I hear the eloquent praises bestowed upon America, I wonder whether we should not ask that great country to take us over as a colony. Yes, it is true, the Jamaicans have already done that as has just been said by the Honourable Second Elected Member, but I am sure that Member is old enough to know that Jamaica provided a bread basket to the Cayman Islands for many years. It is only now Mr. President that they are being kicked around by the Protection Board and others who support the views of the Protection Board. But that Mr.

President, I trust will be the subject of another debate in this House.

Mr. President, how can we honestly stand in this House and say that the people of the Cayman Islands are most pleased with what they have heard here during the past debate, especially the remarks made by the Honourable Second Official Member and the Honourable Fourth Elected Member. But Mr. President, I will deal with those remarks in the twelve or fourteen hours which I trust you will give me to speak.

Mr. President.....

MR. PRESIDENT: Not within my gift.

MR. LINFORD A. PIERSON: May be Mr. President, it would do you all a lot of good if you gave me that extra time.

Anyway Mr. President, if Members of this House are as interested in the people of the Cayman Islands as they say they are, why the big rush? Why the big rush Mr. President in trying to push this Bill through?

Mr. President, the Bill before us today is for a law to make provisions for giving effect to the terms of the Treaty, and I would like to emphasise that.

Mr. President, we are not here discussing the signature of the Treaty, or the Treaty itself. We are debating today the enabling legislation of which the Treaty forms the schedule for that legislation. This Treaty Mr. President was made between the Government of the United States and the Government of the United Kingdom. They were the contracting parties to this Treaty, and I would like to make that clear up front. Our Members were really in the position of observers.

Mr. President, the basic purpose of the Treaty as contained in the Memorandum of Objects and Reasons, would seem to be for improving the effectiveness of the Law Enforcement Authorities of the United States and the Cayman Islands, and the prosecution and suppression of crime by mutual legal assistance and co-operation.

The terms of this Treaty which will become part of the law of the Cayman Islands, are set out in the Schedule to this Bill, and the purpose of this Bill is to provide for a law to give effect in the Islands, to the terms of the Treaty.

Mr. President, I have heard Members get up in this House and they have made reference to politics in this House. But Mr. President for the life of me I do not know what they are doing here as representatives, if they do not expect to hear politics in this House - what do they want to hear, a Sunday school lesson? In the Parliament of any country you are going to have politics, so why play with the terms that you are hearing politics in the Parliament of the Cayman Islands? what else do they expect to hear in here? But Mr. President, I hope that they are really referring to constructive politics and not just politics to tear each other apart.

Mr. President before going into my debate on the Bill and Treaty which form the Schedule to the Bill, I wish to again remind the people of the Cayman Islands and to all those listening to these debates, that the Treaty has already been signed, and we, the people of the Cayman Islands were not a signature to that Treaty. The Contracting Parties to that Treaty were the Government of the United States and the Government of the United Kingdom. We were pawns Mr. President, we were observers, and as a dependency of the United Kingdom we will continue in that position, so let us not fool the people in telling them that we had such a marvelous part to play even though we gave a lot of advice, we were not a Contracting Party to the Treaty.

Mr. President, the Treaty was signed on the 3rd July, 1986 and the Bill to put that Treaty into force is now coming before this House. We therefore have before us today Mr. President, the Bill or enabling legislation to give effect to the terms of that Treaty. It should therefore be made abundantly clear in the minds of our people, that we are dealing with the enabling legislation. We cannot change the Treaty at this stage, but Mr. President, there is still time for us to deal with the enabling legislation, and Mr. President, I trust that this House at the end of the Second Reading Debate on this Bill will decide to go into a Select Committee, because there are a number of areas which require some amendments.

Mr. President, the people who were directly involved in the negotiation of the Treaty were the

Honourable First Official Member, the Honourable Second Official Member, the Honourable First Elected Member of Executive Council and the Honourable Fourth Elected Member of Executive Council, as the representatives from the Cayman Islands, and I understand along with a few of their cronies, or their political cohorts.

The only involvement that I as a Member of the Legislature of the Cayman Islands had was when I was invited to a very brief hearing, a brief meeting called by the Honourable First Official Member, during which time Mr. President he hurriedly read through this document, and thereafter asked us what we thought of it. Of course Mr. President, some of us including myself said that it was not a bad document on first hearing the document read, but we were not given the time to study it, which we subsequently did.

MR. W. McKEEVA BUSH: Hear! Hear!

MR. LINFORD A. PIERSON: How could any of us after briefly hearing such an important document browsed through by the Honourable First Official Member, who had been in a position to make constructive comments, yet one Member reminded me Mr. President that I said that it sounded all right. Mr. President, that makes me laugh, it is only a fool who cannot change his mind or change his statement, especially when more light has been thrown on a particular matter. Mr. President, I hope that we do not have that trend in this House, where there are some of us who are too proud and bull-headed to change our minds, just because we feel that we have the majority in this House, just because we feel we have enough on the Government bench plus other supporters to carry this Bill through. We are not here to protect our own position, we are here to represent the people of the Cayman Islands, and by God I hope we will do that, instead of trying to protect our own pride, and this is what it is all about.

Mr. President, having examined the definitions contained in Article 19 of the Treaty, it is quite clear to me that our negotiating team appear to have wasted a lot of money in transportation and hotel expenses etcetera, as it is evident in section 1 of Article 19, that the Cayman Islands as a dependency of the United Kingdom, and I have made this point before that they were not a Contracting Party, and our people, our negotiating team really went as observers. I am therefore led to believe and to agree with previous speakers who have questioned the necessity for the negotiating team to have been present at those negotiations, and whether the money spent on their travel and other expenses could not have been more profitably spent on other pressing needs within our Islands community.

Mr. President, I notice that I am passed the time, I do not know if you would like me to stop at this point.

MR. PRESIDENT: I was just going to ask if it would be a convenient moment for you to break, because it is about our normal time.

MR. LINFORD A. PIERSON: Yes Sir.

MR. PRESIDENT: Let us in that case break now for luncheon. I will suspend proceedings until two fifteen sharp, I hope.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:14 P.M.

MR. PRESIDENT: Please be seated.
Continuation of the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, when we took the break for lunch, I was expressing my concern at the very brief hearing which we had had of the Treaty, prior to its signing. Also Mr. President, I made certain comments on remarks made by the Honourable Second Member of Executive Council during his debate of the Bill.

Mr. President, during the

debate thus far on this Bill, I believe that it was the Elected Member for Bodden Town Mr. President who suggested that perhaps you should use your authority to allow only the elected representatives of the people to vote on such an important Bill, and that the official, or nominated Members of this House should not be allowed to become involved in this. Mr. President, while I have much respect for the official side of the House, I feel Mr. President that there is much in what the First Elected Member for Bodden Town has said, and I believe sir that it should have some serious consideration. Also Mr. President, I feel that the Members of Executive Council should be released from their constitutional obligation of collective responsibility, and should be allowed to vote in accordance with their conscience.

Mr. President, while I have a tremendous amount of respect for the Honourable Second Elected Member of Executive Council, I must comment on a remark made by him. I do not think that this was levelled at me, but since I am opposing certain sections of this Bill, I would like to make it abundantly clear that I do not support any forms of crooks or narcotics dealer in the Cayman Islands, and I do not believe Sir, that those opposing this Bill should be put in that category. I would like to let every Member of this House know that I have run a very clean operation, and I will continue to do so even though there are certain Members of this House, and certain senior Civil Servants who would be glad to have me involved in an entrapment situation. I have worked very hard Mr. President.....

HON. W. NORMAN BODDEN: Mr. President....

MR. LINFORD A. PIERSON: On a Point of Order?

HON. W. NORMAN BODDEN: On a Point of Order, I would like to reserve my rights to make a personal explanation under Standing Order 31.

MR. PRESIDENT: You do not have to reserve a right to do that any more, it used to be the case under the old Standing Orders. If you want to make a personal explanation under Standing Order 31 you can see me at any interval, and explain what it is about.

HON. W. NORMAN BODDEN: All right Sir, sorry for the interruption, I would like to do that then.

MR. LINFORD A. PIERSON: Not at all, it is all right. I have worked very hard Mr. President, perhaps harder than many of the people who would try and throw obsticles in my way. I have not had a lot of breaks like many of the individuals whom I know, therefore Mr. President I take it as a grave injustice when certain Members of the House would attempt in any way to make life difficult for me. Democracy Mr. President must prevail, and freedom of speech is a tenet of such democracy.

Mr. President, I trust that that Member will now see that those remarks made could in no way apply to myself, but he has said that he will make a personal explanation, and I am sure that that point will be cleared up then. I would also Mr. President, wish to remind any Member who may speak after me that there is still the motion which has been proposed by the Second Elected Member for West Bay, and seconded by myself to appear before this House after the Second Reading Debate, and I am sure that I will have plenty of time to reply to any remarks made after my debate Mr. President.

Further Mr. President to the points made this morning regarding sections of the Treaty. I think I was dealing with Article 19 before the lunch break. I would again say Sir that I have to question the necessity for some of our official Members and indeed, the two Members from the Elected Council, having gone to England, spent a lot of money and come back with nothing to show in return for signing the Treaty. Mr. President, I want to make it abundantly clear from the onset that I questioned what the Cayman Islands have obtained in return for signing the Treaty. I know Sir, that the Honourable Second Official Member made an attempt during his presentation of the Bill to give us a number of benefits, but I am still waiting Mr. President, to hear them. Mr. President I refer to my press release of 23rd July this year, on the Treaty. In that release Mr. President, I stated that while it would appear that

basically the Agreement is a good one, at least with regard to the technical wording of the document, my greatest fear expressed in that release was the application of the provisions of the Treaty, and I sight it Sir the admissions of Philip White, the Head of the United States Justice Department, Criminals Divisions Office in charge of negotiating the Exchange of Information Treaties with other countries, when he said and I quote:

> "If you can wrap a tax evasion case up with narcotics dealing, or mail fraud there will be pretty good chances of catching U.S. tax evaders."

Mr. President the article to which I refer also suggested areas in which the Cayman Islands could have sought support such as the lifting of the ban on turtle products; the appointment locally of a United States Consular Office, where among other things, the officer in charge would have the authority to grant United States visas to avoid the need for Caymanian residents to have to travel to Jamaica to obtain those visas. Mr. President, they were the constructive suggestions that I made. They were the things I referred to as benefits which could have been given in return.

Mr. President, Bermuda received in return, concession of exemption from the federal excise tax and I know Sir, that there are Members who will jump up here and say 'but they had to give tax information', I am aware of this, so they will not be telling you and the people of this country anything new. I am admitting that I am aware of this, but what I am saying Sir, is that while those Members get up to explain that, I trust that they will also explain that there is much difference between the economy of the Cayman Islands and that of Bermuda, because if they do not, I will have to try and enlighten them if I get an opportunity to speak on the motion which will be coming before this House at the end of the Second Reading Debate.

I would like to reiterate Mr. President, that while I appreciate that the situation which pertains to Bermuda is different to that which pertains to the Cayman Islands, and that it would have been more difficult for us to have obtained exemption under the United States Federal Excise Tax as did Bermuda, especially in view of our tax position. I have been reliably informed that Bermudans do not even have to acquire visas to travel to the United States. I believe Mr. President that in the interests of clarifying the question which has on occasions been raised regarding the concession granted to Bermuda and Barbados, even though I will be dealing with this in more detail later on. That it has to be understood that both Bermuda and Barbados agree to cooperate in pure tax matters. I want to make this admission Mr. President, because there will be individuals who will try to cloud what I am saying here, and will try to give misleading statements to the people as they are wont to do. However Mr. President, be that as it may, I stated in my press release with which I am still dealing, that and I quote from my press release of 23rd July:

> "How the Mutual Legal Assistance Treaty is perceived in the Cayman Islands is not half as important as how the residents of the United States and other countries see it. Because most of our business is coming from these countries."

I have seen people write to the papers and who have stated to the people of the Cayman Islands the glorious benefits of the Treaty. Yet, Mr. President, I have seen many damaging articles in leading journals and newspapers in the United States, and have yet to see one contradiction made to those statements by our Government. Yet Mr. President, Members will get up in this House and extol the benefits and the glories of the Treaty. Yet they do not have enough foresight to know that more effective measures could be taken if they took that time and effort in counteracting the damaging press we have received on this document.

Mr. President, I have taken time to deal with this press release, because as I have said, I believe that there are certain Members of this House who are capable of misquoting me, and only using the sections of my release which suite their political ends.

Mr. President, as will be seen from my debate on the Bill before us, and the Treaty which forms the Schedule to the Bill, it is my intention to offer some constructive comments on this very important piece of legislation. I will

endeavour Sir, to be as objective and as positive as possible in the presentation of my views, because I do not see any benefit to this country in doing otherwise. I must however Sir, admit here and now that my greatest concern is with the possible abuse of the Treaty, not only by the United States of America but ably aided and abetted by some of our own Government officials. To date Mr. President, we have seen evidence of abuse, and I intend to deal with these as I proceed.

Mr. President at this point I wish to offer my sincere congratulations to the following organisations and individuals for their invaluable contributions which they have made to the Bill and the Treaty, and I believe topping this list Sir, would have to be the Law Society. Also Sir, the Chamber of Commerce, the Society of which I am a member the Accounting Society and individuals such as Mr. John Hurlston and others.

Mr. President, we live in a democracy, or at least I hope we still do, and as such Mr. President, I feel that each one of us has the inalienable right of freedom of speech. Mr. President, I have to agree with the editorial in the Compass of Friday 5th September, when it states, and I quote "True concern and politics," that was the heading of the editorial, and it was well written Mr. President. It states:

> "Some strange and amazing things have been said in this on-going Assembly Session. It was particularly disappointing that genuine concern voiced by members of the public and private sector groups were taken as politicking."

Mr. President this is most unfortunate, because it prompts the question as to whether those big critics of the Law Society would have said anything negative about them, if they had come out in praise of the Treaty. It is simply absurd to suggest that associations such as the Law Society or the Chamber of Commerce were attempting to turn the Mutual Legal Assistance Treaty into a political football, as was stated in this House. We believe that public comments were made out of genuine concern, with no political motive. The people and entities who made these comments deserve better. One of the amazing thing said was the suggestion that making public statments in the paper was an action outside the democratic process. Where on earth did that idea come from? In any case, the Treaty now being debated is far too important to be drawn into the political battlefield. It surely need....

HON. VASSEL G. JOHNSON: Mr. President....

MR. LINFORD A. PIERSON: ....not be defended. Tell that Member to sit down unless he is rising on a Point of Order.

MR. PRESIDENT: Are you rising on a Point of Order?

HON. VASSEL G. JOHNSON: Yes Sir.

MR. PRESIDENT: Very well, let us hear the point.

HON. VASSEL G. JOHNSON: What was said in the Compass Mr. President is a quotation which I am correcting tomorrow morning.

MR. LINFORD A. PIERSON: Mr. President, I am not concerned with the Member's good intentions. He spoke in the Assembly here, and now he says he is correcting something he has said, or what was said in this paper - that is his problem. I am dealing with my debate, and I would thank him, unless he is rising on a Point of Order, not to interrupt me, because I did not interrupt him while he was speaking.

Mr. President, if I might go on without being rudely interrupted again, the editorial continues to say:

> "In any case, the Treaty now being debated is far too important to be drawn into the political battlefield, it surely need not be defended by attacks on the people who expressed their concern over it. We believe that in spite of all the explanation we have heard so far, many fears remain unallayed. Perhaps before the end of the debate on this matter someone will be able to show that the Treaty provisions are not posing

a danger to the financial industry, foreign investment and to people who deal with Americans in one way or another. Genuine public concern must receive a genuine answer. If the Treaty in its present form is the best that could be achieved, then so be it. Let us not avoid the questions by rhetoric."

Mr. President, well said, and I congratulate the editor for such profound wisdom. But I must ask again Mr. President, how can the Honourable Fourth Elected Member of Executive Council correct an editorial at the Caymanian Compass? Has he recently joined the staff of that valuable paper?

HON. VASSEL G. JOHNSON: Read it tomorrow morning.

MR. LINFORD A. PIERSON: I hope that we are not now trying to interfere with freedom of the press, and not dictating or holding a heavy stick over their heads, because that would be an unfortunate day when our Government stoops to such levels.

HON. VASSEL G. JOHNSON Read it in the press.

MR. LINFORD A. PIERSON: Mr. President, I would ask you to remind that Member again, the Honourable Fourth Elected Member of Executive Council to behave himself.

MR. PRESIDENT: Well, you did half invite him to say something I am afraid.

MR. LINFORD A. PIERSON: I also Mr. President agree with the writer who made suggestions in that same paper, regarding the procedures which he felt should have been followed, and the writer said that in his opinion the following procedures should have been followed. "There should have been wider and open consultation with a broad cross-section of local interests, who would be affected." Not just by the political supporters and cronies of Government, not just with one or two members of the Law Society but with the organizations. We know Sir, that there are special favourites with some of the Members within the Law Society, or within the legal fraternity, but this Bill is bigger than all of them put together, and it should be treated as such.

Number two on procedures, and it should be treated as such. Number two on procedures, approval of the terms of the Treaty by the Legislative Assembly before signature. Mr. President, I made it quite clear this morning that the only time we saw the Treaty was briefly when the Honourable First Official Member called us into the Committee Room and held us to secrecy while he went through the Treaty, and I am sure he followed instructions, and I am not in any way downing him for that procedure. Detailed discussion as to whether the Narcotic Agreement is working satisfactorily, was a precondition to a meeting to negotiate the Treaty. The United States should have been asked to explain fully all relevant procedures leading up to the issuance of a certificate requesting information under the Narcotic Agreement, and thereafter, what procedures are followed by the United States once they have the information about what has happened to the information, and each request made thereunder.

Mr. President, more time should have been requested to determine whether the Narcotic Agreement was working satisfactorily, that is, that it was handled properly. The Cayman Islands and the United Kingdom negotiators should still be in the process of being satisfied as to this essential precondition. I will not go into what really happened. The writer also says what happened. I know that most of us here Sir, are aware of what happened during those negotiations.

Mr. President, members of our Islands communities will remember that I was one of the critics of the Narcotic Agreement before its signature, and after, which was my democratic right, mainly because, and I would like to stress this, mainly because of my fear of the Americans being allowed to come to the Cayman Islands on fishing expeditions, not because I did not trust the people who prepared or negotiated the Narcotic Agreement, but I was fearful that the American Authorities would come to the Cayman Islands on fishing expeditions. In other words Sir, purporting to investigate narcotic offences, when in fact they were seeking to obtain information on pure tax offenses.

We have seen Mr. President, a

blatant abuse of the Narcotic Agreement in the case of Gerry Lee Harvey, and I must admit Sir, as did the First Elected Member for Bodden Town, that I have no knowledge of Mr. Harvey. I had not heard the man's name mentioned before I saw it distributed in this Assembly. Therefore I would like to make it abundantly clear that I have no connection with the gentleman, but the principle of the matter is what I question. It could be anybody that this is applying to.

Mr. President, in making reference to some of these cases, I trust that I will not be interrupted by the Honourable Second Official Member, by reminding me that I may be breach of the subjudice rule, because I am well aware of the subjudice rule, and I am also aware that I am not breaking it when I make reference to a matter such as this one. I would also assure you Sir that any statement I make is already public knowledge and will in no way prejudice the outcome of this or any case. The fact is Sir, that a six-count indictment has already been served on Mr. Harvey on pure tax offences, contrary to the letter and spirit, not only of the Narcotic Agreement but of our Treaty. Mr. President, what is of importance here is that this abuse against Mr. Harvey is not only detrimental to him, but indeed to the Cayman Islands and worse still, it is believed that our own Honourable Second Official Member may have had knowledge of this matter. It is believed Sir, that this is the situation, I have no proof of it, but it has come to my attention.

Mr. President, one of my greatest fears under the Narcotic Agreement and the Treaty is the role that may be played by the Honourable Second Official Member. This gives me a lot to be afraid of, because I have my reasons Sir for having those misgivings.

Section 5. of the enabling legislation to this Treaty states that the Attorney General will be notified of a request received. Mr. President, while I realise that he will be acting in a manner analagous to amicus curiae, which is a friend of the court, it still leaves me with much concern. The section reads Mr. President:

> "The Cayman Authority shall notify the Attorney General immediately a request is received, with particulars thereof, and copies of any documents relating thereto, and the Attorney General shall be entitled, in a manner analagous to amicus curiae, to appear or to take part in any proceedings in the Cayman Islands."

This leaves me Mr. President with some amount of concern, because it was my very concern under the Narcotic Agreement.

As I have said Mr. President, a major criticism I had with the Narcotic Agreement was the authority extended to the Attorney General, as contained in the Second Schedule to that Agreement, relating to the procedure upon receipt of a certificate. It stated that he, and I quote, "shall issue a Notice." And it is my understanding Mr. President that under that Agreement he issued some 60 notices, or accepted the requests for some 60 requests made by the United States. This can be confirmed one way or the other, or the Member can clarify this when he is speaking at the close. But I do not consider this Mr. President a lot of requests, considering that we have 19,000 plus companies on our register. We have 400 plus banks and trust companies, and 300 plus insurance companies on our register, so this is not a great deal. But Mr. President, this begs the question regarding the validity of the remarks made by the Honouable Fourth Elected Member of Executive Council.

In an article of 4th September, which was headlined 'Exco Member raps Lawyers,' it was a shame Mr. President that a Member of this Assembly should attack a bunch of reputable people, as comprised in the Law Society, knowing that he has the immunity and privilege of this House, and that they cannot answer him back. But Mr. President, thank God that I am in a position, should he or any Member of this House want to reply to me, I am in a position to answer them back. But Mr. President I will deal with this article in more detail later on in my debate of this Bill.

Mr. President, before dealing with the attacks made by both the Honourable Second Official Member and the Honourable Fourth Elected Member of Executive Council on the Law Society, I wish to make reference to the points raised by the Honourable Second Official Member in the presentation of the Bill, or should I say, his political debate on that particular Bill. I had to

smile Mr. President at the reverence and awe with which the Honourable Second Official Member brought to bear on his reference to the 'Mother country' and the 'daughter country'. It was said with such reverence Mr. President that I was almost reduced to tears, and I was constrained Mr. President to write a little note against this remark, which reads 'I hope other mothers treat their daughters better than our Mother treated us under this Treaty.'

Mr. President, this is the problem, where the interests of our country and the people of the Cayman Islands could be placed in jeopardy, and in a secondary position, because we have Members in positions in this House who do not have the same interests that I would have as a born Caymanian. How can they love this country the way I do Mr. President? How can they feel the same way I do? They cannot Mr. President, it is impossible, no amount of status or otherwise could change the position. Mr. President, my concern is Sir, that if some of these individuals are left to their own ways, that the Cayman Islands will be reduced to the position it was in 50 years ago, when all we had in this country were parrots.

Mr. President, the Honourable Second Official Member said in his presentation that subpoenas were excluded under the Treaty. But he failed to say that these were replaced by numerous indictments, and we have seen them already taking place. Another point raised by the Honourable Second Official Member was under the heading of what does the Treaty cover. He said that it does not relate to the collection of taxes, and Mr. President he is quite right. In the wording of the Bill and the Treaty it should not relate to the collection of taxes. But again Mr. President, I was constrained when I have seen the practical application of the Narcotic Agreement, to put on the side of that quotation in bold letters the word 'rubbish.' Mr. President, when we see what has happened in the case of Gerry Lee Harvey, how can this statement be supported by the Honourable Second Official Member. There is no foundation for such a statement, because we have seen the contrary happening in actual fact. Mr. President, unfortuntely, I believe that we are going to see a number of Gerry Lee Harveys' and similar cases before this whole thing is through.

I was watching yesterday Mr. President, a programme on Nostradamus, and it stated that by 1988 there are going to be a lot of calamities in this world. But Mr. President, I believe that Nostradamus perhaps had not heard of the Cayman Islands, because if he had, he would see that calamities will reach us before 1988.

Mr. President, in view of what I have seen developing in this country, if our Honourable Second Official Member is extended the powers under Section 5, of the enabling legislation to this Treaty, even though his position will be analagous to amicus curiae, or a friend of the court, I believe Sir, that we will have much to be concerned about.

Mr. President, I will not here attempt to deal with each individual count brought against Mr. Harvey. This is not the important issue, because each one of those counts deals with tax offenses. Mr. President, what I am dealing with here is the obvious abuse which was allowed under our Narcotic Agreement, and will no doubt continue when the Treaty has been brought into force. Because Sir, it seems that we could stand here and we could talk until we are hoarse and the Government bench has already decided what their course of action is going to be. Let us not fool the people of this country, they have already decided that they will not take our advice about taking this matter into a Select Committee of the House. They have already received the support that they need to push this down the throats of the people of the Cayman Islands. And whether you all out there like it or not, Mr. President I submit that there will be no chance for the public to have any further input into this important piece of legislation. Mr. President, in this connection I suggested to a senior Member of the Government bench that perhaps we should ask for two or three days adjournment, when members of the Law Society, the Accounting Society, the Chamber of Commerce and others could have the opportunity to sit with Members of this Legislative Assembly in our Committee Room or elsewhere, to deal with this matter further, but up to this point, I have heard no further comment on it, even though I was told that I would receive comment this morning.

Mr. President, I want to ask at this point the question, why was more professional input not obtained from our financial community before the signing of the Treaty? Mr.

President, the Cayman Islands possess a wealth and invaluable store of knowledge which the negotiating team would have found most helpful, had they only requested assistance. But instead Mr. President, they decided that they would pick the fortunate few who were held under confidentiality, that they could not even discuss any matters with their societies, and I speak specifically Mr. President of the people in the legal profession who were asked for their comments, and also the one or two fortunate ones from the Accounting Society. They could not go and discuss the matter with their colleagues, or get any input, no Mr. President, this is how close mouthed and confidential they kept this matter. Not even the Members of this Legislature had an opportunity for any input, or even to review the Treaty in any detail before the signing. Mr. President, this matter was so ridiculous that not even the public were admitted into this House. Why all the secrecy? The Americans knew about it already, it was in the press already. Why all this secrecy? The only people who were being kept in the dark were our own Caymanian people. And as I understand it, that was done as a result of their elected representatives.

Mr. President what seemed really unfair was that the Honourable Second Official Member and the Honourable Fourth Elected Member of Executive Council had the gall and the temerity to criticise the Law Society for exercising their democratic rights, to make their valuable contribution to this Bill. This Mr. President serves to demonstrate the selfishness and bullheadedness of certain Members of the Government bench and of the negotiating team. They just brushed aside the remarks and referred to them as 'rubbish'. Politicking, of no consequence, when in fact the Law Society comprises some of the most brilliant people in this country. But Mr. President I believe that the biggest joke which we heard during the presentation of this Bill was when the Honourable Second Official Member referred to himself as a brilliant lawyer. And Mr. President, I will read the note which I made against this remark while he was making it. I just put in little letters 'In whose opinion is he a brilliant lawyer?' And I also wrote there that I am glad that it was he who had made this admission.

Mr. President, when I think of brilliant lawyers the names of individuals such as Mr. Ramon Alberga, whom I understood got a little crack at the Treaty; Mr. Norman Hill, who could make a brilliant Attorney General for the Cayman Islands; Mr. Tim Ridley, one of our most brilliant lawyers; Mr. Charles Adams, and the list goes on and on. We have an invaluable store of legal knowledge in this country.

I believe Mr. President that the Honourable First Elected Member is as usual muttering over there, but I will excuse him because I know that he realises that the pushing of this Bill down our throats is really not a good thing, and I believe that before I am through here he will do what is right for the people of this country. I believe Sir, that he will give the people of this country an opportunity to look into this Bill a little further, at least the Law Society should be given that opportunity. But Mr. President, I will not say too much more concerning the presentation of this Bill, and the Honourable Second Official Member, because as the First Elected Member for Bodden Town said, 'I would hate to see him placed in a frame of mind where he is still not capable of singing the beautiful Irish songs I heard him singing this morning.' I do not want to deprive him of this feeling of euphoria.

I believe Mr. President that the fifth heading dealt with by the Honourable Second Official Member was entitled 'What are the Safeguards?' and I would like to remind the Honourable Second Official Member that if I were there Honourable Second Official Member and he was here, he would probably be giving me a little bit more soup than he is getting this evening. This is the price that you pay when you are in a position in a Legislature or a Parliament that should be perhaps filled by an Elected Member, and I believe Mr. President that the day is coming when Members who sit on those official benches should be Elected Members who are responsible to the people of this country, and not senior Civil Servants.

Mr. President, one of the main safeguards which should have been built into the Bill was an appropriate wording of Section 4(2) of the Bill. Mr. President, for the benefit of the people of this country, I will read this section. But in order to see the relationship between Section 4(2) and the whole Section, I will also read Section 4(1):

> "For the purpose of Article 2, the Cayman Mutual Legal Assistance Authority shall be the Chief Justice, who shall

> exercise his functions under the Treaty and this Law acting alone and in an administrative capacity, or another Judge of the Grand Court designated by the Chief Justice to act on his behalf."

Now Mr. President, the subsection which I feel is most damaging under this Bill, is as follows:

> "A decision made or order given by the Cayman Mutual Legal Assistance Authority shall be deemed not to be a judicial decision or order, and shall not be the subject of any appeal to, or review by, any court."

Mr. President, this subsection should have been amended to read as follows, or along similar lines so as to make it specific and free from ambiguity and the possible abuse of this section. It should have read Mr. President:

> "A decision made or order given by the Cayman Mutual Legal Assistance Authority shall be deemed to be a judicial decision or order, and shall be subject to any appeal to or review by any court."

But instead Mr. President, the Honourable Second Official Member has opted to deal with it in a very haphazard manner. In a haphazard manner Mr. President, in that he is now recommending that this subsection which was complained of should be deleted 'get rid of it, leave it vague, leave a lot of discretion in it' this is in actual fact what he is now saying. And he is recommending that this deletion be done during the Committee stage of this Bill. This is not the answer Mr. President, we cannot leave such an important Bill so vague. Mr. President, I submit that it may be much more in the interests of the people of this country, if a little bit more time was taken with this Bill instead of trying to rush it through. One Member told me 'any amendments we need, we can do in Committee stage'. Now I want that Member to tell me how any Member of the Law Society or the Accounting Society can come into these Chambers and make any contribution, or put any input into the Bill during Committee stage. I again ask Mr. President, what is the big rush? Why do we have to prove to the Members on this side of the House that whether you all like it or not, we are going to show you who the bosses are, and we are going to show you that is it going to be passed, because we already have our supporters to support it, and in fact Mr. President, the more important issue before us is not the fact that they have enough support for the Bill, but the interest of this country and the people of the Cayman Islands?

Mr. President, the Honourable Second Official Member as did the Honourable Fourth Elected Member said that criticisms of the Bill did not come to Government, but were placed in the newspapers, and I submit Mr. President that this is the main bone of contention. They are not looking at the valuable contributions made by the Law Society, they are more concerned with the protocol of the matter. They are allowing the protocol to cloud the issue, and to cloud their good decisions. It is pride Mr. President, which is allowing them to act in this manner. Mr. President, may I ask these two gentlemen what is so undemocratic about any number of people or societies or bodies to present their views in the newspapers of this country? What is so undemocratic about it? They have spoken through the press, and Mr. President, I would again remind these gentlemen that freedom of speech is a basic tenet of democracy.

Mr. President may I also take this opportunity to ask those two Members, why they did not invite the Law Society, the Accounting Society, the Chamber of Commerce beforehand. It was not necessary Mr. President for them to have to divulge very delicate and confidential information to those bodies, they could have made that quite clear. But they could have invited the bodies to give their recommendations, and they could have advised them while doing so, that those recommendations may or may not have been used, but Mr. President to not even recognise them as a body, I think is most unforgiveable.

Mr. President I heard the Honourable Fourth Elected Member of Executive Council talking about people playing politics. But Mr. President, I again must submit that these two Members have so far played more politics than any other speaker on this debate of this Bill. Mr. President, politics were played when the only people who were asked to contribute to any input

into the Bill for their own political cronies. This is where politics started, when in fact, if they had the interests of our people at heart, they would have opened it to the general body of lawyers and accountants.

MR. PRESIDENT: Would it be convenient for the Member if we broke for the normal afternoon recess now?

MR. LINFORD A. PIERSON: Certainly Sir.

MR. PRESIDENT: In which case, I will suspend proceedings for approximately ten minutes.

AT 3:16 P.M. THE HOUSE SUSPENDED
HOUSE RESUMED AT 3:35 P.M.

MR. PRESIDENT: Please be seated. Continuation of the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, when we took the afternoon break, I was dealing with certain statements made during the debate of this Bill by the Honourable Second Official Member and the Honourable Fourth Elected Member of Council.

Mr. President, during the break one of my very good friends met me outside and mentioned to me that even the British Virgin Islands are getting much more from the United States than that which we obtained under our Treaty.

Mr. President another good friend mentioned to me saying 'what will we do if this country is destroyed?' and he reminded me that may be we could start using the Russian ships to try and bring some money to the Cayman Islands.

Mr. President, as I stated before the break, the Honourable Second Official Member and the Honourable Fourth Elected Member stated that the Law Society were playing politics, or something to that effect. I do not have the exact terms used by them, but Mr. President, I can assue you that they were not very complimentary of the Law Society. I consider Mr. President that both these Members were being frivolous with their remarks, and are just now trying to cover up their embarrassment at the shortcomings brought to light by the Law Society, not only in the Treaty, but also in the enabling legislation. It is embarrassment Mr. President which is causing them to react in such a juvenile fashion.

Mr. President, regarding the benefits which the Honourable Second Official Member told us about, I, like the First Elected Member for Bodden Town, am still waiting to hear what benefits we stand to receive under the Treaty. When we heard no benefits Mr. President, the First Elected Member for Bodden Town prompted the Member, and asked him to tell us what the benefits are, and his remark was that somebody from this side would give further details on the benefits, or something to that effect. I submit Mr. President that the Honourable Second Official Member, or any member of the negotiating team or indeed, of Executive Council can show any tangible benefits under the Treaty. By his own admission Mr. President, the Honourable Second Official Member implied that the Treaty may be seen to be one sided. (Yes you did say that, check the Minutes. I usually take notes of what you Members say so that I do not misquote you.) If the Member is admitting that the Treaty may seem to be one sided, what more can I say Mr. President? He was the Legal Adviser for the Cayman Islands to the negotiating team. He was one of the four who negotiated it, or was reported to have negotiated a Treaty. Mr. President, I believe that by this it is fairly evident that my fear is not so much to do with the wording of the Treaty, and I would like to make this point abundantly clear, it is not so much to do with the wording of the Treaty as it is to do with the manner in which the provisions of the Treaty and enabling legislation may be applied and possibly abused. This is my greatest fear, and this fear Mr. President is supported and substantiated by the events I have seen in this country since the Narcotic Agreement came into effect in 1984.

Mr. President, any businessman involved in the financial industry of the Cayman Islands has reasons for apprehension. I am not talking about crooks Mr. President, because I am sure Mr. President, that there are Members in this House

who at some stage or other have come up against such individuals, and they know what to expect when they meet with them. Mr. President, I am distinguishing the crooks from the good investor coming to this country. But what Mr. President, many of the previous speakers have omitted to state is that the economy of this country, and mainly during the glorious days, 17 years as I hear from the Honourable Fourth Elected Member, was built up on tax money. That is why we have 450 banks in the Cayman Islands, it was not from insurance. We recently started attracting insurance companies in a major way to the Cayman Islands. So what are we talking about in this House? But I will come to this during my next ten hours of debate. I do not think this will cause a lot of the Government bench to smile, because one of the Members challenged me to ask for a lifting of the Standing Orders, and I may do just that. I hope he will second it.

Mr. President, I recently Sir, and this is not sub judice because I am not in any way going to try to influence the course of justice, because the matter is not before our Courts anyway. I am talking about a foreign court, sub judice would apply to the Cayman Islands. An article in the paper with our ex-Sergeant-at-Arms and two other prominent Caymanians being indicted. I wonder which one of our Official Members was involved in that, or assisted in any way. Mr. President there is a lot which has not yet been told. I wonder whether the interest of the people of this country is paramount in the hearts of people in positions, or whether they want to justify their positions to the American Authorities. In this connection Mr. President I have stood in this Assembly and I have nothing to fear, because nobody can point a finger at me and say that I do not run a clean ship. But there was also an attempt made to smear my good name during this time. This is what we are up against Mr. President, even Members of the Legislature attempts are being made to smear and to mar their good reputation, and a lot of these attempts are being made by people who I submit do not have the best interests of this country at heart. Birds of passage Mr. President, people who will be leaving us in a few years and could not care a less whether we swim or drown.

Mr. President, in an attempt to try and clear up some of the talk I have heard around town, I asked for a meeting with a senior Government Official, the Honourable First Official Member, to let him know what I knew of the rumour I had heard, and the rumour was that the two people who had come to the Cayman Islands involved with the people indicted, had visited my office to have a company formed. Mr. President, as a certified Accountant and member of the Accounting Society of this country I run an accounting practice. An affiliation to that accounting practice is a corporate section called TRC Corporate Services, and anybody coming into my office will be heard, but they have to satisfy me of certain things before I will work with them. This is the reason Mr. President why I demand at least three references, and one of the first questions I asked these individuals is the type of business they are bringing into the country, because I do not have any use for anybody involved in crime. I run a clean business. Yet Mr. President, to create sensationalism it came to my attention that my name was mentioned on several occasions. But when I told those people that they would have to give me those references, and also produce some money up front, put their money where there mouths were I did not see them again, and lucky for me. Because after that, about 12 days after, there was an attempt to try and lure me into a hotel to do business there, and I refused. This is where I am coming from Mr. President. The outright attempts which will be made to entrap innocent people, and the possible abuse under this law, and I am speaking from experience. But Mr. President, when I asked that the conversation between the Honourable First Official Member, the Honourable Second Official Member, Mr. Steve McField and myself be taped, the Honourable Second Official Member flatly refused - I wonder why? What was the secrecy? I wanted the conversation taped so that I would know where I stood, and when I insisted, the Honourable Second Official Member walked out of the meeting. This is what we have to deal with Mr. President, this is what I am talking about, and if this is happening to a professional man in this country, and to a Member of this Legislature, God help us, what will happen to other people. In my attempt Mr. President, to make sure that there was no stone unturned, I went as far as the Justice Department in the United States, on to a Mr. John Harris whom many of you know, and I told him to investigate it. I also got on to Mr. McGee, the Trial Attorney, and Mr. Maxie, the customs officer, and they all told me that there was nothing to worry about, there was nothing against me. But Mr. President, I was still not convinced, and

I again spoke to a Member of Government, and all I received was 'nothing against you'. But Mr. President, I am going to test that. I am not one who will be cowered into opposition or subjugation, or submission. I will be making a trip to the United States before this month is out, and I will see how fruitful and honest the people with whom I have been dealing, are. I will see if there is an outright attempt to try and lure me, or get me to the United States, to grab me for questioning, that would make a very sensational headline. Mr. President, whether that is done or not, I sleep every night with a free conscience. I know there are many attempts to try and endanger, and jeopardise my position, I know that, it has come to my attention. People have told me to be careful, because they see me, and "they" see me as a threat. Mr. President, God's willing, I will continue to serve my people to the best of my ability, and no matter how many obstacles are thrown in my way, with God's help, I will succeed.

Mr. President, my point is, how can I honestly respect anyone who would act in the juvenile fashion the way the Honourable Second Official Member did? I cannot Mr. President, and I will not. I think this country would be best served if somebody like him was replaced, and not kept in that position. Mr. President, I will deal with this further.

Mr. President, perhaps the most comprehensive commentary thus far made on the Treaty has come from the Law Society, and as stated earlier, it is a shame that the gentlemen and perhaps ladies who comprise the Law Society, have been castigated by the Honourable Second Official Member and the Honourable Fourth Elected Member thus far, there may be others who will do it, but so far there have been the two Members from the Government Bench.

Mr. President, from the contents of the release produced by the Law Society, it is quite clear that had the negotiating team consulted with them during the negotiations, that they would have received invaluable assistance, and we would have ended up with a much better Treaty.

Mr. President, on the 29th August, 1986 the Law Society came out with a very valuable and constructive article, it was entitled 'Law Society Urges Review of Treaty'. They dealt with a number of sections in the Article, dealing with the various criminal offences, and also with the establishment and operation of the Cayman Mutual Legal Assistance Authority. Mr. President, on the question of the burden of proof, the Law Society said that the Treaty presently places an impossible burden of proof on the Cayman Islands professional who cannot know with certainty regardless of enquiry, whether a listed offense has been committed by his client or customer, or a predecessor prior to his involvement, very serious Mr. President. Things which each Member of this House should be concerned with, matters which should have appeared very clear to the negotiating team, but Mr. President, it took the Law Society to bring this point to the attention of the public. Then they are complaining that the Law Society did not follow protocol, they did not write to them and point it out to them, these points. I wonder how much would have been heard of the Law Society's views had they been sent only to the members of the negotiating team. If the reaction of the members to these views is any indication, then Mr. President I must say that we would have heard nothing about the views of the Law Society.

On the question Mr. President of the retroactive effects of the Treaty, and Mr. President, it is of interest that I understand that the Bermuda Treaty does not have the same retroactive effect which our Treaty has, but President, if I am wrong in this, I am sure there are Members of the Government bench who will be glad to correct me.

Mr. President, the Law Society continued by saying:

> "As the Treaty stands it is retroactive in effect which gives further cause for concern not only to any Cayman Islands professional, including real estate agents, bankers, trustees, corporate managers, accountants and attorneys-at-law but also to clients who have used the Cayman Islands in the past on the basis that its confidentiality laws were paramount."

They were the good old days Mr. President, 1976 I think it was, when the Confidentiality Law was enacted, and ably amended with the insertion of Section 3(a) in 1979. We have gone a long way since then:

And we heard the First Elected Member for Bodden Town state the details of the Fifth Amendment, and how the United States Authorities could not get in their country the same privileges that they want in the Cayman Islands. The Law Society went on to say Mr. President that:

> "The disturbing conclusion is that a United States citizen or resident by virtue of using the Cayman Islands in relation to offshore financial activity is stripped of the Constitutional rights and immunities he enjoys under United States law."

A serious situation Mr. President. And now Mr. President, in support of what I have said concerning the benefits, I would like to see what the Law Society had to say about the benefits they saw under the Treaty. They said:

> "Although the disadvantages are clear notwithstanding careful analysis it is difficult to see what particular benefits the Treaty confers and specifically in the event that the Cayman Mutual Legal Assistance Authority determines not to provide information to the United States Authorities under the provisions of the Treaty. There is nothing in the Treaty that would then prevent the United States Authorities from proceeding against the Cayman Islands resident or citizen with the same powers of documentary and personal subpoena as have existed hitherto."

Accordingly, the conclusion of the Law Society is that the Treaty offers no exclusivity and is likely to be regarded by the United States enforcement agencies merely as a procedure of first recourse.

Mr. President, what are the benefits under the Treaty? What did we get in return for our generosity? Was it just the opportunity to shake the hands of the United States negotiating team, and have them tell us that we were such good boys? Of course they would tell us that. They told us that probably they had never had such an easy time in their lives, in negotiating a Treaty. Yet, the members will come back here to the Cayman Islands and boast about that glorious experience which they had in shaking the hand of a member of the opposing team, when he looked at them and said "boys you did not give me much under the Treaty". But Mr. President, anybody, any primary school child can see that the Americans received 99 percent of the benefits. Yet I understand that that Member in his elated state, refused to wash his hands for two weeks because he was so happy that a member of the negotiating team had shaken his hand.

But Mr. President, what we stand to lose is not the narcotics business, because as I pointed out earlier, from the time the Agreement was signed, the Narcotic Agreement in 1984 only 60 or so requests been made. If there was as much dirty money and as much dirty business as the Honourable Second Official Member and the Honourable Fourth Elected Member would have the people of this country believe, why did we not get hundreds of requests on narcotics offences. I will tell you why, because they are not here. I do not know where they went to, they may have gone to Panama or other places, I do not know. But the fact is that the very few who were here perhaps were frightened away by the Narcotics Agreement. And I submit and contend that we are dealing with basically very clean business in the Cayman Islands today. If the Honourable Fourth Elected Member is so convinced that the Law Society members were involved in this dirty money and business, then he cannot tap himself on the shoulder in pride, about the 17 glorious years he has spent as Financial Secretary of this country, when it would have been during those years that those offenses were committed.

Mr. President, the Law Society also expressed their concern on the possible loss of legitimate business. I am not talking about the narcotics offences. I am not talking about racketerring. I am not talking about insider trading. I am not talking about fraudulent practices. I am talking about legitimate business.

Mr. President, they said:

> "It is the Law Society's conclusion that persons with legitimate business in the Cayman Islands may be reluctant to continue to do so on the basis that their private and

> commercial affairs will be subject to greater disclosure than would be the case in other jurisdictions and certainly greater disclosure than would be the case in the United States where the right to have judicial review of any investigative process of an enforcement agency remains."

Mr. President, we are not talking about narcotic trafficking offences, or any similar offences, or indeed offences as stated within Article 17, section 3 and on. We are not talking about those offences. And any Member of this House who would give the public the impression that because we stand on this side of the House and oppose sections of the enabling legislation, or even the Treaty, that we would even encourage this sort of business is being most mischievous. We are not talking about those offences, we are concerned about our country losing legitimate business. We are concerned that we are not taken back to the days of making thatched ropes in this country, this is what we are concerned about.

But I have heard Members here extol the virtues of the Treaty. It will bring clean business to the Cayman Islands, as if we are a country riddled with unclean business. Maybe this is why the Americans decided we needed a Treaty like this. Because if our negotiating team went to the United Kingdom and America, and gave the impression that yes, we need a Treaty because things are so bad in the Cayman Islands, it is no wonder that we received what we did.

Mr. President, in the very solid, sound and sensible approach which the Law Society took in their commentary on the Bill and Treaty, they also advise the necessity for a review, especially of the offences, and also suggested Mr. President that full immunity for Caymanians who provide information under the Treaty should be a part of the Bill. Mr. President, they state:

> "At the least the Law Society advises in the strongest possible terms that urgent consideration be given firstly to a review of the listed United States offences with a view to establishing a true mutuality and secondly to the introduction of a full immunity from prosecution under United States Law in favour of any Cayman Islands citizen or resident who is required to provide information by the provisions of the Treaty. The Law Society would willingly"....(this is the offer Mr. President, this is the humbleness of that body unlike some of our Members). "The Law Society would willingly assist in any reconsideration of the matter by the Legislative Assembly."

This is the reason Mr. President why I have suggested to Members of Executive Council, the official and elected Members, that perhaps we should consider the offer, and give them some time to come and consult with us, rather than taking the view that they are interfering in politics. Because they stated categorically in this release that no political comment is intended by the Law Society.

Mr. President I would also feel remiss in my duties if I did not pay my respects and offer my congratulations to the Accounting Society, so ably chaired by Mr. Noel Bodden who is President, for the envaluable contribution which followed the lines of the Law Society, and also the Chamber of Commerce. They all did a very valuable job, and made very valuable contributions.

Mr. President, after having provided such invaluable information to Government, and the people of this country, how could the Honourable Fourth Elected Member of Executive Council in his best conscience have attempted to describe such an honourable society and group of men as being 'mischievous'? Mr. President, I can better understand the sentiments expressed by the Honourable Second Official Member because the Law Society's commentary brought to light a number of legal inadequacies, so I can understand him being hot under the collar. But when I hear the Honourable Fourth Elected Member of Executive Council, who was so dependent on the Law Society during his 17 glorious years, ridicule them, Mr. President where is his conscience? Mr. President, the Honourable Fourth Elected Member of Executive Council has stood in this House and boasted time and again, about his glorious 17 years as Financial Secretary of this country. The Member has stated that those years were the most prosperous years in this country's history. What he did not say Mr. President, is that during this period most of the input which went into the infrastructure for the development of this country's

financial centre came from the lawyers and accountants, who assisted him in bodies such as FINCOCO. In particular, it was said at one time that Mr. Walker and Mr. Whitelock ran the Government. So how can the Member stand in this House and take the credit for himself? But if he is going to take the credit, then he has got to take the bad with the good, because it was during those years, that if there had been any narcotic offences or any narcotics money coming to this country, they came during those years. Because I do not know of any coming here in recent times, at least not since the recent Financial Secretary took over, perhaps a few, but not to the extent that I have heard the past Financial Secretary talking about.

Mr. President, what is an amazement to me is that the Honourable Fourth Elected Member of Executive Council has the gall and the temerity to criticize lawyers, the Law Society, the legal fraternity of this country for commenting on a most important piece of legislation. Further Mr. President, if as the Honourable Fourth Elected Member states, they were the days when drug money poured into the Islands, then he must certainly pump his chest and pat his shoulders for building the framework for this situation. Because, as I have stated, this was during his glorious 17 years.

Maybe Mr. President, if the country prospered as he said during those 17 years, and things now that he is a politician seem to be going down the drain, maybe he made a better Civil Servant than he does a politician. Mr. President, why did he not stop money laundering? He had the power to do it as Financial Secretary, the same as did the present Financial Secretary, in curbing against it. We have the Bank Inspector, we have the Superintendent of Insurance, we have the Bank Managers being vigilant, we have the Banking Society. Why did the Member not try to stop this laundering of which he is talking? He said that people were rich, they retired early. I trust that he is not now stabbing his own running colleague in the back, because he happened to have been one of those lawyers who retired early, and by all accounts is very wealthy. But I am not sure. I hope that the Member would not stoop that low.

Mr. President, the people of this country deserve an answer. If the Member knew of all the money laundering which he stated in the papers and in this House, why did he not do something about it? and why at this stage is he reminding us that this all happened during those years? The people of this country need to have an answer. Was it Mr. President, because contrary to the praise which that Member attributes to himself for building up our financial industry, that he now recognises that it was time Mr. President, time and circumstances which mitigated in our favour, and really nothing that he did, other than perhaps the enactment of the Bank and Trust Companies Law, I think sometime in 1966. What economic plan did that Member produce for the Cayman Islands, to prove that it was through his foresight that the country was so prosperous during those 17 years? What is his economic policy, where is it? Mr. President, if it had not been for the political upheavals in Cuba, for the political problems in Jamaica and in the Bahamas, perhaps we would not be as prosperous as we are today. We were at the right spot at the right time in history, and if that Member would be honest, he would tell the people of this country that it was time and circumstances which caused our prosperity, and nothing that he did.

Mr. President.....

MR. PRESIDENT: We are within about thirty seconds of the moment of interruption, if you have reached.....

MR. LINFORD A. PIERSON: I have reached a convenient spot Mr. President.

MR. PRESIDENT: .....a convenient spot perhaps. Very well.

Before I call upon the Honourable First Official Member to move the adjournment, perhaps it might be convenient if I were to say that a number of Members did during the course of the afternoon represent to me that we might sit late this evening. I suggested that it would not be altogether fair to propose an extension of our Sitting time today, without giving Members some forewarning, but did say that I would now announce that it may be that there will be a call to sit late tomorrow evening. It is not for me to determine whether the House sits late, it is for the Members to determine. All I am trying to do is to ensure that Members do have some forewarning that there may be a motion to extend the

hours tomorrow. In case that motion does get carried, they can plan accordingly.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 10(2), I move that this Honourable House be adjourned until ten o'clock tomorrow morning.

MR. PRESIDENT: The motion is that this House do now adjourn until ten o'clock tomorrow morning.

QUESTION PUT: AGREED.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. TUESDAY, 9TH SEPTEMBER, 1986.

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

TUESDAY, 9TH SEPTEMBER, 1986

(SEVENTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADELY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

(SEVENTH DAY)

TUESDAY, 9TH SEPTEMBER, 1986

1. PRAYERS

   TO BE READ BY THE HONOURABLE SECOND OFFICIAL MEMBER.

2. GOVERNMENT BUSINESS

   BILLS:-

   THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1986

   (1) CONTINUATION OF SECOND READING DEBATE:

   The Second Elected Member for George Town - to continue

   (2) COMMITTEE THEREON

   (3) REPORT THEREON

   (4) THIRD READING

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TUESDAY

9TH SEPTEMBER, 1986

10.04 A.M.

MR. PRESIDENT: Prayers. The Honourable Second Official Member.

PRAYERS

HON. MICHAEL J. BRADLEY: 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 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

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, Amen.

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

MR. PRESIDENT: Please be seated. Continuation of the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Second Elected Member for George Town.

GOVERNMENT BUSINESS

BILLS

CONTINUATION OF SECOND READING DEBATE ON THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1986

MR. LINFORD A. PIERSON: Mr. President, it seems that the forces of evil may be working against me, as I found myself coming down with a cold when I left here yesterday. But thank goodness, I believe I have enough lozenges here this morning to carry me through.

At the adjournment yesterday Mr. President, I had reached a point in my debate where I was still dealing with certain comments made by the Honourable Fourth Elected Member of Executive Council during his debate of the Bill now before this House, which is for a Law which may be sighted as the Mutual Legal Assistance (United States of America) Bill, 1986.

Mr. President from some of the debate I have heard here in this House yesterday, and particularly days before, I am left to wonder Sir, and question whether any of our senior Government Officials may be on the payroll of the IRS, the DEA

or may be the Justice Department. I say this not out of flippancy Sir, but out of a lot of seriousness. Mr. President, I believe that my concern is also the concern of many people in the public sector and private sector.

Mr. President, during my debate yesterday, I related a personal experience of mine where an attempt was made to entrap me in connection with what I understand was a United States Customs violation. But thank goodness Sir, in my usual way of trying to keep my position and my business clean, I did not fall for the bait which was dangling in front of my eyes. Mr. President, I trust that the people of this country will now understand what the people of the Cayman Islands are up against, and I also trust Sir, that I have clarified my position beyond any doubt. However Mr. President, I would invite any person in the sound of my voice and in the sound of this debate who may still not be clear as to what was attempted against me, to contact me either during the Sitting of this House or after, and I will be more than pleased to further clarify this matter. But Mr. President, what still bothers me is the blatant manner in which an attempt was made to entrap me. It made me so concerned Sir, at the lengths to which the United States will go to make a point and to create sensationalism. I requested a lawyer to sit in on subsequent appointments which I had with foreign clients, out of apprehension Mr. President, because I did not know who to trust, or who could have been involved in this form of entrapment. Mr. President, this may seem somewhat extreme, but this was done in the interest of self-preservation. I felt Sir, that it was in my best interest to have someone else present during my meetings with clients. Mr. President, I was prepared to sacrifice the client professional relationship which all professionals should be entitled to, this is their privilege Mr. President, but it is quickly being eroded with the assistance of some of our own people. And Mr. President what was perhaps the most uncomfortable feeling for me in this whole matter was the belief that the Honourable Second Official Member may have had some knowledge of what was going on. Mr. President, I cannot decide in advance what clients will come to my office, or indeed can any Member of our financial community.

I run a public office and a public practice, and as an accountant my doors are open for business, but I ensure that I take all reasonable steps to make sure that the business which I conduct in my office is above any form of reproach. Mr. President, I have taken some time to speak on this because I know it was the wish of certain Members of this House that I should fall into such entrapment, and they are now disappointed, but I understand that they are still working on it. But I make it quite clear this morning Mr. President, that if I have any definate knowledge of anybody wilfully trying to smear my good name, they will talk very personally to me.

Mr. President it is impossible to predict whether or not some questionable characters may not try to bring bad business to the Cayman Islands, and indeed to the offices within our financial industry. And Mr. President, many times these businessmen come very cleverly disguised and pose to be good, sound, clean businessmen. But the process of elimination Mr. President, must work. Mr. President, if we the people within the financial community of the Cayman Islands exercise the due care and prudence which we should, I believe Sir, that, as in my case, others will be able to rid this country of any form of bad business if indeed there is still bad business coming in to the Cayman Islands. As I have said Mr. President, this type of business can in the process of time, given a chance, be discovered and weeded out by the more astute businessmen, and this can be done in a similar manner as perhaps was done by me when I was invited to attend a meeting at the hotel. A clandistine assembly Mr. President with no other purpose other than to try and make an example of one of the Members of the Legislative Assembly.

Mr. President, I do not regard myself as do some of our members, as the pillar of the Church, but I regard myself as religious as most of the members, and I am one who believe because I have seen it in my life, the results and effects of the guiding hand of God, and I do believe Sir, that it was he who impressed on me not to visit that hotel. It could have been another John DeLorean, talking to people who were rigged with tapes and cameras, as was tried on my namesake Linford Evans, with the knowledge Mr. President of some of our senior officials.

Mr. President, as I have stated, it is very difficult to know in advance what type of business and clients will walk through your door as a businessman in the

financial community. One can only use his best judgement, which I used, and this is the reason why I only had one visit. They realised what I was up against, they realised the standard I set for my office, and I only received one visit. And I would implore members of the financial community to be very careful because there seem to be those who would like to get stripes from the United States for trying to make life difficult for Caymanians. Mr. President, when you are in a public professional practice, whether as a lawyer, an accountant, a banker or whatever, you have to exercise very careful due vigilance. You cannot doze off, because there are people waiting to entrap you. But Mr. President, while it is difficult to determine whether a client from the United States, England or elsewhere is coming to your business office in relation to laundering drug money or other types of funds, Mr. President if I had such an individual entering my family, I would certainly know about it, because I would take the time to check out anybody who was going to be a part of my family. And I trust Sir, that Members of this Assembly will give a lot of thought to that statement, because I do not wish to elaborate on it, but I can if I have to do so.

MR. D. EZZARD MILLER: (INAUDIBLE)

MR. LINFORD A. PIERSON: Mr. Miller I really do not need you to tell me what to do, because I think I am quite capable of saying what I wish to say.

Accordingly Mr. President, I am not aware of any member of my family, no matter how remotely removed, who has been suspected of any drug offences, or indeed any of the offences contained under Section 3, of Article 19 of the Treaty. I wonder Sir, if the same can be said of all Members of this House.

Mr. President, before moving on to the text of the article which appeared in the 4th September issue of the Compass, captioned 'Exco Member raps Lawyers'. I wish to say Sir, that I consider it as ludicrous, a remark made here yesterday by a previous speaker, that if we did not comply with America under the Treaty, that we stood the chance of having the wrath of that great country leveled at us, and perhaps an embargo brought against us. Mr. President, I call that scare tactics. The United States of America would be the laughing stock of not only the free world but indeed, the communist countries, if they blatantly attempted to exert that kind of pressure on a small island like the Cayman Islands, with a population of about 18,000 people. My question Mr. President is, would the Mother Country stand idly by and let us be destroyed by the United States. Or am I to understand, that it is that Member's view that perhaps we will in due course be sold down the drain anyway. Is it that Member's view Mr. President that our Mother Country would do such an act to their daughter country. Would this be done Mr. President in the interest of protecting their relationship with the United States of America?

Mr. President, between the abuse of the Treaty, and the perception of the Cayman Islands in the eyes of the United States residents and other foreign nationals, I believe Sir, that we are in for some lean years ahead of us, and really not the upsurge in our economy, which has been predicted by previous speakers in this House, and especially those on the Government bench.

Mr. President already we are seeing an exodus of business fleeing from the Cayman Islands. Mr. President I do not make this statement for sensationalism, but I can produce the facts. Mr. President I am not talking about drug money. I am talking about people who are so scared that they feel that they may as well leave their money in the United States if our confidentiality is being eroded. This is what I refer to as perception Mr. President. We have a number of eloquent speakers and people writing in the papers, advising the people of the Cayman Islands 'You have nothing to fear about'. But where is our business coming from? Is it coming from the people of the Cayman Islands? What we should be doing is using our energy to try and convince the people who would be using our financial centre. Mr. President, let not the Members of the Government bench or their back bench supporters believe that that loss of business is only from those investors who are under suspicion. Or indeed, from investors who would reasonably be caught under one of the offences stated in Article 19, Section 3, of that Article. No Mr. President, some of these individuals are clean, upright individuals with good clean business in the Cayman Islands, or to bring to the Cayman Islands.

But Mr. President, as if this is not a serious enough trend which will certainly bring us a lot of hardship, we have also the Caymanian Protection Board which is ably helping to destroy the economy of this country. Mr. President, while this is my opinion; I am comfortable Sir, that this view is shared by many people in the Cayman Islands. The Caymanian Protection Board Mr. President, is making life very hard for the businessmen in the Cayman Islands. But Mr. President, my greatest fear as with the Treaty and enabling legislation, is that if we are not careful, there will soon be no business here to protect. Mr. President, in frustration and in the interests of my country, I recently came out in the newspapers of this country on this particular problem. Mr. President, there is such a clear similarity in what is happening in other areas of our Government, the least of which Mr. President, is not the Treaty. The refusal Mr. President of work permits, and Mr. President, I have had many, many men and ladies who have phoned me on this problem, and I am not referring, as some Members of this House like to scoff at, 'the little men on the street'. Mr. President, I am talking about some of your biggest businessmen in this country. I am also talking Mr. President about a complete cross section of our business community. Mr. President, here we are today saying to our legislators that time, as much as is required, should be taken in reviewing and if necessary, amending the enabling legislation to the Treaty. We feel, or at least some of us feel, that our people and our country stand to suffer.

Mr. President, even with the proposed amendment which was circulated by the Honourable Second Official Member, this is not enough. It was done in an adhoc, haphazard manner, as are a lot of things coming these days to this House. Yet Mr. President, we are allowing a Hitler-type regime to develop, which seemed to be perpetuated by the Caymanian Protection Board. Are we in the Cayman Islands Mr. President, attempting to get that pure society which Hitler looked for. Are we attempting to introduce a purging system, where only a certain type of people will survive? If this is not so Mr. President, why then is there so much hostility against the Jamaicans in this country, and those coming to this country? Why are they being treated like animals? Do we Mr. President have, or are we developing a South African-type of immigration system? Is this what is developing in the Cayman Islands? Mr. President, I submit that we now have the chance to do something, especially Mr. President, in relation to the enabling legislation before this House. I made it quite clear Mr. President that with that sort of renegotiation, and an amendment to the Treaty there is very little we can do about it. As a matter of fact, there is nothing short of those actions, and even then Mr. President, under our antiquated type of constitution, we still have to beg the United Kingdom to negotiate on our behalf. One can look at Section 1. of Article 19, I think it deals with the definition of Contracting Parties to the Treaty, and we can see clearly that we had very little say in it, mainly Mr. President, because of the type of our Constitution. But Mr. President, if my misgivings about the trend of the Protection Board is incorrect, and I hope it is incorrect, why is it that a certain member of that Board, a senior member of that Board is now suggesting that we get our domestic helpers, our maids and our gardeners from the United Kingdom and Europe, why is this? Mr. President what is going on in this country. I am dealing with this Mr. President, because I consider it very relevant to the future of this country, as are the conditions and provisions under the Treaty. And a lot of the things which I see happening in the Protection Board are very analagous to the situation which I see prevailing within the Treaty. Mr. President, the possible damage which can be caused to our economy under the enabling legislation and the Treaty is bad enough, but Government is also ably assisted in bringing about the demise of our Isle Cayman through the unfair practices of the Caymanian Protection Board. Mr. President, when I speak about the people of this country having concern and apprehension about the future, I am not just attempting to paint a gloomy picture, this would not profit any of us, because unlike a lot of Members here, we do not have anywhere else to go to. This is our country.

Mr. President, I consider myself a very responsible individual, and I do not stand in this House for the mere fact of sensationalism, and I believe Mr. President that I have proved to my country what I am capable of doing. I have also proved to myself that the only way in life is hard work, unlike some of our Members who were lucky enough to be pushed up the ladder of success. Yet the very people who pushed them up, they today are ridiculed. That is what the nature is Mr. President, of the beast. I

have refrained from calling the names of the upstanding Caymanians who called me and ask me what I could do. I told them, I said that I could not do anything. One might as well not be in the Assembly unless one is on Executive Council. Under the Constitution you cannot do anything, what are you going to do? You go and you ask the Members of Executive Council, you beg and beseech, and if they like you or if they are in a good mood they might listen to you, but under our Constitution, the Members who are not on Executive Council are wasting their time in this House, unless they happen to be closely connected with the Members of Executive Council. This is the only time they get anything done, and I can prove it from the many motions which I have brought to this House, and with nothing being done about them. And I have told my people the situation. I am keeping my fingers crossed, but I am beginning to get cramp in my fingers because I see no light beyond the tunnel.

Mr. President, as I was saying, the reason why I did not mention the names of those individuals is because I want to protect that confidentiality for fear of victimization against those people. They have asked me if I would go with them, or if I would try to arrange a meeting with Members of Executive Council to discuss the problems that they are having. Mr. President, I told them that I would gladly try, but could not give them any guarantee. And I think they fully appreciated the position, which I, like many of the Members on this side of the House are placed in.

Mr. President I am aware that we have certain Members of Government as on the Protection Board, who will make life difficult for individuals, if they feel they are not supportive of their views and their policies. But Mr. President, again, we have a misnomer when we refer to the Caymanian Protection Board. This is a big joke, who are they protecting, not Caymanians. But Mr. President, I think I have made my point on this particular point, and I would regard it as enough said on this subject. But before moving from this Mr. President, it may be in the best interests of this country if you would allow for a Board of Enquiry to be set up to enquire into the practices and the operations of the Protection Board. Why Mr. President. And I ask that question again, why is there such a hatred against the Jamaicans coming to this country, why? Are our memories so short, that we forget when we had to go to Jamaica to earn a living? Many of us Mr. President were not as fortunate as others. Many of us could not even go into the United States, especially to the southern States. We had to go to Jamaica, and Jamaica gladly opened their arms and took us in. We have some good people coming out of Jamaica, just as we have some bad people. I notice Mr. President, that my two grandfathers came out of Jamaica, lovely men. Mr. President, there is a great concern at the inconsistency being perpetuated at that level.

Mr. President, as I said earlier, an analogy can safely be drawn between the functions of that Board and the function of our Cayman Mutual Legal Assistance Authority. Do we see a trend developing here Mr. President, I think so.

Mr. President, moving on to another subject. It is my understanding that we in the Cayman Islands are aiding and abetting in assisting the DEA, the Drug Enforcement Agency, and the people representing that Agency coming into the Cayman Islands. We have even allowed them I understand, to come through our Airport with drugs, and firearms. What are they doing with drugs? I will tell you. They are trying to drop them on somebody, so that they can create sensationalism. That is why I keep my car closed, and I would advise every Caymanian to do the same. Any time you get out of your car, you lock it up, you do not trust anybody. Because, let me tell you, you would be hard put to explain yourself out of a situation where a packet of drugs was found in your car. You could stand here in this House until you are tired, and say that you do not smoke and you do not drink, or all those nasty little things. But if it is found in your car, I want to see you getting out of that, and some of our people are capable of anything Mr. President. But I would ask you Sir, is it right that such a situation should pertain to our country. It is one thing when a man deliberately goes out there to commit a felony or an offence. But it is another thing altogther when he is deliberately trapped, or placed in a situation of entrapment. Mr. President, one has to ask the question, what is happening in this country with regards to narcotic drugs? Is it a recent day phenomena? Is crack the only form of drug in this country; is cocaine the only form of drug; has it just come about recently? No, Mr. President.

Many of us know who some of the first people were to bring drugs to this country. We know Mr. President, the people of the Cayman Islands know. But Mr. President, there are certain Members of this House whom I would regard as more qualified than others are to speak about drugs, because maybe, they have had a closer association with drugs. Mr. President instead of us jumping around like little jacks in the box, we should be encouraging enterprising people to do business in the Cayman Islands. Our own Caymanians like Mr. Bobby Bodden, like Mr. Rex Rankine, they are the kind of people we should be encouraging to do business in this country, with their big project the Yacht Club Project and the Safehaven Project. But instead Mr. President, we throw stumbling blocks in their way, and we stop them because they are chopping down the trees which would provide nests for the parrots. Are we Mr. President, headed towards a Turks and Caicos type Government, where it seems that the United Kingdom is bent on governing that country by direct rule? Do we want to perpetuate such a situation within the Cayman Islands, which would cause the people to get up in arms so that we can have the excuse of a direct rule of Government. If not, why are we allowing these situations to continue. Mr. President, I further submit that my stand on that same project, the Yacht Club Basin Project and the Safehaven Project may be the reason why I am subjected and being singled out for revenge.

Mr. President , yesterday during my debate the Honourable Fourth Elected Member of Council interrupted me and asked me to watch for his article in todays paper, as this article he said, or something to that effect was supposed to clear up the situation or misgivings. Well Mr. President, I wanted to be as co-operative as possible with this Member. So this morning first thing I went out and bought a copy of todays Caymanian Compass. And indeed, the Member had taken up a major portion of page four of the paper. Mr. President, in my usual understanding manner, I will try to oblige the Member since he has asked me to look into this matter which he had in the paper today. But Mr. President, unfortunately I am unable to see too much light in the article. All I am seeing here Mr. President is an attempt to whitewash what he had said in this House. I believe Sir that the Compass reported very accurately what he said on the 4th September, or what was printed in the Compass on Thursday, 4th September 1986.

My question Mr. President from the gist of what I am seeing here in the Honourable Fourth Elected Member's article, captioned 'Comments On Proposed Legislation Made At The Eleventh Hour'. I am still asking and begging the question, why the big rush? Why the opposition to referring this most important Bill to a Select Committee of the Whole House? Mr. President the Member said in his article that no person, business or Government can conduct itself properly without constructive input from others. Mr. President, I wonder if this is indeed rhetoric. Because this is exactly what we are asking for on this side of the House. We are asking for this Bill to be placed in a Select Committee of this House, to enable Members of the Law Society, the Accounting Society, the Chamber of Commerce and other such prominent bodies within our financial community to have the opportunity of further looking into this Bill. And the Member goes on to say Sir, that he has always welcomed feedback, this is another joke. Was his welcome what we saw in the Compass of the 4th September 1986, captioned 'Exco Member Raps Lawyers', when in fact those lawyers were only trying to help. Is this his manner of always welcoming feedback. I say no, Mr. President.

Mr. President, contrary to what the Member said, I do not agree that the Caymanian Compass was used as a political football in this particular case. I believe that they printed what they saw as a genuine and honest attempt by a group of respected men within our financial community, the Law Society, of trying to highlight the inadequacies they saw in the Bill and Treaty. The Member says here Mr. President that the Compass Newspaper is used as a tool in turning the issue into a political football. This Mr. President is politics: this Mr. President is sensationalism: this Mr. President I submit, is less than the truth. But Mr. President, the Honourable Fourth Elected Member of Council contradicts himself. In one breath he is saying 'we welcome constructive criticism', but in the next breath he is saying 'you lawyers shut your mouths, mind your own business, keep out of big people's affairs, we are going to push this legislation down your throats whether you like it or not and we have enough of a majority support to do it'. This is in effect what is being said Mr. President. But Mr. President, what he actually said and it is captioned 'The Attack' was:

> "The Law Society was in an unfortunate position because the attack on the Bill was led by two private sector lawyers, both of whom are members of the Law Society, to the best of my knowledge."

Mr. President, he also blamed the Narcotic Agreement for the contents of the Treaty. He says in fact:

> "With the loss of ground in negotiating the Narcotic Agreement, it made our task more difficult in dealing with the Treaty".

Why so much blame Mr. President. Why are we blaming others, when in fact our group of negotiators had all the time in the world they needed to negotiate. They did not need to rush the negotiation. We did not have to put all the offences we see under Article 19 Section 3. No Mr. President, what was the big rush? The same question can be asked here today. What is the big rush to pass the enabling legislation to this Treaty? What is the big rush? Do we have a deadline with our American friends. Have we made a promise to them. Mr. President, I submit that if the Narcotic Agreement was the beginning of the top of the nail in the coffin, that the enabling legislation and Treaty will certainly put the nail to the hilt, and will no doubt seal our fate for ever.

The Member states Mr. President:

> "With the Narcotic Agreement Cayman was also about to tumble, and leading members of the financial community felt that the end of our financial centre status had come."

What leading member? Would this leading member be one of his personal cronies. I have not heard of any leading member of the financial community saying such a thing, and I believe Sir, that I am as involved in the financial community as this member. Where did he get this privileged information from, but he goes on to say, again tapping himself on the shoulder as is his practice in this House, "our chance lay with the Treaty". Mr. President I can only hope that for the sake of this country, for the people of the Cayman Islands, Caymanians and other residents alike that he is right, but time will tell.

Mr. President, under another caption from this wonderful article written by the Honourable Fourth Elected Member, caption, 'Mutual Legal Assistance Treaty'. I really regard this part as a bit of a joke, and I do not even think that the Member himself believes what he has put here. He said that in connection with this, we aim to preserve our tax haven status. And in fact our Honourable Second Official Member found it difficult to even say the word. And enshrined in a Mutual Legal Assistance Treaty is our right not to reveal information; our right not to reveal information regarding pure tax cases. Now Mr. President, can the Member explain the situation with Gerry Lee Harvey? May be he has more insider information than I do, because he has just said he can. But Mr. President from the information I have received, the man was not convicted of any narcotics dealing, but yes, our Government assisted the IRS in helping them to nail the Fate of one of our investors. Yet the Member is saying in a public issue of our paper, which is misleading the public that we will not co-operate in pure tax matters. Who is he trying to fool. I submit Mr. President that the days when we fooled Caymanians are over. Most Caymanians today, regardless of their economic status in life can think for themselves. Mr. President it is very blatant that the Member is trying to paint a different picture from what actually applies at present. Mr. President, as I said, the Member invited me to read his comments, and I am trying to oblige him.

There is another subsection, or caption to his article entitled 'Alternative'. Again Mr. President, I submit that this is also misleading. It states that if the provisions of the Bill are tampered with to any extent, the Treaty goes out of the window. Mr. President, this is not so. If this is so, then we had better get rid of the Committee Stage of this Bill. Forget about bringing it to Committee, because we cannot make any changes according to this Member. Already the Honourable Second Official Member has

contradicted him. They seem to be at odd ends, not agreeing. Because the Honourable Second Official Member has actually said to us: "yes, this Bill does need some heavy chopping; yes this Bill is inadequate. Therefore to satisfy my critics I will chop Section 4(2) out. I will leave the Bill vague. I will leave the discretion to the Cayman Mutual Legal Assistance Authority. I will satisfy you boys over there, if that is what you want out." Yet the Member in this article is saying that any tampering at all with this Bill would mean that he would have to go to his colleagues whose hands he shook, and say "boys we have to cancel the Treaty."

The Member goes on to say Mr. President that we have nothing to keep the United States in check. No meaningful avenue of communication with them - I cannot understand that statement. What does he really mean 'no meaningful avenue of communiction'. Is this a closed shop: what is he talking about? And the Member tries, as have Members here to frighten the life out of the Caymanians by saying 'and they go back to employing their standard practices of trying to bring down our tax haven'. Mr. President I submit that they are receiving a lot of help from us here in the Cayman Islands, as far as bringing down the tax haven status of this country goes. It would appear to me Mr. President that they will have to do very little because our Members are already convinced that we are laundering so much dirty money here, that we will fall by the wayside. Mr. President, as if a lot of the ludicrous statements I saw in this article were not sufficient, the Honourable Fourth Elected Member as printed in bold print stated the fact that he saw no choice.

HON. VASSEL G. JOHNSON: (INAUDIBLE)

MR. LINFORD A. PIERSON: Yes Mr. Johnson, I will read it. It gives me a lot of pleasure to read it. But I am sure that you yourself, do not believe what you have in here, and this is a lot of politics Mr. Honourable Fourth Elected Member, and this is a lot of rubbish and you know it. It says here 'no choice':

> "If this Government is to continue acting in the best interests of the people of the Cayman Islands, and our economy and our financial centre operation, I feel we have no choice but to support the Treaty and the enabling legislation."

Mr. President, what I am saying is that this Member has closed his mind to any possible improvement to the enabling legislation. How then can he even appreciate the necessity to take this Bill to a Select Committee of this House, when in fact he has already made up his mind. 'What I have done I have done. Who are you all to question me', as is his style. 'I have spoken' (the great I am that I am). ' Who is going to question me in this House, I am all knowledgeable, I have said it, so you had better swallow it down, there is nothing you can do about it'. I submit Mr. President that there is a lot which can be done, a lot can be done. The people of this country are getting very fed up, and they are getting to the stage where they are going to soon take action into their hands, probably before 1988.

Mr. President, I do not stand in this House and tell lies. I use the facts, even when I quote a Member here. It is as the old people say 'if it is not so it is near so', and where there is smoke there is fire, and I come pretty near to touching on the truth.

Mr. President, the Honourable Fourth Elected Member, the Member who has been over there whispering and giving me some encouraging statements to make. I think has left me with a lot of information to talk about, and I am grateful to him for any further information which he whispers across the hall, this can only strengthen my argument.

In the Thursday, 4th September 1986 issue of the Caymanian Compass, the same Member, the so called head of the group, the leader of the Government side, came out with a statement 'Exco Member raps Lawyers'. This was the statement in the Compass. Mr. President, in that article he claimed that in the days when drug money poured into the Island, it was the lawyers who had first contact with the drug dealers. The Member said that some were innocently trapped, others money laundered while pretending they had clean hands. Mr. President how is the Member so knowledgeable about this? Was this done with your knowledge? If it was, I cry shame on you. Because as the leader of our financial industry, you should have

been more vigilant. And I am ashamed that we had a head of our financial industry who would have allowed this to happen without doing something about it. He went on to say Mr. President:

> "Again because of lawyers, Government was forced to enter into negotiations with the United States on information relating to drug money which lead to the Narcotic Agreement."

But Mr. President, to take this statement from the ridiculous to the sublime, he said:

> "Lawyers were always very concerned at the situation in these Islands but only to the extent that they would lose their ability earn money and enter the United States without harassment whenever they wanted to do so."

This is how much your Honourable Fourth Elected Member thinks of you lawyers. This is what he thinks of you, and you are to be blamed because you were instrumental in putting him in a position where he can now criticise you. A lot of you did not vote for me, you certainly voted for him, so you are getting now what you deserve. But I hope you have learnt your lesson, because unlike some of us in this House, we are not too old to learn. And I hope that come the next election, that you will be more vigilant and that you will make a much better decision.

Mr. President, the same Member said:

> "There was mischievousness behind the Law Society's comments and he criticised what he called the disturbing trend of associations in the private sector to deal with issues by approaching the Compass newspaper."

Mr. President, what was so mischievousness about that statement. Mr. President, I am going to ask you Sir that if the Honourable Fourth Elected Member wants to speak, he can get up and do it, because he is making so much noise he is interrupting me. So I would ask him to keep his mouth closed, otherwise he can get up and speak again. But I think his turn has already passed.

MR. PRESIDENT: He certainly cannot get up and make another speech.

MR. LINFORD A. PIERSON: Mr. President, the Member must be under a lot of pressure. I see him out there sweating, and he is mumbling to himself. My grandmother used to tell me 'son do not walk along the street mumbling to yourself, because it is the first sign of craziness.' I wonder if I am putting so much pressure on him that he is beginning to become senile. I hope not Mr. President, this is not my intention. I am just exercising my democratic rights as a member of this House.

Mr. President the Member went on to say:

> "The Treaty sets the stage for the future economic well-being of the country."

I wish this was so. But Mr. President, give him the benefit of the doubt, I hope that he is right.

Mr. President, it is difficult for me to even begin to imagine how a man who has benefited so much from the expertise of members of the legal fraternity, members of our Law Society, can stand in this House and be so unfair to them. But Mr. President, I think most of us and the people of this country know that the man has that capacity. He said that they were being mischievous, when indeed they were only exercising their democratic rights. They were only informing people of this country on matters which the Government bench had failed to inform them of. This was kept so confidential Mr. President, that not even the Members of this Legislature knew what was going on before we were called into the Committee Room and the Honourable First Official Member of Council went through the Treaty with us, but not Mr. President in sufficient detail for us to have had time to properly study it.

Mr. President, I wonder whether the Honourable Fourth Elected Member of Executive Council would have

been so negative, had the Law Society come out in praise of the Bill, I say no. No, he would be praising them, but he cannot take criticism. He can get up in this House and tear people apart, but he folds up when it is dished out back to him. But I am making it quite clear to him and to any Member of this House who wants to support him, that I will stand on my two feet and I am pretty capable of doing that in any respect, and they will not intimidate me because I am a very patient man, and I believe that no wine is right before its time, and I can wait. I can wait for the right opportunity as I have done for many years in my life. And I have a memory which is very good, perhaps not as good as an elephant but pretty good. So this is not a threat, it is just a reminder to any speaker after me, that I have the capacity to remember, and that I will be taking notes of everything that is said, and I will adequately reply in due course.

Mr. President, the Honourable Fourth Elected Member of Executive Council said 'let the people come forward and say what they want'. Mr. President is the Member still playing jokes with the people, or is the Member serious? Is he bluffing or is he serious? Then if he is serious about his offer to let the people come forward and say what they want, then why not, at least allow this Bill to go into Select Committee of this Whole House and open it to the public, so that members of the Law Society, members of the Accounting Society and any Caymanian or resident here can come into the Committee and give their views. Is this just a bluff Mr. President? Then if it is a bluff, again, he is misleading the people of this country.

MR. PRESIDENT: I wonder if this would be a convenient moment to break for a few minutes.

MR. LINFORD A. PIERSON: Sure, thank you Mr. President.

MR. PRESIDENT: I think only for about ten minutes not any longer. But I will suspend proceedings for that long.

AT 11:23 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:42 A.M.

MR. PRESIDENT: Please be seated. Continuation of the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Thank you Mr. President. I understand Mr. President that I have approximately 35 minutes to go before my four hours is up. But I wish Sir, that I had not been a party to the change in the Standing Orders, as I would wish to speak on for a little while longer.

During the break Mr. President, one of my friends passed on to me a little note which outlines the seven deadly sins, and on this note Mr. President it seems that of those seven deadly sins, the most important one and applicable to this House would have to be 'politics without principle'. Because Mr. President, I have heard a lot said in this House which has been said just for rhetoric, and without any serious honesty attached to the statement. For example Mr. President, just before we took the break, I was dealing with the statement which the Honourable Fourth Elected Member had made in this House when he said 'let the people come forward and say what they want.' Now Mr. President, I would ask this Member again that if he is quite serious about this, then I would like to see the Government bench agree to have this Bill referred to a Select Committee of the Whole House for further study. Mr. President, the necessity of having this Bill referred to a Select Committee of the House is supported and substantiated by the many amendments so far circulated by the Honourable Second Official Member, to correct the Bill.

Some days ago Mr. President, we had an amendment circulated by the Honourable Second Official Member with the intention of chopping out one of the most important sections of the Bill, which section of the Bill deals with the establishment of the Cayman Mutual Legal Assistance Authority. Mr. President, his answer was to chop that section out. Now today Mr. President, we have the same Member who has passed around a notice of Committee Stage

amendments which contain recommendations for four more amendments to this Bill. Mr. President, are there others to come? I am fearing that we will soon have the whole Bill subject to amendments. This therefore justifies Mr. President, my suggestion and recommendation that the Bill should be referred to a Select Committee of the Whole House. We cannot adequately deal with that Bill in the Committee Stages of this House. How in the world can we have representation from members of the Law Society, or Accounting Society or Chamber of Commerce within the Committee Stages of this Bill within the perimeters of this House, how can we do it, this is not permissible Sir under our Standing Orders and Constitution. Therefore, when the Honourable Fourth Elected Member is throwing out the offer that if the people are not happy, that they should say so, and then imply that something will be done. He, like the Honourable Second Official Member and other Members of Executive Council know full well that the only way that they can have an opportunity of meaningful imput would be if this matter, this Bill was referred to a full Select Committee of this House, and that that Committee was allowed to be open to selected members of the Law Society, Accounting Society and otherwise. I am aware Sir, of the way the Select Committee of this House is operated, and the constraints under our Standing Orders. But I am saying Sir, that this is such an important document, perhaps the most important that has ever come to this House, that Sir, we should allow this Bill to be referred to a Select Committee of this House, and open to chosen individuals from the Law Society and otherwise.

Mr. President, the Member in making this offer knows full well that the people's most effective avenue in a matter of this nature is through their representatives. Accordingly Mr. President, I trust that the Members of the Government bench together with their backbench supporters will show in an honest and sincere manner their willingness to listen to Members who are requesting that the Bill be referred to a Select Committee. We are not alone Mr. President, we are only voicing the sentiments of the people whom we represent. They are the ones who are concerned about this Bill, and regardless of what Members get up in here and say, they know that there is a lot of unrest out there.

Thus Mr. President, the reason why the Second Elected Member for West Bay and myself decided to put forward a Private Member's Motion was because we saw the necessity Sir, to have this Bill given more time. We in this House are not unreasonable Mr. President. We are only trying to protect the interests of the people whom we represent. We realise Mr. President that the Government bench has sufficient support to push this through. But Mr. President, we are imploring them in the interest of this country and of the people whom they represent, to take their time with this Bill. We realise the Bill will have to be passed in this House. Our only question Mr. President is why the big rush? Mr. President, the Second Elected Member for West Bay and myself got together in an attempt to try and delay the rushing of this Bill through this Assembly. We prepared with the assistance of another Member, the Member for East End a Private Member's Motion which we hope will assist in delaying this Bill long enough so that we will have more time to further consider it. And Mr. President, this motion is justified in view of the many amendments we see now being circulated by the Honourable Second Official Member to correct the Bill. This is all we are asking for. We are asking that we take more time so that we can have sufficient input into this Bill. Mr. President, it will be a shame if Members of Executive Council are not allowed to exercise their conscience vote in this matter. Because I feel Sir, that there are some of them who can think for themselves and would not want to see an important piece of legislation like this rushed through this Assembly. I again ask the question, why the big rush? Are they trying to meet some timetable, set by their friend up north? Or are they hoping that they will be able to meet them again and have that glorious opportunity to shake their hands again?

Mr. President, Private Member's Motion No.16/86 on the Mutual Legal Assistance (United States of America) Bill, 1986 reads as follows, and as I have said, this motion is being moved by the Second Elected Member for West Bay and seconded by myself, and we were ably assisted by the Member for East End. It reads:

> "Please take note that I, the Second Elected Member for West Bay, shall move in accordance with Standing Order 24(2)(i) the following motion:" .....

Mr. President we have already shown that this motion can be made without five days notice, even though I believe that five days will be up before we get to this. It states:

> WHEREAS the people of the Cayman Islands wish to stamp out narcotic dealings and crimes of this nature;".....

And I want to make that abundantly clear. We are not supporting narcotics trafficking or offences in this country. We want to stamp it out like any Member of Executive Council. So it is mischievous for any Member of Executive Council to try to give the impression to the people of this country, that because we oppose sections of the Bill, and indeed the Schedule to the Bill which is the Treaty, that we are soft towards any criminal offenders. This is a mischievous statement, and it is unfortunate Mr. President that it had to be made in this House, because it is untrue. I do not believe that any Member who has spoken in this House in opposition to this Bill and the Treaty, would be encoursging any of the criminal offences, as described in Clause 3. of Article 19 of the Treaty, or indeed any other offences. So this is wrong, misleading and very mischievous for Members to make such a suggestion. It goes on to say Mr. President:

> "AND WHEREAS a Mutual Legal Assistance Treaty has been entered into by our Government, the Government of the United Kingdom and the Government of the United States of America;
>
> AND WHEREAS we have demonstrated"...(and I want you all to listen to this carefully)..."our willingness to assist in the apprehension and conviction of individuals involved in narcotic dealings and related crimes under our Laws;"...(not the United States Laws, under our Laws)
>
> "AND WHEREAS the Treaty is of such great magnitude and wide in scope that there are possibilities of incriminating citizens of the Cayman Islands, who have no knowledge of the United States Laws"...

Mr. President, I made the point yesterday, that the United States Officials will have more authority in the Cayman Islands than will our own people, because the things which they will have extended to them, and the authority which they will have extended to them under the Treaty, they cannot even get in their own country, because the citizens of the United States are protected under their Constitution, and there is no Law on the statute book of the United States which override the Constitution. And one of those rights is the right extended to them under the Fifth Amendment. Mr. President, unfortunately we do not have such rights here. Mr. President the motion goes on:

> "AND WHEREAS it is desireable for members of the Legislative Assembly to ascertain the view of the majority of registered voters in the Cayman Islands on the Bill;"...(and Mr. President this is the resolve section of the Motion which states)...
>
> "BE IT THEREFORE RESOLVED THAT the Legislative Assembly refer the Mutual Legal Assistance (United States of America) Bill, 1986 in accordance with Standing Order 24(9)(ii), to a Committee of the whole House and for the said Committee to report back to this Honourable House accordingly."

Mr. President, I am sure that you Sir, would have to agree that there is nothing unfair about what we are asking. We are not suggesting Mr. President that the Bill and the Treaty must in its totality be thrown out of the window, because Mr. President, we realise that as a result of our entering into the Narcotic Agreement, that we would have had to enter into some form of a Treaty, perhaps not necessarily the one we received, but in some form. Therefore Mr. President all we are asking for is the opportunity to make the best of a bad situation. Mr. President, the people of this country deserve better than they are getting, because I have heard Members saying that it will not go to a Select Committee. Any changes they said as necessary, let us make it in the Committee stage of the Bill in here amongst ourselves. No input from the Law

Society, no input from the Accounting Society, no, when they are the people who can give perhaps the most constructive suggestion in a matter like this.

Mr. President, I know my time is running out, but Sir, I would now wish to deal more particularly with certain pertinent sections of the enabling legislation, which is the Bill before us, and with the Treaty, which forms a section of this Bill.

MOTION
SUSPENSION OF STANDING ORDER 32(6)

Mr. President, what is the United Kingdom's position regarding their own tax havens? And when I said here in the House that I would require more than four hours, unlike some of the Members, I am not bluffing, and if any Member feels I am bluffing, then make a motion that the Standing Orders be suspended. And I would gladly like to complete my debate. Make the motion, and I would be happy to have the additional time. I do not bluff, because Mr. President, I have the intelligence to know that I have the capacity to continue here for much longer. Mr. President, maybe I should call the bluff which was made, and in accordance, under Standing Order 83 I move that Standing Order 32(6) be suspended to allow me to complete my debate.

MR. G. HAIG BODDEN: Mr. President I would like to second that.

MR. PRESIDENT: You realise you have not finished your four hours yet.

MR. LINFORD A. PIERSON: I know Sir.

MR. PRESIDENT: But your are moving, or seeking leave to move this before you complete your four hours?

MR. LINFORD A. PIERSON: (INAUDIBLE)

MR. PRESIDENT: I do not really mind.

MR. LINFORD A. PIERSON: How much time do I have left Sir?

MR. PRESIDENT: About twelve minutes.

MR. LINFORD A. PIERSON: (INAUDIBLE)

MR. PRESIDENT: Very well.

MR. LINFORD A. PIERSON: Thank you Mr. President. I trust that we will be able to test the freedom of speech in this country after our lunch break.

This Treaty Mr. President really only concerns the Cayman Islands. The United Kingdom is not entering into a similar treaty for itself, or for the tax havens in its territorial jurisdiction, namely the Isle of Mann and the Channel Islands and of Jersey and Guernsey particularly.

The United Kingdom really merely executed the Treaty because the Cayman Islands is still a Crown Colony of the United Kingdom. This is the reason Mr. President, why we were not a contracting party to the Treaty, and I wonder Mr. President whether our best interests were at all times foremost in their minds, or whether Mr. President it is, as is popularly believed, perhaps their main interest, in protecting their relationship with the United States of America. Why should they Mr. President jeopardise their position with the United States over a little dot like us in the Caribbean, why should they? Out of love for their daughter, as the Honourable Second Official Member refers to us, I say no Mr. President.

Mr. President, I can say that it is evident that the United States of America aims to destroy us as a tax haven. Mr. President, it would seem that from the past history of events in the United States with regard to their approach to the tax havens, that they have every intention of destroying tax havens for American citizens, no matter that the United States of America is a tax haven for other citizens of other countries. Of course the

United States of America take in a lot of money from places like Haiti, Nicaragua and other places having political problems, and they do not question the fact that the taxes are not being paid on those funds.

Mr. President, in order to get information on tax evaders, it is necessary to reach an agreement on an Exchange of Information Treaty, thus the reason why we have seen individual Treaties with other tax havens, and thus the reason why the Mutual Legal Assistance Treaty was signed with the Cayman Islands, we are aware of this, because we keep our ears to the ground, and because we keep pace with the development in this matter. But Mr. President, the signing of the Treaty is not the most important issue before us here today. What is of paramount concern is the sincerity behind this Treaty, the sincerity Sir is suspect.

Recently Mr. President Bermuda and Barbados reached an agreement with the United States which would give tax breaks to insurance companies based in those countries. Mr. President, this was intended to provide tax deductions for insurance conventions, held in these countries. Mr. President, it is my understanding that even though the Bermuda Treaty has not been ratified, the last time I heard about it, by the United States Congress or passed by the Bermuda Parliament, that the Chairman of the United States House of Representatives, Ways and Means Committee has alredy said that the Tax Treaty is in direct contravention to the House and Senate Tax Reform Proposal, this is how they view the treaties. And Mr. President, a more senior official, the Secretary of the Treasury James Baker, said that the Treaty would guarantee that significant sums of income would escape taxation in both Bermuda and Barbados.

In short Mr. President, it seems that some of the senior United States Government Officials are already going back on their word. Mr. President, one senior United States Official said that it was his understanding that excise tax exemptions on insurance premiums extended to Bermuda, have been made because through an oversight it was extended to Barbados. These are not fiction Mr. President, I am not talking fiction, I am talking facts.. This was taken from some of our leading journals. He also said Mr. President that the mistake is made in ratifying the Treaty with Barbados, but that this can be remedied by technical corrections of the Bill. I wonder Mr. President how many technical errors will be found in our Treaty, especially when the question of extending it into other offences is considered. Mr. President, on that question which I think is contained in Clause 3(a) of Article 19 of the Treaty, what other offences can we extend into which would be of paramount interest to the United States, other than the pure tax offences, we will see. Mr. President, when we hear some of the leading and top officials within the United States make such admissions, then it is somewhat frightening Sir.

Mr. President, it seems to me that if the United States of America wants an Exchange of Information Treaty with any tax haven, including the Cayman Islands, that it should give those countries something to replace the business which they are losing, and this prompts the question which I asked before Mr. President. What did we get in return? Was it that glorious hand shake which the Honourable Fourth Elected Member told us of? The only person who benefited from that would seem to be himself. Specifically Mr. President, it seems that our negotiating team was somewhat remiss in not attempting to get similar concessions for the Cayman Islands as was given to Bermuda and Barbados, and I know Mr. President that certain Members of the Government bench will be trying to point out to me that those countries co-operated in tax matters, and I am aware of this. But Mr. President, as I stated in this House, when we consider the actual effect of the Treaty and the damaging press we have received through some of the leading journals and newspapers in the United States, such as the Wall Street Journal and the Miami Herald, I wonder Sir how much tax protection we will soon need in the Cayman Islands, when in fact the citizens of those countries are being told that our confidentiality has been shattered. It would seem Mr. President, that we would have been as well off if we had also legally agreed to give tax matters, because shortly, we are agreeing with the United States Government in these matters. So Mr. President, we are undermining the very thing that we are claiming to try and protect.

Mr. President, there is no reason why the United States could not have given us some concession on our Turtle Farm. I hear Members say 'Oh we are getting it'. Why did we not negotiate it before the signing of the Treaty, and get a

definitive answer from them? I also hear Mr. President that CITIES are responsible, but I have never known the United States to not get what they want, they could have got the lifting of the ban on our turtle products.

Also Mr. President, why do we not have a Consular Office here in the Cayman Islands, where our citizens and other residents here can go and get their visas stamped without having to travel to Jamaica? You spin around as much as you want Mr. Honourable Second Official Member. That is a fact. I am talking about a constant service here in the Cayman Islands. We recently got some arrangement, but certainly a lot of our people still have to go up there.

MR. PRESIDENT: I must interrupt the Member now. I make it just over four hours that he has had, two or three minutes over. I have allowed a little leeway in case I had mistimed....

MR. LINFORD A. PIERSON: Thank you Mr. President.

MR. PRESIDENT: And so we now come to the motion which he put, and was duly seconded, and I will not trouble him to put it or have it seconded again, and it is a motion, if I have understood it correctly, that in accordance with the provisions of Standing Order 83, Standing Order 32(6) be suspended in order to enable the member to continue with his speech.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: I think the Noes have it, but maybe you would like a division.

DIVISION
NO.27/86

AYES: 5	NOES: 10
Mr. W. McKeeva Bush	Hon. Thomas C. Jefferson
Mr. Linford A. Pierson	Hon. Michael J. Bradley
Mr. James M. Bodden	Hon. J. Lemuel Hurlston
Mr. G. Haig Bodden	Hon. Benson O. Ebanks
Mr. John B. McLean	Hon. W. Norman Bodden
	Hon. Capt. Charles Kirkconnell
	Hon. Vassel G. Johnson
	Mrs. Daphne L. Orrett
	Capt. Mabry S. Kirkconnell
	Mr. D. Ezzard Miller

MOTION DEFEATED BY MAJORITY

MR. PRESIDENT: I declare the motion lost.

MR. W. McKEEVA BUSH: But Mr President, can we give the Member ten minutes more, under Standing Orders, to wind up his speech. I think it can be moved under the same Standing Order.

MR. JAMES M. BODDEN: I second that.

MR. PRESIDENT: I have not understood you, say it again.

MR. W. McKEEVA BUSH: I said can we give the Member ten minutes or fifteen minutes to wind up his speech. I think it i possible under the same Standing Order.

MR. PRESIDENT: We have just dealt with the question of whether the Member can have further time, and I cannot now entertain a second motion.

MR. W. McKEEVA BUSH: There are two distinct separate motions Mr. President. One was to allow the Member an indefinite time, and I am asking for a limited time of ten to fifteen minutes, and we can under the Standing Orders I believe, allow him that time - two destinctly separate motions.

MR. PRESIDENT: With respect, we could have a motion that he be allowed an indefinite time, then a motion for ten minutes, and then a motion for five minutes, and then a motion for two

minutes, we could go on for ever.

MR. W. McKEEVA BUSH: No Mr. President....

MR. PRESIDENT: No, I am sorry but I am not allowing it....

MR. W. McKEEVA BUSH: But with respect Mr. President, I am saying that this is a definite motion I am putting under the relevant Standing Order.....

MR. PRRESIDENT: I have to.....

MR. W. McKEEVA BUSH: ....to give the Member specifically for winding up, ten minutes.

MR. PRESIDENT: The Member will sit down. I have disallowed it, I am sorry.....

MR. W. McKEEVA BUSH: I am sorry too Mr. President.

MR. PRESIDENT: The Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I support the Bill before the House, and I would like to congratulate the mover for the able manner in which he presented it, and explained its many legal and technical implications to this Honourable House.

I must also congratulate the other members of the team who have given a good account of their stewardship. I am sure that many of the fears of Members have been allayed, and many misgivings laid to rest despite what has been said to the contrary.

The Bill before us seeks to make the Mutual Legal Assistance Treaty which was recently signed by the United Kingdom Government, the United States of America Government and the Cayman Islands legally enforceable in our Islands. The passing of this Bill will honour the obligations of the previous Government as contained in the exchange of letters between the Government of the United Kingdom of Great Britain and Northern Ireland and the Goverment of the United States of America, concerning the Cayman Islands.

The Narcotic Agreement was signed in London on 26th July 1984, and entered into force on 29th August, 1984. Mr. President, Part 7 of this Agreement reads a follows:

> "7(1) The Government of the United States and the United Kingdom including Cayman agree to enter into negotiations concerning a Law Enforcement Treaty between the United States and Cayman, concerning criminal matters.
>
> 7(2) If the Governments of the United States and United Kingdom including Cayman are satisfied that this Agreement is working satisfactorily, representatives of the said Governments will meet nine months after the date this Agreement comes into operation, to negotiate the said Treaty.
>
> 7(3) The Governments of the United States and the United Kingdom including Cayman will use their best endeavours to conclude a Law Enforcement Treaty within 15 months of the date this Agreement comes into operation with the intention to bring such a Treaty into force as soon thereafter as their Constitutional procedures will allow."

Mr. President, how much clearer can this be put. This is an obligation, a definite obligation, there are no ifs and ands about this Agreement. We have no choice but to honour and uphold the commitments which the previous Government made.

Mr. President there is no denying the fact that the Treaty has its origin in the Narcotic Agreement. I supported the Narcotic Agreement 1984, because I realise that it was in the best interests of our country. Today I am just as convined that the Bill before us which will make the Mutual Legal Assistance Treaty enforceable, is also in the best interests of our country.

Mr. President two Elected Members have called on Government to stop the proceedings of the Bill. The Second Elected Member for Bodden Town called on the Honourable Second Official Member to withdraw the Bill until he could check out the alleged abuse of the Narcotic Agreement by the United States Attorney General, relating to one Gerry Lee Harvey. Mr. President, the United States Attorney General has certified that the offence against Gerry Lee Harvey is a narcotics matter. We have no reason to believe otherwise. We also believe that Mr. Harvey's trial will show that there has been no conflict with the United States Attorney General's certificate.

The Second Elected Member for West Bay in his Private Member's Motion No.16/86 called for this Bill to be referred to a Committee of the Whole House. In the preambles of this motion Mr. President, the mover said or has asked that he go back to his people and find out their views. Now he has admitted in this House that he did not understand the Bill before the House. How is he going to go to his people to explain it, or get any feedback from them if he does not understand it - what is he going to his people with?

MR. W. McKEEVA BUSH: Executive Council must go back to the people and explain.

HON. CAPT CHARLES L. KIRKCONNELL: This motion in my opinion is two years too late. We should have referred the Narcotic Bill and the Narcotic Agreement to the people of the United States, not wait until the previous Government has commited the present Government to negotiate and sign a Treaty. The country was committed to conclude a Treaty on the signing of the Narcotic Agreement 1984, and let us make no mistake about that Mr. President. Outside opposition has suggested that this Treaty should be taken like medicine, in small doses. We have also heard other Members say in this House that it was not their intention to sign a Treaty. Mr. President, if this had been the intent of the previous Government, why did they bother to sign the Narcotic Agreement. I cannot believe this statement, because our credibility and honour would be lost. People would ask what kind of Government do we have, if we failed to honour our commitment and obligations.

Yesterday Mr. President, the Honourable First Elected Member for George Town said that we should move forward with dignity and respect, and keep our country stable. Mr. President, I wholeheartedly endorse this statement.

There has never been a perfect Bill or Treaty, nor will there ever be one. The Bill and Treaty before us today involved a lot of time and effort. Government did not take its responsibility lightly, nor did it enter into negotiations singlehandedly. Our Government engaged Messrs. Sidley and Austin, one of the best firms of lawyers in Washington to advise them, and also the Rt. Hon Sir Ian Percival, Queen's Counsel, Member of the Privy Council in London. Sir Ian Percival has a wealth of knowledge and experience, and he has served in the Parliament of his Government for the past 27 years, and he is still serving there today.

Our Financial Secretary also formed a consultative committee here which was comprised of lawyers from the Law Society, a private Queen's Counsel, representatives from the Bankers Association and a member from the Society of Professional Accountants. Mr. President, despite the uncomplementary remarks made about our Mother Country, by some Members of this House, all reports from our team speak in glowing terms of the co-operation and support given to them by the United Kingdom delegates, especially the leader, the Honourable Humphrey Maud who stood firmly against the Americans in support of the political and economic views put forward by the Cayman Islands team.

We are dealing Mr. President with a national issue, and one which will determine the future of our Islands. We cannot use showmanship or emotion in such an important matter which will affect us all. Showmanship and emotionalism cannot run this country or any other country for that matter. We must stand firm as a Government, honour our commitments and uphold the integrity of this country. As a Government, we are determined to maintain our integrity and to keep our good ship Cayman on the right course, and to keep a close watch to see that she remains on it.

I have listened carefully to the debate, and I am disappointed that the Members opposing the Bill have not offered up to the present moment any constructive amendments which would satisfy their concerns. Mr. President the clauses which

seem to be causing Members most concern were taken verbatim from the Narcotic Law, which was passed in 1984, and up until now that law has worked satisfactorily. One of the concerns expressed is the retroactivity of the Bill and the Treaty. The Narcotic Law and the Narcotic Agreement of 1984 which this Bill and Treaty will supersede, will have the same retroactive effects. They were accepted in 1984, so I cannot understand why some of the same Membes who were responsible for the Narcotics Law and Narcotics Agreement are objecting now. The penalties of this Bill are the same as those under the current Narcotic Law. But apparently Mr. President, some Members have not taken the time to examine and compare this Bill with the Narcotic Law which was passed in 1984.

Again Mr. President, if one looks at the definition of criminal offences contained in the Treaty, the words 'knowingly', 'wilfully' or 'dishonestly' appear throughout the entire Bill or Treaty. If one knows that he is committing a dishonest transaction, and wilfully goes ahead with it, then he must stand the consequences. Government is not passing legislation to protect United States citizens or nationals of any other country, who are involved in criminal activity, but rather to protect innocent Caymanians. Mr. President, honest Caymanians have nothing to fear from this Bill or the Treaty.

We must remember Mr. President that we are dealing with professional, international criminals and narcotic traffickers who have used and are using every evil ruthless means they can think of to satisfy their greedy appetites for money, regardless of whom they may injure, maim or murder in the process. These people have absolutely no regard for the laws of their country or any other country, and they are always one step ahead of the law. I can see no reason why we should give these criminals a place to hide their ill-gotten gains, or allow them to use our financial, confidential laws to protect them from justice.

The Treaty contains 14 safeguards, which will ensure that it functions properly. It does not extend to any matter of taxes, unless it is connected with a criminal offence. It is quite clear on this point Mr. President, it does not involve income tax. The only tax it involves, the only time a person has to fear about taxes is when it is a criminal offence, when he has obtained it criminally, then it is an offence. It does not say that any criminal offence in the United States of America is an offence here as some people seem to think that it is. This Bill and Treaty will also restore the judicial system into the machinery for dealing with the United Stites request for information, a factor which was not contained in the Narcotic Agreement, and one which was of grave concern to the people of these islands.

Mr. President, the Government this morning circulated some amendments which should ensure that this Bill does not go beyond the terms of the Treaty. I hope these amendments will go a long way towards satisfying the Members of this House, and that they will look at them carefully, and that they will give them their unanimous approval in the Committee stage.

Although this Bill has caused much contention, I would like to point out Mr. President that we have received many favourable comments from International financiers. The principle associations which have responsibility for confidential matters and the protection of clean investors, have made favourable comments on this Treaty. One association said that the Treaty would assist the Cayman Islands to shed its unclean image, and attract more international business, and end criticism that we are a haven for drug and other criminal money. We are already experiencing an increase in applications from prestigious international banks. Some of these banks are coming from tax havens which are well known for protecting criminal activity.

Mr. President, I ask your permission to read the remarks of the Honourable Lawrence J. Smith, United States Congressman of Florida, as recorded on Wednesday, 23rd July 1986, regarding the United States Cayman Treaty. This is from the congressional record:

> "Mr. Smith of Florida.
> Mr. Speaker, earlier this month"....(this was the 23rd July, so we signed the Treaty on July 3rd, and this was made and in the congressional records on Wednesday 23rd July, 1986;....
>
> "Mr. Speaker, earlier this month the United States concluded a wide-ranging Mutual Legal Assistance Treaty with the

Governments of the United Kingdom and the Cayman Islands. The Treaty was signed on July 23rd in George Town, Grand Cayman, and will enter into force upon ratification by all parties.

The Treaty calls for mutual co-operation between the Cayman Islands and American Law Enforcement Officials in the investigation, prosecution and suppression of a wide range of criminal offences, including racketeering, foreign corrupt practices, fraudulent security practices, unlawful insider trading and crimes related to narcotic trafficking and money laundering.

Under the Treaty, Cayman and American Law Enforcement Officials will co-operate in the investigation and prosecution of criminal offences by among other things, honouring each others requests for financial records and other documentary or physical evidence, immobilising criminally obtained and locating fugitives or witnesses.

Each Government will designate a Central Authority to review the others request, and execute those requests that are sufficiently specific and pertain to crimes covered by the accord. While the Treaty does not cover pure tax matters, since there are no tax laws in the Cayman Islands, it will apply to tax crimes, which arise from the profits of any criminal matter covered by the Treaty.

Mr. Speaker, the Treaty has its origins in the 1984 Narcotic Agreement between the same Parties, under which the Department of Justice has obtained useful documentary evidence pertaining to narcotic mattes. Last year as Chairman of the House Foreign Affairs Committee's Task Force on international narcotic control, I hosted a meeting with a delegation from the Cayman Islands. I expressed my appreciation for their co-operation under the 1984 Agreement, and indicated my hope that a fullfledged Legal Assistance Treaty would be finalised. The Cayman delegation in turn expressed their resolve not to have their financial confidentiality law serve to protect narcotic traffickers from justice.

I am very pleased that we now have a Mutual Legal Assistance Treaty with the Cayman Islands. This Treaty represents another positive step in our continuing war against drug traffickers. I hope that the Department of Justice will avail itself of the opportunity this Treaty presents, and that we will make every effort to go after those people who have used the Cayman Islands to launder the receipts of drug trafficking."

MR. PRESIDENT: I wonder whether this would be a convenient moment to break.

HON. CAPT. CHARLES L. KIRKCONNELL: Just one moment.

MR. PRESIDENT: Right.

HON. CAPT. CHARLES L. KIRKCONNELL: I believe Mr. President that Congressman Smith has accurately analysed the function of the treaty, and that it is a positive step in the continuing war against drug traffickers.

MR. PRESIDENT: I will suspend....I am sorry...

HON. CAPT. CHARLES L. KIRKCONNELL: I am not finished Mr. President.

MR. PRESIDENT: No, no that is understood, I interrupted you.

I will suspend proceedings for lunch until approximately two fifteen, and perhaps in case any Members were not here when we adjourned yesterday afternoon, it might be convenient if I were to say again, that my understanding is although it is not for my decision as I then explained, that there may be a

move that the House should sit beyond four thirty this afternoon, and Members may like to plan accordingly. In case it is the wish of the House to sit longer later today.

AT 12:50 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT: Please be seated. Continution of the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, when the lunch break was taken, I was almost finished with my speech. I had just completed reading the remarks of Congressman Smith, which he made in the House of Representatives, and I said that I believed that Congressman Smith had accurately analysed the functions of the Treaty, and that they were a positive step in the continuing war against drug traffickers.

Mr. President, the United Kingdom's Minister, Mr. Tim Eggar also said at the signing ceremony that the Treaty is a milestone in mutual legal assistance and co-operation between the three Governments, in what is a war against international crime, and that he was very sure that the Treaty will help establish the Cayman Islands, even more firmly as a stable centre for genuine offshore finance, by providing a framework for legal co-operation with the United States. Mr. President, I am encouraged by these two assuring statements, and I am proud to know that we are doing our part to see that our Islands remain a leading financial centre.

Mr. President, there are two courses which this country can take, one is to reject this Bill and allow the Cayman Islands to become a haven for criminals and drug traffickers, or, support the Bill and ensure that our Islands will continue to develop and prosper in an honest and upright manner. Mr. President, if any Caymanian inside or outside this Honourable House thinks that he is big and bad, let him defy the United States Government, and renege on our agreement with them. The Americans may then carry out the suggestion which was made at one of their sub-committee meetings of the United States Senate, that is, to deny Cayman Airways landing rights in the United States, and at the same time, stop Republic Airlines coming here as well. In less that two weeks Mr. President we would feel the wrath and the force of the United States. Our National Airline would be grounded, our hotels empty and all tourist related business would be without customers. Yesterday, the Honourable Second Elected Member of Executive Council made the same remarks, and he has seen the same articles and he knows that the United States is not playing fun and jokes with the Cayman Islands. We have to pull up our socks Mr. President, and fly right, or they will ground us. We are a small territory, and we cannot fly in the face of a big power, in their fight against international crime. The Second Elected Member for George Town said that this was a ludicrous statement by the Honourable Second Elected Member of Executive Council. Mr. President, these are real hard facts which we must think about seriously. People thought that the United States would not fumigate and cut off Cuba either, but they have. Cuba has remained isolated for many years, and if it was not that the Russians were pumping in money by the millions of dollars a day, Cuba would have collapsed many years ago. In Nicaragua, they too followed Cuba's example and they thought that they were big boys and could fly in the face of the United States, they too were cut off. The President of Libya, Mr. Gadhafi he was a big bad boy with his international terrorism. They warned him, they said "if you do not stop we intend to stop you". They thought the United States was bluffing at that stage too. We all know the results of that - he has not opened his mouth since he was bombed. So Mr. President, let us not think that we are going to be allowed to carry on as we wish and ignore the United States, and avoid helping them, after we have committed ourselves to helping them in the fight against international crime and drug trafficking.

Mr. President, I hope that reason and common sense will prevail and that none of these things

will ever happen, or come to pass. Let us have the courage to take our stand against drugs and criminal activities. If we do not, we will put the future of our Islands and its people in jeopardy. We must do our part to help the United States in their efforts to stamp out drug trafficking and international crime. This Mr. President is our duty.

I thank you Sir.

MR. PRESIDENT: The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, peace, love, friendship and politics that is the guiding light on my speech this afternoon.

I have listened to the debate on the Bill presently before the House, that is the Mutual Legal Assistance (United States of America) Bill 1986 very attentively. And quite frankly, I am disturbed by some of what I have heard.

Some say that the Mutual Legal Assistance Treaty is the end of the Cayman Islands financial industry. But they did not know Mr. President that since July 3rd when we signed this Treaty, three of the largest twenty banks in the world have applied for banking licences from the Cayman Islands. We have seen one recently in the Gazette Mr. President, the Fuji Bank Limited, the second largest bank in the world. We have applications before us Mr. President, from the Tokai Asia Bank Limited, number 17 in the world and lastly Mr. President, the number one bank in the world the Dai-ichi Kangyo Bank. I am not sure that I have pronounced it correctly Mr. President, but I think it is close enough that persons who wish to find the correct pronunciation, will find the bank that I am talking about, as it is the number one bank in this world.

Are they, the officers, directors, the legal counsel of these banks, numbers one, two and seventeen in the world, so stupid that they would come to the Cayman Islands if the Mutual Legal Assistance Treaty was going to wipe out all of their assets from all of their customers, and all the people whom they were dealing with and have deposits from, and have given loans to - would they have come here if they were worried about the Mutual Legal Assistance Treaty? I think that each person can answer that for themselves Mr. President.

As I said earlier, some say that the Mutual Legal Assistance Treaty is the end of the Cayman Islands financial industry. But Mr. President, in the same breath, they make comments that what we need to do is to have political constitutional change - remove these three Official Members and put Elected Members here. They say that this is the answer to the problem. Mr. President, if we want to create a scare in this country and frighten away the business that we presently have and destroy the Cayman Islands entirely as far as the financial industry is concerned, political constitutional change is the answer - let them go ahead. I repeat Mr. President, political constitutional change is the answer, and it is not because Tom Jefferson is standing here as the Honourable First Official Member Mr. President, that does not bother me. I have worked in New York for eight years, I stand on my ability and the two little pieces of paper which I have; I can find another job I have no worry about that. But that move is not in the best interest of the people of these Islands. Have we forgotten what happened to the Bahamas? Have we forgotten about the suitcases of business files that left that country? Maybe we need to rethink our comments on the Treaty.

I am not against a constitutional change Mr. President, and now I am not talking about political constitutional change. I am not against constitutional change when it is in the best interest of the people of this country. But political constitutional advancement in my view, is not in the best interest of our people. We amended the Constitution a few years ago Mr. President, to set up our own Court of Appeal. I was for it, as a matter of fact I was instrumental in pushing for it, it was timely.

Do we know the cost of what political constitutional advancement is going to give us? Do we know that we have to set up Embassies in the United States, membership of the United Nations, Embassies in the United Kingdom and elsewhere because it is then Mr. President that you will see, not hear, you will see deficit budgeting. And how will they finance that deficit budgeting? I put it to all of you - by direct taxation. And by

borrowing Mr. President more and more funds to finance that idealism that some of us have.

Caymanians enjoy at present Mr. President one of the highest standards of living in the world. Why I ask, why does anyone want to jeopardise it, this standard of living for our people? Because, in my view, political constitutional advancement will jeopardise that high standard of living we enjoy.

We have an over employment situation in the Cayman Islands Mr. President, but there can be under employment in a short time. And we must remember that many Caymanians have mortgages on their homes. How are our people going to keep those homes if they are unemployed? There is Mr. President, I would say perhaps a bit of selfish motive in this answer, to the Cayman Islands supposed problem, and the answer to that as I said earlier on a number of occasions, political constitutional advancement. What problem do we have Mr. President that cannot be resolved without taking such a drastic step. What is the problem? What is this problem you are talking about?

Mr. President, what I am about to say, I always like to declare my hand, is not directly related to the Bill, but Mr. President, I crave your indulgence as the sentiments were heard in this House. I know of no one in the Civil Service who is on the drug enforcement agency payroll, and I challenge any Member of this House Mr. President to produce the evidence, or any member of the public. Let them give it to you Mr. President if they have it. Let us not get up and slam the peoples' name, give it to you if they have any evidence on the Honourable Three Official Members or any other member in the Civil Service.

I thought the Member got a bit carried away with his comments Mr. President. But the statement, that the Honourable Three Official Members, not necessarily that, but the inference was there, are on the Drug Enforcement Agencies payroll, is a very damaging one. We live in a small society, and there are a lot of people who will believe that, because they heard it over the radio from this House.

Better than that Mr. President, I ask the Member to put the evidence on the floor of this House, and lets convince us all, the public and every Member in this House. If he has evidence, put it on the floor against the Honourable First Official Member, or the Honourable Second Official Member, or the Honourable Third Official Member. But if he cannot Mr. President, I ask on behalf of the other two Official Members for an apology. My conscience is clear Mr. President. I ask again, anyone, produce the evidence. I can talk here Mr. President for two hours, three hours, six hours it does not matter. When I go home at night a go fast asleep, not one thing to worry about. My conscience is absolutely clear.

When the motion, with regard to the allegation that drugs are at the Prison was being debated, we heard other allegations that drugs are coming in through the Airport assisted by Customs Officers, and coming through the Port on cruise ships with the knowledge of other certain Government Officials. As the Member for Government Business, and the Member responsible for Customs Mr. President, I would have thought that this Member, or Members would have mentioned this information to me so that it could be properly investigated. It is unfair Mr. President to the staff of the Customs Department to make these statements in the House. Where is the evidence, and which Officer or Officers is the Member referring to? The Civil Service Mr. President, is not unlike any other member or citizen of a democratic country - have they no rights? In a democracy a person is innocent until he is proven guilty. Or are we in this House setting ourselves up as judge and jury and pronouncing the Customs Department staff guilty without any evidence whatsoever. Are they guilty because somebody heard a rumour on the street? Where are we headed with this kind of comment Mr. President - who will be the next? The Honourable Three Official Members of this House are on the DEA payroll, according to one Member. Where in the name of God is the proof? Or Mr. President, has politics in the Cayman Islands gone so wrong? These allegations Mr. President are more damaging than any one hundred Mutual Legal Assistance Treaties. But I am led to believe Mr. President that when some Members cannot get their way with the Civil Service, they come in here and lambaste the whole Civil Service. I am not saying Mr. President that the Civil Service is faultless, but there is a proper and principle way to handle matters which are disciplinary or of a criminal nature. I ask Members for their support in using the proper approach.

Mr. President, the only people who make no mistakes are dead people. I saw a man earlier this year when I was in London who had not made a mistake for four thousand years. He was a mummy in the Egyptian Department of the British Museum.

Coming now to the real contribution on the Mutual Legal Assistance Treaty Mr. President. I called two meetings to brief Members of the Legislative Assembly. The first was in January 1986 which followed the first round of negotiations in early November 1985. And according to my memory Mr. President, we told the Members of the Legislative Assembly all the facts about the proposed Treaty and the first round of the negotiations.

The second meeting Mr. President, we allowed and helped to read through the draft Treaty. And we spent to the best of my memory, three hours doing so. We allowed Members to ask all the questions that came to mind. Therefore Mr. President, I do not consider the meeting brief. Some may have changed their minds since that meeting, but Mr. President I reject the inference that the brief meeting was to blame for the Members now having changed their minds.

The Private Sector Advisory Committee was established in the early days of the negotiations, and the Honourable Third Elected Member of Executive Council gave you the composition of that committee. We called regular meetings with them Mr. President, and took their input, sometimes directly to the negotiating table Mr. President. But sometimes, no matter what you do Mr. President, you are at fault because you are a part of it.

It makes me sad Mr. President to hear the things which are being said about this Treaty. You know, there is a saying, 'when you have done your best angels cannot do better'. Every Treaty that was ever negotiated since the beginning of time Mr. President did not, does not and will not meet the ideal criteria. Because the very meaning of the word 'negotiate' in anybody's dictionary means 'to bargain', 'to confer for the purpose of mutual arrangement'. Let us all ask ourselves this question Mr. President - what does the Cayman Islands have to use in bargaining with the United States? Do we have any military strategic significance to the United States? Do we have any naval or airforce bases that we can use as leverage? Do we have any NASSA tracking installations? What do we have? May be the answer might come back, sand, sea and sunshine.

Anyway Mr. President, I will leave all of us to ponder those questions, or the real question - What does Cayman have to use in bargaining with the United States? You know Mr. President, one of the easiest things in the world to do is criticise, anyone can do it. However Mr. President, I understand the role of opposition. It is said that a good opposition makes for a healthy democratic process. I only ask Honourable Members and the public to be careful that we are not over exerting our criticism and running the risk of creating a scare among international investors ourselves, for our sentiments and rhetoric on the enabling legislation may be misinterpreted by others.

It is no pleasure Mr. President to work Monday to Friday, and on Saturday, fly to London to negotiate the following week, there is no pleasure in that. But we did it on many occasions, and thank God, if I had it to do again for the people of the Cayman Islands I would gladly do so.

I believe Mr. President having been privileged to have been on both negotiating teams, I can truthfully and honestly say to the people of these Islands, 'we did our best for you, and we had your interests at heart at all times'.

Before I get into too much of my speech Mr. President, let me deal with some of the comments which were made about the Cayman Islands being a pawn on the United States and the United Kingdom's chess board, which meant that the Cayman Islands was sold down the drain by the United Kingdom in order to gain the United States agreement to an Extradition Treaty between those two countries, so that the United Kingdom could have Irish persons presently living in the United States, who allegedly committed acts of terrorism, returned by the United States to the United Kingdom to stand trial. That Extradition Treaty Mr. President which was agreed shortly after the Cayman Islands signed the Mutual Legal Assistance Treaty, some say was evidence that the two Treaties were directly connected, or related. But Mr. President, those conclusions are false, and my information on the matter is from the United Kingdom and

the United States. The United Kingdom/United States Extradition Treaty was initialled at the negotiating table in March of 1985 and signed on the 25th June, 1985, but not ratified until 17th July 1986, - the Americans ratified it. As we know, all Treaties are ratified by the Senate Foreign Relations Committee. Some members of that Committee were opposed to it, and that is why it took so long to be ratified. The Senate records of the Foreign Relations Committee I am told, will disclose that in its proceedings to ratify the Extradition Treaty, there is absolutely no mention of the Cayman Islands Treaty. So Mr. President, the contents of the Extradition Treaty was initialled at the negotiating table in March of 1985 and signed in Washington on 25th June 1985. The Treaty having been signed, was sent to the Senate Foreign Relations Committee for ratification. I understand that there were some United States Senators who are Irish and who opposed its passage, and that is why it took so long to ratify.

Mr. President, I know the Cayman Islands owe a great debt to the United Kingdom Officers who assisted us, stood firm with us and supported us in our stand during the negotiations. I would Mr. President ask you to convey to the Honourable Humphrey Maude, Messrs. David Bickford and David Shocksell, our grateful thanks from the Members of this Honourable House for their valuable assistance to the Cayman Islands.

Mr. President, some Members said 'why did we not receive the same benefits as Barbados and Bermuda did for the insurance industry'. Perhaps Mr. President, as was attempted by an earlier speaker, we need to understand what Barbados and Bermuda gave to the United States in order to receive that concession. They did not negotiate a Mutual Legal Assistance Treaty.

What I hold in my hand Mr. President is the Barbados/United States document, and it reads:

> "Income Tax Convention - the Government of Barbados. The Report of the Committee on Foreign Relations, United States Senate."

The other piece of paper Mr. President.....

MR. G. HAIG BODDEN: Mr. President, I wonder if for the information of the House, the Member would read the Treaty for us.

MR. PRESIDENT: The Treaty may be rather a long document, perhaps he could lay a copy.

HON. THOMAS C. JEFFERSON: Mr. President, this document has 45 pages, and I think it would be.....

MR. G. HAIG BODDEN: We have the time....

HON. THOMAS C. JEFFERSON: .....very time consuming of the House for me to read the entire document.

MR. W. McKEEVA BUSH: Mr. President, could it be laid on the Table for information.

MR. PRESIDENT: Yes, would it be possible for the Member to provide a copy on the Table?

HON. THOMAS C. JEFFERSON: I am happy to supply copies Mr. President.

MR. PRESIDENT: I think that would be a fair....

HON. THOMAS C. JEFFERSON: The other piece of paper Mr. President, which I hold in my hand is the Royal Gazette, published in Bermuda on the 14th July 1986, whose headline reads, 'Text of Tax Treaty with U.S." Article 5. of it Mr. President reads, and I will give the members the benefit of this one because it is short:

> "The competent authorities of the covered jurisdiction ....(the covered jurisdiction is Bermuda and the United States, and the competent authorities are in the case of the United States, the Secretary of the Treasury or his delegate. In the case of Bermuda the Minister of Finance or his

> delegate)....The Competent authorities of the covered jurisdiction shall provide assistance as appropriate in carrying out the laws of the respected covered jurisdiction, in relation to the prevention of tax fraud and the evasion of taxes."

So Mr. President, it appears that if a country wishes to have an insurance concession, a tax convention is one way in which Bermuda and Barbados have received that concession from the United States Government.

Bermuda's economy Mr. President is derived mainly from insurance business and tourism, very much unlike ours, and the Barbados economy Mr. President to the best of my knowledge is sugar, tourism, direct taxation and probably a lot of small things which I cannot mention at this time.

Our economy is based on the offshore financial industry, mainly banking and tourism, with banking employing about 900 staff. We would be wise Mr. President, not to jump and to seek to build our economy around a United States or any other country's concession which can be withdrawn, simply by the passage of legislation. And Mr. President, I heard an earlier speaker mention that, and I think I am quoting him correctly, that Bermuda has not passed their legislation yet, and their Treaty is not ratified. The latter is true, the Treaty is not ratified, but the legislation has been passed. This information Mr. President comes from the Lloyds List, 1st September 1986, and it reads:

> "Bermuda's Parliament has passed enabling legislation which would pave the way for the US Senate to ratify the Tax Treaty signed by both the United States and Bermuda Governments."

We will undoubtedly lose some potential business Mr. President, which will be attracted to Bermuda or Barbados, because they have the four percent Federal Excise Tax on direct taxation, and one percent on reinsurance, and we do not. As I understand it Mr. President, no United States Federal Excise Tax is payable, as long as the premiums are certified as:

> 1. Being retained by the Barbados insurers, or Bermuda insurers, or
> 2. Retroceeded to insurers or reinsurers domiciled in the tax treaty countries, as long as such premiums are not further retroceded to insurers, reinsurers domiciled in non-tax treaty conventions.

In other words Mr. President, as long as such premiums ultimately reside in companies domiciled in tax treaty countries which include Barbados, France, Rumania, the Soviet Union, United Kingdom and when ratified, Bermuda, no excise tax is payable. Mr. President, there is an advantage which Bermuda and Barbados have in this case.

Mr. President, approximately two years ago, Government was moving the enabling legislation for the Narcotic Agreement, and just to create a picture in our minds, let me read from the Compass, some of the comments which were being said at the time. I will not Mr. President disclose the names of anysne, as it is only my object to let you hear the sentiments. Here is one Mr. President, it says:

> "I read with a horror the article on the extraterritoriality and the information agreement which the Government is preparing to sign, and would like to comment on this matter, that all negotiations leading up to this Agreement were kept secret from the Cayman Islands public, does not surprise me. That Britain may be blamed for figuring strongly in these negotiations, is again, no surprise. That we have leaders who will allow one of the only two pillars of our economy to be swept away, is beyond the imagination of even a non-believer. Are we so stupid to believe that someone with the ability to gather enough money to warrant it being put in a tax haven, will be so naive as to believe that once the gates are open, only the accounts of drug smugglers will be up for scrutiny."

It goes on to say Mr. President:

"The present Government should call emergency meetings of the Legislative Assembly and declare itself null and void."

Does it sound familiar?

MR. W. McKEEVA BUSH: (INAUDIBLE)....propaganda, but it was not me.

HON. THOMAS C. JEFFERSON: I did not say it was you.

MR. W. McKEEVA BUSH: No, it was not me.

HON. THOMAS C. JEFFERSON: I said, does it sound familiar what was going on in those days.

MR. W. McKEEVA BUSH: (INAUDIBLE)....clarity of the House, read who did it.

HON. THOMAS C. JEFFERSON: Here is another one Mr. President:

"What is more frightening about this Agreement is what appears to be absolute power to require disclosure vested in the hands of the American Attorney General's Department. The American Attorney General is of course merely a public prosecutor. Does our Attorney General have the authority to check that the disclosure is in fact in relation to narcotics.

Consider the serious implication of the article which recently appeared in many reputable newspapers in the United Kingdom and in the United States. It is unconscionable for Government not to allow the public the chance to review the terms of the Agreement.

A possible scenario is where the Justice Department of the United States build a tax evasion conviction against an individual by compiling a set of non-tax charges against such an individual involved. Thereupon, the Grand Jury will indict the individual and the wide range of criminal counts, among which, are some tax evasion or tax fraud counts. After the indictment is made, the United States Attorney will request the tax haven Government or Courts to open the bank accounts in the haven. Once this request is complied with, the United States Government is usually guaranteed a conviction of the individual, at least on tax evasion charges. Experience has shown that the United States Department of Justice would regard itself as justified in abusing the Grand Jury system, as the moral outlook of both the Department of Justice and the IRS is that the Cayman Islands as a tax haven is morally corrupt.

It is against this background that tax havens must evaluate the status of their confidentiality and banking laws, and thus any request of the United States Authorities, to prove banking records in the tax haven.

The people of this country should move a vote of no confidence in any Government or politician who would seek to force upon them changes which are obviously detrimental to the public."

And there are other articles Mr. President, but I think we have created the kind of picture, or reminded ourselves of what was going on at that time.

Today Mr. President, we have the same kinds of sentiments being voiced. Any time you change the procedure, there will be anxiety, and in some cases rightly so. Because some people are just finding it hard to believe what are the true facts. But Mr. President, my task today is to try to disclose the true facts of the Treaty as I understand them, and hopefully Mr. President in doing so, calm the storm about its comments.

I said two years ago in this House that the signing of the Narcotic Agreement was a major step forward in ensuring the future development of the financial industry.

Already Mr. President, if I have heard correctly, all Members are agreed that it was a major step forward. Of all the cases we have assisted in during the two years, only one is being questioned, that being Gerry Lee Harvey. But I am convinced Mr. President as a result of information provided to me, that the request for assistance under the Narcotic Agreement was proper, and in his case, was not just taxes, as was said earlier in this Meeting. Government queried this request and gained the assistance of the United Kingdom in scrutinising the charges against Mr. Harvey. And both Governments, namely the United Kingdom and the Cayman Islands are satisfied.

Earlier in this Meeting Mr. President some Members referred to a Miami Herald article, which quoted Mr. Philip White the Director of the Office of International Affairs, Criminal Division, United States Department of Justice, as saying:

> "That if in making a Treaty request, a tax evasion case can be wrapped up with narcotics dealing or mail fraud, there will be a pretty good chance of catching United States tax evaders."

Mr. White, Mr. President was a member of the United States negotiating team, and I believe he was misunderstood. As a matter of fact, he has written to say that he was.

MR. W. McKEEVA BUSH: On a Point of Order Mr. President, could the Honourable Member show us a copy of this letter?

HON. THOMAS C. JEFFERSON: Mr. President if the Member....

MR. PRESIDENT: That is not a Point of Order.

HON. THOMAS C. JEFFERSON: If the Member would just sit down for a minute, he will hear the letter. I am leading up to it.

MR. W. McKEEVA BUSH: All right, good.

HON. THOMAS C. JEFFERSON: As a matter of fact, he has written to say that he was misunderstood, and I will read this letter which he wrote to the Attorney General. The letter is dated August 22nd:

> "It has been brought to my attention that comments attributed to me in a recent Miami newspaper article about the recently signed Mutual Legal Assistance Treaty, has been interpreted by some in the Cayman Islands, as evidence of an intention on the part of the United States Justice Department to violate the spirit of the Treaty.
>
> Although I have not seen the article in question, I understand that it quotes me as stating in substance that if in making a Treaty request, a tax evasion charge can be wrapped up with narcotics dealing or mail fraud, there will be a pretty good chance of catching US tax evaders.
>
> Conceding that the words 'wrap up' are an artful and susceptable of being misunderstood, particularly by those who are unduly suspicious of the motives of the Justice Department. I want to make it absolutely clear for the record, what I understood and intended by my comments to mean.
>
> As you know, Article 3(1) of the Treaty provides that assistance shall not be available in any matter which relates directly or indirectly to the regulation including the imposition, calculation and collection of taxes, except for any matter falling within sub-paragraph 3(d) and (e) of Article 19.
>
> I was referring to the situation envisaged by that exception to the general rule. Article 19 3(e) clearly provides for assistance in the production of information and evidence in matters involving false statements to Government Tax Authorities, with respect to income acquired through

commission of an offence which is otherwise covered by the Treaty, offences such as narcotic trafficking or mail fraud. One reason this exception is important to us is that in some cases, the different parts of the criminal conduct under investigation are so tightly wrapped together, that it is meaningless to differentiate into tax and non-tax aspects. For example, drug traffickers who submit falsified tax returns do so partly because to accurately report and pay tax on their illgotten gains would expose them to apprehension for drug trafficking. In these cases we indeed hope that the Treaty will expose the offenders to an excellent chance of being apprehended.

Any implication that my comments evidenced an intent to seek evidence in a pure tax case under the guise of a fabricated narcotics or mail fraud case, represents a gross and unwarranted distortion of my position.

Speeking both for myself and my colleagues, we were involved in a negotiation of a Treaty as well as for those who will be involved in its implementation when it enters into force. I want to assure you in the strongest terms possible that the Department of Justice will uphold the Treaty in all respects.

Signed, Philip White, Director, Office of International Affairs, Criminal Division."

Here we are Mr. President....

MR. W. McKEEVA BUSH: Put it on the Table.

HON. THOMAS C. JEFFERSON: I think it is now clear....you can have a copy.

MR. W. McKEEVA BUSH: I would like a copy, thank you.

HON. THOMAS C. JEFFERSON: I think it is now clear what Mr. White's intentions were. And I believe that the Department of Justice will uphold the Treaty in all respects.

Mr. President, Mutual Legal Assistance Treaties are not just something that happened in 1988, and Mr. President to provide more information about Mutual Legal Assistance Treaties, please allow me to read some selected paragraphs from some information in my posession, and this talks about the way in which the United States' international law has been moving from 1855, which is that devil of a word that everybody worries about 'letters rogatory'

"With the shrinking of international borders that has occured since the end of the Second World War, more and more concern has been focused within the United States on the problems of transnational criminality, and ways to combat it.

The traditional manner of seeking judicial assistance from a foreign country, that of letters rogatory, however, has grown into a cumbersome and time consuming process involving diplomatic personnel, the Home Offices and Courts of the respective countries, and private Counsel who must be hired, often at great expense to press the claims of the requesting countries. The difficulty in obtaining foreign evidence or testimony material to a US investigation has been a source of frustration to the United States officials, who have on occasions resorted to attempts to enforce United States subpoenas in foreign jurisdictions, and the use of extra legal methods such as the kidnapping of information, in order to achieve their ends.

Treaties on mutual assistance and criminal matters are relatively new developments from the prospective of the United States, and offer a means by which judicial co-operation can be greatly enhanced. The rapid proliferation of these Treaties over the course of the next several years dictate a need on the part of the scholars and the international practitioners, to understand their nature and functioning.

For many years the United States Judicial Authorities were reluctant to grant judicial assistance in criminal matters. Such reluctance was based on a number of factors, including concern over the old conflict of law rules that the criminal law in one country will not give effect to the criminal law of another. The more general doubt about the common law duty of powers of court to grant judicial assistance to foreign courts in criminal matters, and the right of the accused to be confronted by the witness against him. There may have been additional reasons for the reluctance, including the fact that American Judicial Authorites were merely ignorant, or suspicious of foreign tribunals."

Yes Mr. President, the US is just as suspicious of us as we are of them. We have heard that comment many times at the table.

"In 1958 in response to increasing problems with international judicial assistance, Congress established the Commission and Advisory Committee on International Rules of Judicial Procedure, to study means of improving such assistance. The Commission proposed and Congress later passed an entire revision of the statute governing international judicial asistance. United States Courts were empowered to order service upon a resident of the district, of any document issued in connection with the proceeding in a foreign or international tribunal.

In 1962 the Council of Europe's European Convention on Mutual Assistance in Criminal Matters, came into force. The European Convention was to play a major role in assisting the United States in the latter drafting of the Swiss Treaty, and subsequently, the other Mutual Assistance Treaties. A conference on International Judicial Assistance was attended by a number of United States and Italian authorities, was held in Italy in 1961. During that conference, a resolution was adopted using the creation of a bilateral research commission to consider utilising the principles embodied in the European Convention, with a view towards the making of a Convention for judicial assistance in criminal matters between the United States and Italy.

Despite these good intentions, no serious negotiations were initiated until a series of criminal prosecutions in the United States in 1960 revealed that Swiss secrecy laws regarding banking were being used to protect a variety of legal activities including avoidance of American security laws, evasion of American taxes and financing of organised crime activities."

Just a short bit more Mr. President.

"In November 1968, discussions began with Swiss authorities on these issues. An impasse soon developed over the Swiss reluctance to compromise their view in fiscal privacy in matters they did not consider a crime, such as tax evasion. The impasse was resolved when the United States dropped its request for information on tax evaders.

The Treaty on mutual assistance and criminal matters was signed in May 1973, and came into force in January 1977....(four years, not quite as much as the Extradition Treaty, but four years)... perhaps because of the complicated banking laws involved in a negotiation, and the fact that it was the first Mutual Assistance Treaty in criminal matters, negotiated by the US. The Swiss/United States Treaty is the longest and most complicated of any of the Mutual Assistance Treaties presently negotiated by the United States."

MR. PRESIDENT: I wonder if that would be a convenient moment to break for a few minutes?

HON. THOMAS C. JEFFERSON: Yes Mr. President.

MR. PRESIDENT: In that case I will suspend

proceedings for approximately ten minutes.

AT 3:24 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:40 P.M.

MR. PRESIDENT: Please be seated. Continuation of the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, before we took the break I was reading from some information which was in my possession, which helps us to understand a little bit better, how the American Government was thinking about international judicial assistance, and indicating that the first Mutual Legal Assistance Treaty was signed with Switzerland, which was ratified in January of 1977. There are other Treaties Mr. President, there is a Treaty between the United States and Turkey, I am talking about Mutual Legal Assistance Treaties Mr. President, there are others. There is one between the United States and Turkey, the United States and the Netherlands, the United States and Italy, the United States and Columbia and also the United States and Canada. Some of the latter Mr. President, the Canadian Treaty in particular I am aware, has not yet been ratified. I am aware that perhaps the Italian, the Moroccan, and the Columbian Treaties, although ratified by the Senate may not yet be in force. In addition Mr. President, I am aware that the United States is also negotiating Mutual Legal Assistance Treaties with Jamaica, Belgium, the Bahamas, West Germany, Panama and some Members say they are not negotiating with the United Kingdom, that I am afraid I do not agree with Mr. President. My information is that the United States Government and the United Kingdom Government are talking about Mutual Legal Assistance Treaties, they are negotiating.

The Mutual Legal Assistance Treaty in my mind, layman though I am, is a tool devised in the last 14 years, and I say the 14 years because it was in 1973 that they signed the Treaty with Switzerland, and I know that 73 from 86 is 13 but I do not like that number, so I put 14. The Treaty was designed in the last 14 years to catch criminals and to deal expeditiously with bringing them to justice. That is why Mr. President you will find an administrative procedure, or quasi-judicial procedure for the requesting or granting of assistance between countries. I read earlier the competent authorities in the United States and Bermuda Tax Treaty. In Barbados the Treaty Mr. President, the United States Competent Authority is the Secretary of the Treasury, or his delegate. In fact, the United States Competent Authority's function has been delegated to the Commissioner of the Internal Revenue who has redelegated the authority to the Associate Commissioner in charge of Operations.

The Barbadian Competent Authority is the Minister of Finance and Planning, or his authorised representative. And Mr. President, reading from this document again if I may, which I read earlier giving a comparison of Competent Authorities, it reads:

> "The Competent Authorities are permitted to communicate directly with each other, rather than through diplomatic channels, and are responsible for transmitting each request to its appropriate federal or state agency court or other authority for execution. The Competent Authorities, are usually the appropriate head of the Justice Ministry of the respective country. By an order of December 2nd, 1985 the Attorney General of the United States delegated such responsibility to the Assistant Attorney General of the Criminal Division."

Mr. President I have been employed in the Department of Finance and Development since 1971, except for two years as Principal Secretary of Health, Education and Social Services, and I believe Mr. President that I have as good an understanding of what will destroy our off-shore financial industry as any person in this country, or elsewhere. By that statement Mr. President, I am qualified to give an opinion on the Treaty.

I am firmly convinced that the

Mutual Legal Assistance Treaty for which we are debating this enabling legislation, will be viewed in a short time as one of the most substantial, positive decisions this country has made in the 1980's, the other being the Narcotic Agreement. It is a document together with the law that will centralise the giving of information. It may take a little money from the lawyer's pocket, as it will practically remove the need for the lawyer to file any applications to the Grand Court, especially those criminal offences in the Treaty under Section 3(a) of the Confidential Relation Preservation Law. But it is likely to scare away the criminal who may use a local lawyers service, and cause him grief, agony and lots of money, defending himself or herself in the United States courts, so there is a balance Mr. President.

Our Treaty, as in the case of the Narcotic Agreement will be I understand from the United Kingdom Government and the United States, the model Treaty for other Governments. We have heard also Mr. President that the other dependent territories in the Caribbean such as Anguilla, Turks and Caicos, Montserrat, and the British Virgin Islands are now setting about passing legislation to have Narcotic Agreements as well. I believe, if my memory is not failing me Mr. President, that the Turks and Caicos Government has.

We have heard Members hit hard Mr. President, on those crimes which are not common criminality, such as racketeering, and what is that, another word for it is organised crime. Here we are talking about gangster operations. Can we Mr. President defend ourselves internationally when the Godfather number one in the United States is being investigated by the United States Government, and the Cayman Islands Government decides not to co-operate. What an image, an impression of the Cayman Islands internationally we would create, because let us make no joke about it Mr. President, it will be headlines in the Wall Street Journal, Washington Post and perhaps other prominent newspapers. Do we want to create a head on collision with the United States and the Cayman Islands Government over this type of criminality. Do we have the best interests of the financial industry at heart - who are we protecting? foreign corrupt practices, which mean the corrupt offering, paying or making of inducement by any person to any foreign official, etcetera.

Do you know that Section 79 of the Penal Code of the Cayman Islands which records the criminal offences in these Islands, is almost identical to it. And Section 79 Mr. President reads:

> "Whoever being employed in the public service, takes or accepts from any person for the performance of his duty as such officer, any award beyond his proper pay and emoluments, or any promise of such reward, is guilty of an offence, and is liable to imprisonment for a term not exceeding three years."

Yes, and a Government Official if proven guilty can be sentenced up to three years for accepting any award, or promise of an award. Not far different from foreign corrupt practices Mr. President. As a matter of fact as a layman, I would say it is identical.

Fraudulent security practices, which means to employ any device, scheme or artifice to defraud. I have been looking through this Penal Code Mr. President for many years now, and somewhere in here it says particularly on this section 223, it reads again Mr. President, "fraudulent security practices, which means to employ any devise, scheme or artifice to defraud." And listen to what Section 223 says of our Penal Code. It reads Mr. President:

> "Whoever by any deception dishonestly obtains property belonging to another, with intention of permanently depriving the other of it is guilty of an offence and is liable to imprisonment for a term not exceeding ten years."

It is a serious business Mr. President. In the Treaty, criminal offence, that is fraudulent security practices, I can give an example I think Mr. President. We have the possibility of a stockbroker who keeps accounts on his computer for all his investors, and that stockbroker uses his computer to cheat a person or persons of shares that person owns in General Motors. Is it not a crime, the same as a local person whom I described in Section 223 of our Penal Code, by deception, dishonestly

obtained shares in a local company worth $50,000. If they are found guilty Mr. President, are they not both criminals? Do we as the Cayman Islands have a confrontation with the United States because the Cayman Islands refuses to give information on this person who cheated one of his clients in some shares in General Motors - what a foolish thing to do Mr. President. How disruptive of your financial industry: how interfering with your relations with the United States.

Insider trading, which means the offer, purchase or sale of securities by any person while in possession of material, non-public information directly or indirectly relating to the securities offered, purchased or sold in breach of a legally binding duty or trust or confidence.

Do you know Mr. President that in this same Penal Code, a Director who was in breach of trust, can go to jail.

In Section 226 Mr. President, it reads:

> "Where an offence committed by a body corporate under Sections 223, 224 or 225 is proved to have been committed with the consent or connivance of any director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in such capacity, he as well as the body corporate shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly."

And 227 Mr. President:

> "Where an officer of a body corporate or unincorporated association (or person purporting to act as such), with intent to deceive members or creditors or the body corporate or association about its affairs, publishes or concurs in publishing a written statement or account which to his knowledge is or may be misleading, false or deceptive in a material particular, he is guilty of an offence and is liable to imprisonment for a term not exceeding seven years."

Insider trading Mr. President, using an example, is when a Director of a Board uses the information which he received at the Board Meeting in confidence, for his own personal gain and breaches the trust placed in him. For example, Mr. President, he hears at a Board Meeting that AT&T, to select a proper name which everybody understands. AT&T is going to buy his company in three months time. He realises that this will cause the shares of his company to increase by $25.00 per share. So he sets about buying up all the shares he can get his hands on. I heard about a prosecution in a newspaper not too long ago. I heard a name like Dan Levine Mr. President, who allegedly made in excess of twelve million dollars, breaching the trust placed in him. This is what we are talking about Mr. President.

The main reason I believe for the Treaty is to catch criminals, and to avoid confrontation between our Government and the United States over these types of criminal matters, that is one of the main reasons Mr. President. Yet in the famous or infamous Miami Herald article Mr. President, Mr. Philip White was talking about Item 3(a) of Article 19. Talking about Item (e) of Article 19 which reads:

> "Willfully or dishonestly making false statements, whether oral or written, to government tax authorities (example, willfully or dishonestly submitting a false income tax return) with respect to any tax matter arising from the unlawful proceeds of any criminal offence covered by any other provision of this definition."

What he is talking about Mr. President was brought out in his letter which was read earlier. And Mr. President, going through Article 19, Item 3(c) 'Narcotics trafficking', this is the exact wording as we find in the Narcotic Agreement.

There is some concern over item (j):

> "Any of the above defined criminal offences, where United States federal jurisdiction is based upon interstate transport, use of the mails, telecommunications or other

interstate facilities."

Well Mr. President, we have only heard about the items which are not common criminality. We have not heard too much about Item 3(a), and item 3(e) reads:

> "Any conduct punishable by more than one year's imprisonment under the laws of both the Requesting and Requested Parties."

Some of these criminal offences Mr. President are items such as murder, rape, blackmail, embezzlement, fraud. Do we have any problems with those, do we really have any problems with those?

Then in Item (k) Mr. President:

> "Such further offences as may from time to time be agreed upon by exchange of diplomatic notes between the United States and the United Kingdom, including the Cayman Islands."

The reason for this Mr. President is that a Treaty once it comes into force is usually there for a very long time, and as you go a long year by year as we have seen this House react to drugs. You get emotional about something, justifiably get emotional about it and you want to make it a criminal offense. When you make it a criminal offence this section allows that criminal offence to be added to the Treaty, and you do not have to go through the legislative process that we are doing now, and the United States does not have to go and ratify another amendment to the Treaty. It is an avenue Mr. President which deals with the future additions to this Treaty. No one knows what we will do in twelve months time as regards crime, not one of us knows, it depends on the circumstances at the time. When we are dealing with those sorts of crimes Mr. President, which I mentioned earlier, crimes such as murder, do we have a problem when we talk about conspiracy to commit murder? Do we really have a problem with that? I doubt it, I really do.

But Mr. President I wanted to share with the Members some other information which I had, but, ah! here it is. Murder is one Mr. President, how about manslaughter, how about malicious wounding, how about the unlawful throwing of corrosive elements to injure people, how about rape, gross indecency, bigamy, kidnapping, theft, larceny, embezzlement, burglary, robbery, that is what 3(a) really says, 3(a) of the Treaty if you read it, and I will read it for you again, it says:

> "Any conduct punishable by more than one year's imprisonment under the laws of both the Requesting...(requesting meaning the United States Government)...and Requested (meaning the Cayman Islands)...Parties."

Do we know Mr. President that I have run through the Penal Code of the Cayman Islands quickly, but there are roughly in excess of 200 criminal offences in our Penal Code where the punishment exceeds one year's imprisonment. I wonder, do we have a problem with that too?

the Bill before this House today Mr. President is a major step for this Government, and I think a step well worth taking. The Narcotic Agreement binds not only the executive or federal arm of the United States Government, but allows the State Attorney General to do just about what he wishes, including issuing witness subpoenas and documentary subpoenas and everything else. There is nothing stopping him from doing it, certainly the Narcotic Agreement does not stop him. However Mr. President, the Mutual Legal Assistance Treaty binds the Federal Government, the State Government, the City Prosecutors and all levels of the judicial process, from the District Court straight up to the Supreme Court of the United States. And Mr. President, if we are suspicious, if any of these prosecutors attempt to pull a fast one over the person being prosecuted, his or her attorney can draw the court's attention to the Mutual Legal Assistance Treaty, and its provisions. Yes Mr. President, it can be used as defence in a court as well, depending on whether we are dealing with straight dealers or someone trying to pull a fast one.

The criticism Mr. President of the Narcotic Agreement was that the Attorney General, that is the United States Attorney General to the Cayman Islands Attorney General, he had no right to refuse the request, that was the substance of the

grievance. The same song during the passage of the enabling legislation for the Narcotic Agreement was that the negotiating team sold us all up. We had given up the Sovereignty, nothing new Mr. President, we heard it here today too, or yesterday or sometime during the Meeting.

In Article 2 of the Mutual Legal Assistance Treaty, it establishes a Mutual Legal Assistance Authority, and when we look at the respective section of the Bill or clause of the Bill, we see the intention of this Government as to who will be appointed. It is the Chief Justice of this country Mr. President, or any judge of the Grand Court designated by the Chief Justice. And the authority has the right to refuse to grant the request.

In Article 4, before I come to that Mr. President, what I have not got clear in my mind is that the Chief Justice has been the Chief Justice of this country for quite some time. I believe it must be nine years, and he has been dealing with this Confidential Relation Preservation Law all of those years. All those 3A Applications put to him by the lawyers he has been dealing with, and we have not found one incident where he was wrong in his judgement as to whether to give the information or not. Yet I hear some comments that we do not trust him either. We cannot trust him, my God Mr. President, who can we trust. We have to trust somebody, we certainly cannot do all of the Government functions by ourselves, in case we trust ourselves, we may not do that either, I do not know. But Mr. President, when I think of this man and the integrity and the respect that he has, not only from the Law Society or the Banking Association, or the Accountants, or any part or any arm of the financial industry, I would venture to say in the entire country he is respected. What I cannot understand is that once you appreciate what Article 4 of the Treaty says, how is he going to allow fishing expeditions. And Mr. President, let me just read Article 4 please. It deals with the form and content of the request. It begins by saying:

> "The requests shall be submitted in writing by the Central Authority of the Requesting Country...(that is the United States)...in such form as may from time to time be agreed between the Central Authorities.
>
> The request shall include the following:
>
> (a) the name of the authority conducting the investigation or proceeding to which the request relates;
> (b) the subject matter and nature of the investigation or proceeding for the purposes of which the request is made and in particular the criminal offence or offences for the investigation, prosecution or suppression of which the assistance is requested;
> (c) information....(it goes on Mr. President)...concerning the persons involved including, where available, their full names, dates of birth, and addresses...(I am not finished yet);
> (d) the information relied upon in support of the request;
> (e) a description of the evidence, information or other assistance sought; such description shall specify when possible the time period to which any such evidence or information relates;
> (f) the purpose for which the evidence or information or other assistance is sought; and
> (g) the identity and presumed location, where known, of any person from whom information is sought...(I am not finished yet Mr. President).
>
> To the extent necessary and possible, a request shall also include:
>
> (a) the identity and location of a person to be served, that person's relationship to the proceedings, and the manner in which service is to be made;"

Just as an aside Mr. President, some Members were worried about search and seizure. I myself as a Justice of the Peace have signed warrants for search and seizure. So

there is nothing funny about giving it to the Chief Justice. It goes on Mr. President again:

> (b) available information on the identity and whereabouts of a person to be located;
> (c) a precise description of the place or person to be searched and of the articles to be seized;
> (d) a description of the manner in which any testimony or statement is to be made and recorded;
> (e) a list of questions to be asked of a witness;
> (f) a description of any particular procedure to be followed in executing the request;
> (g) information as to the allowances and expenses to which a person asked to appear in the territory of the Requesting Party will be entitled....(and lastly Mr. President)....
> (h) any other information which may be brought to the attention of the Requested Party....(that is Cayman)...to facilitate its execution of the request."

I do not understand Mr. President, if you place all this information before the Chief Justice it could be more information that he has received when he was dealing with a 3A application. But certainly, if you put this information before the Chief Justice I do not see how anybody can carry out any fishing expeditions, do you? They may call me naive Mr. President that is about the only answer they would give, because they know I am right.

That same Mutual Legal Assistance Authority Mr. President has a little control spelt out in Article 3 - limitations on use. It says:

> "The Central Authority of the Requested Party may deny assistance where:
>
> (a) the request is not made in conformity with the provisions of this Treaty;
> (b) the request relates to a political offence or to an offense under military law which would not be an offence under ordinary criminal law; or
> (c) the request does not establish that there are reasonable grounds for believing:
> i)that the criminal offence specified in the request has been committed; and
> ii)that the information sought relates to the offence and is located in the territory of the Requested Party....(that is the Cayman Islands)."

It goes further Mr. President on the Cayman Mutual Legal Assistance Authority:

> "The Central Authority shall deny assistance where the Attorney General of the Requested Party....(that is Cayman)...has issued a certificate to the effect that the execution of the request is contrary to the public interest of the Requested Party...(that is the Cayman Islands)."

And that certificate Mr. President can only be issued by the Attorney General after the decision is taken by Executive Council, that it is in the public interest. It was intended that way from the very beginning Mr. President, nothing new about it. It does give Mr. President in the same Article 3, it reads:

> "Before denying assistance pursuant to this Article the Central Authority of the Requested Party...(Cayman Islands)....shall consult with the Central Authority of the Requested Party...(United States)...to consider whether assistance can be given subject to such conditions as it deems necessary. If the Requesting Party accepts assistance subject to these conditions, it shall comply with the conditions."

We know Mr. President that there are certain cases in Article 5. Example, Article 5 paragraph 4 which reads:

> "If the execution of the request would interfere with an

> ongoing criminal investigation or proceeding in the territory of the Requested Party...(the Cayman Islands)...the Central Authority of that Party may postpone execution or make execution subject to conditions determined necessary after consultations with the Requesting Party. If the Requesting Party accepts the assistance subject to the conditions it shall comply with the conditions."

Mr. President, I might be jumping around in the Treaty, but let us go back to scope - scope of assistance. It reads:

> "The Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, for the investigation, prosecution, and supporession of criminal offences of the nature and in the circumstances set out in this Treaty...(and they are all set out in Article 19)...including the civil and administrative proceedings referred to in paragraph 3(c) of Article 19."

And Mr. President, paragraph 3(c) of Article 19 is narcotic trafficking, and there is not anything new here. It goes on Mr. President, it says:

> "For the purposes of paragraph 1, assistance shall include:
>
> (a) taking the testimony or statement of persons,
> (b) providing documents, records, and articles of evidence;
> (c) serving documents;
> (d) locating persons;
> (e) transferring persons in custody for testimony;
> (f) executing requests for searches and seizures;
> (g) immobilising criminally obtained assets;
> (h) assistance in proceedings related to forfeiture, restitution and collection of fines; and
> (i) any other steps deemed appropriate by both Central Authorities."

Mr. President, I do not have any apologies to make as a member of the negotiating team. History will say whether the negotiating team did right or wrong. But I know Mr. President from information provided to me that we did the right thing, and what we did, is for the people of the Cayman Islands.

Some Member Mr. President referred to the 'open door' in the Treaty, and his open door is in Article 7 he says. Just to make it clear Mr. President, allow me to read it, Article 7 paragraph 4.:

> "Except as may be permitted under paragraph 5, any information or evidence obtained under this Treaty which has been made public in the territory of the Requesting Party in a proceeding forming part of the prosecution of a criminal offense described in the request may be used only for the following additional purposes."

The request is describing a prosecution of a criminal offense described in this Treaty:

> "(a) where a trial results in a conviction for any criminal offence within the scope of this Treaty, for any purpose against the person(s) convicted."

If he is convicted of a criminal offence in this Treaty Mr. President, why not? If a man commits murder why not? if he is convicted of it.

> "(b) whether or not a trial results in the conviction of any person, in the prosecution of any person for any criminal offence within the scope of this Treaty."

When you have come, we have seen many cases Mr. President, when you have come so close that you know he is guilty, but on a technicality he gets off in court, the attitude if I understand it is "let him go free, he was only dealing in narcotics, let him go free." he was only guilty of foreign corrupt practices, let him go free. He was only a gangster, leave him alone.

Let him kill your child next.

"(c) in civil or administrative proceedings, only if and to the extent that such proceedings relate to -
i) the recovery of the unlawful proceeds of a criminal offense withing the scope of this Treaty from a person who has knowingly received them."

Do you mean to tell me Mr. President that if a man robs Barclays Bank in New York and brings the proceeds here, that we are going to say 'forget it, we are not going to give you any evidence Mr. United States, and we will go head to head with you, and we will create a confrontation, and we will jeopardise our financial industry, beause you are not a criminal, you only robbed Barclays in New York':

"ii) the collection of tax or enforcement of tax penalties resulting from the knowing receipt of the unlawful proceeds of a criminal offence within the scope of this Treaty.....the collection of tax or enforcement of tax penalties resulting from the knowing receipt of the unlawful proceeds of a criminal offence."

Mr. President, I mentioned earlier there are over 200 criminal offences in our Penal Code. Do you mean to tell me that we are going to say "yes he is guilty under our Penal Code, but he is not a bad fellow, let him go, let us not deal with him like that, let him go." And when he rapes our sister, are we going to say 'let him go' too.

MR. PRESIDENT: I make it just half past four, so that unless Standing Orders are to be suspended to enable us to continue longer, I must interrupt you.

HON. THOMAS C. JEFFERSON: Mr. President, you gave notice yesterday Sir, and again at lunchtime. I would move that Standing Order 10(2) be suspended under Standing Order 84, so that I can complete my speech.

MR. D. EZZARD MILLER: Go on to eight o'clock.

HON. THOMAS C. JEFFERSON: You may care to put a time limit Mr. President, I am in your hands sir.

MR. PRESIDENT: I think we should not entertain a motion which appeared to give you longer to speak than others have had. I have not actually worked out how long you would go on if you went on until....

HON. THOMAS C. JEFFERSON: I do not want to go beyond four hours Mr. President, that was not the intention.

MR. D. EZZARD MILLER: I suggest we suspend till eight o'clock.

HON. THOMAS C. JEFFERSON: If you want to use six thirty that is fine with me.

MR. PRESIDENT: Perhaps six thirty, that would I think enable you to complete, and then that would complete four hours and give a bit more spare.

MR. W. McKEEVA BUSH: Do we have to put a time limit on it Mr. President?

MR. PRESIDENT: I am in the hands of the House. We have to have a motion that we can continue. It can be without limit as to time, and later somebody can move the adjournment, but I thought it might be convenient for Members to have some idea of how long we were staying. My own guess is that by six thirty or seven, most Members will in fact be really fairly exhausted, it is quite a long time ahead.

MR. W. McKEEVA BUSH: Go on till midnight. Finish the Bill.

MR. PRESIDENT: Would you care to move six thirty or seven o'clock, something like that, and we will see what

people say.

MOTION
SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFERSON: I move that this House suspend Standing Order 10(2), in order to allow the debate to go on until six thirty.

MR. PRESIDENT: The motion is that in accordance with the provisions of Standing Order 53, Standing Order 10(2) should be suspended in order to enable the debate to continue today until six thirty.

Yes, the Second Elected Member for Bodden Town.

DEBATE ENSUED

MR. G. HAIG BODDEN: Mr. President, I want to oppose the suspension of this Standing Order which would allow us to carry on after the time of interruption, and we saw here this morning that the House would not agree for a suspension of a Standing Order to allow a Member to conclude his speech which would have run beyond the four-hour period, and a couple of days ago a motion to allow me to continue my speech was also rejected by the House. So I must take strong objection to this because we are here dealing with a matter that is very controversial, and I do not need to see the need to rush it, and although our Standing Orders are silent on it, it is quite clear that the common practice in the House of Commons is not to deal with controversial matters introduced after the interruption of the business, and I would like to refer you Sir to page 309 of the 20th edition of Erskine May, and the paragraph - Transaction of Business After Moment of Interruption. It reads:

> "After the business under consideration at ten o'clock, or at half-past two o'clock on Friday....(which would be four thirty for us today)...has been disposed of, no opposed business can be taken."

And the latter part of that paragraph reads that even where you are dealing with say Private Member's Motions, you should not go on to business that is opposed, and it reads:

> "But as soon as objection is taken the business becomes opposed business, and further consideration thereof must be postponed until the next sitting at which private Members' business has precedence, or until such other sitting as the Member in charge of the business may appoint."

And on page 310:

> "It is however a common practice for the Government to seek to take minor motions, notably motions connected with the appointment of Select Committees and the nomination of their membership, as unopposed business after the moment of interruption"....(but not opposed business).

And my contention is that the Bill before the House is certainly opposed business. And dealing with the paragraph on formal motions after interruption of business, it reads:

> "Thus he has not permitted opposition to formal questions, such as the addition of the words, 'upon this day six months' when the House has disagreed to the second reading of a bill;....(and certainly there has been disagreement on the Second Reading of this Bill)...or the entry of the Speaker's reprimand or admonition upon the Journal of the House. Nor can an objection that the proceeding takes place after the expiration of the time for opposed business be made for a formal motion for the purpose of carrying on the business of the House."

And then Sir, it is clear that even in certain extreme cases where time is allowed, it must come to an end in three quarters of an hour. And I read on page 311:

"Mr. Speaker shall put any question necessary to dispose of such proceedings not later than half-past eleven o'clock or one and a half hours after the commencement of those proceedings, whichever is the later: this is subject to the proviso that, if Mr. Speaker is of the opinion that, because of the importance of the subject matter of the motion, the time for debate has not been adequate, he shall instead of putting the question as aforesaid, interrupt the business, and the debate shall stand adjourned till the next sitting other than a Friday. Standing Order No.3(1) also provides that in the case of proceedings on a motion authorising expenditure in connection with a Bill any questions necessary to dispose of such proceedings are to be put at 10.45 or three-quarters of an hour after the business was entered upon, whichever is the later."

And again on page 315, dealing with the disposal of questions pending at moment of interruption:

"When objection is taken. If, however, when such a question is proposed from the chair, a Member rises to object to further proceeding, or offers to speak to the question (an action which is construed as signifying objection) his action brings into force the provisions of Standing Order No.1(6) and converts the business then under transaction into opposed business. The Speaker, or in Committee the Chairman, therefore proceeds to interrupt the business; and its consequent disposal under the terms of Standing Order No.1.(5) necessarily follows, unless thereupon closure be move pursuant to Standing Order No.1(4)."

And I must say Sir that our Standing Orders being silent on this important matter, we must be guided by the practice in the House of Commons, and we should not seek to continue, nor seek to conclude a busines which is controversial, after the time of interruption, because many Members may find that they are unable to sit here after four thirty.

I, because of my recent surgery, have been advised that I should have some rest each day, and I certainly must rest my throat...(LAUGHTER).

MR. PRESIDENT: Out of consideration for the Honourable Member, I shall suggest he sits down now. I would not wish him to exercise his throat muscles to the point at which he did himself serious damage.

MR. G. HAIG BODDEN: From a physical point of view Sir, I will be unable to remain here. But I think it would be a miscarriage of justice if the House continues to sit, to deal with and attempt to conclude this highly controversial matter, when it is very clear that the intention of the Standing Order is to prevent this very thing from happening. So Sir, I will have to vote against the suspension, and bearing in mind that when suspensions were needed to allow a person to conclude his speech, these suspensions were denied by the House. I do not see how we can have the temerity to now ask that it be continued, merely to go on with a controversial matter which should be put to rest at the time of interruption.

MR. JAMES M. BODDEN: Mr. President, I too wish to speak on this motion, and to support the point before the House by my colleague from Bodden Town.

I can assure the House that my voice is strong enough to carry on for both of us, and I stand strictly against this being done in the House this afternoon, or any other afternoon, and for the reasons which I will state.

The Standing Orders of this House since this present Administration is in power have become a mockery. They have been redone and redone to where no one really knows what type of Standing Orders we have any more. And in my opinion, it would be very undemocratic for us to sit here and agree to a motion of this sort. Just another attempt to try to ramrod this piece of legislation through the House as quickly as possible, to suite the whims and fancy of some of the people on the Government bench.

When there has been important debate in this House, debate that could not be intelligently put forth

in four hours, the House, because of the amount of votes which the Government has, has repeatedly voted down any attempt to extend the time to speak. It happened in the case of our colleague from George Town, just this morning. He was interrupted because of the four-hour time period right in the midst of his speech, right at the point when he was getting to the important points which should have been raised, the time was called on him. The Member was not allowed even an additional ten minutes, which the Second Elected Member for West Bay sought to get on his behalf. And then here, just because Government think that they have seven solid votes on that side, and their extension cords on this side, that they are going to be able to ramrod this vote through again this evening. I think this is carrying the lack of democracy too far. The same thing was done to my colleague from Bodden Town in his debate yesterday, or the day before yesterday. Yet, because Government in all its power, wishes to carry on this afternoon so that maybe tomorrow night they can have their cocktail party and say that the Treaty is passed, or the enabling legislation is passed. I think it is wrong, and I think the Members on this side of the House if it is pushed to a vote and it was lost, should walk out and leave just the Government Members on the other side to talk amongst themselves. They may have a lot of reminiscences about the Treaty and the handshakes which they can discuss.

Our rights in this House Mr. President on the opposition side of it, have been continually abused, and are continuously being eroded, and as my colleagues brought to your attention, although our Standing Orders may be silent on this particular point, Erskine May is looked at throughout the free world as an authority on parliamentary rule. I think that it is up to you as President in this House, as someone who should be acting impartially, if you are not even impartial, that you should take this into consideration and rule that that is a good Standing Order, that it applies to our House, and that time cannot be extended this afternoon, and that in the future it will be applied in the same way. If there is a controversial debate going on, then when it comes time for the adjournment, you will have to adjourn and bring it back the next morning.

Personally, as far as I am concerned, if you want to stay here till eight o'clock tomorrow morning, and if you want to give me the floor till then, I can tell you that I will have enough to say that I will still be here on my feet at eight o'clock tomorrow morning - that is not the point. The point I am against is, if it is fair for us to have to abide by your strict rules, then the Government bench in all of its power must also abide by these rules. You cannot over rule the wishes of the people continuously, and think that the voices are not going to be heard.

MR. PRESIDENT: Perhaps, before any other Member speaks, since I am obviously being invited to give a ruling on a particular point, the ruling does not constitute the vote. The vote will obviously be in the hands of the House and be taken later, and there may be other speakers. But at least it may help if I give a ruling. And my ruling is that despite the eloquence of the two Members who have spoken, and despite my gratitude to them for bringing to my attention the various passages in Erskine May, which were read out. I do not consider that it would be either necessary in the interests of fairness to the minority, nor indeed strictly within my power to forbid the House to continue longer, if it was the wish of the House to do so. As to what is said in Erskine May, I do not regard that as wholly binding upon us for a number of reasons. Firstly, the House of Commons practice with regard to hours of sitting is very different to ours, and they frequently go on in to the middle of the night, or early the following morning, and they normally have quite tight restrictions on the length of time that is allocated for particular debates. In both those important regards, our practice is different. Moreover, it has from time to time in the past been the practice here towards the end of a Meeting to sit later in the evening than four thirty, and I have never before heard of a complaint, or heard of an argument that we should not sit later because whatever matter it was that was under debate was controversial, usually by that stage whatever is being debated is controversial. And finally, I do not myself think that at least at this stage in this debate it can be seriously contended that the opposition are not being given a sufficient opportunity to make their arguments known. On my botting up, very briefly, during the debate on the present Bill, the Second Reading Debate something slightly over twelve hours has been spent by speakers opposing the Bill, as against something like six hours by

Members supporting it. So I do not think the opposition are being denied a reasonable chance.

MR. JAMES M. BODDEN: (INAUDIBLE)...will assure you of one thing, that my colleague and myself did not delude us into thinking that we would have any other ruling but the one that we have received.

MR. PRESIDENT: Very well. The ruling is now given....

MR. LINFORD A. PIERSON: Are you suggesting....

MR. PRESIDENT: The debate may continue.

MR. LINFORD A. PIERSON: All right, thank you Mr. President. I will not have very much to say on this, but I would like to make it abundantly clear Sir that I am not complaining about not being given an extension of time today, because I realise that Standing Order 32(6) I think it is, states four hours. But there were Members of the Government bench and their backbenchers who gave me the clear indication that there would have been a possibility of having this Standing Order suspended. But Mr. President, as I said this morning, no wine is right before its time, and I still have my notes available.

My objection to the suspension of Standing Orders to continue the debate this evening Mr. President, is mainly that when our Standing Orders are silent on a particular parliamentary procedure, that we have always referred to Erskine May as the bible of parliamentary procedure. I am somewhat surprised Sir, that we would appear to be deviating from that course of action this evening, even though Members refused to allow the Second Elected Member for Bodden Town and myself to continue. I realise that we had completed our four hours. The point here this evening Mr. President is that it seems as if there is an outright effort or move to rush this Bill through. I believe Sir, that this Bill is of such magnitude and importance that no attempt should be made to stay here one or two hours longer, in order to rush it through. We should take whatever time is necessary to do this, or to examine the Bill in its entirety, and very carefully. Also Mr. President, I realise that our efforts here this evening in speaking against this suspension, is an exercise in futility because the Government bench has sufficient votes to vote us down. But in this democracy, which I think we still have, I feel that it is only right that we be given the opportunity to voice our dissenting views.

Mr. President, what is also of concern to me, is that it seems that we have a situation in this House where the tail is wagging the dog, and whenever one or two Members jump up in this House and request certain actions, immediately it is complied with.

Mr. President, these are my concerns. I realise Sir, that the Standing Orders will be suspended, I realise that a motion will be carried, but I wanted you to know Sir, that I am not in agreement with it.

Thank you Sir.

MR. PRESIDENT: The Honourable First Elected Mmember.

HON. BENSON O. EBANKS: Mr. President, I support the motion Sir. The Members who spoke seem to be confusing this motion with the motion earlier today, and earlier in these proceedings, with regard to an extension of time in excess of four hours. The motion is not for an extension of time for the Member speaking to speak in excess of four hours. You made it quite clear when the Motion was first introduced and asked that it be amended so as not to convey that impression. So I do not see where Members could be confused on it. We are not proposing to extend to the present speaker, any more privilege, that is privilege to speak for more than four hours.

MR. G. HAIG BODDEN: I think he made that clear himself.

MR. JAMES M. BODDEN: (INAUDIBLE)...did know better than that, we are not trying to say that. What we are opposing is Government....

MR. PRESIDENT: I do not think they said that, but anyway....

HON. BENSON O. EBANKS: Mr. President, I am on my feet Sir.

MR. PRESIDENT: You may continue.

HON. BENSON O. EBANKS: If the Members who spoke, understood that, then they should not have said so. If they understood it, they are deliberately misleading the House and the public who are listening.

MR. LINFORD A. PIERSON: On a Point of Order Mr. President....

HON. BENSON O. EBANKS: ....because....

MR. LINFORD A. PIERSON: The Member is out of order.

MR. PRESIDENT: On a Point of Order, if it is a Point of Order.

MR. LINFORD A. PIERSON: The Member is suggesting improper motives that we are misleading the House, and this is not the case, we said specifically....

HON. BENSON O. EBANKS: Mr. President, that is not a Point of Order.

MR. LINFORD A. PIERSON: It is a Point of Order.

MR. D. EZZARD MILLER: Quote it.

MR. PRESIDENT: If, if you were....

MR. G. HAIG BODDEN: Yes Sir, because I dealt with the matters after the interruption, not with the continuation of the Honourable First Official Member's speech.

MR. LINFORD A. PIERSON: Speaking under 35(4) Mr. President....

MR. G. HAIG BODDEN: The Honourable Fourth Elected Member is confused and tired.

MR. LINFORD A. PIERSON: The Member realises that we are not asking for the four hours to be extended to any speaker in this House. What we are really saying....

MR. PRESIDENT: All right, point made. It is quite true that no Member may impute improper motives to another. I had not regarded the Honourbale First Elected Member as imputing improper...(INAUDIBLE)...would you wait please for me, I will call you when I am ready.

I had not regarded the Honourable First Elected Member as having imputed improper motives to you. I had merely regarded him as being mistaken about what you said. Because my understanding of what you said was quite clear. You were not speaking against the Honourable First Official Member being allowed more than four hours. You were speaking against an extension of time this evening, and I think that is quite clear.

HON. BENSON O. EBANKS: Mr. President, the Member seems to take on to himself a tribute which I was not bestowing on him Sir. The two Members from Bodden Town definitely made reference to the motion this morning.....

MR. G. HAIG BODDEN: We made reference to it, but not in the way you are now trying to imply.

HON. BENSON O. EBANKS: Mr. President, there is no doubt about it, I know what was understood from what they said, and I am putting the record straight.

MR. PRESIDENT: Very well, thank you.

HON. BENSON O. EBANKS: The motion before the House I may repeat is not intended to extend the present speaker's permission to speak beyond four hours, but to continue the business of the House.

MR. PRESIDENT: I think it is quite clear. The motion before the House is to enable proceedings to continue until six thirty. If we do not get on with it, we shall continue doing this till six thirty. I think I will put.....

MR. JAMES M. BODDEN: I think everybody knew that except for the Honourable First Elected Member of Executive Council.

MR. PRESIDENT: Well it is quite clear to everybody now. Anyway, I think I will put the question now.

QUESTION PUT: AYES AND NOES

MR. JAMES M. BODDEN: Could we have a division.

MR. PRESIDENT: Certainly.

DIVISION
NO.28/86

AYES: 10
Hon. Thomas C. Jefferson
Hon. Michael J. Bradley
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

NOES: 3
Mr. Linford A. Pierson
Mr. James M. Bodden
Mr. G. Haig Bodden

MR. PRESIDENT: I declare the motion carried, and just so that there shall be no misunderstanding, the effect of that is that the moment of interruption will be postponed until six thirty, and at that point I shall invite the Honourable First Official Member to move the adjournment.

The Honourable First Official Member may now continue.

AGREED BY MAJORITY: STANDING ORDER 10(2) SUSPENDED.

HON. THOMAS. C. JEFFERSON: Thank you Mr. President. Before we moved the motion to extend the proceedings of the House to six thirty, I was dealing with Article 7, paragraph 4. And Mr. President, as I understand it, paragraph 4 is where a trial has taken place, in some cases the individual may have been convicted. In another case, on a technicality, he may have got off. This information, Mr. President, once it has gone through the judicial process in the United States becomes public information, and once it becomes public information Mr. President, other people in the United States including private counsel and individuals and including the person who got off on a technicality can put their case to the United States. But unless we do this, we do not allow the same privilege to the United States Government. Once it becomes public Mr. President, if all of us understand the adamant fever against criminality in the United States, especially on Capitol Hill, the Senate and the House of Representatives. Once this information becomes public, no one can describe Mr. President, the pressure that is put on the Department of Justice by Congressmen and Senators to do something about this man who got off.

We heard about the Gramm Rudman Bill, they want their piece of the pie there is no question about that. And Mr. President, the civil or administrative proceedings listed in paragraph 4(c) of Article 7 deals with that matter. If you do not deal with it this way Mr. President, somebody will have to deal with it when they land in Miami or Houston when the witness subpoena is dropped on him - is that a better way of dealing with it, or dealing with it this way, because it is going to have to be dealt

with.

Under paragraph 4(c)(i) - the recovery of unlawful proceeds of a criminal offence within the scope of this Treaty from a person who has knowingly received them. I do not understand what we are worried about Mr. President when there are over 200 criminal offences in our Penal Code that fall under paragraph 3(a) of Article 19, that is:

> "Any conduct punishable by more than one year's imprisonment under the laws of both the Requesting and Requested Parties."

If it is unlawful proceeds of a criminal offence within the scope of this Treaty Mr. President, as far as I am concerned the answer is in 4(c)(i). If he has committed theft, embezzlement, fraud, and he has a lot of money, let us not create a great conflict in this country, protecting a person who has committed a criminal offence:

> "The collection of tax, or enforcement of tax penalties resulting from the knowing receipt of the unlawful proceeds of a criminal offence within the scope of the Treaty."

Narcotics, Mr. President can be that, or can be others which I have recently mentioned. And lastly Mr. President, 4(c)(iii):

> "The recovery in rem of the unlawful proceeds or instrumentalities of a criminal offence within the scope of this Treaty."

The United States Department of Justice, Mr. President, knows that there is ten million dollars sitting in an account. They know it belongs, or is related to drug trafficking, but no one comes forward to claim it. What is the problem with allowing them to go after that money in their own country, in some cases. Maybe part of it is here, and part of it is over there, who knows.

Mr. President, moving on to Article 8. Some Members have mentioned their concern over that Article - taking testimony and producing evidence in the territory of the Requested Party, meaning the Cayman Islands. Paragraph 2 of it says:

> "If the person referred to in paragraph 1...(that is a person requested to testify)...asserts a claim of immunity, incapacity, or privilege under the laws of the Requesting Party, the evidence shall nonetheless be taken and the claim made known to the Requesting Party for resolution by the authorities of that Party."

I understand Mr. President that the claim of immunity, and this is how we agreed to it, the claim of immunity under Cayman Law will be considered by the Chief Justice in his capacity as the Cayman Legal Assistance Authority. The claim for immunity under the United States Law, although the evidence has been taken, the claim for immunity must be heard first before the evidence given in testimony by the individual is forwarded to the United States. But I have heard Mr. President, from the negotiators around the table, that there are some people who are involved in drug trafficking in the United States, and when they are prosecuted, the first thing they do is claim the Fifth Amendment, trying to hide behind the Constitution of the United States, similarly trying to hide behind the Confidential Preservation Law of this country. But it is my understanding Mr. President that that claim does not take them very far, they are prosecuted.

So Mr. President, let me repeat this. The person who is giving testimony in the Cayman Islands and claims immunity, he must also go on and give the evidence. That claim for immunity must be heard by the appropriate authorities in the United States. If the immunity is upheld, the information is not released to the United States. If they say, as they do with those who claim under the Fifth Amendment in some cases, "it is not worth a can of worms, send me the information," we submit the information.

And Mr. President, some Members said that this document, they say we were observers, we were not part of the negotiating team, because in Article 17 paragraph (1) it talks

about the Contracting Parties, and because Article 19 paragraph (1) says:

> "The Contracting Parties" means the Government of the United States and the Government of the United Kingdom."

That those four people from the Cayman Islands were observers to it, they did not have anything to do with it. Mr. President, I am sure the majority of us all know that the United Kingdom is responsible for internal and external affairs of its colonies, that is the reason why it is the Contracting Party. Only countries that have gone independent, or even gone a little bit further and have become Republics, can write their own ticket, and they are the contracting parties. But that will not change too much Mr. President, whether we are the Contracting Parties, or the Parties which are the Cayman Islands and the United States, the Treaty is the same, the effects of it are the same. And let me assure the Honourable Members of this House and the public, I have only been in Government a short time but I have never gone to any negotiation and been an observer. It is my belief Mr. President that no one can negotiate and have the interest at heart of this country any more than I do, no one Mr. President. Genuine feelings for your people are just that, nothing more and nothing less.

Mr. President, we talked earlier about the Central Authority, and about its ability to deny assistance, about the certificate issued by the Attorney General to our Central Authority, the Chief Justice, for denying the request, as in the opinion of the Executive Council of this country, it goes against the public interest. And some Members say that there is no exclusivity. There is nothing in here that says anything about exclusivity, why then spell out what it can deny, from what it cannot in the Article.

In Article 17 dealing with the exclusivity, Mr. President, paragraph 3, it reads:

> "No Party shall enforce any compulsory measure, including a grand jury subpoena."

Now 'compulsory measure' Mr. President covers a wide range of legal things that the United States Government can do. Compulsory process also includes the area that we were worried about not more than eighteen months ago, or may be less, that matter called Ghidoni, which a lot of people still worry about.

In Article 17, paragraph 3 I read again:

> "No Party shall enforce any compulsory measure, including a grand jury subpoena, for the production of documents located in the territory of the other Party with respect to any criminal offence within the scope of this Treaty, unless its obligations under the Treaty have first been fulfilled."

And Mr. President, as I have said earlier, the United States Prosecutors, some of them, are just as suspicious about what we are going to do as regards the Treaty...

MR. W. McKEEVA BUSH: Mr. President there is no quorum in the House Sir.

MR. PRESIDENT: There is, yes, seven.

HON. THOMAS C. JEFFERSON: I count seven.

MR. PRESIDENT: I count seven.

HON. MICHAEL J. BRADLEY: True modesty, he does not count himself Sir.

HON. THOMAS C. JEFFERSON: Mr. President, as I was saying, some of the United States Prosecutors are just as suspicious about the Cayman Islands and how they are going to honour their obligations under the Treaty, as we are suspicious. Some of the suspicion we have heard in here, about them.

You know Mr. President, when we read paragraph 4 of Article 17, I am reminded that just a little country like the Cayman Islands and the team who were observers to the negotiations, we received more in Article 17 than the Canadian

Government ever received in theirs. Pretty good observers Mr. President, pretty good indeed. Paragraph 4 reads:

> "Where denial of a request or unreasonable delay in its execution....(and this is the suspicion, this is why it is there, they are suspicious of us too!....may be jeopadising the successful completion of an investigation, prosecution or other proceeding, the Central Authority of the Requesting Party shall so inform the Central Authority of the Requested Party in writing. Thereafter, either Contracting Party may give at least 45 days in writing to the other Contracting Party that, unless otherwise agreed, the Parties' obligation under this Article shall be deemed to have been fulfilled;"

MR. PRESIDENT: I am so sorry, I thought you had come to an end. I am told that the tape is running out, so perhaps we had better just suspend proceedings for about one minute while they change the tape. Well, I think a minute and a half but no longer, it is not an excuse for everyone to run away to....if you will get them to change the tape as quickly as possible, and let us know when it is changed.

Please continue.

HON. THOMAS C. JEFFERSON: Thank you Sir.

I was dealing with paragraph 4 of Article 17 before we heard that the tape was about to run out, and I will read it again Mr. President:

> "Where denial of a request or unreasonable delay in its execution may be jeopardising the successful completion of an investigation, prosecution or other proceedings, the Central Authority of the Requesting Party shall so inform the Central Authority of the Requested Party in writing...(that sounds like a reasonable way to begin Mr. President!...Thereafter, either Contracting Party may give at least 45 days notice in writing to the other Contracting Party that, unless otherwise agreed, the Parties' obligations under this Article shall be deemed to have been fulfilled; provided that in no case shall the obligations under this Article be deemed to have been fulfilled sooner than 90 days after the date of receipt of the request for assistance."

90 days is a long time Mr. President. Some of the worry here Mr. President as I understand it, and I think most of us can understand it too, know it already in most cases. When you are dealing with narcotic trafficking, dragging your feet creates other problems for other people, maybe even for yourself. This is the reason Mr. President why it is there. If the Central Authority of the United States believes that the Cayman Central Authority is creating unreasonable delay in the execution of the request, the Central Authority of the United States will so inform the Central Authority of the Cayman Islands. Thereafter, we have 45 days to resolve the matter. But Mr. President, in no case can this time limit be less than 90 days from the date of the receipt of the request. From the information which is supplied to the Cayman Mutual Legal Assistance Authority, and the legislation says it is the Chief Justice, or another judge appointed by him, if that information Mr. President is not satisfactory to him, he consults with the Central Authority of the United States Government. It may be Mr. President that additional information is necessary, and that information may be in the confines of a grand jury proceeding in which case the Central Authority of the United States will have to go to their court and get an order to release the information to our Chief Justice, in order for him to be satisfied that there are grounds for believing that a person has committed a criminal offence, as set out in this Treaty. And Mr. President, if we come into difficulty, we can also seek the assistance of the United Kingdom and use the diplomatic channels, as we have in the past. I do not believe Mr. President, that rational people looking at information which is provided for them, making a decision on it, and conveying that decision to the United States Government, that they are going to then jeopardise all the information which is available to them through this process. I just do not believe it, and in 90 days Mr. President a lot can be done.

As I have said before, my memory of the Canadian Treaty says that they received from the United States 30 days, yet the Cayman observers to the negotiation as they put it, received 45 days, and in addition to that nothing can take

place, the Treaty provisions have not been fulfilled until 90 days have passed since the receipt by the Cayman Mutual Legal Assistance Authority. I think Mr. President that we all have the ideal situation in our minds. The United States are committed to catching criminals wherever they may be, and one of the things which Article 17 does is that for 90 days after the receipt of the request, no party shall enforce any compulsory measure, including a grand jury subpoena. And as I said earlier, a wide range of other compulsory measures including that worrying one Mr. President the 'Chidoni Case. It cannot be done now, and they say we have got nothing.

What Mr. President is the national attitude towards drugs, about money laundering, about insider trading and other serious criminal offences. All we have to do Mr. President is read any newspaper, the Miami Herald, Washington Post, New York Times, Daily Telegraph from the United Kingdom, anywhere, the international climate is charged by legislative members, be they Members of Parliament in the United Kingdom, Members of the Senate of the United States, or the House of Representatives, they are adament that the Department of Justice and the prosecution system in the United Kingdom must do more to catch criminals, than they are. And Mr. President we have heard, even when we were dealing with the Narcotic Agreement two years ago, the United Kingdom will never do anything like this, they will not allow the United States to get records from their system. Some may have even said 'we do not believe they are too worried about drugs'. Read the Report Mr. President, there is a Report from the House of Commons dealing with the misuse of drugs. I am sorry I did not bring it here with me Mr. President, but the recommendations are wide and sweeping, including dealing with banking secrecy in the United Kingdom, and I understand Mr. President that legislation is well, well underway, and in some cases may be passed.

What are we trying to do with the Cayman Islands? Where is the interest of the people? Where is the protection of the Cayman financial industry? If we do not ratify this Treaty by the enabling legislation Mr. President, I want them to tell me what is going to happen to the people who are working in the financial industry. I want them to tell me which one of them will go to the United States, to Miami, to New York on the Cayman Express, or to Houston. You know Mr. President how we got into this Narcotic Agreement. Does anybody remember in March or April of 1982, who got stopped in Miami? the Assistant Manager of Barclays Bank , David Challis, and they stopped him and held him for days. He had, the Second Elected Member for West Bay, he had information pertinent to an investigation which was being carried out by the United States Authorities. Have you heard about Ian Faulkner....

MR. W. McKEEVA BUSH: No, tell us about him too....

HON. THOMAS C. JEFFERSON: Who...glad to...who as a Member of the Greenies, the Village Greenies the Cricket Team...

MR. W. McKEEVA BUSH: Who are they...

HON. THOMAS C. JEFFERSON: Went..I have just told you...went to Houston, and the man is a keen cricketer, I respect his ability. You know what happened to him, and he is a lawyer too....

MR. W. McKEEVA BUSH: He got bowled out or what?

HON. THOMAS C. JEFFERSON: He got bowled over, because he had presented to him a subpoena, a witness subpoena, and this Government just as in the case with the BNS, fought for him, like we will do for any other person in this country. But do we want to do that for every case which is going to come up? Mr. President, I do not want to go off on tangents. I want to deal with the Bill, I worry about relevance when I am talking. But do you know that the BNS case cost this Government over $750,000 And do you know what happened at the end of it? The Bank had to pay $1.8 million. And how many banks in this country are going to dip into the bottom line like that? Where is the interest of the financial industry? I believe Mr. President that a Treaty, a Narcotic Agreement or any other agreement between two countries must begin with one word in order to operate it effectively, "trust" Mr. President. It must begin with trust, for if we do not trust somebody, what are your alternatives, if you are not going to believe that the United States Government is going, as said by Mr. Philip White in a letter I read earlier, to live up to all the

aspects of the law of the Treaty, and uphold them; I believe him Mr. President. Do you mean to tell me that the United States Government and prosecutors, and the amount of money they have been spending, and the advice they have been given by counsel, remember the information I read earlier Mr. President. A lot of money got spent doing letters rogatory, and appeal, and appeal and appeal, and they have come to this arrangement. Some said that the Narcotic Agreement was the end of Cayman. Yet, we are still here, we do not have three thousand companies registered every year, but we have a better quality, we have less worries. And even those out there, dealing with clients, people who come to them for asistance, no one can tell me that they are not more careful now than they were three or four years ago, it is all a matter of focus Mr. President. When we have experiences like Mr. Faulkner, and like the BNS case, somebody is going to pay attention, it is not just the bank either, I think the whole community. And do you know Mr. President that members of the financial industry were very worried about travelling to Miami, and I think rightly so. As a matter of fact, the Honourable Second Official Member and myself got stopped once too coming out of Miami on Cayman Airways, and the man said to us "are you carrying more than $5,000 at that time, and we said "who are you", and he produced his customs badge, and we took the number, and we got the message back to the Customs Authorities, we have not had any more, if you want to call it 'harassment' or stopping, yet. We have nothing to worry about Mr. President.

This Agreement is for the preservation of the Cayman financial industry. Whatever sceptics will say, that is the purpose. And I think that it is the major piece of legislation and decision taken by this Government in the last decade, and by that I include the Narcotic Agreement as well Mr. President. It is the direction that the world is going, and let no one fool you, the Cayman Islands cannot go the other way, and win the case. You can go the other way, but certainly not come out successfully. And we have heard a lot of talk Mr. President, big talk, what I can do, and how I can negotiate, and how I can bargain. I come back again Mr. President, if you can do that well, tell me, what you are going to use? What does Cayman have with which to bargain with the United States? We certainly do not have any canals which are strategic. We do not have any military installations. We do not have any NASA tracking systems on our shores. We do not have any naval or airforce bases, so where is the leverage they are going to use in the bargaining. I respect their decision Mr. President, and some of the things that they have said, but it eludes me, how they are going to do it? And I hope when they get there Mr. President, if they ever do, that they make sure that they are not observers to any negotiation.

Today Mr. President, we are the leading offshore financial centre, and with that prominence also comes responsibility. Responsibility to ensure that our facilities are not used by criminals, at least not used to hide behind the Confidential Relations Preservation Law. I realise of course, Mr. President that this Treaty will not stop some criminals, but certainly it is a step in the right direction. Certainly it will frighten away some of the people who may come to us, and we may get involved with in the financial industry and cause yourself a lot of grief, agony and plenty of dollars, defending yourself. I believe we looked at all those tradeoffs Mr. President. I am convinced Mr. President, without a doubt in my mind, that this Treaty is, and will be seen in years to come, and somebody will say that the Cayman Islands made the right decision, it went the route of signing a Mutual Legal Assistance Treaty with the United States. And Mr. President, I have no hesitation in commending this Bill to any member of the public, and especially any member of the financial industry, and to any Honourable Member of this House. The Cayman Islands have matured, it is time for us to act like adults. This is that step Mr. President, this is a step that demonstrates not only to the United States, but internationally, that all the negative publicity that we received, and perhaps are still getting, we are going to do something about. The Treaty says that, and it is certainly my intention Mr. President.

Thank you very much.

MR. PRESIDENT: Does any other Member wish to speak. The Member for North Side.

MR. D. EZIARD MILLER: Mr. President, you will not have to worry about me asking for a suspension of Standing Orders, to go beyond the four hours, because I believe I am intelligent enough to package what I have to say, and my contribution into the time that is

allowed under Standing Orders. And Mr. President I would just like to make it clear that my opposition to the suspension of those Standing Orders had nothing to do with freedom of speech, but had the Members stuck to the debates on the Treaty instead of issuing personal attacks and all the other irrelevant matters which were discussed, they would not have needed extensions of the four hours.

Mr. President, I too would like to congratulate the team, on what I believe has been a fine effort in negotiating the Narcotic Treaty. I would also like to congratulate the mover, the Honourable Second Official Member of Executive Council on his able presentation. I will reserve my judgement on his brilliance as a lawyer until he gives his winding up debate. But maybe his lengthy submission had something to do with the fact that I told him I had at least 17 questions to ask him about the enabling legislation. Anyway, he was successful in answering at least nine or ten of those questions.

The Honourable First Official Member Sir, I think his contribution to this debate may be looked on in history as being as important to us, as the Gettysburg Address was in the history of the United States, because I think he put a new perspective on the debate that was taking place in this Assembly. The Member revealed a lot of information which was necessary to be revealed to alleviate many of the fears which are in our community. Fears which I believe Sir, are being deliberately and actively stirred by certain elements for their own political aggrandisement with no concern for the financial community in our country.

Mr. President, the Bill before us today is a very important piece of legislation. I have spent more time and effort on this Bill than perhaps I have spent accumulatively on all the other pieces of legislation which have come before this House in my short tenure as the Elected Member for North Side. I also Sir, believe that this piece of legislation puts the Cayman Islands on a threshold. One that will either as I believe, take us to greater heights as a first class tax haven, capable of attracting the large multi-national legitimate companies who will ensure a future for our children, and this was brought out Sir, in the Honourable First Official Member's contribution to the debate, when he said that already since the signing, we have had applications from not only the number one bank, but the number two bank and the number seventeen bank, to this country. I do not believe that that threshold will wipe us out, the financial industry and force us to loose the ground which was gained by the Narcotic Exchange of Letters, 1984. What I believe Sir is that it will prohibit the international press from considering us in the same light, in the same paregraph, in the same frame of mind as Panama. We heard one Member here in his contribution, read from a book that said that Turks and Caicos which does not even have a Government today, was the number one tax haven in the country. I believe Sir, that whoever wrote that book must have been at Belleview in Jamaica, because there was something wrong with where he got his information. Maybe it was not in the book, because I have seen that Member read between the lines before. Further Sir, it would prohibit us from being admired by the same people and the same clientele who take their dirty money to places like Turks and Caicos and Panama. I am happy to have that money go to those places Sir, we have enough problems with drugs and other criminal activity in this country.

Mr. President, I too must follow my convictions and vote for what I feel is in the best interest of this country and its people and their future. I believe Sir, that this Treaty will ensure us a future, because the United States I believe Sir, is going to enact some new form of direct taxation, and if by chance the top tax bracket in that legislation turns out to be 35 or 30 percent, I do not believe that the small company creation in the Cayman Islands for the avoidance of tax is going to be very attractive to people in the United States any longer. So we need to set the stage which is going to attract the large legitimate multi-national, international corporations which will provide continued employment for our school leavers and our professionals in this country. I am convinced Sir, that this is what this legislation will do.

Mr. President, I too have some reservations about the credibility of the Americans and their Treaties. They have a bad track record with Treaties with the American Indians. They once owned the whole continent, and they now live on small geographical reservations. I was concerned that the United States Federal Agency like the DEA, the IRS etcetera could abuse the privileges of the Treaty, and in fact operate outside the

Treaty in their covert activity. And Mr. President, I too would be happier if there was no need for a Treaty. But I would also Sir, be a happier man today if Eve had not eaten the forbidden fruit in the Garden of Eden. Mr. President, the realist that I am, dictates that it is not possible by the very nature of man, nor the world we live in, and the kind of businesses and industries which make up the pillars of our economy, which our country and our Governments have successfully managed not to have a Treaty, because Mr. President the alternative to such a Treaty is far worse than any of the citizens of this country could imagine, because of our vulnerability to outside pressure from the United States. It is so great Sir, that our very existance today depends on importations and outside purchases largely from the United States. Let no one in this country Sir kid themselves that the Cayman Islands could survive an economic war with the United States. Just to put what I am saying into perspective Sir, I would like to quote from a congressional report, because there are some people who have spoken here before who have used up twelve hours of expensive public time with a whole pile of mumbojumbo political rhetoric, and in all that time have not made one positive recommendation, moved one single amendment to this Treaty or this Bill, which they have been trying in their soap operas to the gallery, and to the public listening to the radio, to have them believe that it is going to wipe this country out. Where is their constructive criticism? Where have they identified the specific areas that are wrong? If you can say something is wrong, you should be able to say what makes it right, or are they just playing to the gallery for their own political aggrandisement?. Sir, this is a crime and secrecy, the use of the Offshore Banks and Companies Report made by the Permanent Sub-Committee on Investigation of the Committee of Governmental Affairs, United States Senate. And there are some people who have tried to say that when the Honourable Second Elected Member of Executive Council made the statement a few days ago, that the United States was considering economic measures against tax havens and drug havens, which the Cayman Islands have often been referred to in the international press, had no foundation on which he based that statement. I am going to quote the article for them, because I do not know him as a man Sir, who makes those kinds of statements without having the papers to back them up:

> "Cayman secrecy is legendary, but recent United States pressure and an apparent sincere Government policy of avoiding drug money, are bringing changes. Prior to 1984 however, the Cayman Islands gave little indication of a willingness to co-operate. Indications are that United States' patience with the Cayman Islands is waning. But the United States has almost no leverage over the Islands other than strong armed subpoena power over some of our banks. That was what the Honourable First Official Member was referring to, when he told us what brought about the Narcotic Agreement on the present Mutual Legal Assistance Treaty. The Caymanians do not receive any economic aid from the United States that could be withdrawn. On the other hand the Cayman Islands would like the United States to make several concessions, the effects of which would be very important to the economy. Firstly the Cayman Islands would like to see a succession of the practice of serving grand jury subpoenas on branches of Cayman Islands banks in the United States. Secondly, although tourism is of paramount importance to the economy, flights are authorised to serve the Cayman Islands from only two American ports, Miami and Houston. Caymanian officials would like the authorisation of more airports and more routes to serve the Cayman Islands, in order to increase tourism. While the Cayman travel and turtle interests seem reasonable, one cannot ignore the United States enforcement temper. One IRS official estimated three billion of criminal and three billion of tax evading monies flow there annually. One Justice official estimated, up to ten billion elicit dollars flow there each year. Such figures are unsustained, but many believe losses are high enough to justify strong reactions. thus it is hoped tht Cayman Authorities will see the near crisis nature of the present situation, where delay may lead frustrated tax officials to seek any type of sanction."

Mr. President -

recommendations.

"The Sub-Committee urges the United States Government to aggressively press forward with the negotiations of multilateral treaties, or understandings with offshore jurisdictions, for the exchange of law enforcement information. As an interim step, the Sub-Committee recommends the United States Government to fully explore the feasibility of bilateral agreements such as the recent United States/Cayman Islands understanding, regarding narcotic cases. Congress and the executive branch taking into account issues of foreign sovereignty, should consider the imposition of sanctions against those havens who express no interest in Treaty negotiations. Such sanctions may include:

(a) the requirement that loans from the havens be reportable as income for federal income tax purposes.

(b) the denial of any deduction from federal income tax purposes for any expenses or loss arising out of a transaction entered into with or by an entity located in the havens. A requirement the United States corporations report income earned to the havens, as United States source income. The requirement that United States domicile banks report all transactions between the havens and the bank. The consideration of limitations on direct airline flights to and from tax havens."

And Mr. President, some people have the gall to stand up here and say that the negotiating team did not get anything for the Cayman Islands. And this is the kind of thing which the United States are prepared to resort to.

Mr. President, it is with these concerns for the financial industry; for the people who are employed in the financial industry in this country; for the people who are still in the primary school; for the children of this country that I support this Treaty. Mr. President, I too had a few reservations and a few amendments to file on the enabling legislation. And I am glad the mover has given notice for the removal of Section 4 2, and other Committee stage amendments, which I support as have been handed out. I myself have circulated an amendment to Section 16.

Mr. President, I know at this time that no amendments can be made to the Treaty, which forms the schedule of the Bill. Mr. President, we were given that opportunity in May, and I would like to say here for the record Mr. President that a lot of what has been said by people, about not seeing this Treaty, is not altogether correct, and most of it is just plain and simple political window dressing for 1988. Some by some Elected Members and on the outside by those two groups, 'the also ran politicians' and the 'also intend to run politicians'. Mr. President, Socrates said that words are more plastic than wax, and a lot of candles could be made up in here this week, if we had some cord to go with the wax.

Let me deal first Sir with the Elected Members of this Assembly. The team met with us in January, and they gave us the guidelines with which they were going to negotiate. And Mr. President, I expressed at that time my concern in four areas that I hoped could be renegotiated. Those four areas were, the removal of the extraterritoriality which is allowed under the Narcotic Agreement; mutuality, and that we could ask for information on criminals as well as they could; the creation of a sifting body and the right to refuse if we were not convinced. Mr. President, as soon as the team and the Government had a document which had been initialed, I like all other Members of this Assembly, was invited to a Meeting held in the Committee Room. We were given copies of the Treaty. We discussed the Treaty, we read it Article by Article, the Meeting lasted well over three hours. So long Sir that we had to take a break for some people to go and get their patties and a drink in between. But Mr. President, you know, the unfortunate thing about this whole scenario which has been created here in the last couple of days, is that the most vociferous, the loudest people, the biggest opponents to this Bill have done in that Committee Meeting what they have done to all the rest, they did not show up. That is not my Fault Sir. They have an obligation to the people of this country who elected them to attend those Committee Meetings, and make their contributions, whether they are successful or not. I make many contributions, I ask for many concessions in Committee Meetings, and I am defeated, but I fulfil my obligation, I go there and I make my position clear. I do not wait until the Committee Report comes back,

they met with them on at least four occasions, two of which were attended by the United Kingdom Legal Advisor, Sir Ian Percival. And I believe Sir, that they also met the United States team which came here in the early part of 1986. So they had input from the people concerned, and I do not believe you could altogether say that these are all political cohorts, and not professional people in their right and in their own jobs.

Now Mr. President, a lot has been said here about what was allowed under the Narcotic Exchange of Letters, information....pardon me a little bit Sir, I thought the Honourable First Official Member would go to six o'clock, so I did not bother to put my papers in the correct order, but we will get there.

I would like to quote Sir, because some of these same people who are out on the street corners, and going round to people's back porches and writing letters to the paper telling them that they did not consult with anybody, and they should have gone to the public and all of this, I would like to quote from the speech of a former Member of this Assembly, namely Mr. Truman Bodden, and he made it clear Sir that, I am quoting from page 16 of Mr. Bodden's speech:

> "Mr. President, the most that the negotiating team were permitted to do was to consult with the Legislative Assembly. Further, we were only permitted to disclose to a small committee comprised of representatives from the bankers, trust companies, accountants, insurance associations, as well as the Law Society, with which they held meetings."

So I want to know Sir, where the big change is? These people were negotiating with the same hard-nosed Americans. What he described here in his speech....(it is hard to find this you know Sir - because there are all kind of things about poll tax and a lot irrelevant stuff, but we will get it all out after a while)....that they were such educated lawyers and such tough negotiators. I wonder what he expected to have changed since he was a Member, that these people could get up on a soapbox and announce every word that they were going to England to carry. This is what he is saying in the press, but he said a lot of other things than this which are going to be dealt with before I sit down Sir.

Mr. President, on this Exchange of Letters, 1984, a lot of misleading information has been spread about this exchange of letters. The first thing about this Sir, was the secrecy. Mr. President, a copy of this document was harder to find in the Cayman Islands than gold or oil. There is not even a copy of this document in the files of this Legislative Assembly. It is unbelievable, that those people who are writing all these letters to the press about how much the public should be involved in this, and how we should bring it to the public, and we should call new elections and we should have referendums, and we should have this and we should have that. What did they do with the copies, did they burn them up? Because it is unbelievable that the file of Parliament does not have a copy of the Exchange of Letters, 1984 that was signed on behalf of the people of these Islands. The Mutual Legal Assistance Treaty was no secret Sir, the day it was signed, walking out of the gate I gave my copy to one of the biggest critics, Mr. Steve McField, and since then I have given away ten copies, and have circulated my copy to at least five other people. The Bill was published fourteen days in advance, the schedule is attached, the Government did the right thing, they circulated it, so that the people could have their input.

Mr. President, there is one thing that has changed under this Government. Under the past Government and Mr. Truman Bodden you only had seven days to make your representation, or to get the Bill, one of the first things we did was to extend it up to fourteen days. Every lawyer in town who subscribes to the Gazette had this Bill fourteen days ago, and could have made his representation to Government on it. The politicians could have had all the public meetings that they wanted, why did they wait until Thursday night?

Mr. President, some representation has been made to Government, because the documents were available for public discussion. But you know, it is unfortunate that those people have done what Mr. Bodden did in his debate and that is cloud their recommendations with political rhetoric, and all like me are having a hard time finding out what they are recommending and what they are complaining about.

Mr. President, the learned

Honourable Second Official Member in his opening debate gave us the 'why', the 'how', the 'where', the 'when', the 'where to' and the 'because of'. He only left out Sir the 'who', and only one other Member and that is the Honourable Second Elected Member of Executive Council has said who the 'who' is. Mr. President the 'who' in this, the hard, cold fact of the 'who' that this Bill concerns are criminals and criminal activity. Honest law abiding, hard working citizens have nothing to fear from this Bill before us. And again, the Honourable First Official Member took some wind out of the sails, because he too look at the Penal Code and found out that a lot of the offenses that they are telling us are strictly United States offences, they are comparable offences under our Penal Code, and I will not belabour the House by repeating what he has already said, because I think the Member did an eloquent job of it.

Mr. President, let us look at this top secret document. Now, like I said before Sir, I am not sure what happened to all the copies which they usually have printed, and why they are hiding them. Maybe it is like the Second Elected Member for Bodden Town suggested, it is radioactive, and they are protecting the poor innocent people of this country from radioactivity, so they are hiding it. But you know Sir, I believe it is the other way. I believe they are applying the old saying 'what your eyes do not see, your heart does not long for'. And as long as the people of this country have not seen what is in it, they can tell them that anything is in it.

Mr. President, as far as I am concerned, and I believe that the majority of the people in this country can understand. Most Caymanians Sir are blessed with a lot of good common sense. I know people in this country who cannot read and write, but they can leave here and join the correct ship in Kore Japan, that takes good common sense Sir.

Section 7 of this Law Mr. President states that the Governments of the United States and the United Kingdom, including Cayman agree to enter into negotiations concerning a Law Enforcement Treaty between the United States and the Cayman Islands concerning criminal matters. It did not say concerning narcotic trafficking, it said, concerning criminal matters. Article 7 2. the Governments of the United States and the United Kingdom including Cayman, are satisfied that this Agreement is working satisfactorily. Representatives of the said Governments will meet nine months after the date this Agreement comes into operation, to negotiate the said Treaty. It was only after this Treaty came out that you heard any of the former Government Members in Jimmy Jones 'send me ten dollars and I will send you this Bible free', talking about the Narcotic Agreement not working. The Governments of the United States and the United Kingdom including the Cayman Islands, will do their best endeavours to conclude a Law Enforcement Treaty within fifteen months of the date of this Agreement, comes into operation with the intention of bringing such a Treaty into force as soon thereafter as their constitutional procedures will allow.

Mr. President, I was not one of the politicians who had a lot to say about this when it was being passed into legislation, because I could not get a copy of it to start with. But most of the other politicians who are elected in here commented extensively on this Sir, and I think that the 1984 Election gave the present Executive Council a mandate to negotiate that Law Enforcement Treaty, and get the best deal they possibly could for this country. That, Sir, is my contention and my conviction and my opinion.

Mr. President, I do not normally like to get down in the gutter with these politicians, but I believe Sir, that this situation and what has gone on here in the last two or three days, promising to replace you with Mr. Barwick, because he will call for elections and you will not call for them, and all that sort of thing, that I had to get down there and scratch around a little bit to get some information to the people.

So I would like to deal with some of the points raised by the two 'in-laws' who all of a sudden developed verbal diarrhoea which was transmitted to their pens and the press, and they got into this competition as to who could write the most letters to the press, and I would like to congratulate them both Sir, on their Oscar winning performance at the meeting of the Chamber of Commerce, and the members of the team. They were so good Sir, that ninety percent of the people who had their hands up to ask a question, got no opportunity and got fed up and had to leave the meeting. The only thing that concerned me in that meeting Sir, was the amount of times that the short and fat one looked at me and winked his eye. I

was getting kind of worried about Jimmy Jones there 'send me ten dollars donation and I will send you this Bible free'. What is he telling the people of this country, 'give me back my four hundred thousand plus retainer for my law firm in Washington DC and I will represent you free'.

Mr. President the people of this country must ask themselves 'why'. Why is this American born, American raised, American educated, American influenced, American cultured citizen so concerned about the poor Caymanians and their welfare in this country all of a sudden?

MR. PRESIDENT: I think having asked that question, we may have to break off. It is time for the moment of interruption, and I will perhaps now invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this Honourable House until ten o'clock tomorrow.

MR. PRESIDENT: The question is that this House do now adjourn until ten a.m. tomorrow morning.

QUESTION PUT: AGREED. AT 6:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 A.M. WEDNESDAY, 10TH SEPTEMBER, 1986.

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

WEDNESDAY, 10TH SEPTEMBER, 1986

(EIGHTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

(EIGHTH DAY)

WEDNESDAY, 10TH SEPTEMBER, 1986

1. PRAYERS

   TO BE READ BY THE HONOURABLE THIRD OFFICIAL MEMBER

2. GOVERNMENT BUSINESS

   BILLS:-

THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1986

(1) CONTINUATION OF SECOND READING DEBATE:
Elected Member for North Side - to continue.

(2) COMMITTEE THEREON

(3) REPORT THEREON

(4) THIRD READING

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WEDNESDAY

10TH SEPTEMBER, 1986

10.00 A.M

MR. PRESIDENT:

Prayers.
The Honourable Third Official Member.

PRAYERS

HON. J. LEMUEL HURLSTON:

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 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.

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. Amen.

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

MR. PRESIDENT:

Please be seated.

Continuation of Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Elected Member for North Side.

GOVERNMENT BUSINESS

BILLS

CONTINUATION OF SECOND READING DEBATE ON THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1986

MR. D. EZIARD MILLER:

Mr. President, when we adjourned yesterday afternoon, I was dealing with some of the critics of the Bill, and asked the question 'why?'. Why is this American born, American raised, American educated, American influenced, American cultured, American citizen so concerned about the welfare of we poor Caymanians. What happened to his big law firm in Washington DC?. Was it because he lost the two hundred thousand plus retainer fee from Government, which he received between early 1982 and February 1985?. Or Mr. President, does he also fit into that category and also intend to run politicians who was stirring up racial and naive people of this country against this government, for their own political gain? Stirring people Sir, who believe that [illegible] years and

honest in their proported interest in the welfare and the good of this country, as they themselves are.

Mr. President, there was a letter in the press on Friday, 5th September, written by this individual, where he outlined what should have happened, and what happened, and it was right next to the editorial 'True Concern Politics'. What is even more interesting about this article which is erroneous in some sections, is that the normal procedure and practice that I have observed of the Company when they make a mistake in somebody else's letter or in somebody else's article, they print a small correction clause somewhere hidden in the paper. In this case it was luck was it, or did he have some peculiar influence and get this complete letter reprinted in Mondays' papers. And it was only quite recently that I was told, correction Sir, that no business was told when he took a letter to the press that Monday was the biggest circulation day for the newspaper. So the public can look for the light at the end of that tunnel, and draw their own conclusions. As far as I am concerned Sir, most of the points raised in this article have been adequately dealt with before, and they are so insignificant in any way, that they do not merit further comment from me.

Mr. President, I have heard during this debate calls for the dissolution of Government, calls for new elections if this Bill is passed. He states that the society, the voters, the citizens of this country are so sitting on all they need is someone to ignite the flame, and that member said he was prepared to ignite the flame regardless of the cost. I wonder Sir if he would ignite that flame, regardless of the cost to this country and what would be the motives in igniting such a flame. I had a very lengthy and heated argument with one of their hard-core supporters on Saturday, and he told me that on Monday morning there were going to be placard-bearing individuals lined up before the Assembly. I did not see them Sir, and I believe that that is evident, that there is no great majority of the public out there that are against this Bill, and what it stands for, crime and criminals. Because I believe that the reason why those placard bearing individuals were not there was because they could not get anyone to carry the placards for them, and I do not believe that the members of the Law Society were carrying the placards for them, nor the Council of the Chamber of Commerce.

Mr. President, there are times when politics have to be put aside. We were told that these people were prepared to put politics aside for the good of this country. Yet Sir, we have heard twelve plus hours of constant politicking - why? Do they see this as an opportunity, as they saw the increases in taxes which were necessary to put this country back on its proper financial footing in 1985, as an opportunity to stir discontent among the people about the policies and programmes of the present Government. I believe that is the root of the opposition Sir. I cannot honestly believe that there are people out there who really do not want to see a Treaty and a Law for criminals and criminal activity.

But Mr. President, as I was saying, they can tell the people anything about this narcotics letter of exchange, because it cannot be found, there is not one in the library of Parliament in this country. But Sir, I am going to invite anyone who wants a copy of this document to come to my office at Millers Pharmacy and I will photocopy one for them free. And give it to them and they will be able to see the similarities between this and the Mutual Legal Assistance Treaty, and in fact, the Mutual Legal Assistance Treaty is a result of, and a continuation of the Narcotics Agreement.

Mr. President, you know, it is said that the degree of ones emotion varies inversely with ones knowledge of the facts. In other words, the less you know about what is going on, the more effort you make to cover it up with emotional outcries and thumping of the drums on the chest.

Mr. President, I would also like to deal with some of the points raised by the other member of that team of in-laws, chasing the Guinness Book of Records, both letters in the press. And you know Mr. President, I want to issue a word of warning to the 'short fat one' because there is an old saying in this country 'meagre dog for long race'.

Some of the points raised by this super-qualified, poorly educated individual are the most hypocritical of all. I pointed out yesterday where he said in his own debate that they were limited to consulting with a small group in the private sector and with the Legislative Members. He said that the 1984 Narcotics Law did not force anyone to appear before it - how

misleading Sir. The Treaty under 4(c) talks about foundation testemony. Foundation testimony Mr. President, is usually taken in person from people, and he went on to say that the 1984 Narcotics Law forced no one to appear before it. And Mr. President I am not sure whether this is his genius at work in drafting - that of our most brilliant lawyer, the Honourable Second Official Member of Government, but it is a brilliant and tidy little piece of drafting Sir.

Section 7 of the 1984 Narcotics Law states:

> "Foundation testimony, with respect to documents to which this Law relate, 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, 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."
>
> Section 2.
> "At the request of the Attorney General of the United States, or his designee, the Attorney-General of the Cayman Islands may....(notice Sir it says 'may')....request an Assistor or other person designated in that behalf by the Attorney-General of the Cayman Islands at a place and at a time not less than 21 days after the date of such request."

Now Mr. President, I contend that that word 'may' should have said 'shall'. Bear with me as we go along in the 1984 Narcotics Law and we get to Section (1) it clearly states Sir:

> "Any Assistor who, after being served by the Attorney-General of the Cayman Islands with a notice to produce any documentary information pursuant to a Certificate, fails, without reasonable excuse, to produce such information which is within his possession or custody or control, shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment."
>
> Section (2)
> Any Assistor who, contrary to the terms of paragraph 3 of the Second Schedule, informs any person other than his attorney of the fact of the issue of a Certificate or of any other communication relevant to the matter to which the Certificate relates, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment."

So it tells you to one hand that you may appear, but then it goes on to tell you that if you do not appear you can be fined ten thousand dollars, two years imprisonment or both. So I do not think that that 'may' is very significant Sir. I think 'shall' would have been more appropriate.

Section 7 of the present Bill before us is not substantially different from what I have just read Sir, it just, in my opinion, makes it more readily understandable.

Mr. President this Member is known for attacking, this person Sir, he is no longer a Member of this Assembly, is noted for his personal attacks from the floor of this Assembly and he did in this debate what he did in many other debates, he attacked persons outside this Assembly and he tried to create a smoke screen with five pages of a discussion on P.L.U. in order to cover the real facts from the people of this country, Mr. President, lest it be said that I am manufacturing this I would like to quote. Mr. President, back in 1975 we did run foul of this article when at that time the Auditor General reported that there were considerable quantities of dangerous drugs missing from the hospital, shortages and lack of requisitions. Besides that he have us far as I know properly complied with this convention, and I know now that the returns are filed. He was not sure that he had received the last quarterly returns

to the public, so he solicited the help of the Honourable Second Elected Member of Bodden Town who was then the Honourable Third Elected Member of Executive Council and this is what he had to say:

> "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, 1985 so that the record can be clear as to who was responsible for the pharmacy at the time of the disappearance of these drugs."

Mr. President, that was inferring to yours truly, but it took a little while but it has eventually taken its natural course. It was taken before the Chief Justice Sir who decided it, and it was brought to its just conclusion and my name was cleared. Out of that Sir I have a two-seater dolter sound system in my corvette to which I really enjoy listening having had to sit in the gallery for eight years, having myself personally attacked by that Member from the floor of the Assembly.

Yesterday Sir, mention was made about some Member in this House who knows a lot about drugs. I was the Member being referred to. Yes Mr. President, I know a lot about drugs, that is my profession. I deal with legal drugs in this country, but do you know Mr. President I have no fear of going to Miami. I was there two weeks ago and I shall be going back again on Sunday.

Mr. President this 'Falsorman' politician said in his debate:

> "In any event Mr. President, my law firm has the largest quote department, employing two full-time attorneys-at-law, and I would be the biggest loser."

Now Mr. President, is this man by this statement admitting that he was knowingly and willingly dealing with dirty money because you cannot lose what you do not have. They went on to say Mr. President that there is no termination for this agreement. Let us hear what that secret document, the one that they said might have been radio active, and they were protecting it from the eyes of these people, because what the eyes could not see the heart could not long for, said about termination:

> "The Government of either the United States or the United Kingdom, including the Cayman Islands may terminate this Agreement, by giving one calendar months' notice in writing to the other Governments at any time after the expiration of two calendar months from the date of its coming into operation, prior to giving such notice of termination, the Government doing so will consult with other Governments."

And that Section 9(1) of the Exchange of Letters 1984, Treaty Series No. 79, United States of America in the Cayman Islands.

The Bill before us Sir in its termination says under Article 20(3):

> "The Government of either the United States or the United Kingdom, including the Cayman Islands may terminate this Treaty by giving three months notice in writing to the other Government at any time."

Now Mr. President, I fail to understand how under the Narcotics Agreement, signed in 1984 which uses the same terminology, the Cayman Islands as a contracting party, that was signed by England and the United States and us in the same way the present Treaty was signed, has the power to terminate that Agreement and they are going around telling the people that we have no power to terminate this Treaty. Mr. President, why this false representation to the public? There is an old saying Mr. President that the easiest way to get a following is to grow hair.

That 'false red' politician Sir also went into great detail in his dissertation on the Narcotics Agreement that most of the critics to that Agreement did not understand it and had offered no solutions, but Mr. President, I would not say that he does not understand the present Treaty, but he certainly has offered no solutions except that present Treaty Sir is

delay, delay, delay. That is no solution to the problem Sir. I read from the congressional report which indicated that the United States Government was fed up with lawyer delay, and were prepared to take some drastic action. You know Sir, somebody said to me what they are telling them that all those Caymanians who have paid their dues in the United States, paid their social security, worked in the United States, they are telling them that this Treaty is going to stop that. There is no more truth in that than there is in whether this present Treaty can be terminated. They are saying send it to a Select committee Mr President, and I will deal with this later on in my speech. But I would just like to quote Mr. Truman Bodden in closing remarks on the debate in 1984, and he said:

> "The public should be made aware of the fact that in these negotiations, unlike other negotiations which we have been in, the Cayman Islands did not have very much to negotiate there, and I am happy that other Members of the House here have acknowledged that. Nothing has been added since then for us to negotiate about."

We have heard some Members, and we hear people on the street say that may be we should have got the turtle ban lifted from the United States. Mr. Speaker, those members who are advocating that, they know full well that CITIES is not a United States Government agency. The United States Government is a member of CITIES, and it could possibly support but not the United States Government has no authority to change the convention and the agreements under CITIES. That can only be done at a CITIES meeting by vote. So why are they telling the people this, when they know that that was not an item which could be negotiated.

Mr. President, and I am quoting again from Mr. Truman Bodden:

> "Mr. President, in ending, I would say this to the people of these Islands, to the few who opposed 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 and the suffering and death that goes with it, then you should pass this Bill

That is an true today as it was on 16th August 1984. He goes on Sir, and I quote:

> "If we must live off dirty bloody money, derived from narcotics, then ultimately we will poison with it. We are a tax haven, we must remain a tax haven. This country must never become a drugs haven. 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 and we should stamp out the death and suffering from drugs.'

Has this man been influenced by the Lord, has he been saved since these statements and has had a change of heart? I do not think so Sir, the whole thing is just political meandering around and manouvering for seat. The people of this country will have the opportunity to judge all of us in this Assembly in 1988.

Mr. President, another special interest group which has had two of its members, according to my information and the committee with which Government consulted about this narcotic legislation and the Treaty, was the Law Society. Mr. President, I was appalled, I was shocked by the revelations of the Honourable Second Official Member that no lawyer serving for Government is allowed to be a member of this, nor is anyone in the judicial system. Can the people of this country Sir, ever be expected to believe that this society represents the best interests of this country? Or is it simply another fraternal cartel to keep the price of sitting down in a chair before a lawyer abnormally high. And further Mr. President, I would have had more respect for their article in the Compass on Friday 29th August, if they had started it off this way:

> "Following numerous requests from the public the Law Society has issued the following statement from the Mutual Legal Assistance (United States of America) Bill, 1988."

Note carefully Mr. President not out of concern for the country are the effects of the Treaty and the legislation. But because of 'numerous requests' from the public. Why are they trying to satisfy a public to elect them - five of them in 1988? And Mr. President this article is fairly long, and you know Sir the other thing that bothers me about this is that there seem to be a trait that runs through all the opposition to this Bill. The style is the same, the wording is the same. I wonder if one or two people are involved in each and all of these committees which are using their political representations. They go or to say Sir.

> "No professional legal assistance in matters related to United States Law is presently available in the Cayman Islands to assist the Cayman Islands citizen or resident with regard to advice on matters of United States Criminal Law and its application to transactions undertaken in the Cayman Islands. Accordingly, grave difficulty may result in endeavouring to ascertain whether any United States Criminal exposure arises in relation to any such past or future transaction."

But Mr. President one of these lawyers who is a member of this society is an American-educated lawyer. So you want to tell me he studied law in the United States and he knows nothing about United States Law? He probably has the qualifications, I have not seen them, but we all know that a certificate only proves one thing. You have the ability to tell the instructor back, what he told you. Application, interpretation etcetera takes that good old Cayman common sense. That those people who could not read and write, but could leave here, change a plane in Miami, change one in Los Angeles, change one in Hawaii, go to Kuna Japan, and board a correct ship. That is what is needed to go along with education to make it productive.

Mr. President in this article I can find no concrete recommendations by the Law Society. They have not said Section 4(2) of the Law is wrong because of the following reasons, and we thing that Section 4(2) of the Law should read as follows, for the following reasons. That is the kind of input Government needs if these people are not playing politics, not these generalities and articles such as this. And Mr. President, it is particularly disturbing tha that kind of a review comes from lawyers. because they know Sir that this Bill must go through a Committee stage in this House, where their amendments can be discussed openly. And since we are talking about the Committee stage of the Bill Sir, I might just as well get that off my chest now and be done with it.

Well Sir there is a motion here before this Assembly which was referred to yesterday by the Second Elected Member for George Town. And Mr. President, I would just like to point out that under Standing Orders Select Committees shall have power to send for persons, papers and records. And under 72(2) the Committee may at its discretion refuse to hear any irrelevant evidence, or any recalcitrant witness. Now Mr. President, we have been told in twelve plus hours of debate that this Government is not going to accept input from anybody. Sending this matter to a Select Committee does not guarantee that these representatives of these various societies can be nailed in. They say that we are not going to send them to a Select Committee because the Government has the votes to keep them out. Likewise Sir, the Government will have the votes in Select Committee to keep these people out if they did not want to listen to them. But I think Sir that these people, despite of their political approaches have been listened to by Government, and amendments which have been circulated will bear that out. And Mr. President, when a Bill goes to a regular Committee which I think we must do, there is no choice in that Sir, it must go to the regular Committee of the House. In that committee Sir, any Member can move any motion for which he has given notice, or as it has happened in the past Sir, that motions have been accepted without the required two days notice by Government.

Section 51 of the Standing Orders which govern this House clearly state that

> "(1) A Committee to which a Bill is referred shall not

discuss its general merits and principles, not only its details.
(2) A Committee may make such amendments and additions to a Bill as are relevant to its subject matter but where a Committee desires to make any amendment or addition which is not within the title of the Bill, it shall amend the title accordingly and shall report the fact specially to the House."

So we have greater powers Sir in regular committee which is open to members of the gallery to listen to a Select Committee. Their deliberations are secret, and we have all heard the way that reports from Select Committees can be distorted. So Mr. President, what is the point of referring this Bill to a Select Committee.

MR. W. McKEEVA BUSH: On a Point of Order Sir.

MR. D. EZZARD MILLER: State the Point of Order Sir.

MR. W. McKEEVA BUSH: Yes. I am just waiting for the President to recognise me.

MR. PRESIDENT: If it is a Point of Order you can raise it.

MR. W. McKEEVA BUSH: 37(2) Sir. I am wondering if the Member is not in contravention of 37(2) - to anticipate a bill or a motion standing on the Order Paper, and this has been going on for quite some while.

MR. PRESIDENT: You are quite right.
Technically I think you are quite right, and a number of people....

MR. W. McKEEVA BUSH: Not only technically, otherwise too....

MR. PRESIDENT: Please sit down. I am answering you now, you have made your point, and you must wait for the answer. I think technically you are quite right, but quite a number of other speakers have also....

MR. W. McKEEVA BUSH: You should have stopped them...

MR. PRESIDENT: ....anticipated. I dare I am afraid been more liberal or more flexible than I would have been throughout the debate on this Bill, both in not stopping Members who in my view repeated themselves on a number of occasions and in not stopping Members who strayed rather far from the topic, or who anticipated the Motion which is yet to be moved. So I will.....

MR. G. HAIG BODDEN: Mr. President, please look at 37(3) and you will see that it is even more out of order because this has been brought within a reasonable time which is tomorrow or sometime.

MR. PRESIDENT: I am agreeing with you, but I mean I am saying that a number of other Members have also erred already in precisely the same way, and have spent considerable time, in my view, arguing the merits or the demerits of the Motion which is to be brought. So I will simply say to the Member for North Side, I hope you may manage to avoid prolonging mention of this particular issue, because now it has been formally raised. I am bound to rule that you should not be anticipating a Motion which has yet to be moved.

MR. D. EZZARD MILLER: Thank you Mr. President, I accept your ruling. It will give me more time to prepare when the motion comes, because there is a lot more that needs to be said about that.

Mr. President, before I contravene the Standing Orders, and accept your directions which other Members are willing to do Sir, I was talking about the special interest group, the Law Society, and Mr. President you know lawyers are trained to find loopholes in the law. I was reading recently where a very successful criminal lawyer in Mr. Gary Sommerville can be has

now found several loopholes in the Ten Commandments. So lawyers finding fault with this Treaty is nothing new, because I have often wondered in court Sir, why it is that every time a witness volunteers to tell the whole truth, a lawyer objects. I guess it has to do with that maxim in that you are better off in court with a good lawyer than being innocent.

But you know Mr. President, there is a hard, cold fact which cannot be denied and that is that 50 percent of all lawyers in this world are wrong every day of the year. Now the public can decide which 50 percent has been kicking up all of this 'fuss' with their propellers out there for the political election 1988, and which category they fall into. I will leave the public to judge that Sir. But, I have one other important piece of information which the EIU has gathered Sir, and the EIU is Ezzard's Intelligence Unit. It tells me Sir that the present President of the Law Society has political ambitions for 1988. But Mr. President, I have nothing against that, this is a free country. But my advice to him would be to return to his ancestral home, because I believe they have a lot more political and economic problems than we have in our fair little Island Sir. And even if he is unable to help them politically, he should be able to help them economically from the money he has made in the Cayman Islands. And I also understand Sir that there are several political 'also-rans' and political 'also-intend-to-runs' on the council of the Chamber of Commerce, and may be in the Accountants Society as well. But in 1988 they will soon start to come out of the woodwork Sir, and we not going to have to fumigate them because they are going to soon start to come out.

Mr. President, if there is one criticism which cannot be levelled at the present Government, it is that the press have no fear of their work permits being lifted or cancelled because they spend a lot of time criticising the present Government, and rightly so, they are entitled to that Sir. But you know Sir, when you get an article by one lawyer, a letter to the editor, the lawyers have the front page headline. If you have one lawyer, and a couple of mistakes are made in his letter, he gets the whole letter reprinted. You see An editorial such as that which appeared on Friday Sir, 5th September one has to wonder if there are any peculiar or special relationships between the press, the editorial staff and the Law Society. Because I know of a couple of people who have had letters in there on other subjects for some days, and I have been looking for them in the paper every day and I have not seen them. But the good, intelligent Caymanians out there, they will find out if there are any ties there and they will know what they are. But Mr. President I note with particular concern, and I question why the Compass refused an article written by Vassel F. Johnson, which later appeared in the Journal of Commerce, Thursday, July 17th 1986 and was entitled 'Cayman a Clean Business Pub'. I cannot accept I do not want to believe that it was simply because this was in favour of the Treaty. But I guess that can be answered in the editorial tomorrow, because I think that this is a very constructive article. We have heard everybody lambasting the present Government for not countering the bad press abroad, and not asking for apologies from Mr. White, but I believe Mr. White was a victim of the press. I have been a victim of the press several times Sir. But, I have always believed, and I always will support freedom of the press. And when they transgress there is action which can be taken Sir, and for those who are worrying as to why I have not commented on the front page article which carried my name and my companies in it, I will say no more Sir because that is sub judice.

Mr. President, everyone is saying that the negotiating team received nothing in return for selling the country down the drain in this Treaty. They even said that Britain received the IRA terrorists as a bargain for us, but I think the dates when those Treaties were signed was clearly taken yesterday in the Honourable First Official Member's Budget, and I think that should allay the fears of Caymanians. Of course we know the way the United States Congress or Senate work Sir. And when it comes to ratification, all the lobbying takes place and that is what has been in the headlines recently. Certain politicians have been lobbying against the Treaty which was signed in 1985. Not 1986, the Treaty was signed this year in July. But Mr. President, as I said earlier in my debate, before the team got into the negotiations seriously, they discussed with us the parameters within which they were going to negotiate. And we had some input into that. Now of coure Mr. President, like everything else, if you are not there you

cannot contribute, but do not blame the team for that. And the parameters which they wanted removed from the Narcotics Agreement, the first parameter they set Sir was that direct tax would be a non-negotiable item. Secondly, they wanted the extraterritoriality allowed under the Narcotic Agreement removed, they wanted a sifting body, they wanted mutuality, they wanted exclusivity. And you know Sir, it is interesting to note that they got most of those, irrespective on what the people of this country have been led to believe in the last couple of days, that nothing was delivered in return. Mr. President, let us be realistic. Let us have the removal of extraterritoriality, the United States Sir, had that to hand under the Narcotic Agreement which nobody can find. The United States Attorney General issued an order to our Attorney General, who if he had to, issued an order to a citizen of this country to provide the information. That gave the United States Attorney General powers in our country. It is not that way any more Sir. The treaty which they say does not have any benefits in it for the Cayman Islands sets up a Cayman Mutual Legal Assistance Authority which the existing legislation makes the Chief Justice in our country. And I believe Sir that we have trusted the Chief Justice with the interpretation of our bank secrecy laws; with the interpretation on the application of our confidentiality relationship laws; and he has done a good job. If he had not, we could not have been as successful as we are today and they are telling the people that this Bill gives the United States rights in our country if they do not have them in their own. That is what this elusive document, the 1984 Narcotics Agreement is. This new Treaty sets up an Authority to deal with this. Turning to that Sir, they received their sifting body, because the Treaty clearly says what information has to be supplied to the Chief Justice for him to grant a request. It is all here in the Bill, Article 7 - Form and Contents of Request:

> "Requests shall be submitted in writing by the Central Authority of the Requesting Party in such form as may from time to time be agreed between the Central Authorities.
>
> The Request shall include the following:
> (a) the name of the authority conducting the investigation or proceedings to which the request relates;
>
> (b) the subject matter and nature of the investigation or proceeding for the purposes of which the request is made and in particular the criminal offences or offences for the investigation, prosecution or suppression of which the assistance is requested;
>
> (c) information concerning the persons involved including, where available, their full names, dates of birth and addresses."

And it goes on and on Sir, but I will not belabour the House by repeating it all because the Honourable First Official Member only explained it. And Sir this Bill, it has not been hidden from anybody, it is no secret, it is not beneath some desk or up in some cupboard or down in some cellar of the Administration Building where nobody can find it. It is in the records of the Legislative Assembly Building and it will be available in the library of this Parliament for anyone who wishes to check it out. You know Mr. President, if I had not marked up the Exchange of Letters, Treaty Series No.7, 1984 so much I would volunteer to give the Clerk a copy of this to be put in the files of the Honourable House as well. But may be they can find one from some other Member who has not written on it so much and coloured it up, which can then be put in the files of this Assembly and available to the public. Because it is important that the public have access to this document, especially in the next couple of weeks, with the rabble-rousing which is probably going to take place. They can say I am anticipating again Sir, I will bow to your ruling if I am again, but we will see.

Mr. President, the new Treaty is mutual. The United States can ask us for information we can ask them for information. The Narcotic Agreement only the United States could ask for information. If one of our citizens committed a crime or something, and went up there, you could not get any information. Or one of their citizens was down here whom we needed information on we could not get it.

Sector 7 - It deals with in

on unlawfully and dishonestly obtained proceeds. Are we telling the people that it should be all right if somebody made $7 to $8 million dollars from the drug trade in the Cayman Islands and he is a United States citizen, that he should not have to pay taxes on it? I think that is fair Sir, I have no problem with that.

Mr. President, although the Honourable Second Official Member has offered to withdraw a circulated amendment to withdraw 4 2. I had no serious problem with 4 2. I agree that the Judge is acting in an administrative capacity. Mr. President, what are these people suggesting, that there should be administrative appeal after administrative appeal. The buck has to stop somewhere, and we all know it has been proven in this country, as in the case of the Caymanian Protection Law, cross decision has no direct appeal to the courts. But under the prerogative writ, decisions of the Caymanian Protection Board have been reversed. The same applies here, but we are always complaining about the poor Civil Servants who will not make a decision, and you cannot find out how to get this done and how to get that done. And when we put it in writing that the buck must stop at the Chief Justice's desk they say they want it removed.

And Mr. President, I am further satisfied that the Bill and the legislation contain safeguards which will protect our citizens. But unlike all the other speakers who have gone before me, having aspired their time politicking instead of dealing with the Bill. I have circulated an Amendment to Section 15 which I believe will help to put belts and braces around the law. We will be able to evoke our Confidentiality Law and our Mutual Services Law when the United States decides to go outside the treaty to try to get some of this information. And this Government Sir, has given me the undertaking that they are going to see that some of these Confidentiality Relationship Laws are going to be enforced.

The Second Elected Member for West Bay Sir, as everybody else has indicated will have his chance to make his second speech debate when they move the Private Members' Motion, which is probably the intention Sir. But I hope Sir that they are as willing and as humble as I am to abide by your ruling and be stay confined within the ambits of that motion Sir. And I expect that they are not going to be willing to abide by your ruling Sir, but I am sure that you will rule them one way or another. Because they are planning to make another 12 or 13-hour speech on the motion you know. They want to carry this thing on until next week sometime. And we have heard a lot of accusations here yesterday Sir about officials in Government and other people being on the 'take' and the politicians wanting to rush this legislation down the throats of the people of this country.

Mr. President, nothing has been broken under Standing Orders. This Bill was not brought here like some I saw brought under the Unity Team Administration and we are talking politics now Sir, we are now in the gutter down there....

MR. W. McKEEVA BUSH: No, no we cannot...,

MR. D. EZIARD MILLER: ...scrabbling around.

MR. W. McKEEVA BUSH: We cannot get into politics, we said we would not get into politics.

MR. D. EZIARD MILLER: Mr. President...

MR. PRESIDENT: Order. Order. The Member must not keep interrupting.

MR. D. EZIARD MILLER: If I am interrupted again Sir, would you please ask the Sergeant-At-Arms to take that Member outside. He knows you like Sir that unlike a lot of other Members in here I do not read my speeches. His interruptions are timely and intergected to try and throw me off trends which I am on, when it bothers them. But I will get back it might take a little while, but I will get going again. I run on a Chevy engine you know Sir, and they can take anything.

But Mr. President, as I was saying, I am sure that you will confine the debate on the motion to the charges which were laid against Members of Government for wanting to rush this legislation through. No rushing has been done Sir, the Bill was published 14 days in advance and I have seen governments come to this Assembly and pull various peculiar pieces of

paper out of their pockets and puts amendments to the Planning and Development Law. That Sir, that is ramming legislation down the throats of the people of this country. And hiding this radioactive thing, Letters of Exchange, after they rammed it down. Because in their time only seven days was required. This Bill has been out for 14 days, and it is still out. I have no fear that the Government is going to go around afterwards and collect them and burn them so nobody can find them afterwards. But one Sir is tempted to ask the question - is there any pressure being brought on anyone to delay this Bill? Is anyone on the take, to delay this Bill?

Mr. President, I believe that the soap opera on this Bill has run its course. I think the changes which may be necessary, have been proposed by amendments. I believe that they are going to be more vigilant under our Confidentiality and Banking Secrecy Laws. Because Mr. President, what happened here a few weeks ago with the West 57 Programme where people came into this country under false pretences to the Immigration authorities. They went around with hidden cameras. They selectively edited what they were told. They showed suitcases going through the security check at the airport, and all the citizens of this country know that the security check at the airport is for departing passengers. Their inference was that there were briefcases arriving full of money. That horse might be out of the gate Sir, and we might get a little flack if we try to control some members of the press who they have. But I think in cases like that, where in my opinion Sir, a deliberate attempt is made to misinform the foreign press, and the people who watch such a programme about the activities of this country, Government can step in and should step in. And I would like to see Sir, the director and the producer of that programme pranet persona non grata to the Cayman Islands. And I believe that under the mutuality of this Bill, this Government can ask the United States Authorities for the necessary documentary evidence, the necessary foundation testimony to convict those people, and I think it should be done.

Mr. President, it has been said that it takes three times as long to tell lies on any subject, than it takes to tell the truth. Mr. President, I must emphasize that no attempt is being made to rush this legislation. The Government has broken no Standing Order, they have had to lift no Standing Order to bring this legislation here. Mr. President, all the members of this Assembly have had time to take this Bill to their people. They have had time to have public meetings on this Bill. Mr. President, I must confess that this is the first Sitting of the Assembly for which I have not held a public meeting to discuss the Bills coming before the Assembly, but there is a reason for that madness Sir. And let it not be said, because I discussed it with my committee members, I discussed it with members of my community. I discussed it with members of the professions, the lawyers, the accountants, the bankers, and as I said in my starting debate, I spent more time in actual research and study on this Bill, than I have done on all the other legislation which has come before this House, combined.

Mr. President, this Bill was published as a supplement to the Gazette No.8 1986, dated 4th August, 1986. So I was wrong Mr. President, they did not have 14 days, they had 29 days to take this matter to the public. So Sir, what is the motive now, when they have ignored the people who put them here? When they have refused in 29 days to have public meetings get views, they have refused to discuss it with all their constituents. In 29 days, what is the point of sending it to a Select Committee for three days.

Mr. President, I did not have a public meeting, because I fully well know that if I announced a public meeting in North Side, I would have had what they tried to do in the past when I was the only one who had a public meeting to discuss Bills coming before the Assembly. They would have sent busloads from George Town and Bodden Town, to try and mislead my constituent members on the evils which do not exist in this Bill. That is why I did not have a public meeting, but I spent a lot of time talking to my constituent members. Even at funerals I was approached and spent at least an hour talking to members of my community re the Bill.

MR. PRESIDENT: I wonder whether it would be a convenient moment to take our customary morning break with a view we should try to restrict to just ten minutes today.

MR. D. EZIARD MILLER: Forgive me if I do, Sir, it does not make any difference.

AT 11:31 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:44 A.M.

MR. PRESIDENT: Please be seated. Continuation of the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Elected Member for North Side

MR. D. EZZARD MILLER: Mr. President, during the debate it was suggested that maybe a referendum should be called on such a piece of legislation. Mr. President that, I believe is a dangerous idea, simply because of the kind of person this Bill deals with. If we put this Bill out to a referendum, and make everyone of 18 years and older vote on it, Mr. President, this country would be over run by money from these people whom this Bill affects, to try and mislead the people of this country, and there would be no end to the propaganda type methods. This country, this Government does not have the resources to fight such a battle as would be waged. We know there are countries which have been taken over by these same elements. Governments have been dissolved in the last few months, because these people got them involved in the wrong kind of activity. These people might not stop once they were successful at stopping this Bill, because Sir it was suggested that if the referendum was successful it would indicate, and it should be taken to its natural conclusion, the Members of Government should resign, and that is all of us should resign, we should call new elections. In that kind of an environment Mr. President, the possibility clearly exist that the government of this country could be taken over by these people whom this Bill affects. And we might not wind up with just the fewly behind thrown out. What we know is that any Government can change any law made by any previous Government, and we may wind up with no drug laws at all. We might be the first country where all the illicit drugs are made legal. That is the kind of danger, and it is within these confines and those fears that I object to such a Bill being taken to a referendum.

Mr. President, the people of this country elected us in 1984 to govern, and I am not suggesting Sir, nor has it been the practice of this present Government to govern without input from the people. We have heard in great detail many areas such as the Marine Parks, on which Government has sought input from the people. But the danger here is Sir, that only of we politicians in this House I do not think, have the resources to fight the lobbying efforts of international criminals and international crime and international drug traffickers. These are times Mr. President, when we have to accept the responsibility which has been placed on our shoulders, and the trust that has been placed in us in the 1984 Elections, and follow our convictions and take actions which we think are necessary for the welfare of the people of this country, and for its continued economic, political stability and viability for years to come. And that Mr. President, is what this piece of legislation is seeking to do.

Mr. President, yesterday I quoted from a Congressional document about how far the United States is willing to go. Mr. President, the United States News and World Report, September 8th 1986 Postcrum, and I crave the indulgence of this House to read this Sir. This Postcrum was written by Martin G. Gwertz who was formerly an Assistant District Attorney in the Bronx and now is in private practice, and it is entitled 'The Crime of Illicit Drugs', and I quote Mr. President:

> "The flood of illicit drugs that now inundates this nation is an act of terror against our people. Not the politicians and officials who cry out for swift retribution against fanatics who shoot and bomb, become alarmingly reticent and partisan when the subject turns to narcotics problems.
>
> The legal drugs smuggled across our borders exact a far greater price in lives and human suffering every single month, than all the terrorist attacks against Americans since the end of World War II. Not our response to this onslaught of crystalline death has been mostly spectacle.

Law enforcement professionals know that the only way for us to win this war is for the Federal Government to acknowledge that the drug smugglers, their financial backers, foreign public officials in countries that profit and encourage them, are as much terrorists as Colonel Ghadafi and Abu Nadal???. But when our Customs Commissioner publically declares narcotics related corruption in Mexico, he is vilified by Attorney General Meese for being diplomatically indiscreet and pledges of co-operation for Mexico's President, one against a background of kidnapping and torture of yet another US drug enforcement agent. Is this because the Administration fears that if Mexico becomes officially tied to a drug trade, or if General Noriega??? in Panama is documented as a drug dealer, or if Columbia or Peru are shown to have economies almost totally dependent on the export of cocoa leaves, poppy flowers, their governments may renege on the huge and improvident loans made to them by major US banks.

Would we not be better off now with a cartel of banks posting what some say are inevitable but not irrecoverable financial losses.....(INCOMPLETE)..... than we are in watching thousands more of our youths enter the living hell of drug addiction. Indisputably we must go to the source nations of illicit drugs, and whether by quiet diplomacy or otherwise, cut out the cancer. We did this successfully in Turkey in the 1970's by using financial assistance to farmers to stop the cultivation of opium poppies. The highly publicised military foray into Bolivia pales by comparison.

President Reagan has the courage to order an air strike on Libya when presented with evidence of it's terrorist activities. It is now time Mr. President to act against a far more deadly enemy."

That Mr. President is the temperament about drugs in international environment.

Mr. President, one maverick member of the New York State Legislature has introduced a Bill which would put lawyers on notice to explain their fees, if the person they were defending was convicted of drug related crimes. It was in the news a couple of weeks ago, where one Far East country hung two foreigners for illicit drugs. Let us not kid ourselves Mr. President, we have to take action, we have to take it now.

My convictions are my beliefs are the the Narcotics Treaty and its enabling legislation is far better for this country than an outright economic war with the United States.

Mr. President, I hope that it never has to be said about this country that ever in its history have so few people loused up so much for so many with the political rhetoric that we are hearing on this Bill.

Mr. President, I believe that the passage of this Bill and its enabling legislation is going to enhance this country's financial industry, and I think that was ably demonstrated yesterday afternoon when it was announced by the Honourable First Official Member that the number one bank and the number two bank had both applied for banking licenses in this country since signing the Treaty.

Mr. President, this country is being destroyed by illicit drugs. The future of this country does not look bright, when one sees the number of future leaders who are being distracted by this crystalline death. This time last Thursday, there was much said in a debate here about the evils of drugs in our society. The Members of the Legislative Assembly, even took the bold step to be randomly tested for drugs to set an example. And Mr. President, in case any Member feels that my motives in suggesting that was to get business for the Cayman Medical Centre, they are wrong Sir. Never have I owned anything in Cayman Medical Services. I managed the operation, but I have not done that since the 1st April 1986. And if they are concerned and intend to move amendments to the Second Debate of this Bill that I may have incorrectly stated in expenditure for Government, I would like to put their minds and their precious little hearts at rest Sir, because I will, in D.

Ezzard Miller is paying the Cayman Medical Centre for those tests the results of which, are going to be delivered to you as Governor of this country.

Mr. President, why all of these efforts to delay this legislation? Why, the scrutinies of ramming it down the throats of the people of this country? It is true that the United States has not yet ratified the Treaty, but unless we pass the enabling legislation to ratify it, the United States may never ratify it. Because I contend Mr. President that the United States is infinately better off under the Narcotic Agreement where they have their dictatorial powers to issue orders in our country, than they are under the Mutual Legal Assistance Treaty. It is true that some crimes have been added under the Mutual Legal Assistance Treaty, but they are crimes in the Cayman Islands, they are not just United States crimes, they are covered in our Penal Code. What is wrong with that? We are talking about crimes of an international nature; criminals of an international nature; criminals who can easily be swayed to become involved in the narcotic trafficking, and who could have no scruples promoting the continuing crystalline destruction of the Cayman Islands in the world at large.

Mr. President, the Honourable Fourth Elected Member of Executive Council has taken a lot of heat for his speech. But Mr. President, in his speech the Member said that somewhere someone had said that the whole narcotic and crystalline destruction of the democratic western hemisphere could be a communist plot to destroy democracies. Mr. President, I do not know of any easier way to destroy a democracy than to destroy its future leaders through crystalline deaths. One member said somewhere in his long dissertation on this Bill that we were selling our rights to the greatest democracy in the world, the United States, and at the same time we were holding the hand of communism. That does not entirely follow sir. We are cooperating to this extent with the greatest, the most powerful democracy on earth. How then can it be perpetrated that we are cooperating with the communists, when we hear all this peripheral talk about Russian ships and boats, and sailors like that. This is not a case Sir of your right hand not knowing what your left hand is doing. It is clear, it is written here not in black and white but in black and green, what the intentions are.

Mr. President, sitting here listening to the content of some of this debate during the last couple of days, and judging from the ferocity of some of the speeches on this Bill, I am convinced that some of these speakers believe that hell is air conditioned .

Mr. President, there is another disturbing trend in the opposition to this Bill. Entangled and entwined in the political rhetoric are the words which have so often come up 'independence', 'replace the Governor', 'constitutional advancement', why? Are they intent on setting themselves up as the new monarchs of this country?

Mr. President, recently in the committee room we were discussing proposals for the Development Plan, and I know I am going to upset a lot of people by what I have to say here now, but these shoulders can take it Sir. In the discussion wondered and it got into the debating of the need for constitutional change. Suddenly, I was presented with a copy of the British Virgin Island's Constitution. We discussed it in great detail. There were some who thought that that Constitution should be adopted. There were others who felt that- yes, there may be some reasons for some necessary administrative changes in the constitution versus political changes.

Mr. President, it was interesting to see a letter in the paper a few years ago. I had been told by a wig-wearing cohort that there was going to be constitutional change, and I was told this in a snack bar. I was also told by him how many new Members there were going to be in George Town. And in listening to the debate Mr. President, I must say myself if I was expertly being misled, because the common trend in this debate has been 'referendum', 'new elections', 'new Governor' 'no faith in the mother country' and 'they will sell us down the river for anything'. Mr. President, this country may need some administrative changes constitutionally, but after listening to this debate I am further convinced that it does not need any political advancement.

Mr. President, I support this Bill as it is against crooks and crooked practices. Not because I have been talked into it, or because I am bound by any political allegiance to anyone. But I support this by my own convictions and

convictions, and if history proves me wrong and I have surely written and initialled my political gravestone, Mr. President, I did it on my convictions. I cannot Sir, take issues as important as this and cloud them with political rhetoric and try to abuse the good hardworking, honest, maybe politically naive people of this country for my own political grandisement.

As I said earlier Mr. President, I have been told by many people in this country that I am a poor politician, but if that is what it take, to be a good politician, Mr. President, I will never make the grade.

Mr. President, I have no hesitation in supporting this Bill, especially with the amendments which have been filed.

Thank you.

MR. PRESIDENT: The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, at the beginning of my contribution to the debate on this Bill and the Treaty, I wish to ask Members and all those listening to these proceedings on radio, to listen to all that is being said with open and enquiring minds, so that they will be able to determine for themselves the difference between facts and fiction in connection with this most important matter.

Mr. President Sir, I realise that there is some genuine concern and apprehension about this Treaty, that is bound to be so Sir. Many Caymanians and non-Nationals have come to take the operation of our financial centre for granted, and perhaps have not noticed the growing interest in the conduct of these activities by our neighbour to the north, the United States. For those persons with genuine concern about the Treaty Mr. President, I have every sympathy. But Mr. President, although I have nothing but contempt for those within this Assembly and in the public who seek to exploit and take advantage of those genuine concerns for political gain and advantage. Those who seek to make political gain out of these proceedings Mr. President, are nothing short of traitors and hypocrites in my opinion. It is my opinion Mr. President that they are acting irresponsibly, to be playing with the future of these Islands in this manner.

Mr. President, the politicking and the rhetoric of the past several days with this Bill and Treaty will ruin this country and our economy far more quickly and permanently than this Treaty ever will.

Mr. President, I wish to take Members' minds back to some three months ago when the First Elected Member for Bodden Town wrote a letter in the Caymanian Compass saying that he had not seen the Treaty, but that it was a bad thing and that this Government never should have agreed on a Treaty because his Government had made it plain when he was in office that he would never agree to a Treaty, or words to that effect. In other words Mr. President, he was rash enough to comment on the Treaty even though he had not seen its provisions. In my opinion, he was prepared to condemn the Treaty based only on his prejudices against the Government and not because of what the Treaty provided for. No wonder then Mr. President, that he has to attempt to sustain his condemnation of the Treaty in here, and on the outside, with the most ill-conceived, irrational and outrageous propositions, proposals and interpretations of the provisions of the Treaty. It was three months ago too Mr. President, that I learnt of the intention of the two brother-in-law attorneys, to oppose this Treaty purely on political grounds. Their rational was that since some opposition to the 1984 Navigation Agreement, which in fact committed us to negotiate this Treaty, or a Treaty in the first place, they were bound to oppose this Treaty, irrespective of its provisions. It is that type of irresponsible behaviour Mr. President with which I have no sympathy. If they had made their opposition personal only, then it would have been bad enough. But, they have succeeded in infiltrating some of the more respectable organisations and associations, and continue their opposition in the names of those organisations and associations, thereby attempting to give respectability to their own efforts which they know full well could not stand alone.

Mr. President Sir, as I have said, there have been some very irresponsible charges and accusations made in connection with this Mutual Legal Assistance Treaty, and I wish to make some categorical denials of them at this point, before I proceed

to deal with the criticism of the Treaty in detail, using the provisions of the Treaty to prove the critics wrong.

Mr. President, I want to make it abundantly clear and put to rest once and for all where the origins of this Treaty were laid. This Government Mr. President was obligated under the 1984 Exchange of Letters on the Narcotic Agreement to negotiate a Treaty, and when I say Mr. President this Government, I mean the Government of the Cayman Islands, irrespective of who might have been in office. It was Article 7 of that Agreement which committed the Cayman Islands Government to negotiate a Treaty. Not a side-letter, exchanged at the time of the signing of that Agreement, as the Second Elected Member for Bodden Town would have us believe, it was the Agreement itself. Article 7 of that Agreement Mr. President reads:

> "The Governments of the United States and the United Kingdom including Cayman agree to enter into negotiations concerning a Law Enforcement Treaty between the United States and Cayman concerning criminal matters."

That is a statement of intent Mr. President. And now the timing of that motion is placed, or the timing of that intent is put in perspective by the following two provisions of that Article, which go on to state:

> "If the Governments of the United States and the United Kingdom including Cayman are satisfied that this Agreement is working satisfactorily, representatives of the said Governments will meet nine months after the date this Agreement comes into operation, to negotiate this said Treaty."

Not to add one crime to the Narcotics Agreement, or to agree to draw out indefinitely negotiations. They undertook to seek to negotiate this said Treaty, and it is further tightened and circumscribed by the following provision in the Article, Mr. President:

> "The Governments of the United States and the United Kingdom including Cayman, will use their best endeavours to conclude a Law Enforcement Treaty within 12 months of the date this Agreement comes into operation, with the intention to bring such a Treaty in to force as soon thereafter as their constitutional procedures will allow."

Mr. President, that is an unqualified undertaking, to enter into a Treaty, to start negotiations within nine months, if, they are satisfied that the Narcotics Agreement is working well, and, to conclude it within 12 months and to put it into effect as soon thereafter as their constitutional procedures will allow. Mr. Preident, that language to me is clear and unambiguous.

It has been said that it was the intention of the Government of the day, when this Agreement was signed to restrict the crimes within the proposed Treaty, to crimes which are common crimes both in Cayman and the United States. That they made it plain that it would not be a broad Treaty Mr. President. If such was their intention, and since according to them they are so smart, so brilliant and so articulate, why then did they not say this in the 1984 Narcotic Agreement? The 1984 Narcotic Agreement was a bald open statement concerning criminal matters, not restricted or qualified in any way or manner Mr. President. They undertook to negotiate a Treaty concerning criminal matters pure and simple, and that is what has been done.

Mr. President, we are now being told that there was no obligation on the Cayman Islands part, as a result of that undertaking given in 1984, and that they had no intention of honouring that undertaking. And then Mr. President, those same Members come here and talk about destroying the credibility of this country, by agreeing to this Treaty because of some ill-conceived, ill-determined interpretation given to some provisions of the Treaty. Mr. President, had this Government not honoured its obligation under the 1984 Agreement to negotiate a Treaty, then the world would have had every right to correctly be able to point at us and say 'you are dishonest and irresponsible, and that we will have nothing to do with you'. That is what we would have been

irresponsible Mr. President. That is when we would have destroyed the integrity of the country's Government. Additionally Mr. President, I am confident that had this Government reneged on negotiating under that commitment, it would have brought confrontation not only between the United States and ourselves, but also between ourselves and the United Kingdom, and quite rightly so in my opinion Mr. President. Because, after all, if there was no intention to negotiate a Treaty, then the undertaking to do so should never have been given. Our word must always be our bond Mr. President.

I want to make it abundantly clear too Mr. President, that there was no linkage whatsoever between the negotiations of this Mutual Legal Assistance Treaty concerning Cayman and the United States, and the negotiations of the amendments to the Extradition Treaty between the United Kingdom and the United States, concerning the Irish terrorists. As has been pointed out by my colleague, the Honourable Second Elected Member of Executive Council, those negotiations took place during March 1986. That Treaty was agreed and initialed at the end of those negotiations, but the signing ceremony took place in Washington on the 25th June, 1986, several months before our negotiations even commenced in November 1985. Mr. President, I feel that any attempt to link our Treaty with that of the United States and the United Kingdom Extradition Treaty is a worthless and cowardly act. It only shows to me Mr. President, the shallowness and lack of real substance there is with which to argue against this Treaty before us today. When opponents to this Treaty have to stoop to that type of gutter politics to raise an opposition Mr. President to the Treaty, one is left to ponder where next they will turn.

I want to go on record Mr. President as saying without reservation that whatever is in this Treaty, was accepted by the Cayman delegation. It was not always what we would have preferred, but it was always the best we could get. And I assure you Mr. President, we fought for what we thought was best for this country and its people. But the United Kingdom never ever sold us down the river. I can say too, Mr. President, that although the United States were out for their pound of flesh, they were sensitive to our wishes as well.

I had intended Mr. President to read in detail the letter from Mr. Phillip White, explaining the statement attributed to him which has been made much wine use of in opposition to this Treaty, in an attempt to show the bad faith of the Americans in dealing with the Treaty and the Cayman Islands. But Mr. President, the Honourable First Official Member made use of that letter yesterday, and I will only, rather than to take up new time of the House, I will read the final two paragraphs which show beyond doubt that Mr. White was misinterpreted, and that the United States intends to act in good faith in respect of the Treaty. The final two paragraphs of his letter Mr. President, read:

> "Any implication that my comments evidenced an intent to seek evidence in a pure tax case under the guise of a fabricated narcotics or mail fraud case represents a gross and unwarranted distortion of my position.
>
> Speaking both for myself and for my colleagues who were involved in the negotiation of the Treaty, as well as for those who will be involved in its implementation when it enters into force, I want to assure you in the strongest terms possible that the Department of Justice will uphold the Treaty in all respects. Signed: Phillip T. White, Director, Office of International Affairs, Criminal Division."

And Mr. President, the Honourable First Official Member placed that letter in the records of the House yesterday, so that anybody can see it and read it in its entirety, and digest it.

Mr. President, I think that it is important that the point be made at this time that our Confidential Relationship Preservation Law is still operative. That its provisions are not nullified, or weakened in any way by this Treaty, except to the extent that a person who divulges confidential information in conformity with a request which has been examined and granted by the Cayman Mutual Legal Assistance authority, is deemed not to have committed any offence under that law. This Treaty does not automatically override our Confidential Relationships Preservation

Law, and allow the United States Authorities unfettered and unrestricted access to confidential records in the Cayman Islands. I believe that this is what the public is being misled and misled from some of the propaganda which is being spread. But as I have said Mr. President, nothing could be further from the truth. Our Confidential Relationships Preservation Law is still alive, well and it clings, and anyone who doubts that, let them try to break its provisions.

Mr. President, another criticism of the Treaty is that the Cayman Islands is not a Contracting Party to the Treaty. Mr. President, that should not have come as any surprise to Members of this Assembly or the Caymanian public. As a Crown Colony, the United Kingdom is responsible for our external affairs, and as long as that constitutional relationship remains, the United Kingdom will always sign our Treaties not without our will and consent, but as the sovereign power responsible for our external affairs. That was the case with the Narcotics Agreement in 1984, and it will remain so as long as we remain a Crown Colony of the United Kingdom. And Mr. President, may I say long may that relationship prevail, because if the actions of the last several days is an indication of what will happen if that relationship is severed and the persons who are propounding the severance of that relationship get in charge of our affairs, then God have mercy on these islands and its people.

Mr. President, it was disturbing to me that throughout this debate there was a common thread woven through the arguments of the speeches in opposition to this Bill, or most of the speeches in opposition to this Bill, and that was the desire as I see it for constitutional change. They object to the United Kingdom signing the Treaty. They do not want the official members to vote when the vote is taken. They do not want the Attorney General as an appointed member, to have anything to do with the passage of the Bill. But let me say Mr. President, that in my opinion, the day we are able to appoint our own Attorney General, that is the day we have independence or nearly so. We are in a very advanced state of constitution.

Mr. President, I do not want what I am saying to be misunderstood, and somebody run off and say that I am saying that I would not like to see a Caymanian sitting as Attorney General in this House, that is not what I am saying. I am saying that the day the position of Attorney General is filled by an Elected Member, we have gone a long way towards independence, if not independent.

MR. PRESIDENT: I wonder if it would be a convenient moment to interrupt the Member, because....

HON. BENSON O. EBANKS: Just one last sentence Mr. President.

MR. PRESIDENT: Very well.

HON. BENSON O. EBANKS: So Mr. President, I would beseech Members and the public to be aware of the tactics of some of the opponents to this Bill, and not be misled by a few frightened and power-hungry politicians.

MR. PRESIDENT: I will suspend proceedings until approximately two fifteen p.m.

AT 12:46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT: Please be seated. Continuation of the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, when we broke for lunch Sir, I was dealing with the fact that the United Kingdom was the Contracting Party, or one of the Contracting Parties under the Treaty. And I was saying that what is happening is perfectly normal. The United Kingdom is responsible for external affairs and has

therefore signed the Treaty as well as has the Government of these Islands, to show that we approve of the provisions. And except for a small number of things Mr. President, we operate the Treaty with the United States, and some of those items where the United Kingdom is involved is at the specific request of the negotiating team. Because we believe that the United Kingdom has more clout and influence than would these Islands in respect of those provisions. One such provision Mr. President is the giving of notice under Article 17 5. of the intention to suspend the provisions of the Treaty in respect of the particular matter being dealt with at the time. That notice is being required to be given through the United Kingdom, because we feel that the United Kingdom will have more influence in this area because of the many other Treaties and International agreements to which the United States and the United Kingdom are both signatories.

Before getting into the meat of the Treaty Mr. President. Another general observation I wish to make is, that in spite of what might have been said, it might be thought, not all of the nearly 500 banks registered in the Cayman Islands are United States owned.

The other point Mr. President is that all the United States branch banks, and there are many of them, that carry on business in the Cayman Islands are here with the full knowledge and consent and blessing of the United States Authorities. They are not here only because of our Confidentiality Laws, but they operate here Mr. President because of our less stringent requirements as regards liquidity and other matters, and above all, to improve their competitive edge in the international money markets, especially the Eurodollar Market. The same is true Mr. President for the insurance companies which are registered and operating here. So, let me hasten to allay the fears of members of the public that there will be no rush to close the doors of the bank or insurance companies as a result of the coming into force of this Treaty. In contrast Mr. President, we undoubtedly will see the inflow of more clean respectable business, once we have shown to the world that we want no part of criminal operations within our shores. In fact Mr. President, within Government we have already begun to see this. The Honourable First Official Member gave examples of this in his contribution yesterday.

Another point which I want to make in this connection Mr. President is that these international banks which operate branches both in Cayman and in the United States are in a very delicate position, because the United States exercises jurisdiction over those banks, to the extent that the United States if it wants information held in the Cayman Islands branch, will seek an order requiring the branch in the United States to obtain that information from the Cayman Branch, at the peril of the United States branch being fined severely, and despite of our Confidential Relationships Preservation Law. Mr. President, that is what the famous Bank of Nova Scotia case was all about. And let us not kid ourselves or anyone else. If those banks have to make a decision as to which branch it would close. It will not take them long to decide that it is the Cayman Islands branch that must go. So Mr. President, I guess this is as good a place as any to answer those members and critics, who are asking what Cayman has received out of signing this Treaty.

On going into these negotiations Mr. President, the United States wanted a treaty covering all crimes, including all tax-related crimes. The Cayman Islands were determined that pure tax would not be included in the provisions of the Treaty, or among the crimes for which it would give assistance. That is, those matters that concern the avoidance of tax on legitimately earned money. So Mr. President, it will be seen that we were in an adversary position from the start. We succeeded in keeping pure tax offences out of the Treaty, and in so doing, we had to make it more difficult to assist the United States in those areas where we agreed to assist. So Mr. President, it is difficult for me to see how anyone could expect in these circumstances for us to demand anything in return for concluding this Treaty, other than one concession, which we won in keeping pure tax outside the Treaty.

We had already undertaken, because of the obligations of 1986 to negotiate, and we were saying to the United States that we are prepared to assist in some of the matters in which you would like assistance, but we are not going all the way. Now Mr. President, it would seem a bit far fetched to expect us on the other hand to say to them that we are going to give you half of what you want, but in return you must give us reciprocity for signing

this Treaty. I think we received a big concession when the pure tax matters were left outside. As has been pointed out, we have no canal, we have no missile or rocket tracking stations, we have no naval base with which to bargain. Therefore Mr. President, one must look for more intangible things which the Cayman Islands received in return for signing this Treaty. I will come to those Mr. President, but I would just like to say in passing, that in spite of what I have said, I believe that much goodwill has been won as a result of signing this Treaty, and I believe that eventually we will be able to get more tangible benefits from the United States.

But, back to what we have received. We received the right for our financial industry Mr. President, to operate within an accepted and acceptable framework, without the players, that is the lawyers, bankers, trust managers etcetera, having to worry about being slapped with a subpoena every time they go to, or through Miami. We received the right for branches of international banks to operate in the Cayman Islands without fear of being served with any compulsory measures, including a Grand Jury subpoena for the production of documents located in the Cayman Islands, in respect of any criminal offence covered by the Treaty, so long as the Treaty is operational in respect of any specific request. We received the right Mr. President for our Mutual Legal Assistance Authority to sift and examine all requests, so as to eliminate any possibility of fishing expeditions as was possible under the narcotics Agreement, when our Attorney General was merely, and excuse the phrase Mr. President, a 'postman' for the United States Attorney General, and had no right to sift, examine or refuse the requests.

Perhaps, more important than anything else Mr. President is the fact that the successful conclusion of this Treaty, including the implementation of the ancillary legislation will bring finality to what has been unknown since 1984. The financial world will now know the Treaty which we will be operating under, and they will no longer have to say 'You know, we are going to wait to see what that 1984 undertaking is going to bring forward'. I believe that this is going to mean a lot to the financial industry.

The Treaty is here for everyone to see. They do not have to worry again as to what it is going to be like. Whether in fact it is going to mean that we are going to add murder this year, and then fifteen months later we are going to add rape, and then fifteen months later we are going to add tedges, as has been suggested, should have been the approach, the wrong approach. This puts paid to the exercise Mr. President.

In my opinion Mr. President, it could be said that by this Treaty we have salvaged our financial industry from extinction. And because of this we have preserved the jobs of Caymanians employed in the industry, and we have secured the jobs of even those children still in school.

Mr. President, the overall the whole question as to the benefits the Cayman Islands received can possibly best be answered by another question, and that is, what was or is the alternative to this Treaty? And to us Mr. President, the answer is quite simple. Without this Treaty the Cayman Islands would be harassed out of existance as a financial centre, by the enforcement of compulsory measures against staff and institutions with the certainty of heavy fines for non-compliance with these enforcement measures, to such an extent, that they would become untenable. The banks and other institutions would not be able to pay the fines levied against them, and they would have to close their doors. That would be the alternative to the Treaty Mr. President. The gloomy pictures painted by the Bodden Town Members and others would be the effect of the alternative to the Treaty not the effects of the Treaty. Therefore Mr. President, the question is not whether our tax haven can survive this legislation, but rather whether it could survive the alternative which is to do without it, and I am here to say Mr. President that it cannot survive without this Treaty, or some similar mechanism. Other Members who have spoken before me have illustrated the extent and measures to which the United States is prepared to go, and the measures which they are prepared to employ. And we cannot survive that onslaught Mr. President.

Some Members ask Mr. President, why we did not get the concessions which Grenada and Barbados received? Mr. President, they are just for the asking, or for the taking, at least some of them. Under the United States law, the Cayman Islands can obtain the benefits of sections or possibly the foreign sales corporation provision in the

by entering into a comprehensive tax information exchange agreement with the United States. And Mr. President, we were urged by the United States throughout the negotiations to yield on the pure tax issue. But, it was not our considered opinion that that would be in the best interest of the Cayman Islands, and we refused. We determined Mr. President, that Cayman's interest could best be served by preserving our confidentiality on pure tax matters. So we set our aim as a team to preserve that position, and now that we have been successful, it seems though that that is the biggest criticism which is leveled at us.

Mr. President, it has been said that there was no consultation leading up to the negotiations or the conclusion of this Treaty. Mr. President, I attended at least two meetings with Members of the Legislative Assembly on this matter, one early in the negotiations when we outlined what we were attempting to achieve, and one later when it was fairly clear, what we could and would not achieve. That last meeting Mr. President lasted for a period of three hours. At those meetings, the negotiating team was given to believe that the Legislative Assembly Members who were present were generally satisfied with the outcome of the negotiations. It is true Mr. President that not all Members of the Assembly attended, that seems to be the order of the day these days. Certain Members the Unity Team Members do not attend committee meetings....

MR. JAMES M. BODDEN: Because nothing can be accomplished by attending them.

HON. BENSON O. EBANKS: ....they evade their responsibilities to their constituents in that respect and then cry 'wolf' and talk about lack of consultation.

MR. G. HAIG BODDEN: Because your people vote closure motions to keep us from talking, that is why we do not attend.

HON. BENSON O. EBANKS: Mr. President, we also had extensive consultation with members of the financial community, including bankers, trust managers, lawyers, and accountants. These consultations were frequent and frank Mr. President. And I am reliably informed that the consultations which we had on this occasion, far exceeded any consultations held on the negotiations of the Narcotic Agreement in 1984.

When that Agreement was being debated in this House, the then Honourable Member for Executive Council who was a member of the negotiating team said "the electorate of the Cayman Islands have elected their representatives. They place trust in them in matters such as these." And he went on to give reasons why consultation could not be had in any extensive way. I do not know what has changed the position now.

Members of the opposition who were Members of the Government in 1984 are now claiming that it is the general public who should decide what our policy should be in respect of this Treaty. Perhaps they can tell the country why they have failed to ask for public input to the Narcotic Agreement. Where was their concern for the public's voice and input at that time, Mr. President? I am sure Mr. President that it is the same as this is. We would like to have done it, but protocol dictates otherwise and they should not now try to say differently.

The truth of the matter is Mr. President, that when a Treaty is being negotiated, it is unusual for even the extent of consultation which took place between ourselves, the Members of the Legislative Assembly and the public to have taken place, negotiations are confidential.

Mr. President, the First Elected Member from Bodden Town has made the suggestion that the present Government should resign, and give him a chance to renegotiate the Treaty. He also gave the impression during his debate that he was a participant in negotiations of the Narcotic Agreement. That is the laugh of the month Mr. President. He was indeed selected to be a member of the team, or I would guess Mr. President, he might have selected himself, he had as much control over them and negotiations as he claims to have had. But Mr. President, he must think people's memories are short. It is recorded that he did not attend those negotiations. In 1983 or 1984.....

MR. JAMES M. BODDEN: On a point of clarification Mr. President please.

MR. PRESIDENT: If the Member will give way to you, you may. He is asking....

HON. BENSON O. EBANKS: Is it a Point of Order Mr. President.

MR. PRESIDENT: No, it is a point of clarification.

HON. BENSON O. EBANKS: No, well the Member can sit down Mr. President.

MR. PRESIDENT: No, I am afraid you cannot then.

MR. JAMES M. BODDEN: I will get it out of you sometime.

HON. BENSON O. EBANKS: It was in 1983 the country remembers very well Mr. President, in 1983 or 1984, now the team left for London for the first round of the talks. That particular Member got as far as New York, and then I understand went on an armed up somewhere in Seattle. When he returned to the Cayman Islands he said in release, that he did not go any further because he considered that he was not sufficiently briefed to take part in the negotiations or words to that effect. And I am reliably informed that he did not take part in any of the other negotiating sessions in London regarding the Narcotic Agreement.

MR. JAMES M. BODDEN: Quite true Mr. President. I never did go to London on it, but I sure had a lot to do with it before that.

HON. BENSON O. EBANKS: Mr. President, would you ask that Member to sit down, I have the Floor.

MR. PRESIDENT: You must sit down I am afraid.

MR. JAMES M. BODDEN: You interrupt all the time.

MR. PRESIDENT: Order. Order.

HON. BENSON O. EBANKS: Now Mr. President. The Member has the fact to stand up in this House and talk about the Americans and the British in those negotiations, about Governments' intention concerning the undertaking given in the Agreement to negotiate the Treaty concerning criminal matters.

Mr. President, the attack upon this Bill and Treaty seems to be based almost, if not entirely, upon the comments published in the Caymanian Compass of 28th August, and attributed to the Cayman Law Society.

Mr. President I am not convinced that that statement represents the view of the Caymanian Law Society as a body. Because, I believe Mr. President that the Law Society as a body is more responsible than the statement which appeared. To begin with Mr. President, I believe that if the Law Society as a body had serious concerns, it would have addressed those concerns to the persons who were in a position to do something about them, and not go publishing them blandly in the Compass. One of the member firms of the Law Society Mr. President who had some misgivings about the enabling legislation addressed their concerns to Government, and those concerns have been considered. You know Mr. President, the preamble to that statement attributed to the Law Society gives away the fact that it is not published out of their concern for the provisions in the Treaty. That preamble says:

> "Following numerous requests from the public the Law Society has issued the following statement on the Mutual Legal Assistance (United States of America) Bill, 1986."

Not that the Law Society out of any concern for anything purporting to be done under the Treaty or in the Law, but because they had repeated requests from the public.

I agree with you Mr. President, of the fact that the two lawyers who had declared to [illegible]

three months ago to oppose this Treaty, merely because the Narcotic Exchange of Letters of Agreement was copied in 1984 had infiltrated many respectable organisations and associations, and were in fact using those organisations for their own purposes, and I have no apologies to make about that statement. I am reliably informed that what has in fact been published as the views of the Law Society was in fact the work of four people, and seen only by them, before it was published, and two of those are the two lawyers, Mr. [illegible] who have come in for honourable mention in this debate and who have launched an unrelenting attack upon the Bill and the Treaty, and I am satisfied for purely personal motives. So Mr. President, I do not accept the statement, nor the way in which it was presented as being representative of that learned association. I do not believe that the membership of that association or society Mr. President, would go on record as saying that the Treaty did not exclude pure tax measures. I do not believe that that association would have gone on record as saying that the Treaty sets a precedent for legislation, retroactive legislation, in respect of criminal matters. Mr. President the Treaty does not provide for retroactive sanctions or punishment for criminal matters. The Treaty provides for the giving of information in respect of those criminal matters to which the Treaty relates and which are located in the Cayman Islands. I only mention these two matters Mr. President to show that we are hearing the same tune on a different instrument, under a different name, but it is all the same tune.

Further Mr. President, I understand that the course of action taken by the committee of the Law Society was decided at least one week in advance of its publication in the Compass. So, if it was intended to be helpful Mr. President, why was the representation not made by the people who might have had the opportunity to do something about it if their representations had merit? I am saying Mr. President that the timing was deliberate and it suited the political aspirations of certain members of that little committee who drafted that statement. Mr. President, it could be said of that statement that it is the arm of Esau but the voice of Jacob.

Mr. President, we heard yesterday from the Honourable First Official Member that Bermuda has passed its enabling legislation to give effect to their Treaty. Their Treaty was signed after ours, and they have passed their enabling legislation.

Mr. President, when we concluded negotiations in Washington in early May we were told that there was a possible window in the Senate proceedings tentative in September, which would possibly permit the Treaty to be placed before the Foreign Relations Committee for ratification, but that as a rule, the Committee did not like to deal with one Treaty at a time. The negotiators and the officials normally sent here with the Treaty for consideration to the Senate at the one sitting. And that is why Mr. President our enabling legislation was brought now and why it should be passed, because we understand, there are other Treaties to be ratified. We know of Bermudas' and Mr. President there might be certain tactical advantages in having our Treaty before the United States Foreign Relations Committee at the same time as Bermuda's.

If we are not careful Mr. President, we could become like the story of the hare and the tortoise. It is not this Government's intention to lose the race by unwarranted delays. Mr. President, as I read the newspapers and listen to Members in this House, I sometimes have to wonder whether some people really understand what the Narcotics Agreement said. For example Mr. President, I have seen letters purported to be written by lawyers, which say that the Agreement covered oral, documentary information or documentary evidence. We have heard that on them as well. But what about the foundation testimony provided for Under Article 4, section (c) of that Agreement?

Mr. President, Article 4, section (c) refers to foundation testimony, and that testimony is the testimony which was required to give the documentary evidence produced, the force of law in the United States courts. And provision was made for that to be given by way of Affidavit, deposition taken in Cayman, or in the United States. 4 2.(c) of that said "first upon the request of the United States Attorney General or his designee, the Assistor will swear an affidavit in Cayman, containing such recitals as are necessary for foundation testimony".

Then Mr. President, we have also seen that because Article 7 2. of the Narcotics Drugs (Evidence) (United States of America) Law, 1984 said that the Attorney General of the Cayman Islands may, but I want to read that to the article Mr.

President. They were saying that it was not mandatory to give the evidence, it was permissive. I want to read this section together with the Enforcement section of the Law, because as the Orator said this morning, the clever bit of drafting that was done removed it some two pages, and unless you looked you would believe that it was permissive. It says:

> "At the request of the Attorney General of the United States, or his designee, the Attorney-General of the Cayman Islands may request an Assistant or other person designated in that behalf by the Attorney-General of the Cayman Islands at a place and at a time not less than 21 days after the date of such request:
>
> (a) to swear an affidavit in the Cayman Islands containing such recitals as are notified to him by the Attorney-General of the Cayman Islands as being necessary for such foundation testimony."

And then Mr. President, if one goes to Section 2, the enforcement section, and look at sub-section 4, we will find that an Assistor or other person designated in that behalf by the Attorney-General of the Cayman Islands "in accordance with sub-section 2 of section 7, and that is the section which I have just read, who when required so to do without reasonable cause refuses to provide foundation testimony as mentioned in sub-section 2 of Section 7, shall be guilty of an offence and liable on summary conviction to a fine not exceeding $5,000 or to imprisonment not exceeding one year, or to both such fine and imprisonment."

I am only mentioning those things Mr. President to show that all that we are reading in the newspaper is not gospel. I believe that the negotiating team that negotiated this Treaty with the assistance of the Counsel which we employed, were capable of understanding what we did and I am satisfied Mr. President that we did a good job for this country.

In the Treaty Mr. President, one is required to give evidence only after the Cayman Islands Mutual Legal Assistance Authority has determined that the evidence should be given. That is after the Cayman Islands Authority has examined the evidence placed before it in support of the request, and has decided that the United States Authority has made a reasonable case. Then the person could be forced by Cayman Law to give the information as is the case under the Grand Court. I will get on to that Mr. President, when I come on to the details of the Treaty.

It has quite rightly been said Mr. President in this Debate, that I opposed the Narcotic Agreement during the Second Reading Debate in this House. I do not believe that that is any secret. What was not said Mr. President, was that this was where I made my contribution. This was where my opposition was made, and having registered that opposition, I was sensible enough to vote for its passage, so that the world could see that it went through with unanimity. I oppose, certain provisions of that Agreement strongly in the Second Reading Mr. President, because I honestly felt that many of the procedures were extremely humiliating to the country, and some of its public officers. I believed that the language I used Mr. President was something to the effect that we had surrendered our sovereignty.

Now the Member from Bodden Town seemed to be wondering what I will say about the Treaty. Of course Mr. President, by now it should be evident to all that I support the Treaty and this enabling legislation before us. I support it because my objections to the Narcotic Agreement have been largely met in this Treaty. I objected to the fact that there was no sifting or examination of evidence in the procedure under the Narcotic Agreement. And under the provisions of the Treaty we have the right to sifting and the right to refusal of evidence which we did not have under the Narcotic Agreement. And Mr. President, all the matters provided for in the Treaty flow from these provisions, and I am comfortable with them. The provision of our Chief Justice Mr. President, or another Judge of the Grand Court designated by him, sitting as our Mutual Legal Assistance Authority, to sift the requests of the American Authority, is perhaps novel in our Law Treaties, and it was not easily won. But Mr. President, it should give much comfort to this country that that procedure is in there.

Article I of the Treaty says

"A Central Authority shall be established by each Party.

For the United States of America, the Central Authority shall be the Attorney General or a person designated by him. For the Cayman Islands, the Central Authority shall be the Cayman Mutual Legal Assistance Authority or a person designated by it."

And Section 4 of the law which we are now studying shows whom the Cayman Mutual Legal Assistance Authority will be comprised, who will comprise that Authority. Section 4(1) says:

"For the purpose of Article 2...of the Treaty, the Cayman Mutual Legal Assistance Authority shall be the Chief Justice, who shall exercise his functions under the Treaty and this Law acting alone and in an administrative capacity, or another Judge of the Grand Court designated by the Chief Justice to act on his behalf."

Now Mr. President requests under this Treaty shall be made by the Central Authority of the Requesting Party, the United States, to the Central Authority of the Requested Party, the Cayman Islands. In other words, our Chief Justice or Judge, sitting in an administrative capacity. And if we look at Article 3, it tells what assistance can be given for. One says what it shall not be given for:

"The assistance afforded by this Treaty shall not extend to any matter which relates directly or indirectly to the regulation, including the imposition, calculation, and collection, of taxes, except for any matter falling within subparagraphs 3(d) and (e) of Article 11 or any conduct not punishable by imprisonment of more than one year."

Sub-section 2, goes on to state:

"The Central Authority of the Requested Party may deny assistance where:

(a) the request is not made in conformity with the provisions of this Treaty;
(b) the request relates to a political offence or to an offence under military law which would not be an offence under ordinary criminal law; or
(c) the request does not establish that there are reasonable grounds for believing:
(i) that the criminal offence specified in the request has been committed; and
(ii) that the information sought relates to the offence and is located in the territory of the Requested Party...(related to Cayman)."

Article 4 for President shows what a request from the United States Authority must contain to satisfy our Mutual Legal Assistance Authority. It shall have complied with the requirements of this Treaty. They must submit:

"(a) the name of the authority conducting the investigation or proceeding to which the request relates;
(b) the subject matter and nature of the investigation or proceeding for the purposes of which the request is made and in particular the criminal offence or offences for the investigation, prosecution or suppression of which the assistance is requested;
(c) information concerning the persons involved including, where available, their full names, dates of birth, and addresses; and
(d) the information relied upon in support of the request;"

Now Mr. President, that is a very important matter, because I trust the public has come to believe that the United States Authorities have unfettered access to information in the Cayman Islands; and that they can have this

information to trump up charges against people. But Mr. President, it should be clear from the little I have given us for and will continue to give on this article, that the United States has to know what it is looking for, the offence that the person or persons have been charged with, and that when they come to the Cayman Islands they already have to have sufficient information to satisfy our Authority that the offence has been committed, and that the information sought in Cayman is only given in furtherance of the conviction or apprehension of the person being charged.

(a) of Article 3 Mr. President,

they must supply:

> "(e) a description of the evidence, information or other assistance sought; such description shall specify where possible the time period to which any such evidence or information relates'
> (f) the purpose for which the evidence or information or other assistance is sought; and
> (g) the identity and presumed location, where known, of any person from whom evidence is sought....'Additionally Mr. President)...to the extent necessary and possible, a request shall also include:
>
> (a) the identity and location of a person to be served, that person's relationship to the proceedings, and the manner in which service is to be made;
> (b) available information on the identity and whereabouts of a person to be located;'

And down, and on and on it goes Mr. President. Now Members and members of the public have to be led to indicate that our Chief Justice, or a Judge of the Grand Court, having been given all that information, would not be able to determine whether the request is genuine, or whether it is a fishing expedition.

Mr. President, it is true that the Chief Justice and the Judge are sitting in the Cayman Islands as the Cayman Islands Mutual Legal Assistance Authority in an administrative capacity. But Mr. President, when they leave their seat as judges and move into the seat of the Authority they do not leave their heads behind Mr. President. They do not leave their knowledge, their legal knowledge behind. They will be competent to determine in those circumstances, whether an offence has been committed, as they will be in their courts. It is not as some would have us believe, that they loose their intellect when they sit as the Cayman Islands Mutual Legal Assistance Authority, nothing could be further from the truth Mr. President.

Mr. President, subsection 3. of Article 3 gives to the Government of the day, this Government or any succeeding Government the opportunity to say whether the assistance being sought is contrary to public interests or not. That did not exist under the Narcotic Agreement. It was a case of 'Hand this letter to Mr. So-and-So, and when he hands you what I am asking for, you be sure to get it on the next plane to Washington.' That was what the Narcotics Agreement said. Here, there is an opportunity for the Government of the day to protect public interest and there is protection for the person from whom assistance or information is being sought, to know that the request for assistance is being processed by the Cayman Islands Mutual Assistance Authority, and there must be a lot of comfort, as opposed to that which exists now Mr. President.

Now Mr. President, critics have said that there is no limitation on use, because subsection 4. of Article 7 throws the door wide open, nothing could be further from the truth Mr. President. Article 7 section 1. - Limitation on Use, reads:

> "The Requesting Party shall not use any information or evidence obtained under this Treaty for any purposes other than for the investigation, prosecution or suppression in the territory of the Requesting Party of those criminal offences stated in the request without the prior consent of the Requested Party."

It encompasses and contemplates the purpose for which the evidence can be used. It may be used for the prosecution or suppression in the territory of the Requesting Party of those criminal offences stated in the request unless the

Requested Party gives its prior consent.

And then sub-section 4, which is the one complained of Mr. President, goes on to say:

> "Except as may be permitting under paragraph 1....(which I have just read)...any information or evidence obtained under this Treaty which has been made public in the territory of the Requesting Party in a proceeding forming part of the prosecution of a criminal offence described in the request may be used only for the following additional purposes:
>
> > (a) where a trial results in a conviction for any criminal offence within the scope of this Treaty, for any purpose against the person(s) convicted;"

Mr. President, would it not be a bit of a joke if, based on the evidence which has been supplied from Cayman to prosecute a person for murder, it also transpired and became evident from that evidence that that person was guilty of theft, robbery and rape, that the evidence could not be used for those prosecutions. Mr. President, it would be a joke if the United States and our Authority had to go back over the procedure again to enable them to go for their second and third and fourth convictions for crimes covered under this Treaty, once the person had been convicted. If he is a criminal, give him up, and (b) says:

> "(b) whether or not a trial results in the conviction of any person, in the prosecution of any person for any criminal offence within the scope of this Treaty."

Mr. President, again it would be ludicrous if in a trial, it became evident that the crime complained of had, in fact, been committed, but just because of the person who had been charged having committed the crime, it turned out to be the person who had given the evidence (which he was) who had committed the crime but framed the person who was accused, for the United States not to be able to charge that person. And this does not give them the right Mr. President, to use that information for any criminal offence outside the scope of this Treaty. So they could not use that information Mr. President, to go after anyone for pure tax matters.

MR. PRESIDENT: I wonder whether, if the Member has come to a break, it would be convenient to pause now for approximately ten minutes.

HON. BENSON O. EBANKS: Yes Sir, I could do with a drink of water.

MR. PRESIDENT: Well, in that case I will suspend proceedings for about ten minutes.

AT 3:27 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:40 P.M.

MR. PRESIDENT: Please be seated. Continuation of the Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, when we took the break and I announced that I would be happy to get a drink of water, I heard one of the most vociferous opponents of the Bill and Treaty on the other side of the House saying, yes he would like to get a break because he wanted to wake up. I am glad to know that I have been able to allay the fears of that Member to the extent, that he can sleep in the Chamber. So the country should have nothing to worry about now, that Member can sleep even in the Assembly, we have lulled him [illegible]. I think if we have done that, we have done a good job.

Mr. President, ...

MR. JAMES M. BODDEN: On a Point of Order Mr. President.

MR. PRESIDENT: It is said to be a Point of Order, so yes.

MR. JAMES M. BODDEN: If the Member was referring to me, I did not.

HON. BENSON O. EBANKS: Mr. President, that is not a Point of Order. The Member was calling attention.....(INAUDIBLE).

MR. PRESIDENT: (INAUDIBLE)....I will tell you whether it is a Point of Order....

MR. JAMES M. BODDEN: The Member was referring to me Mr. President. I can assure him that I never go to sleep when he is speaking, or not even when he is not speaking, because I am leery of him, as most people are.

MR. PRESIDENT: I am not sure that that is a Point of Order...

MR. JAMES M. BODDEN: But what I did say was that he was putting his supporters to sleep. I would just like to be sure he tells the truth.

HON. BENSON O. EBANKS: Mr. President that is not a Point of Order, but he did say he was feeling sleepy Sir. As I said- he is really not worried.

Mr. President, there are others coming behind me who can deal very eloquently and articulately with the legal ramifications of the Treaty, so I am not going to go into too much more of that. In fact, they are basically not permitted to go into the areas which I have dealt with, and I think I will leave that to them.

But Mr. President I want to deal with the question of exclusivity, because it has been said that there is no exclusivity in the Treaty, and Article 1 says quite clearly Mr. President that:

> "Assistance and procedures set forth in this Treaty shall not prevent one Party from granting assistance to the other Party through the provisions of other international agreements or arrangements which may be applicable."

The section which concerns us, is sub-section 2.:

> "Subject to the terms of paragraph 1, (remember I have just read)...a Party needing assistance as provided in Article 1 in the investigation, prosecution or suppression of a criminal offence as defined in Article 17 shall request assistance pursuant to this Treaty."

And it goes on to say Mr. President in sub-paragraph 3.:

> "No Party shall enforce any compulsory measure, including a grand jury subpoena, for the production of documents located in the territory of the other Party with respect to any criminal offence within the scope of this Treaty, unless its obligations under the Treaty have first been fulfilled pursuant to paragraph 4 of this Article with respect to a request concerning those documents."

And paragraph 4. Mr. President says:

> "Where denial of a request or unreasonable delay in its execution may be jeopardizing the successful completion of an investigation, prosecution or other proceedings, the Central Authority of the Requesting Party shall so inform the Central Authority of the Requested Party in writing. Thereafter, either Contracting Party may give at least 45 days notice in writing to the other Party

that, unless otherwise agreed, the Parties' obligations under this Article shall be deemed to have been fulfilled; provided that in no case shall the obligations under this Article be deemed to have been fulfilled sooner than 90 days after the date of receipt of the request for assistance."

Mr. Speaker, it is clear that in the first instance all requests for information or assistance regarding an offence, defined in this Treaty must be made pursuant to the Treaty. And that during the period that such proceedings are in motion, no compulsory measures will be used.

Mr. President, I believe that if it were the ideal world we could have come away with an article which stopped at sub-section 2, of this Article. But Mr. President we need only cast our minds back a couple of months when officials in other dependent territories in the Caribbean were committed to the United States of drug related offences. And one can see why the United States could not agree to an open ended procedure where they have all the information they need, or they have an elected official Mr. President, I want to make that clear, an elected official in one of the dependent territories in the Caribbean who was convicted of drug trafficking and I am saying that with those experiences fresh in their minds, it would be asking too much to argue the United States not to have taken notice and cognizance of those matters and to use a belt and braces approach to these requests. If they have someone in custody, they must get the information in a reasonable time. But Mr. President, dishonest officials, particularly if they are elected officials Mr. President could put the assistance required out of the reach of the United States for some time, if they wanted to act in a worthless manner. So the United States Insisted that they be protected in this way. And I might go on to say Mr. President that even though we have this situation where after 90 days the United States Authorities can suspend the Treaty, this is longer period than that which is contained in the Canadian Treaty. The Canadian Treaty has a time limit of 30 days, after which it is deemed that the Treaty ceases to apply. So, we have received not less than 90 days after the date of the receipt of the request for assistance.

But I would like Mr. President particularly to point out that this is not an automatic procedure. There are two steps to this procedure. First of all, if the denial of a request, or unreasonable delay in its execution would jeopardising the successful completion of an investigation, prosecution or other proceedings, the Central Authority of the Requesting Party shall so inform the Central Authority of the Requested Party in writing. In other words, it must be brought to the attention of the Central Authority of the Requested Party in writing, that the refusal or unreasonable delay is jeopardising the successful prosecution in the United States, of the proceeding. After that has been done Mr. President, and bearing in mind that Article 16 provides for consultation, if the Central Authority of the Requested Party still persists with the delay, or its denial or unreasonable delay in the execution, then, the Requesting Party will give the notice of 30 days. Now in addition to this Mr. President, we have the side letter which says that even after, if this should happen, even after that the United States will continue to exercise moderation and restraint in considering the enforcement of unilateral measures to which the other Party objects, for the production or withholding of evidence. So Mr. President, it should be clearly seen that this provision of protection to the Cayman Islands, and that it will not be abused.

Mr. President, much has been made of the offences which some of the critics call 'the American offences' but as was demonstrated yesterday, these offences exist or resemble very closely offences listed in our own Criminal Code. And Mr. President, all of these offences require knowledge that the person was doing something wrong. Wilfully or dishonestly obtain an money, property or valuable securities. Wilfully or dishonestly failing to make to the Government etcetera. Dishonestly to engage in any act, practice or course of business which operates or would operate as a fraud or a deceipt upon any person, and so on down the line. But Mr. President, I think that the most imaginative interpretation or misinterpretation of all that I have seen is the proposition that the offence listed under 19 3)d) could be used to convict a Bank Manager or a Lawyer for having given wrong advice or counsel to a client. Mr. President, if I employed a lawyer and he 'misgave' a client in that fashion to me, I would fire his ass instantly. This is what the

offence is described as:

> "Wilfully or dishonestly obtaining money, property or valuable securities from other persons by means of false or fraudulent pretences or statements, whether oral or written, regarding or affecting benefits available in connection with the laws and regulations relating to income or other taxes."

If a lawyer gives an opinion and that opinion was honestly given Mr. President, he has not got to worry about under this section. And so it is Mr. President, for all the matters which seem to worry the critics. They are worried Mr. President about being convicted of conspiracy to commit or to participate as accessories after the fact in any of the criminal offences defined in Article 19.

Mr. President, they have said that under American Law you do not have to do this or that to be guilty of conspiracy, or be an accessory after the fact. It will be English Law which will determine whether or not they are to give evidence, or whether they will be considered to have been guilty of conspiracy to the extent that they give assistance. It will be our local Mutual Legal Assistance Authority who will say like whether a case has been made against them. So anything done in good faith Mr. President, is protected. It has to be wilful perjury based on dishonest acts. The question of whether to add additional offences from time to time Mr. President, by exchange of Diplomatic Notes in the United States, the United Kingdom and including the Cayman Islands is as was explained, a procedure to be able to in this way to add offences that may become offences under our laws in due course. And this is the mechanism to provide for adding those offences, if we consider that they should be added. But Mr. President, the United Kingdom cannot and will not add to that list without our consent. The Honourable Second Official Member in introducing the Bill read an undertaking given to us at the time we negotiated this Treaty, that that will be the case. Because we suspected that there would be some troublemakers who would not want to accept this as Public Policy and we put on the belt and braces for that too Mr. President.

Mr. President, during the course of debate a statement was made by the Second Elected Member for George Town, about Government officials being in the pay of the United States Drug Enforcement Agency, or the Internal Revenue Service. The Honourable Second Official Member yesterday Mr. President objected to the statement on behalf of the Honourable First Official Member yesterday, objected to that statement on behalf of the Official Members, and I would like Mr. President to say that none of the Elected Members Mr. President are...(that is the Elected members of Executive Council) are involved in any way with the Drug Enforcement Agency and IRS, but Mr. President, I think it might be good to say that it is common knowledge that there has been, or continues to be cooperation between the Drug Enforcement Agency of the United States and our local Law Enforcement Officers, and to the extent to which that is necessary and desireable Mr. President, to stamp out the drug trafficking in this country, or to abate it going into the United States. I do not think that anyone should complain about that Mr. President. We have all pledged to do what we can to stamp out the drug trade, and if that cooperation exists, it does not worry me Mr. President. I do not believe that our Law Enforcement Agencies would lend themselves to any untoward operation, or do anything to entrap innocent people, and I give the assurance Mr. President that the Elected Members of Executive Council have no affiliation or working relationship with any of these organisations, and we challenge any Member that has evidence to the contrary to produce it.

Mr. President I support the Mutual Legal Assistance (United States of America) Bill, 1986 and commend it to all Members of this Honourable House, and trust Mr. President that now that their fears have been allayed that they will find it possible to vote in favour of the Bill when it is put to the vote later in this Meeting.

Thank you Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? The First Elected Member for the Sister Islands.

CAPT. HARRY E. KIRKCONNELL: Mr. President, the Bill before this Honourable House in my opinion, is a very, very timely and a very

important Bill. Its full title is a Bill for a Law to make Provision for giving effect to the terms of a Treaty made between the Governments of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, including the Government of the Cayman Islands, for improving the effectiveness of the Law Enforcement Authorities of the United States of America and the Cayman Islands in the prosecution and suppression of crime, through the cooperation and mutual legal assistance in criminal matters, and for purposes connected therewith.

Mr. President, the Honourable Second Official Member in his opening remarks made what I considered a brilliant speech. He eased many fears that I had. I congratulate him for the time consuming speech that he made. I would also like at this time to congratulate the members of our negotiating team for the long hours of hard negotiations which they had, and the many hours in the air which it took them going between Washington and the Cayman Islands, and London and back. It is deeply appreciated by me and I speak for my constituents as well. It was most reassuring to hear his remarks Mr. President, after hearing and reading in the press such disturbing reports.

When I receive a Bill, which I received quite early I would say, I do not just sit on it and wait until we come to this House. I try to study it with my limited knowledge and get legal advice when it is necessary. I obtained advice from some of the members of the legal profession, and it certainly did not tell me that all I read in the press was attributed to the Law Society. They had certain reservations, most of which have been cleared up in my mind by the presentation from the Honourable Second Official Member.

I feel Mr. President that it is my duty in representing my constituents to come here and to present facts, and not to try and distort the picture or to destroy the Cayman Islands. It is my intention as an elected representative of my people to help build the Cayman Islands and to improve the conditions for all the people of the Cayman Islands.

It is clearly stated in this Law that this is for the suppression of criminal activity. If you commit a crime, you must be prepared to be punished. I have no sympathy for criminals, and therefore I am in complete accord with this Bill.

Much has been said of the Narcotic Agreement in 1984. I was a back-bencher then, or an outsider or whatever you want to call it, sitting on this side of the house, and the treatment was very similar. It was of another kind from that which we received. We were not briefed as much on the Narcotics Agreement as we were on this Mutual Legal Assistance Treaty. But I fully realise that confidentiality must be maintained, and I am not complaining. Most other Members who are now sitting on this side were either elected in the last election, or were Members of the Executive Council when the Narcotic Agreement was published. Perhaps their memories need to be refreshed by someone who sat on the back bench and had to wait and listen to what was told to us. When we came back from the Committee Room and briefed on this, we were told they were hard negotiators; there was nothing that could be done, and I stand here today not criticising them. I appreciate what the negotiators did in 1984, because just like the Mutual Legal Assistance Treaty which followed it, I felt it was a step in the right direction. We need to create a climate here for healthy, legal investments in the Cayman Islands, and I think these two steps are proving to the world the intentions of our Government and our people.

But it is disturbing to me that we should not get facts from the floor of this Honourable House Mr. President. I would like with your permission Sir to read the speeches which were delivered in this Honourable House on the 3rd by you as Governor; by Mr. Tim Eggar the Parliamentary Under-Secretary of State for Foreign Affairs and Mr. Ronald Spiers the Senior Under Secretary for Management, in order that the people in the listening audience know exactly what was said, and the intention of those signing. I quote from His Excellency the Governor:

> "Minister, Mr. Under-Secretary, I believe that this is the first time a Treaty has ever been signed jointly by a Minister and a Governor. But not only that, it is also the first time that a Minister from the Foreign and Commonwealth Office has visited these Islands. So the occasion is doubly historic, and we are a bit out of that

today's ceremony is taking place here. May I, on behalf of my Government, welcome all of you who are visiting us for the occasion; it is a special pleasure to have you.

It is a pleasure, too, to be signing a Treaty which should help provide a solid foundation for the further development of the territory's financial industry. The signature of the Narcotics Agreement two years ago made plain that we were determined to deny shelter to drug traffickers. The present Treaty is evidence of our determination to fight all serious crime.

Moreover, its mutuality is most welcome. For we here are increasingly concerned about the problems caused by drug abuse. We need all the help we can get to tackle them. And we therefore look forward to the additional assistance which should become available.

In conclusion, I should like to present you, Minister, and you, Mr. Under-Secretary, with small gifts as mementos of this occasion."

I was quoting from His Excellency's speech. And now these are the words of Mr Tim Eggar, the Minister from the Foreign and Commonwealth Office.

"Governor, Mr. Under-Secretary, it gives me very great pleasure indeed to be here in the Cayman Islands to sign the Mutual Legal Assistance Treaty on behalf of Her Majesty's Government. Not only is this the first time that a Minister of a Foreign and Commonwealth Office has been here in the Islands, but it is the first time that a Treaty, I think, has ever been signed in such idyllic surroundings; and indeed, I am told that it is the first time that a Treaty has ever been signed in these Islands. The Treaty is of course a milestone in mutual legal assistance and co-operation between our three Governments in what is of course a war against international crime. But, I think it is not going too far to say that it is also a milestone in the development of international relations more generally.

This is the first Treaty of its sort which the United Kingdom has concluded with any other Foreign Government. I think the Treaty is particularly significant because it tries to tackle a problem thrown up by the increasing ease of communications and sadly, the increasing ability of criminals to move their ill-gotten assets around the world. I am sure that everybody here is well aware of the differences that exist between the British and the US Governments on the subject of extra-territoriality. I am not trying to resolve those differences today, but I do think that treaties such as the one we are just about to sign helps solve the problems that multi nationals only be dealt with by the United States through extra-territorial application of their law in a manner which would not be acceptable to my Government or indeed to other Governments.

Against that background we hope that this Treaty will set a pattern for other similar treaties, perhaps in other parts of the Caribbean and elsewhere.

So, Mr. Governor, in paying tribute to everyone who has worked so hard to bring this Treaty into being, I am very conscious of its great importance, great consequence, not only for these Islands, but for other Islands and for my own country, the United Kingdom. I know that everybody concerned with the Treaty have put a great deal of effort into the detailed negotiations. I pay tribute to the United Kingdom team who have represented my Government, but I am also, of course, very grateful to the United States and the Cayman teams for their determined efforts to solve what have been a number of difficult issues.

I am very sure that the Treaty will help to establish the

Cayman Islands even more firmly as a stable centre for genuine offshore finance by providing a suitable framework for legal co-operation with the United States.

As I have indicated, this Treaty has yet to be tested in turbulent waters. It will take close co-operation, patience and a willingness to understand the intentions and difficulties of each side to make this Treaty work effectively. But, I take comfort from the smooth operation of the 1984 Narcotics Agreement, which was due in no small part to the determination of the Cayman Islands not to allow their territory to become a refuge for the proceeds of crime. That Agreement, the Narcotics Agreement, was itself a landmark in the international fight against drug trafficking, a subject for which I have particular responsibility in the Foreign Office, and to which I am convinced, all democratic Governments are going to have to pay an increasingly greater attention to. As I say, Mr. Governor, this Treaty brings us into uncharted waters, but such waters I am convinced, need hold no terror for the people's of these Islands.

Thank you."

I now quote from Mr. Ronald I. Spiers, Under Secretary, the Department of State of the United States of America.

"Excellency, Minister, Honourable Members of the Executive Council, my colleagues from the Foreign and Commonwealth Office and our Departments of State and Justice. It is hard for me to conceal my delight in taking time to visit this lovely Island to participate in a ceremony with consequences of substantial importance to the United States, and I think, to the other signatories to this Agreement.

This Treaty, as my colleagues have recognised, is the first of its type that the United States and the United Kingdom have concluded. It is a tangible, and I believe significant manifestation of the commitment of our two countries, and I include the Cayman Islands, to work co-operatively in our respective efforts to combat crime, and to find practical means of bridging our differences. It is a model of co-operation, as was its predecessor, the Narcotics Agreement, which was signed in London in July of 1984.

The Narcotics Agreement as you may know has been very effective in assisting United States drug enforcement interests. As foreseen by its terms, that Agreement has led to the negotiation and signature today of a broad mutual legal assistance Treaty in criminal matters.

I recall that at the July, 1984 signing ceremony for the Narcotics Agreement in London, then Minister of State Malcolm Rifkind proposed that similar agreements be entered into between the United States and the United Kingdom with respect to the remaining United Kingdom Caribbean dependencies. That offer was reaffirmed by Her Majesty's Government in June of last year. The United States is pleased and heartened by this offer to conclude drug co-operation agreements with the dependencies.

In fact, the second such agreement, which will be applicable to the Turks and Caicos Islands, will shortly be concluded in Washington. We are also encouraged by the fact that these additional drug co-operation agreements are also intended to lead to the adoption of broader law enforcement treaty relations as well. We see these developments as continuing examples of the fruitful co-operation we have received from Her Majesty's Government on anti-narcotics and other law enforcement matters. We are also convinced that the Government of the Cayman Islands should accept the credit it so richly deserves for being in the forefront of this landmark development.

So, we would like to take this opportunity to express our profound gratitude for the significant law enforcement assistance that the Cayman Islands authorities have been extending to the United States, long before this treaty was concluded. We are confident that the Treaty like the Narcotic Agreement before it, will contribute substantially to law enforcement co-operation between our countries.

Your Excellency, on behalf of the United States Government, I take great pleasure in my ability to participate in signing this Treaty with the United Kingdom Government and the Government of the Cayman Islands.

Thank you."

Mr. President, I read that for the benefit of the listening audience, that they would know and hear the expressed intentions of the Governments who have signed this.

I think the Cayman Islands should always be grateful that we can stand in an Assembly such as this and refer to the United Kingdom as our 'Mother country'. Our very existance in the troubled Caribbean today is made possible because of the protection we receive from our Mother Country. For us to think of ever leaving that protection, I think would be sheer disaster. I am not now, and never will be in favour of Independence or anything that would in any way sever our ties with our Mother Country. We have the best that we can get in my opinion, with having the protection of the United Kingdom and the close association which her friendship with the United States affords us, from the United States itself.

The Caribbean is becoming a more dangerous area each day, and we are treading on dangerous waters when we trespass with our own future.

I have many reservations as to what drugs have done in the Cayman Islands, and I think when we can get a country with the resources of the United States of America to foot the bills and helping to control drug trafficking, which certainly this small country cannot afford, we should co-operate in any and every way that we can to bring criminals to justice, and to prevent drug trafficking.

Another thing Mr. President which has been mentioned was that we were not properly briefed on this Treaty, and as other speakers have said, we did have two meetings which were very poorly attended. I live 90 miles from here, and I try to attend every Select Committee that is possible for me to be here for, and I feel it is as much my duty to attend a Select Committee as it is to be present at a meeting in this Honourable House. And I think the time has come, as some Members have said, 'Select Committees are a joke, I cannot waste my time attending a Select Committee.' Some people need to examine their consciences, and realise that that is not what they told their people in 1984. I think it is time that we all realise that we are elected for four years, and we should endeavour to serve for that four years.

Mr. Speaker sir, I have noted with keen interest, the amendments which are proposed for the Committee Stage of this Bill. I look forward to their implementation. I am not a legal brain as I have said before, but I am sure of the advice which I have been given the very amendments which have been proposed were some of my question areas.

But before closing Mr. President, I would like to take this opportunity to particularly express my very deep appreciation to the Honourable First Official Member for his Address here in this Honourable House yesterday. I think it is something that should be published. He, in his capacity, has information which all people of the Cayman Islands need to know. He expressed it very eloquently, very calmly and I think we should ever be grateful for a man of his integrity to be in a position as our Financial Secretary and the First Official Member of this Honourable House, and I on behalf of my people would like to thank him sincerely for the way in which he presented himself yesterday, and I am sure he has eased the minds of many of the people of the Cayman Islands who for some reason have been misinformed or have got the wrong impression somewhere along the line. I think if they listened attentively to what he had to say yesterday they can truly feel

relieved. I also look forward to the summing up by the Honourable Second Official Member as he comes to the close of this debate.

So with those few words Mr. President, I support the Bill as it will, in my opinion, be the beginning of a better Cayman, a better financial climate, a better and healthier climate in which we and all Caymanians can live.

Thank you Mr. President.

MR. PRESIDENT: The Member for East End.

MR. JOHN B. McLEAN: Mr. President, before entering into the debate on the Bill before us, I wish to make it emphatically clear that I stand entirely against narcotic drugs or any harmful drugs as a matter of fact. It is my honest opinion that whatever possible we can do to stamp out or curtail this harmful drug, we should do so. But Mr. President, if we are to assist other countries in such matters, we must do so in the right way. We must do so and be assured that we are not doing it to the detriment of our own country.

I agree with something that was said I think by the Honourable First Elected Member of Executive Council, when he referred to a similar mechanism perhaps than the Treaty. Perhaps that would have been the machinery something which would have suited the Cayman Islands more, than the Bill which is before us.

Mr. President, the reason I have taken time to point out my stand on drugs, is the fact that a previous speaker in his debate made some very very hurtful remarks which to me affects every Member who intends to speak against this Bill, and his words were something to the effect that anyone who does not support this Bill is some sort of a crook, one will fill his pockets in any way. I assure everyone in this House, I assure the general public that I am speaking out against this Treaty, I am speaking out against this Bill, but I assure them that every dollar which goes into my pocket is earned by the sweat of my brow. As I have said, I do not in any way encourage drugs, and I have talked here in this House before, and I have taken it as far as to say I have one brother, no sisters and if I at any time felt he was involved, I would be the person to turn him in, but thank God I know that I do not have a problem with that.

Mr. President, please grant me further permission to deal with another matter, which again has brought to light in the debate here today.

Firstly, I must say that I am very concerned, more now than ever before, as to the confidence in Committee Stage of this House.

MR. PRESIDENT: I am afraid I am going to have to interrupt you just for a moment, because it is four thirty. The Honourable First Official Member will have...

MOTION
SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFESON: Mr. President, with the agreement of the majority of Members, I move that Standing Order 10 that we suspend Standing Order 10(2) for the House to proceed on until six fifteen with its business.

MR. PRESIDENT: The Motion before the House is that in accordance with the provisions of Standing Order 10, Standing Order 10(2) should be suspended in order to enable the House to continue until six fifteen this evening.

QUESTION PROPOSED: DEBATE ENSUED:

MR. G. HAIG BODDEN: Mr. President, I just want to place my objection to the suspension on the same grounds that I raised yesterday. And I would like further to add that these unnecessary extensions of time, put a heavy burden on the staff of the Legislative Assembly. Some of them are women with children coming out of school may be young children that they have to pick up from day care centres, and I do not see the need for it. There is plenty of time left, there is next week, there is next month. Why are we rushing this matter?

This [illegible] opinion, would not be necessary today if the Business Committee had given the

priority to this Bill which they should have. You will recall that last week Monday, I questioned why this matter was not put down. We adjourned at twelve o'clock, noon last Monday. This Bill simply was not on the agenda on Monday. Then on Tuesday, although the Bill was on the agenda, every other item that could be thought of was put in front of it, and the Bill was the last item, so that two full days were lost. It seemed as if Government was afraid to start the deliberation on this Bill. And I cannot now agree with these extensions going into the night, to deal with this matter.

And furthermore I would like to restate that it is my feeling that controversial matters should not be the subject of debate after the interruption.

MR. PRESIDENT: Just for the record, perhaps it should be said that according to the Minutes, it seems to me that the debate on this Bill began immediately after the morning suspension on Tuesday, so it was only a small part of one day that was lost.

As to the ruling, I have studied Erskine May with greater care since yesterday, and my interpretation of it rather differs from the honourable Minister's. I will explain to him later in more detail why, but I think there were bits that perhaps he did not read out. I have not taken a recording, or have not studied the recording of what he said, and I would not like to say that he did not read them out, but I do not recall his reading them out, and they point to a slightly different conclusion to me.

MR. G. HAIG BODDEN: Yes Sir, I did not read all of it yesterday....

MR. PRESIDENT: No.

MR.G. HAIG BODDEN: ....because I did not want to take up the time.

MR. PRESIDENT: Well I quite understand. But if you omitted the bits that pointed to a slightly different conclusion, it may have been slightly unfortunate. However, I do not want to provoke argument about it.

Perhaps I may now put the question.

QUESTION PUT: AYES AND NOES

MR. G. HAIG BODDEN: May I have a Division Mr. President.

MR. PRESIDENT: Certainly you may.

DIVISION
NO.29/86

AYES: 12
Hon. Thomas C. Jefferson
Hon. Michael J. Bradley
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Capt Mabry S. Kirkconnell
Mr. D. Ezzard Miller
Mr. John B. McLean

NOES: 1
Mr. G. Haig Bodden

MR. PRESIDENT: I declare the motion carried. The Member for East End can continue.

AGREED BY MAJORITY: STANDING ORDER 14(2) SUSPENDED TO ENABLE PROCEEDINGS TO CONTINUE UNTIL 6.15 P.M.

MR. JOHN B. McLEAN: Mr. President, I started to say that I was very concerned about something that was reflected upon today in connection with what I consider a closed door meeting of Members of the Assembly, and I would further state that the two

Members from Bodden Town, and myself were invited to the meeting in question. And it was for the same reason that the Second Elected Member and myself decided not to attend, because we were fearful that what has happened today would have happened.

Mr. President, I think it is very terrible when we have a group of men, persons who should be quite responsible, we come to the Legislative Assembly, we meet on matters of confidence, and shortly after it is taken to the floor of the house for political reasons. As I have mentioned, it was only the First Elected Member who fell for this, and I hope and trust that he will exercise his right under Standing Order 21, and state exactly what took place in the meeting, because if I understood the Member who was speaking, correctly, matters such as constitutional changes were mentioned, and I sight this as very serious. And if he does not clarify it, I think that it would only be right for the Government to make a statement on it. And I trust Mr. President we will have no repeat of such a case.

Mr. President, my first observation on the Bill before us is the title - Mutual Legal Assistance Treaty. Mr. President, if the Webster Dictionary is correct, and I know it is, the word 'mutual' should be removed from the name, as there is nothing in the Bill that we have the hearing. The word 'mutual' means equally given, and received, and thus far, no Member speaking in favour of the Bill has convinced me that we have received equally for what we have given.

Mr. President, I know that the Honourable Second Official Member did a very good job in trying to convince Members of the many good things in this Bill. But there was one thing that he said, regardless of whether he meant it or not, he surely said it, and that was that he too sometimes seen the Bill as one sided. That surely Mr. President fits the Bill as I read it.

Mr. President, the day the Treaty was signed, the 3rd of July 1986 will be remembered in these Islands as the day when we were taken by the United States given by our brothers and our Mother Country. Or perhaps I could put it the way a banker said to me the other day - 'the funeral of the Cayman Islands'.

I have heard this Treaty referred to Mr. President as something worse than the disaster in Jones Town, and we are all familiar with Brother Jones. And my question Mr. President is, why should our Islands be entered into such a Treaty? Could it really be as some have said, that we are at the point where our Mother Country no longer wants us, and is urging us to change our status?

We have heard Mr. President of many other Treaties since we have been discussing the one before us. We have heard of the many things embedded in the others, that are so much more suitable to their surroundings than the one we are dealing with.

One that was mentioned Mr. President was the Swiss Treaty, but there were several things that really were not mentioned on the Swiss Treaty. The Swiss Treaty with the United States provides that the Treaty is to take into account the sovereignty, security, public order or essential interests of Switzerland. We should also state the time frame that was placed on this Treaty, and I think if I am correct, in total it should be something like eleven years.

Mr. President, gentlemen when I hear certain individuals speak of their love for their Islands and our people, it honestly leaves me to wonder, is this really love for our country? Is this really the only avenue we could have explored. And again, I will refer to what was said earlier. It would have to be the Treaty, or a similar mechanism. I believe that if time had been taken to explore further that similar mechanism, we probably could have embedded within it something that would have been much more beneficial to these Islands.

Mr. President, I am pleased that certain reputable persons from the different sectors of these Islands are able to come forward and to make certain recommendations and representations. And for this, I must say I am grateful to the Law Society, the Society of Accountants and one Mr. Measures and from the insurance company. I must say that I feel that this man deserves credit, although he stood alone on the issue, he rose to it and he spoke, and he spoke strongly, and I feel that in each of the cases mentioned, the only thing that was said by the representation was to try and assist in making this treaty better.

President, if one reads the Treaty, I can see no reason why the United States should not be pleased. Everything in this Treaty is in favour of the United States, and we might as well be realistic about this. If the United States decides to abuse this Treaty, I feel they will Mr. President. We have had a case not too long ago which showed us exactly how far the United States would go. And you know, I honestly thought that this alone would have awakened the Government, because it did involve a prominent Member of the Government itself. But it seems as if at this time, whatever the United States puts before us, we are happy to accept. Again Mr. President, I say I would like very much for further representation from the public, and I see no reason why we are taking the attitude of pushing this legislation through in such a haste.

I would refer to one thing Mr. President, one does not have to be a shady character to be frightened of harassment and pressure. We are aware, very well aware of persons from the United States, because regardless of whether we admit it or not, most of the financial centre in these Islands was built by the United States, and we have to be grateful to them. I know that. But if the argument is correct Mr. President which has been given here, that somebody who is an honest person does not have to worry, then why is it that we find that honest people who have been here for many, many years are so concerned over this Treaty? And I will not mention names, but the same way that the Government has had representation from the public, I have also had representation from the public. And I will tell you what, if it is going to take us as long as in some cases, 20 years, to decide that an individual who is here and who has built this place is now subject to pressure because of a Treaty which we are bringing in, God help us.

Something else that worries me Mr. President, and maybe the Honourable Second Official Member will clear this up when he makes his closing remarks. What will happen to a Caymanian lawyer Mr. President, or someone for example, in the Accounting Society, what will stop them from say, being pressured by the United States? If for example, they have a client here with an account on which their signature appears, and of course, was put there in all good faith. But say in the next few months, for some reason or the other that individual is investigated and an irregularity is found, what will happen? Would it mean that our Caymanian lawyer is also subject to the same penalties as the United States investor here? Mr. President, I see many far-reaching effects in this Bill, and as I have said neither the Honourable Fourth Elected Member of Executive Council nor the Honourable Second Official Member have thus far satisfied my mind. More so Mr. President, now that I have seen that with all the Honourable Second Official Member has told us about this Bill, already we have seen circulated for Committee Stage two amendments. How is it that we were told...(INTERRUPTION).

What my colleague is saying is quite true, and I am sure if each one of us looks we could find it each, so there is nothing for us to laugh about Honourable Second Official Member, we need to look into this Bill. It just demonstrates that as we look, we are finding more and more amendments which we need to do. That is why Mr. President that a few days ago when the Member for West Bay thought of an amendment to this Treaty, the Member for George Town and myself were quite willing to go along with it, because we see the need, and we are not going to be like others who, because of pride are prepared to bury their heads and to say that it is here and we are going to do it this way. No doubt the motion we are going to put forward will be crowed down. But the people of this country will see those who have tried, and tried to the end.

Mr. President, I can imagine that like others who have spoken against this Bill, especially the two brothers-in-law. I am certain that I shall also be ridiculed for trying to put forward my views on the Bill. But as I have said, whatever I have said on this Bill, I mean it in good faith. I was elected Mr. President to try for the betterment of these Islands, and I feel that I will be doing an injustice to my people to go along with the Bill as it is presently. We cannot Mr. President expect the United States to put on paper something that is going to be in favour of the Cayman Islands, when it is their wish, and as know it, it is their wish to destroy us as a tax haven.

Going to the Treaty Mr. President, especially in Section 19, I ponder if it would not have been possible to have had this section from the Confidential Relations Preservation Law which deals with crimes embodied within this Treaty. Another in an effort somewhat we

here Mr. President is should the IRS come to these Islands and God knows I hope not, and steal for example, information on a criminal offence, I wonder honestly if we would get in turn how assistance from the United States Government, that we are offering them under this Treaty. Mr. President, there is much in this Treaty which needs to be cleaned up. But it seems as if it is the minor little things that we can crack on this Bill, to make a joke, that is done rather than sitting and studying this over and over and making what I consider much needed amendments.

Mr. President, as I said in the beginning, we need to do whatever is possible to try to curtail drugs. But let us do it the right way, and again I ask a question. I wonder what the Government, or if they have given it a thought as to what will happen to this country should our tax haven be destroyed? As it is Mr. President, we have problems balancing our budget.

You know what was said to me a few days ago. When the tax haven is destroyed, is it correct that your Government intends to introduce gambling? Mr. President, out there, there are many, many thoughts in the minds of the public, and we may stand in here and laugh and pool ourselves, but the day of reckoning is at hand.

Mr. President, as I have mentioned, we are doing a motion, and I trust there will be a change of heart. I also hope that at that time, you would see fit to release Members from collective responsibility and let them vote their consciences. As this Bill is Mr. President, it is for the good for this country. Let us not destroy what it has taken 21 years to build. Let us work for the people, not against them.

Thank you Mr. President.

MR. PRESIDENT: Does any other Member wish to speak? The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Mr. President, Mr. President, I rise in support of a Bill for a Law to make provision for giving effect to the terms of the Treaty made between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland including the Cayman Islands for improving the effectiveness of the Law Enforcement Authorities of the United States of America and the Cayman Islands in the prosecution and suppression of crime through co-operation and mutual legal assistance in criminal matters, and for purposes connected therewith.

The officers Hansards of this Honourable House will reveal Sir, that on the 3rd July this year in the presence of the majority of the Members of the Assembly the First and Second Elected Members of Bodden Town and the Member for East End being absent, and in the presence of other prominent citizens of these Islands, this important document was signed.

In your speech on that historic day Sir, you hailed the Treaty as one which should help provide a solid foundation for the further development of the particular financial industry, one which made plain our determination to deny shelter to drug traffickers, as well as providing evidence of our determination to fight all serious crime. You went on further to mention Sir, that we here in the Cayman Islands are increasingly concerned about the problems caused by drug abuse and need all the help we can get to tackle those problems.

Mr. President, those were words well said. Words of wisdom, words of truth, and I hasten to add that nowhere is truth more important than when we speak in this Honourable House. Truth is as basic to life as it is to news reporting. Without it there is moral confusion. Without truth good things are called bad, and bad things are called good. Without truth criminals receive credit for being honourable, and honourable persons get the reputation of criminals. It should not be any surprise therefore that God is looking for truthfulness in us. We must call wrong, wrong.

What about us, we in this Honourable House? Have we been honest with God? Have we been honest with our people? Have we been honest with ourselves, when we speak on this important matter, or in fact on any matter in this forum? Mr. President, the people of these Islands have always prided themselves on their honestly and integrity, and if in our quest for prosperity we have some how strayed from the straight and narrow, then Mr. President, is it now time we set the record straight?...

MR. PRESIDENT: If I may be free to interrupt the Member for a moment, I am told that the tape is about to run out, so perhaps you would like to pause for about a minute while the tape is changed, and I will ask Mr. Radley to go and ask them to change the tape straight away.

MRS. DAPHNE L. ORRETT: Thank you Sir.

MR. W. McKEEVA BUSH: Maybe Mr. President, I could give a sermon while we are waiting.

MR. PRESIDENT: I am so sorry.

MR. W. McKEEVA BUSH: Maybe I could give a sermon while we are waiting.

MR. D. EZZARD MILLER: No Sir I think the Rest...

MR. PRSIDENT: So that we would be vastly entertained.

MR. D. EZZARD MILLER: I think it got so hot in the kitchen, they had to leave.

MR. W. McKEEVA BUSH: Maybe we could have an Irish lullaby.

MR. PRESIDENT: Or a West Day Wassail...(LAUGHTER)

MR. W. McKEEVA BUSH: I am certain it would be very entertaining though.

HON MICHAEL J. BRADLEY: Was it Tennyson Sir, who had the old saying 'swans sing before they die, 'tis said: 'twere no bad thing should certain people die before they sing'.

MR. PRESIDENT: (LAUGHTER)...Well you have got your Irish lullaby now you see.

MR. W. McKEEVA BUSH: Mixed in with other things I am sure.

MR. PRESIDENT: The Member may continue.

MRS. DAPHNE L. ORRETT: Mr. President, only when we do this can we recover our honour if indeed this is seen to be the case in the eyes of the world.

I see this Treaty Mr. President as a means of proving to the world that we intend to set the record straight. I see this Treaty Mr. President as a means of saying in no uncertain terms to the drug traffickers, that we will have no part of their evil and treacherous trade. I see this Treaty as a means of crying allowed to our people, especially our young people, bright, promising young people, a means of saying to them that this Government intends to do all it can to help stamp out that which exist to destroy them.

I see this Treaty as a means of proving to ourselves that our God is not money, irrespective of the source from which it is derived. Blessed is the nation whose God is the Lord. Cursed is the nation whose God is anything else, Mr. President. No greater curse could befall us than to see our young people wasted and destroyed by drugs, and corrupted in other types of serious crime.

I see this Treaty as an eye opener for our people, which says to them we have a serious problem on our hands, and we need all the help we can get to tackle and suppress and hopefully, destroy it.

I see this Treaty as a means of saying to the United States of America, you have helped us, we will help you. I also see this Treaty Mr. President, with all its safeguards, saying to that great country, we will help you, but in so doing such help is limited to any and all assistance that which would have severe adverse impact on the national interests of the Cayman Islands.

Indeed I can see Treaty

providing safeguards which empower the Central Authority of the Cayman Islands to deny such assistance where the Attorney General of the Cayman Islands has issued a certificate to the effect that the execution of the request is contrary to the public interest of the Cayman Islands.

I also see this Treaty and the enabling legislation, providing safeguards in Article 20 whereby the Government of either the Cayman Islands or the United States may terminate the Treaty by giving three months notice in writing to the other Government at any time. Our Cayman Islands Confidential Relationships Preservation Law of 1976 was enacted not to shield or afford protection to the criminal but rather to provide a safe haven for legitimate business at a time when all over the world confidential information is misused. In fact, my understanding is that the Cayman Islands now join the company of Switzerland in co operating with the United States in the fight against crime, notwithstanding this spirit of co-operation Mr. President. It is of utmost importance that the Cayman Islands Authorities be ever vigilent, that the Treaty is not abused, nor that the Treaty is misunderstood by those doing legitimate business in these Islands, as to the extent that the Cayman Authorities are willing to co-operate with the Authorities in the United States. Without this vigilance, irreparable damage could result to our financial industry and to the tourism industry which it largely supports. This is an area Mr. President which has caused much concern on the part of not only the business community, but us Members of this Honourable House as well, myself included. However Mr. President, having read, studied, enquired and listened to a number of brilliant minds, both inside and outside this House- the Treaty, as I see it, will have the effect of deterring those who would misuse the hard-won facilities offered by the Cayman Islands, by their criminal activities, while at the same time offering to the legitimate business international community a financial centre serving as a stout shield for their business while avoiding criticism by the United States Authorities.

Mr. President, it is estimated that the cost of illegal drugs to the economy of the United States is in the region of US$110 billion, and is in fact a threat to that countries national security. Barring all the other ghastly which this Treaty seeks to assist in the fight against crime. This great country of 280 million people had every right to seek to enter into a Mutual Legal Assistance Treaty to assist in what is a real battle. A battle against crime which also affects our small country.

Mr. President, with the onslaught of drug trafficking and its resultant havoc on our own Caymanian people, can we sit idly by without contributing to the effort to win this war? And a war it is. Mr. President not only is it not in our best interests to be seen by the International community as a haven for criminals. It is of utmost importance that our own twenty thousand people be protected from these agents of wickedness, because our very existance depends on freedom from crime. Not only does it offend the sense of common decency and responsibility in international relations, but as the Honourable Fourth Elected Member and former Financial Secretary in his Budget Address in February 1981 so ably put it, the value to the Cayman Islands of the financial industry is far more than the sum total of fees, charges, the services offered and the income to the country. The most valuable asset is the confidence reposed by the international financial community. We must therefore do everything to protect our good name and build on it.

Stability Mr. President, is a key word here. Stability both politically and economically. We can honestly say that we are one of the most stable countries in this region, perhaps in the world. Compared with other countries, crime is at a minimum. There is no racial discord, no matter that cannot be handled. A medical plan which offers hospital charges at a minimum with free healthcare for children, our elderly citizens and those not able to pay. Education is free for our children. We rush to the aid of each other when in need. Mr. President, these are blessings we cannot take for granted, never, never, never.

Mr. President, I venture to say that we could perhaps be looked upon as a model for the rest of the world, as close to paradise as one can find in this region. Can we allow political ambitions or apolitical attitudes to destroy those precious commodities with which we have been blessed? No Sir, Mr. President, a thousand times no.

The Attorney of the Islands in

recent years has been built on two industries: finance and tourism. We have won for ourselves an excellent reputation for integrity and expertise, and are held in high esteem by the international business community. This reputation of both Government and members of the financial sector must be guarded carefully, and if seen to be in danger of being tarnished, must be put in order forthwith, thus the Treaty and the enabling legislation Mr. President. I venture to say that should we lose the confidence and respect of the international business community, the hardship which would befall our people would be immeasurable, with the tragic impact being felt both politically and economically.

Mr. President it is incumbent upon our people both inside and outside this House to ensure that we, for political reasons or otherwise, do not create for ourselves greater disservice than would any Wall Street publication. Mr. President it is important that the only newspaper on these Islands holds itself to responsible journalism, fair and unbiased reporting, because otherwise political mileage gained may prove worthless in the face of the drastic damage which may be done to our country through irresponsible reporting and politically motivated editorials. The headlines on our own newspaper may drive more legitimate business from these Islands than any Treaty will ever do, and the damage could prove irreparable, whether or not the whims and fancies of politics have been served. Let us take warning from other countries, where hot headed egotistic politicians in their quest for power, serve only to bring their once lovely country to the brink of political and economic disaster.

Mr. President, I appreciate the concerns voiced by the various members of the business community, regarding the Treaty and its enabling legislation. The Chamber of Commerce, the Society of Accountants, the Law Society and others, they had every right to voice those concerns. We live in a free democratic country where there is freedom of speech. I must admit however that I do take exception to the fact that such concerns were not voiced earlier, especially in view of the fact that the signing of this Treaty took place on 3rd July of this year, and that 14 days, prior to the sitting of this Honourable House, the enabling legislation was available to the public for their perusal. In fact Mr. President, the very controversial release making the headlines of the local Cayman Compass newspaper, and submitted by the Law Society did in my opinion, more harm than good in the eyes of the international financial community.

Perhaps Mr. President, if as was said, the public was overly concerned about the Bill and the Treaty, they would have, as in the case of the proposed Labour Bill, made direct representations to Government. Thus far there was been minimal representation from the public. Perhaps Mr. President, had it not been that politically motivated individuals in our community, had their eyes fixed on a seat in 1988 and wanted to do everything possible to discredit this Government, we would have heard but little on the outside of this House, regarding the Treaty and its enabling legislation.

Mr. President, it has not gone unnoticed that the Editor of the local newspaper happens to be the wife of the President of the Law Society, who happens to be a staunch supporter of the Unity Team. In the light of these factors, it raises questions in the minds of many people as to why the Government is continually being criticized by that newspaper, with many editorials contributing little in support of anything put forward by this Government. However Mr. President, it comes as no surprise that this local publication appears to take so lightly the manner in which they continue to use their headlines, negative remarks on debate against this important piece of legislation. This paper seems to be giving little consideration to the fact that the two main pillars of our economy are banking and tourism. Most Members of this House will recall that some months ago in the midst of our busy tourist season with hundreds, no thousands of Americans and others visiting our shores, this same newspaper made what was in my opinion a terrible blunder by having on the headline of their paper the "Stray dog problem on Seven Mile Beach. Yet Mr. President, some weeks later when this problem had just about been solved, that publication ran fit only to print this positive side of the story in a small box by three column, some place on the inside pages of the paper. Responsible journalism is a virtue Mr. President, and at no time in this, where more needed to be displayed than now when this important piece of legislation is being debated in this Honourable House with the world looking on and

listening. If our local paper is lending support to every area of negative input, it can do the financial industry no good. They must publish the facts Mr. President, giving equal front page and editorial coverage to all points of view. At least until this debate is finally over. In my opinion what that local paper needs is some competition, and I hope that is not too far down the road.

It is understood Mr. President that with all that long preamble issued by the Law Society, there was one meeting held by that body on the subject, immediately before the publication of that front page release. It is also understood that some of our most brilliant lawyers, although members of that society, were in fact not present at that one meeting. I am therefore made to wonder Mr. President just how many of the Members of the Law Society does that lengthy press release represent. Mr. President, I have still not been convinced that the real reason behind all this controversy on the part of certain members of the Law Society, was not simply to discredit this Government, and more importantly, the fact that some pockets might hurt a little as a result of the effects of the Treaty on a certain amount of business carried on in this country. Many of them are millionaires already Mr. President, so if anyone is able to cope financially, it certainly should be the legal community.

Mr. President, this front page release certainly does not represent the majority of legal expertise in this country. Firstly, there are a number of our finest lawyers who are not members of that society. Secondly, a number of those who are members did not attend the meeting at which that press release was drafted, and thirdly, our brilliant Caymanian legal staff who work at our local courts of law are barred, I am told, from becoming members of that society for reasons unknown to me. That press release would therefore have been a lot more meaningful to me were not the above mentioned factors so unfavourable.

Mr. President, I might as well admit here and now that the Law Society as it stands could perhaps not have contributed any more intelligently nor favorably, had they been in a position to sit down around a negotiating table with as did our four Government representatives and their legal advisors, especially Mr. President as these four gentlemen had continually been in touch with persons who certainly were from amongst the cream of the crop of our local legal, accounting and banking experts in this country. They recognise, I am sure, their limitations, and were not too proud to seek and accept the advice of those who are experts in their particular fields. They were also constantly aware of the seriousness and importance of their task, and went about it with the discretion it deserved. Mr. President, these gentlemen deserve our heartiest congratulations and gratitude for the long hours of work both here and abroad, in sitting man to man alongside the United Kingdom and the United States Authorities, to get the best that could be had for our country. Mr. President, no amount of criticism can change those facts. The other members around that table may have come from larger countries, but I had no fear or trepidation whatsoever that our negotiating team could and would hold their own. All are experts in their fields I repeat Mr. President, and in addition, they sought further advice of the experts abroad, both in the United States and the United Kingdom.

Mr. President, I am grateful for the keen interest shown by those foreign nationals in seeking for the best for our country during those negotiations. I am also very grateful for the input given by the other elected Members of Executive Council and other Members of this Honourable House in bringing about a Treaty as favourable to us as the one we have.

Mr. President, I feel that the mover of this Bill gave us the facts when he made his introduction. I realise that he has given much time indeed in bringing this legislation to this Honourable House, and whether or not the tune he plays in this Government is termed an Irish Lullaby, it is music to my ears when I consider that he has been instrumental in putting together a Treaty which will discourage crooked men from carrying on their crooked deeds, and hiding their cracked money in our beautiful Islands, whose roots are not steeped in crookedness. Believe me when I say that I have the deepest respect for the Honourable Second Official Member, the Attorney General, and I recognise that much hard work has gone into this important piece of legislation, and that he has played no small part in bringing it about in such a way that it can only be for the good of this country. I realise that his roots may not be here, but I honestly feel that his heart is in what he does for the Government of these Islands. If the [illegible] assistance

which has been provided by this Honourable Member is termed an Irish lullaby, then he should keep on singing.

The Honourable Fourth Elected Member of Council has years and years of experience in his field. It is a pitty that he has to remind Members on a number of occasions that he has been around for some time. But Mr. President, it seemed that some people's memories are short. This gentleman has been greatly instrumental in bringing about the favourable financial climate which we have been able to enjoy over these years. He could not do it alone, no more than he could carry out the negotiations on the Treaty alone. But it goes without saying that this gentleman deserves the deepest gratitude and respect of the people of these Islands. It is fortunate indeed that he is able to serve the people of these Islands even now as the Member responsible for Agriculture, Lands and Natural Resources. I trust that he can continue to give us of his help and guidance for many years to come, for these Islands need the likes of him Mr. President. Upon the Honourable Fourth Elected Member's leaving the Civil Service as Financial Secretary, Mr. President I feel that the reins of our important Financial Industry were turned over to one of the finest young men of which this island boasts. Mr. President, one of his fine attributes is that he does not allow position to go to his head. Which is more than can be said for some of the others of us in this House. The people of West Bay are proud of the Honourable First Official Member, and the critics are going to have a hard time convincing our West Bayers that our own son of the soil cannot stand his own around a negotiating table. I understand that the American Authorities were termed 'hard-nosed' Americans. But however tough they were, I know for sure that unless he has changed drastically since our days of growing up in North West Point, he can hold his own. Mr. President he is a lot like his late father Mr. George Jefferson, a man of few words, sound w cdom and solid as a rock. Congratulations are in order Mr. President.

Mr. President in 1984 the people of West Bay said "enough is enough", and however did they say it louder than they did at the polls in November of that year. The chairs provided in this Honourable House are comfortable - but they were not meant for us to sit and recline in. The people of West Bay knew that our district, as well as all three of these Islands, had been for too long deprived of the kind of first class representation which the Honourable First Elected Member could bring back to this Executive Council. That resounding victory at the polls Mr. President was one of the greatest blessings that district has experienced in a long time, and if any critic goes to West Bay to say that any Member of the Unity Team could have contributed any more favourably to any rounds of negotiations in a more forceful and intelligent manner than that of the Honourable First Elected Member of Council, they might have to leave that district and break the speed limit in doing so. Mr. President, the people of West Bay and indeed the Cayman Islands know only too well that contrary to what the critics may say, no level of negotiation was flying past the head of the Honourable First Elected Member. Not only is he much too tall in stature for that but he is a brilliant man with the good of his country at heart. His favourable contribution to this Treaty I am sure has been of major importance, and on behalf of our West Bay citizens, I congratulate him for doing us proud. They might not see him every day, but they know only too well tht he is putting in many long and hard hours for the good of this country, which we all love so dearly.

Mr. President, trust is a key word in the rounds of negotiations which have taken place, and trust in the Executive Council Members of this Government is the reason why I feel that the majority of Caymanians are not unduly upset over this Treaty and its enabling legislation now before this house. Why anyone would get up in this House and say that the actions and decisions taken by those Members come as a result of promptings and advice given by the Honourable Second Official Member, is such a distortion of the truth. Naturally, the Honourable Second Official Member is there to advise on legal matters. His expertise in that field is the exact reason why he has been appointed to his present position. Is the Member suggesting this, and saying to the people of this country that he was sitting in his former capacity as a Member of Executive Council, and did not accept such advice given to him by the Honourable Second Official Member. Was he a law unto himself, did he act contrary to legal advice given to him? Sometimes Mr. President, I wonder too if he was not a banker, an accountant, a lawyer and everything put together. Certainly everyone knows that a Member of Executive Council is very much able to think for himself. We have

seven very brilliant and capable men on that Council but certainly the advice on legal matters must be given by the expert in that field.

Mention was made Mr. President about the Mother Country using us as a pawn. That we were used to barter for another Treaty between the United States and the United Kingdom in the extradition of poor Irish men. How on earth can anyone call IRA murderers, poor Irish men. Men who murder innocent mothers and babies in public shopping malls. Men who murder innocent fathers and mothers, while their terrified children look on. Who continually work on schemes to kill and plunder, and whom I refer to in this House as 'poor Irish men'.

Mr. President, every day I get a new shock of my life from some of the Members on the opposition sitting in this House. How can anyone be so sympathetic towards demon possessed human beings, I say shame. The Mother Country acted wisely in assisting us to conclude this Treaty. The best in legal counsel was provided, and every effort made by that great country to ensure that we received a fair deal in this important and vital Tax Treaty, on which hinges our very existance as an attractive financial centre.

Mr. President I sense a sinister ulterior motive behind all this criticism of the Mother Country. I sense a clear cut effort being made to discredit the action taken by the Mother Country on our behalf, when in fact the Hansards of this House will reveal that on the day that this Treaty was being signed, Mr. Ronald Spiers the Under Secretary of State clearly stated in his speech that, quote:

> "We are also convinced that the Government of the Cayman Islands should accept the credit it deserves for being in the forefront of this important movement."

Nobody said anything that day, that he was speaking or misrepresenting anyone. It were the Government of the Cayman Islands in the forefront of this important movement. He went on to say Mr. President that:

> "We would like to take this opportunity to express our profound gratitude for the significant law enforcement assistance that the Cayman Islands authorities have been extending to the United States, long before this Treaty was concluded."

Mr. President, I still do not understand why it is so difficult for some people to tell the truth. I mean, you sleep so much better when you tell the truth.

The Mercantile Agreement of 1986 had long been in operation in assisting the United States authorities. How can such criticism be hurled at the Mother Country? The answer to that question Mr. President may be in one word 'Independence'. Independence, Mr. President that is the gut reason behind all of this rhetoric you hear in this House. And Members of the opposition are going to have a hard time deciding who should be Prime Minister. That, in my opinion, is the precise reason for the misleading statements made in this House where distortion of the truth has run rampant during these past several days of debate on this important issue. Why have there been suggestions made that even you, Mr. President, should leave the country? That the Government should be dissolved and new elections called, and many other irresponsible statements which can only serve to do this country harm. A clear-cut attempt to so insight our people that they would be brave to thinking that the only road to travel is the road to independence, you are talking about Waterloo.

Let the First Elected Member for Bodden Town put that on the front page of the Caymanian Compass. His real reasons for tearing apart everything the Government seeks to do, when deep down in his soul he knows that it is for the good of this country. One of the few things he is not sure of Mr. President and that is that the people of the Cayman Islands can no longer be fooled by his smooth tongue.

I wonder sometimes Mr. President if these power hungry critics think any further that perhaps as I mentioned earlier, who will be the first Caymanian Prime Minister. Suggestions have been made as to who the Nonstructural Second Official Member should be. Although since it is [illegible] we are so concerned about, I am not sure where he stands at the end of the day suggested, lies certainly not in Cayman. I am not sure I go that far

afield to find the right material for the Attorney General or President. If indeed we wanted one to fill that post, we have the cream of the crop in legal minds from amongst our own sons of the soil. Certainly Mr. President, I would not want to see either the post of the Chief Justice or that of the Attorney General filled by Elected Members, to suit the whims and fancies of those who can never be seen to be satisfied with anything this Government does. In fact, I do not wish either of the official posts to be held by an Elected Member to this House. We are having enough problems as it is, all be it they say this while pricking their consciences Mr. President. They know we have a Government which can be trusted. It is just that after two years there are still Members in this House who cannot get used to the fact that they no longer are in control, to the point where not even the Governor as representative of Her Majesty the Queen could overrule what the 'Boss' said. The only time having between 1976 and 1984 Mr. President, was a crown and a throne, absolute ruler, the First Elected Member for Bodden Town ruled as Sovereign King. He decided what took place in the Civil Service; he chose who could or would not be the Commissioner of Police; he decided who would have what positions in Cayman Airways and if one dared to challenge any decision of his, that was it. It was not impossible the next morning to go to your office and find that somebody else was sitting in your seat. Mr. President, those days of reigning supreme are over for him and he will now have to walk down Memory Lane to satisfy his quest for power.

Independence Mr. President, that is what the ultimate goal is. That is what real progress is all about, at least in the eyes of some Members of this House. I shudder to think of what will become of this country, should the responsibility for running this Government fall into the hands of certain Individuals in this House.

And in that regard Mr. President, I wish to put right the accusations put forward here today regarding changes in the constitution. I do not carry information out of committee meetings, but it was brought up, so it has to be cleared up. That meeting was held to discuss the Development Plan and when I knew anything, the First Elected Member for Bodden Town was distributing or showing around, copies of the Constitution of the British Virgin Islands. I do not know who else is supporting his quest for independence, but it will not be the Fifth Elected Member for West Bay. Independence, with a group like that, no Mr. President. I have too much love for my people and my children.

I fully realise Mr. President that this Government would not be patted on the back by the Members of the Unity Team for anything it does, no matter how good it might be for this country. However, on the subject of the lifeline of this country, which is the financial industry and the tourism industry, which it supports to a large degree, much more maturity and responsibility should have been exercised in portraying this country as wrecked and ruined and gone down the drain, predicting Waterloo and the death of the financial industry and many other damaging remarks. These remarks only serve to bring about the very thing that the Treaty seeks to avert, adverse, unfavourable publicity.

This Government Mr. President, will have no part in courting criminals, no part in shaping their ill gotten gains; no part in them being sheltered from justice; no part in encouraging them in their drug trade, while murder is and thousands and millions suffer as a result of this killer which they contribute in every imaginable form, and which we in this lovely paradise, once untouched by such vows are seeing a corded harvest being reaped in the destruction of our young people. Young men and women Mr. President who are so addicted that they may never become any use to themselves, nor to society again. Young men loosing their ambition and drive to do anything else but what it takes to get enough drugs to get another high. Young women, Mr. President, who have stooped to the gutter just to get a supply of what has become their reason for living. Young girls, yes, young girls between the ages of 12 and 14 who, devoid of employment are selling their immature bodies in order to get drugs. And the traffickers of this must be harboured by us or any Member of this House. The traffickers of these drugs must be courted by this Government, never, never Mr. President.

Mr. President at this point I would like to take the time to publically apologise to the honourable First Official Member and other Members of this honourable House for having mentioned in a previous debate touching on drugs, the manner which I had on hearing that drugs were reaching this country by slipping through the Customs either by the airport or the dock. I

should have brought this only to the Member's attention at this time, rather than mentioning it on the floor of this House. And certainly Mr. President, I apologise. I mentioned them and I still maintain that there are many fine Customs Officers who I have no doubt at all are upholding ever letter of the law, and are in no way, involved. And my sentiments were voiced out of concern, but perhaps not timed properly. However Mr. President, I must admit here and now that it is my hope that anyone engaged, or involved in the narcotic traffic trade, would stand in jeopardy of being brought to justice because of the effectiveness of this Mutual Legal Assistance Treaty, irrespective of where they belong Mr. President. Enough is enough. Our people are in need of help. The critics must ask themselves, can I refuse this help.

Mr. President, I do not know what time it is, but I have got....

MR. PRESIDENT: You have got another five minutes.

MRS. DAPHNE L. ORRETT: Mr. President, some very disparaging remarks were made in this House. Sometimes if the people did not know from whence they came, there would be a sorry state of affairs.

Mention was made that it appears that we are carrying on a Hitler-type regime. That is where bank secrecy all came about Mr. President. Switzerland introduced bank secrecy provision in its law following Hitler's rise to power in 1933, when Swiss Banks came under increasing pressure to reveal information concerning the accounts of their German clients, especially the Jews. Breach of bank secrecy is a serious offence in Switzerland, and its protection is deemed to be in the national interest.

Mr. President, this Treaty as I mentioned before, seeks to do two things. To mutually assist in the suppression of all types of crime, that are crimes in the United States and the Cayman Islands. And secondly, it provides safeguards that our national security is never abused.

Mr. President, every Member of this House is aware that our life blood depends on the financial and tourism industry, and the United States as bad and as vicious as they have been painted in this House, recognise that fact, and I do not think they want another influx of Marial refugees in the way that our financial industry were to be destroyed. That is about just what they would get. No one recognises that any more Mr. President, than the Members of this House. And Mr. President, no one intends to guard it more carefully than the members of this House.

Mr. President, I have got a little more that I would like to say on this subject, but I think we have reached that time when it is time to adjourn.

MR. PRESIDENT: Well we are within about 90 seconds of the time when we said we would adjourn, and if you have reached a convenient pause I think as I have said to other members in the past, it would probably be reasonable that we should do so now, and I will ask the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this Honourable House until ten o'clock tomorrow morning.

MR. PRESIDENT: The motion is that this House do now adjourn until 10.00 a.m. tomorrow morning.

QUESTION PUT: AGREED. AT 6:16 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 A.M. THURSDAY, 11TH SEPTEMBER, 1986.

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

THURSDAY, 11TH SEPTEMBER, 1986

(NINTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, OBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT CHARLES 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TONW
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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

THIRD MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

(NINTH DAY)

THURSDAY, 11TH SEPTEMBER, 1986

1. PRAYERS

TO BE READ BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. PERSONAL EXPLANATION

PERSONAL EXPLANATION BY THE FIRST ELECTED MEMBER FOR BODDEN TOWN.

3. GOVERNMENT BUSINESS

BILLS:-

THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1986

(1) CONTINUATION OF SECOND READING DEBATE:
The Third Elected Member for West Bay - to continue.

(2) COMMITTEE THEREON

(3) REPORT THEREON

(4) THIRD READING

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THURSDAY
11TH SEPTEMBER, 1986
10:00 A.M.

MR. PRESIDENT: Prayers.
The Honourable First Elected Member of Executive Council.

PRAYERS

HON. BENSON O. EBANKS: 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 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.

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, Amen.

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

MR. PRESIDENT: Please be seated.

PERSONAL EXPLANATION

MR. PRESIDENT: In the absence of the First Elected Member for Bodden Town, the Personal Explanation will have to lapse this morning and we can move on to Item 3 - Government Business - Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Third Elected Member for West Bay.

THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1986

CONTINUATION OF SECOND READING DEBATE

MRS. DAPHNE L. ORRETT: Thank you, Mr. President.

When we adjourned yesterday afternoon, Sir, I had reached a point in my debate where I was dealing with bank secrecy and the fact that as far as Switzerland was concerned, it originated during Hitler's regime when he wanted to get into the bank accounts of the German citizens.

Mr. President, as I discussed

earlier on, the one thing the people of the Cayman Islands have no fear of is that there is no Hitler-type-of-regime going on in this country. What they do have to be aware of is that Hitler did most of what he did because he had a deep-down desire to be a god in his own right and to have power over everything and everyone in this world. He has gone down in history thus far as being probably the most wicked 'thing' that ever walked the face of this earth.

Mr. President, what we have to guard against is that we do not have any more Hitler's around. And in the Cayman Islands, we have to remember that it could start here.

Mr. President, the morning's paper - not really that I am surprised, but I noticed that where the opposition was given full-page coverage, in big bold letters on the front page, they could squeeze in three contributions from Honourable Members of the Government and their supporting Members. The Caymanian Compass is not fooling me, Mr. President. I do not know who else they are fooling, but not me.

Mr. President, I also noticed in that paper an advertisement for a meeting for Caymanians and concerned residents -'Come one, come all to the big rally to defeat the Treaty'. And they have here, 'The Mutual Legal Assistance Treaty giving foreign governments too much right over the Cayman Islands, its people, residents and honest investors, it will harm our economy, way of life and destroy the future of Cayman'. Together, and they are inviting people from all the districts, to come (I guess that is the only way they thought they might have a crowd out there tonight that looks like anything).

What bothers me, Mr. President, is that, firstly, they say one will hear the facts from political leaders. I take exception to that, Mr. President. If what has been shared with us in this House over the last few days is an indication of the type of leaders who will be discussing the Treaty tonight, I implore every Caymanian to stay home and read their Bibles and pray: because further on they are asking for a national day of prayer. As hard as the people of Cayman prayed for them to get out, do you think they are going to pray for them to get back in? (LAUGHTER)

Mr. President, the people of the Cayman Islands do not have to sit and worry about what this Government has done regarding the Treaty. That is not a real problem of theirs at this time. However, I would like to remind them that the same Jim Jones who was mentioned here yesterday by one Member, was the same Jim Jones who called for a lot of prayer and he poisoned the people down there in Guyana. The next picture one saw of them, they were not praying. They were blown up like balloons lying on the ground. (LAUGHTER)

Follow this bunch that you see in this House who call themselves leaders. They ought to be ashamed of themselves, knowing the way they have stood here and mislead the people of Cayman and the untruths that have been told, Mr. President. And that is my opinion because I happen to know that a lot of what they were saying was incorrect! and now, after they have tried to mislead the people, they are going to ask them to pray for them.

I realise, Mr. President, that the god of a lot of people in this country, or at least a number of them, is money! and I hope they will be getting down in front of some bank saying their prayers because I would not like to see them become so hypocritical that they would ask God Almighty to bless their efforts when they know full well that the only thing they are trying to accomplish is to destroy this Government. They made remarks that before 1988, this Government would have to be dissipated and that new elections would have to called. This is all they are working towards, Mr. President.

I noticed where they mentioned political leaders. I do not think any Honourable Member of Executive Council is going to be there. The Honourable First Elected Member for West Bay has informed me that he sure has no idea of going. I know definitely that I will not be going, and although I have not yet spoken to the Second Elected Member for West Bay, I would be surprised to see him on the platform there tonight with them.

Mr. President, they mentioned that we will not survive if this Treaty is rushed through to our detriment. This Treaty was not rushed through. They themselves stood here and criticised the Government for having spent so much money and time in putting the Treaty together. So what are they talking about? The Treaty has been signed. We are dealing with the enabling legislation. We have shown that there are certain amendments which,

after discussion, debate and re-hashing those portions of the Bill, it is found that perhaps it is better if those amendments are made.

The Treaty has been signed, Mr. President - a Treaty which they committed themselves to months before the finalising with the United States and United Kingdom Governments.

Mr. President, I will tell you what, I do not know who is going to be praying, but I doubt very much that any true-born child of God is going to participate in any national day of prayer for the purpose for which the opposition has asked them to do. Are they telling me that the Christian community of Cayman is going to get down on their knees to pray that this Government continues to provide a safe haven for murderers, thieves, rapists, kidnappers and extortionists, and encourage them in their crookedness and crime by allowing them to stash their money in this country? We have said, time and time again, Mr. President, and I repeat it, the people that this Treaty should be most feared by is the criminal. Pure tax matters is not the reason for the Treaty. And they are going to ask the Christian community to pray that this Treaty may be defeated?

Mr. President, gambling was mentioned by a previous speaker of the opposition yesterday. I do not know why anybody brings gambling up during this Goverment because we have not entertained any such ideas. The only time that gambling was feared in this country to any real degree was during the previous administration.

Mr. President, nobody has to fear this Member supporting any ideas of gambling in this place or on any of these Islands. I do understand that Little Cayman was designated as the ideal spot for a gambling casino, but I think those Cayman Brackers can take care of that.

Mr. President, there was, just a few weeks ago, a documentary on the television as well as much coverage in the newspapers of the city of Atlanta. It looks like a ghost town. If it were not for the high-rise hotels, one would wonder if some bomb had been dropped in that place. One Minister alone said, in reply to a question asked by a reporter as to whether it was correct that he lost 700 members from his Church, 'I did not lose 700 members; I lost 700 families from this Church'; because families do not wish to live in the midst of gambling casinos. They do not wish to raise their children there, so they move elsewhere. The reporter went on to ask him whether the people of that city, by a vast majority vote that gambling should be introduced because it would bring so much profit and so much spin-off to the business community, and the Minister reminded him that the only people who make money out of the casinos are the hotels which are owned by the same people who run the casinos, the parking lots are owned by the same people; and the small businessman who thought he was going to get rich when gambling moved to Atlantic City in New Jersey, has closed up shop and left. The place is virtually a ghost town.

The profits which they thought would have been derived from that, go straight back into the hands of those who run the casinos. Very little else is realised by the other residents.

Mr. President, I was appauled when the coverage of that area was put on television. I sat there and I was sick. I saw a couple on the television during an interview and they were sick. They had been raised in that town and they were showing the reporter where they had lived for many years; and they went back to show him that that whole street was deserted and almost everything surrounding that had been torn down to make room for parking lots.

Gambling, Mr. President, in no sense of the word, is what we want in Cayman. This is a free country; a family orientated country; a place, Mr. President, where children ought to be free to walk, talk and do whatever they want without fearing what might happen to the future of their country. And if this Government, once again, gets into the wrong hands, the children of the Cayman Islands, I am afraid, will have very little to look forward to.

Mr. President, it may be just a rumour, but I am made to understand that there are still some containers somewhere along the road going towards the eastern area, that contain tables for gambling. Apparently plans were well in hand. This Government did not bring any gambling tables into this place.

I say once again, Mr. President, the people of the Cayman Islands can trust this Government. The men in charge are men of integrity, good moral conduct, honest

dependable and experienced. Mr. President, this is why I take exception when I hear of some little English upstart getting out there to say that this Government is a bunch of big-headed, stubborn idiots.

Some people, Mr. President, did well to get Caymanian status during the last administration because they would not have gotten it during this one.

Mr. President, no one in this country, no one, welcomes to this Island more sincerely the expatriate who wants to come and live here. I know my parents had to leave this country to go to the United States and work, Mr. President, and they gained much by going there. I happen to have been able to have worked there for five years and I got along well with the people. I went along with what I had to do. I paid taxes on what I worked for. I blended in with their lifestyles as much as I could, as long as it was not something which would degrade or take away from my Christian walk.

Mr. President, I have nothing against anyone wanting to come to Cayman when it can make them better off, but the day that they are privileged, and I repeat that, it is a privilege and not a right - the day that they are privileged to get Caymanian status in this place, they must never let it go to their heads to the point where they get out there to try to destroy a Government which they know full-well is doing what will benefit this country.

Mr. President, we have those young upstarts who, when they came here, had virtually nothing. They were made up off of the Cayman Islands, and now they want to come here and create dissention within the community by those kinds of remarks. Those are the type of individuals, Mr. President, who will not even have a Caymanian secretary. They refuse to have a Caymanian secretary. They refuse, Mr. President, and they have a dirty way of getting around this - they are brought in on the same salary, but within one year they are given three or four raises and the young Caymanian girl sitting there getting her salary; and it is the non-Caymanian being pushed up the ladder financially. And these people talk about the interest they have in the Cayman Islands!

We have a young woman coming to this place with an honours degree, who is placed in a law firm to sit behind desks as receptionist and told that if she is liked she will be kept on. This is the type of individual we have going around here who want to make believe that they are interested in Government - not for the people. They are interested because no matter where the money came from, as long as their pockets are lined and that they can have Swiss bank accounts and an apartment in Colorado and one in Vermont; houses in London and everywhere, they worry nothing about what a Caymanian has.

We have some of them, Mr. President - I tell you their moral conduct is disgraceful. They send their secretary home to have their child and build them a house to keep quiet. This country must know that not everyone who wants to ridicule this Government is going to be allowed to do so as and when he feels.

How can some brash upstart, with two pieces of paper, come here to cause a group of men with years of experience, known for their integrity and honesty, and call them big-headed, stupid Government officials and that you cannot tell them anything.

The Caymanian Protection Board is getting on to a few things, Mr. President, and they are soon going to find out the tricks in the book. (LAUGHTER) They better make use of what they are doing.

Mr. President, I repeat, we have some non-Caymanians who have moved to this place, they have my right-hand of fellowship any day. They are a credit to this company. They get involved in civic organisatins. They get involved in the Church. They assist at the Pines. They assist at the Hospital. They assist at the Boys' Home and the Girls' Home. They are involved in sports, and they do a great credit to this country. We are actually better off because they are here. But we have a few, Mr. President, particularly supporters of the Unity Team, who go around trying to destroy this Government, and I take strong exception to any young upstart who goes out there to tell the people of these Islands - that is right, talking to Caymanians and telling them that the Government we have is a bunch of bigheaded, stupid people and that you cannot tell them anything. I worked with someone, Mr. President, and they do not even know how to put together a good letter.

Mention was made about one of

the finer sons of our soil, the senior partner of the firm of Hunter and Hunter. I do not mind if he is a millionaire, Mr. President. I do not mind anybody being a millionaire. I am not too sure that I would do anything to keep myself from being one, although I do not really aspire to it. I am not jealous of people who get ahead. But to come here to run down our own Caymanian and put the non-Caymanian on a pedestal, I take exception to that. Go the firm of Hunter and Hunter and see who is working there. Check on their salary scales. Check on their benefits. Check on the number of years that our Caymanian girls have stayed with that firm. One does not have a problem when one walks into that place; you can sense the harmony in that office. That young man may have retired, but he has given of his time and energy to this country without expecting one penny in return for it. I know he does not need it. But some people Mr. President, whether they need it or not would be requesting and accepting it.

The whole idea is that some people Mr. President are a bit upset that they are no longer Chairman of the Board of Cayman Airways. Nevermind Mr. President, we have a few more like Arthur Hunter in this country, we would not have too much to worry about, especially if you can put them in positions of importance, they know what they are doing. But when you get somebody in here who is going to cry down a gentleman like that; tear apart a Treaty that they did not even have the interest in the people of these islands to go any further than New York, and then made one beeline for Seattle. Mr. President, to get to London you have to go in the other direction. You do not travel to London by going west from New York. Lost his luggage...(LAUGHTER). Mr. President, how on earth do these people have the nerve to ask for prayers in support of what they are trying to do? Almighty God is slow to anger let me tell you Mr. President. I can assure them that those young upstarts there, had better be saving their millions to fund the campaign in 1988, because only if they get the type of individual who was there during the last administration, are they going to get their foot in here to push Caymanians around? And that Cayman Protection Law will get a few amendments to it.

The First Elected Member for Bodden Town Mr. President, mentioned in his speech that we had never received any aid from the United States. What do we owe these people? We have never received any aid from the United States, that is a correct statement Mr. President. We have fortunately not really been in need of it, financial aid as such. But believe me when I say, I do not even want to think of where we would be without that country. I do not even want to think about it. Inspite of any dream world which he may have for the future, I do not know, he may be planning on living in space, they are building houses up there they tell me, but whatever his dream world may be, the day that he can put this country in a position that we are not dependent on the assistance we get from the United States, we will no longer be in existance. We will not need any help.

Mr. President I know we do not have any canals, and I know we do not have any NASA tracking stations and naval bases etcetera, etcetera, but I know within my heart that the strategic point at which we sit in this Caribbean basin. The United States would rather have us as a friend too. I do not think Mr. President that all of this distrust and apprehension and doubting which has been expressed in this House towards the United States Government is warranted. Mind you, I am not so naive as to believe that the United States Government does not want what they feel is theirs. On the other hand Mr. President, this Treaty clearly states that the United States recognises that the Cayman Islands is dependent on its financial industry and its tourism to stay alive. They understand that. They met us half way, we met them half way. They asked the question that Members of the opposition mentioned, that it should be considered a waste of Government money to have taken the time to get this Treaty together. Mr. President that is a one time expenditure, or at least what is connected to it, is a pittance in comparison to Government's almost one million dollars or three quarters of a million dollars in the Bank of Nova Scotia case. And the $1.3 million which the Bank of Nova Scotia had to pay itself in that case in the United States. Is it not better to have such a Treaty than for the Banks in our Island to be jeopardised and have to dispense with that kind of money. How long can any bank survive? What kind of profits would they have to be making to dish out $1.3million dollars on every single case that would come against them? Is this Treaty not making a little more sense than that. The only way Mr. President that I will accept that the critics have something to

speak of, is if they can come up with something which surpasses, is more workable, and in addition, is more beneficial to the people of these Islands with as much rhetoric and jargon as I have heard. Not one person has come up with a Treaty which would be more effective and favourable as far as the people of these Islands are concerned, not one. They brought up a case of a man in the United States, Harvey or whatever his name was. They were not tax matters apparently. Mr. President the list of crimes which I heard going behind that man's name was longer than any baby christened in the Royal Family. You could not get any end to the crimes.

A hungry man is an angry man Mr. President, and this Government has enough sense to realise that if the financial industry in these Islands is destroyed, and we have nothing to offer our people, and that young group of Caymanians coming up there find a situation of unemployment, no money, no way to make a descent livelihood, you do not just have a hungry man on your hands, you have an angry man. And this Governemnt has enough sense to ensure that any Treaty we enter into would not jeopardise the favourable position in which we stand right now. We can get along without the criminal's money Mr. President, we can and we will. The wrong people in the wrong place at the wrong time Mr. President can turn this little paradise of ours into a total political and economic wreck.

When I was fourteen years old Mr. President, I was fortunate in being chosen as the top student in my school, and I got a free trip to Jamaica. While there, I met other children and their teachers, and it was the first time I recognised what a beautiful fine country Jamaica was, a gem in the Caribbean. And that time and for some time following, that placed boomed, tourism. They had an excellent docking facility for cruise liners. It was a gem in the Caribbean, and then you got some hot-headed politician who went in there and claimed that he could do everything perfectly. And believe me, if the United States had not stepped in when they did, you would have had a situation there which would have been second to non in the Caribbean.

Mr. President, I keep my eyes and my ears tuned to what I hear going on, and I trust that our Caymanian people will see the difference between a power-hungry politician and a dedicated, concerned statesman. The difference between the two can mean the difference between destroying this place or keeping it going on smoothly, the envy of the whole Caribbean area.

Mr. President, I call upon the Christian community in these Islands to be prayerful and vigilant, because if these Members of the opposition against this Government continue in the vein in which they are going for the next two years, they are going to try to disrupt everything that this Government does, just as they tried to tear up the new tax measures. And yet, they are calling for this, for that, for the other thing. And believe me Mr. President, we can only spend as much as we have got, unless we are going to resort to drug money.

Mr. President, these little Islands were not founded upon crime. I know they celebrate the pirates, but that is not what this country was built on, and Mr. President we have no reason to court criminals, and that is what this Treaty is all about.

The debate in this Honourable House should have been centred particularly around the Treaty, but everything that you could think of I guess, to make it look like a stupid document conjured up by imature individuals was said in here, including Russian ships. The only thing I want to warn the opposition of is that if we are not careful and co-operate with the United States Authorities, that might be the next thing you see parked or docked in George Town Harbour. Because if we cannot turn to the United States, we only have two places to go, Cuba and Jamaica. That is not a joke Mr. President, that is not far-fetched. It could happen, because the United States Authorites have reached a point where they have said enough is enough. And if that good country had met us half way, and has allowed us to have certain concessions, fully recognising our need upon the financial industry. Mr. President, are we going to sit here and allow a few people to create disharmony and discontent, and to mislead our people so that we lose the association, the friendship that we have with that country. Two weeks of not getting food-stuffs out of that country would create havoc in this place, two weeks. So many of them did not even want Marine Parks, so if you are not careful, there will not be any fish out there to eat. Breadfruit trees, they are cutting them down like I do not know what. So I do not know what they will eat. Two weeks in this place Mr. President,

that is a fact to be considered. Not thinking of communications, not thinking of medical facilities, nor the many other reasons we need to visit that country. Not thinking about the dollars which are derived here through work in the tourist industry, work by the immigration, work by the customs. Mr. President, there are so many factors to be considered. It takes men of deep thinking and forethought; it takes men of experience; it takes men of learning to run a Government.

The only thing some people see is that bank account. But Mr. President you cannot eat dollar bills. As far as I am aware, it is only a goat that eats paper. They see only the money in the bank. There are other factors to be considered, the people of the Cayman Islands must be told the truth, and I hope that when they stand in front of that Courts Building this evening, they will bear in mind that inside those walls you are supposed to tell the truth, the whole truth and nothing but the truth. And I think the first thing they ought to say is 'ladies and gentlemen you should put four new Members in the House of Assembly, because we are not capable of contributing to this Government what we ought to contribute, walk down off the platform, go home.'

Mr. President, this Treaty will have the effect of avoiding a lot of criticism against our Government. It will create a type of client, a type of investor, or rather encourage a type of investor who will be a credit to this country. It will deter the criminal who is making his millions off narcotics and racketeering and other crimes. It will bring back the honour of which we are so deserving, because Mr. President, I repeat, it is not in the interests of this country to be seen as a haven for criminals. And Mr. President, in the same vein I would like to say that we also recognise the need to maintain and to ensure that the Treaty is not abused.

I am sure Mr. President that we as a Government, members of the business community working closely with us, we can ensure that the Treaty is not abused, because it takes more than just Members of the Government to see that this works well. Now if the Legal Department, the Chamber of Commerce, every other area of this community, banking, insurance whatever, are committed to working with the Government, I am sure Mr. President this Treaty will be seen to have far reaching benefits for these Islands.

Mr. President, this Government is known to honour its commitments. We have signed the Treaty with the United States Government in good faith. We would not want them to back down on their part of it, neither should we. We must allow it time to work, and we must honour this Treaty. Members of the opposition Mr. President signed the Narcotics Agreement. They made a commitment with the United States. That commitment Mr. President should have been kept, and the Treaty follows along the same lines of the commitment which they made with that country. We only have done one thing, we have given the Caymanian people a bigger share of the pie.

Mr. President, a review of those countries which make the breach of bank secrecy a criminal offence show that they are small countries with limited natural resources, and they are dependent on finance and banking as the mainstay of their economies. It is within this category that the Cayman Islands fall. Mr. President it is therefore perfectly understandably that a country should protect its main industry, and therefore its very own wellbeing. Criminal sanctions to deter any act which would have a detrimental affect on its economy, and therefore its national security is a must. The courts of any such country consider first and foremost the public interest of their own nation before considering the request of another nation for information. This Treaty Mr. President ensures that the primary or the ultimate goal is not to supply the United States with information simply because they want it. This Treaties prime goal is to ensure for the Cayman Islands that our national interest is of paramount importance, and that we are going to guard that carefully. Discouraging the criminal is going to have such an affect, and Mr. President I feel that if our two Governments work together to ensure that the Cayman Islands remain attractive to legitimate international business operations, I am sure that all Caymanians will be proud that their Government has taken steps to assist the United States in the fight against crime which places such a heavy burden on the American economy.

Mr. President, yesterday one Member mentioned that the Treaty was our Waterloo. I do not believe that. But after his meeting tonight, I remind this audience again of

Jim Jones. He was forever having meetings with his people, and at the final meeting he handed out to them what would take them into a place, into a feeling of paradise. Mr. President, they have not come back from there yet. And I want to ask the First Elected Member of Bodden Town what he plans to hand out to the people of Cayman from the Courts Building this evening.

Mr. President, this financial industry is our lifeline. This Government recognises it, the people of West Bay can depend on it, that I do this because I feel it is the right way to go. I waited and I listened to every speaker, because I am not a lawyer Mr. President, but I have had five years in the legal field, and believe me I do not boast about myself, but any job I go on I learn everything I can about it, so that not every word that was said in here from the Honourable Second Official Member, right down was bouncing over my head. But I knew that I was not capable enough of making a fair assessment of this until I had heard both sides, and believe me Mr. President, I am convinced that this Treaty and its enabling legislation when we have got through it, will prove to my constituents and to the people of these Islands that this was a good move to make.

Mr. President, I once again congratulate the Members of Government. I want to assure the seven Members of Executive Council that I have every confidence in them. I am not saying Mr. President that we may not have as good, but at this particular time we certainly do not have, what in my opinion are any better people to fill the positions which they hold.

This Government is on the right track, and I hope that the people of the Cayman Islands will support us and give us the benefit of their prayers because if they do with the good intentions which we have and the clean-cut honest way in which we intend to bring about what we promised to them in 1988, they will see that these four years, Lord willing, will have been some of the best for the Cayman Islands. At the end of the day Mr. President it is not how much money we are going to have in the bank, but at the end of the day it is going to be if we have preserved for this country a haven of peaceful, loving individuals, free from contention and uprising and marches and placards. We were not voted into Government to ensure millions of dollars, but we were elected to ensure that every generation of our people find this little country which we have in trust, a little bit better than that in which it was given to us, that is why I abhor anyone who comes here to try to ram down the throats of our people their lifestyle. If you do not like us, get out. And anyone who comes here and is willing to blend with these people, Mr. President, I welcome them with open arms. And any Member of the opposition who feels that I, or anyone else sitting in this Assembly is going to allow our people to be blinded by their lies and misleading statements. Mr. President they cannot run their own show, how are they going to run the Islands?

Mr. President I commend this Treaty to this Honourable House and its enabling legislation. I wholeheartedly support it, and I thank you for your time.

MR. PRESIDENT: Unless any other Member wishes to speak, I will invite the Honourable Second Official Member to reply, he is so invited.

HON. MICHAEL J. BRADLEY: Thank you Mr. President, Sir.

Could I Sir, before going into the main gist of my speech, I would just like to clarify and explain several remarks that I made in my Opening Address. Because already I hear, they are being twisted and misquoted.

Early in my Address Sir, I made a lightheerted remark concerning two lawyers in this jurisdiction, and the frequency with which they write letters. It was meant in a jocular way Sir. I have worked with Truman Bodden on Executive Council when he was in Government. I respect him as a man and as a lawyer. I consider him like other people, on both sides of this House and outside in the private sector, as a friend, and I know that he will treat the remark in the lightheerted and jocular manner in which it was meant.

Secondly Sir, in the course of my debate, in attempting to explain that the Attorney General when he issues a certificate, that it is not in the public interest, that assistance be granted. I used the phrase to explain that he was subject because he was acting in his civil capacity, to the advice and the instructions of the Government of the day. I used the phrase Sir,

'the Attorney General, brilliant though he may be'. I was referring not to myself. I hold no claims of brilliance. I do not claim to have the intellectual brilliance equivalent to the one Englishman, or the two Jamaicans that the Second Elected Member for George Town would prefer to have here in my place. I was explaining Sir that no matter who that Attorney General is, no matter what his brainpower is, that he does not act in his discretion, he acts in accordance with the instructions of the Government of the day.

Thirdly Sir, when I spoke about the representations made to the press by the Law Society, I explained the role of the Law Society in this community. I explained that judicial officers and all lawyers in Government service are debarred from being members. I explained that it was a voluntary organisation and not a statutory one, and I explained that a number of lawyers because it was voluntary to join it, had volunteered not to do so. The Law Society Sir, I respect it as one of the legitimate special interest groups in this community, in the same way the Bankers Association is, in the same way the Chamber of Commerce is, in the same way the Accountants Association is. I respect it. I respect the members in it. I respect their views. The Law Society exercised its right to make representation to the press, to give their point of view in the press, that is its entitlement. What I was saying Sir, was not an attempt to denigrate the motivations of the Law Society, whatever they were. I was merely asking Members of this House and the public at large to remember that when you are a voluntary body like that, as a voluntary body, it is your duty to make representations to ensure that the livelihood of your members is best enhanced, and to ensure that the interests of your members are best protected as they can be.

Sir, I have listened to the debate, the debate has continued here for many days in this House. Members have exercised their right to speak up to the full four hours that Standing Orders entitle them. I reassure Members of this House that in this, my closing, I shall not speak for four hours because I do no need to speak for four hours, because my colleagues, my fellow negotiators, the members of this Assembly have amply rebutted any arguments that were brought. But I am Sir, in relation to some of the debate, disappointed and saddened. Disappointed Sir, that instead of answering the points made in my Opening Speech, but certain Members considered their contribution to the debate was best served by each in turn reading and rereading the Law Societies representations. Disappointed Sir, because Members sought to oppose this Bill and the Treaty for three extraneous causes which I will deal with later. The extradition between the United States and the United Kingdom, the statement of Philip White and the matter of Jerry Lee Harvey. I was saddened Sir that a Member sought to introduce personalities, and make allegations against senior officials, official members of Executive Council and myself, and I shall deal Sir also with those later.

Mr. President, the first of the irrelevances that was introduced was the allegation that we, and despite what Members have said, I am using 'we' to include me, because I think that I represent, and always have done to the best of my ability, the interests of the people of these Islands. There was an attempt to say that we had been sold down the river as a result of a deal done between the United States for the extradition back to the United Kingdom of persons who formally would not be extradited because they were claiming to be political refugees, and that that was a quid pro quo for getting them back to sell us down the river. The facts Sir speak for themselves. In September 1984 our Narcotic Agreement came into operation.

Six months later, and long before we had given any indication that we considered that it was working satisfactorily or not working satisfactorily; long before any person from these Islands or the United Kingdom or from the United States, ever sat down to even think about meeting again to implement the terms that were contained in those Narcotic Exchange of Letters to enter into negotiations. Long before that, the United Kingdom and the United States negotiators met in March 1985, in Washington DC. And those meetings at the end of which, there was an initialling of the Treaty provisions led to the Treaty being signed on 25th June, 1985, long before the first initial 15 months of our exchange of letters was due to run out. Before the time even to consider determining whether the Narcotic Exchange of Letters had been working satisfactorily, took place. That Treaty was signed. However, the process in the United States is that it goes to the Senate and the Senate Foreign Relations Committee for approval before ratification by the President. It always takes a long time. We are told that our Treaty takes a long

time. It was signed in July, it is anticipated that the progress will be such, that it may be ratified by them in February, perhaps. That being so Sir, it took a longer time for the Extradition Treaty between those two countries, because there was and there is in the Senate a strong Irish/American representation, descendants of people who left my country many years ago, and they dragged their feet and filibustered so that it was only recently that that Treaty was ratified by the United States.

If Members will consider getting a copy of the entire Senate Proceedings of their Foreign Relations Committee during which the debate took place over months, they will see that there was not one mention made of the Cayman Islands, or the Cayman Islands as a tax haven, or Cayman Islands exchange of information, or Cayman Islands negotiations, or Cayman Islands Treaty. And Sir, the fact that there was not one mention of it there demonstrates amply in view of the open vociferous Governmental system there is in the United States, that there was absolutely no connection between the two.

However Sir, the First Elected Member for Bodden Town has a sense of humour, and he made a remark which I hope he meant flippantly, not like another Member who when he made remarks said "I say this not from flippancy". I hope Mr. President Sir that the First Elected Member For Bodden Town does not realise what his remarks were in relation to myself, and what their affect could be. He has gone on record in this House Sir, he has gone on record to the world, on the radio, in the press, in our Hansard in saying "you, Second Official Member come from Belfast, you were responsible Sir for this trade-off. You Sir were responsible for bringing these and I quote "freedom-fighters" back to the claws of the United Kingdom Government. You Sir had better look after yourself when you go back there." Mr. President Sir, he may have meant it flippantly, and I do hope he did. I respect him,he differs in many ways, he claims himself that he has Irish blood in him, so perhaps his tongue sometimes runs a little ahead. And he must have Irish blood in him Sir, because if you do remember, of all England's colonies, the Republic of Ireland was the first one in 1921 to achieve independence. But Sir, with his flippancy I hope he does not forget that in my unhappy place of the world where I was proud to be born, but where I am afraid I am ashamed of my fellow citizens, that there are 2,750 people since 1969 who have been murdered in the senseless sectarian combat. That there are Sir, people in that misbegotten place, murdered merely because they are married to somebody who has a different religion from them, as I have Sir. That there are people murdered there for reasons much less grievous than the allegations and the connection that he made. I hope Sir when ever I go back to my country, when ever I go back to the land of my birth, if anything ever happens to me, that my blood will lie quietly on his conscience.

MR. PRESIDENT: If it would be convenient for the Member now, yes, certainly I will suspend proceedings for our customary morning break for about ten minutes.

AT 11:25 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:40 A.M.

MR. PRESIDENT: Please be seated.

Continuation of Second Reading Debate on the Mutual Legal Assistance (United States of America) Bill, 1986. The Honourable Second Official Member.

HON. MICHAEL J. BRADLEY: And Mr. President, can I assure the Members of this House and the people of the Cayman Islands that nothing will stop me going where I want to, and doing what I believe to be right, and saying what I believe to be true.

Sir, the second of the three peripherals irrelevancies that was introduced into this debate, was a statement attributed to Philip T. White who hold the office of Director, Office of International Affairs, Criminal Division, US Department of Justice, and this remark was interpreted, or misinterpreted to be a clear statement that the United States were going to use deception, fabrication in order to abuse the Treaty and obtain information on pure tax matters unrelated and unrouted in any real criminality.

Sir, this debate has gone on a long time, and it will do no harm since it was written to me, to refresh Members' memories of the contents of the letter which was addressed on 22nd August, 1986 to me, from the said Philip T. White, Director, Office of International Affairs, Criminal Division, US Department of Justice:

"Dear Michael,

It has been brought to my attention that comments attributed to me in a recent Miami newspaper article about the recently signed Mutual Legal Assistance Treaty have been interpreted by some in the Caymans as evidence of an intention on the part of the United States Justice Department to violate the spirit of the Treaty.

Although I have not seen the article in question, I understand that it quotes me as stating in substance that, ..."if in making a Treaty request, a tax evasion case can be rapped up with narcotics dealing or mail-fraud, there would be a pretty good chance of catching US tax evaders...".

Conceeding that the words 'rapped up' are inartful, and susceptible of being misunderstood, particularly by those who are unduly suspicious of the motives of the Justice Department, I want to make it absolutely clear for the record what I understand and intended my comments to mean. As you know, Article 3, sub article 1, of the Treaty provides that assistance shall not be available in any matter:

> 'which relates directly or indirectly to the regulation, including the imposition, calculation, and collection, of taxes, except for any matter falling within sub-paragraphs 3(d) and (e) of Article 19'.

I was referring to the situation envisioned?? by that exception to the general rule. Article 19 3(e) clearly provides for assistance in the production of information and evidence in matters involving false statements to Government tax authorities with respect to income acquired through commission of an offence which is otherwise covered by the Treaty, offences such as narcotics trafficking or mail-fraud.

One reason this exception is important to us is that in some cases, the different parts of the criminal conduct under investigation are so tightly wrapped together, that it is meaningless to differentiate it into tax and non-tax aspects. For example, drug traffickers who submit falsified tax returns, do so partly because to accurately report and pay tax on their ill-gotten gains would expose them to apprehension for drug trafficking. In these cases we indeed hope that the Treaty will expose the offenders to an excellent chance of being apprehended.

Any implication that my comments evidenced an attempt to seek evidence in a pure tax case under the guise of a fabricated narcotics or mail-fraud case, represents a gross and unwarranted distortion of my position.

Speaking both for myself and for my colleagues who were involved in the negotiation of the Treaty, as well as for those who will be involved in its implementation when it enters into force, I want to assure you in the strongest possible terms that the Department of Justice will uphold the Treaty in all respects.

Sincerely,

Philip T. White,
Director, Office of International Affairs,
Criminal Division."

May I say Sir that in 1983 when the Narcotics exchange of letters was being negotiated, and from 1984 until the present day when the Narcotics exchange of letters was being implemented, there has been a radical difference and a perceptible difference in attitude of the American Justice Department to these Islands and the people in them. There was suspicion, there was concern that we on our part would not comply with the terms of the Narcotics exchange. There was on our part in turn, worries and concerns that the United States would abuse it. May I say Sir that despite statements, that merely because of the fact of the place of my birth, I do not and cannot act in the best interests of the Cayman Islands; that I have closely monitored every request made. I have investigated every allegation made as to the abuse of it. I have Sir, obtained information of the disposition of the evidence and the manner in which it was used, and obtained details of the people convicted of narcotics trafficking, some of them for very long sentences as a result of the information obtained. And I have monitored Sir, and I will say this that there have been less than 50 certificates issued over the past two years, which fortified our belief that we were not, are not, and have not been deeply into the harbouring of vast separate cases of narcotics laundering of money. But in those 50 cases Sir, there were cases involving millions and millions and millions of dollars. The numbers were small, and I am pleased for the Cayman Islands that the number of certificates were small, because it showed the basic cleanliness and integrity of our finance industry. But the ones that did come up were not small, were not trivial, were not small amounts; did not cover the smoker, did not cover the sniffer it covered the ill-gotten gains of Mr. Big.

The Third irrelevancy that was introduced into this debate related Sir to a person named Jerry Lee Harvey. And as you know Sir, a representation was made just before the Legislative Assembly met, by a local Attorney to the Government of this country claiming that Mr. Harvey had been charged with pure tax offences, unrelated to anything within the scope of the Narcotic Agreement. That the United States had abused the Narcotics Agreement, and asking us Sir as a Government, firstly, to win on his behalf, in his defence, in his case, in the United States jurisdiction in the same manner as we went in for the Bank of Nova Scotia as amicus curiae, at a cost of three quarters of a million dollars, and make representations to the court that in our belief, the Narcotics Agrement had been abused. We were also requested to ask the United Kingdom Government to send a diplomatic note to the United States authorities. This came Sir to me as a request to bring before Executive Council. It was also sent directly to all Members of Executive Council, in case I was tardy or attempted to conceal the fact that it had been sent to me. It was also in the interests of open Government, distributed to the media and I understand, to certain non-Executive Council Members of this Assembly. The name Sir of Mr. Jerry Lee Harvey is not unknown to me. Mr. Jerry Lee Harvey, his affairs and his companies were the subject of a request from the United States Attorney General and a certificate from the United States Attorney General, just under two years ago. That certificate was complied with, notices were issued to the assistors in this jurisdiction. The assistors being reputable people, did what they have done in all the cases, complied with our law, answered the request and supplied the information, and it was transmitted to the United States. Come the end of last year Sir, I received representations from a local firm of attorneys on behalf of Jerry Lee Harvey. Not the same firm of Attorneys Sir as now represent him, another firm, another reputable firm in our country. And Sir, they made the same representations as have now presently been made. I took the matter to Executive Council because Executive Council was as concerned as I in case there had been an abuse. We requested the United Kingdom Government to make diplomatic representation about this possible abuse to the United States authorities. And as a result of that representation, the United States authorities gave to me in February of this year certain information, which I communicated to my fellow Members of Executive Council on the basis of which I and my fellow Members of Executive Council were satisfied that there had been no abuse of the Narcotics exchange of letters. And I am still satisfied that there has been no abuse, and I am still satisfied that upon the hearing of those charges, clear and uncontravertable evidence will be adduced in relation to the unlawful narcotic-founded sources, and I am so assured. But Sir, reluctant though I am and only because of what has been said about senior officials, about myself personally,

and only because it now seems evident that there are people who do not trust my bona fides, who will not accept or respect my word, that I reluctantly Sir, propose to read the letter which came from the United States Department of Justice in February of this time, concerning Mr. Jerry Lee Harvey. I do this Sir, even though that letter was originally intended only for Members of Executive Council, because I feel that the facts must be made known. This Sir is a letter addressed to me from John E. Harris, the Senior Trial Attorney from the Office of International Affairs, Criminal Division of the US Department of Justice. It is headed - Re. Jerry Lee Harvey:

"Dear Mr. Attorney General,

This letter is to confirm our recent conversations regarding this case. The Tax Division Prosecutors handling the Federal investigation of Harvey, informed us last summer of an intention by the State of Florida to prosecute Harvey for murder, kidnapping, drug trafficking and various other offences.

The Florida case stemmed in large part from an incident involving a Columbian drug trafficking ring with which Harvey had been associated. The Columbians vowed to take vengence on Ron Stewart a Miami area drug trafficker they believed to have cheated them in a previous narcotics transaction. In order to do so, they employed Harvey who had conducted several cocaine transactions with Stewart in the past. In May 1985, Harvey lured Stewart and Stewart's girlfriend Rita Coval?? into travelling with him to an agreed location where Harvey claimed to have buyers waiting to purchase a large quantity of cocaine from Stewart. Instead, Harvey delivered Stewart and Coval into the hands of several Latin males armed with automatic weapons. Coval was handcuffed and her jewelry stolen. The armed men then departed with Stewart in their custody. Coval understood that they planned to take Stewart to a remote location and kill him. Coval escaped some hours later and went to the authorities.

Based on these facts, the Florida Police moved to charge Harvey with conspiracy to traffic in 400 grammes of cocaine, kidnapping and armed robbery. Since Mr. Stewart vanished without a trace Florida also considered charging Harvey with participation in the murder of Stewart.

As you recall, Mr. White passed some of this information on to you during his recent trip to the Cayman Islands. However, shortly after Mr. White returned from the Caymans we contacted Florida authorities again and learnt of several dramatic new developments in this matter. We were told that the murder charges were never filed because the individual who Harvey was suspected of having killed, was in fact located quite alive. It seems that the missing Mr. Stewart surfaced, frightened, but alive after all. It appears that Harvey and the Columbians took Stewart to a deserted area and beat him severely, then threatened him with death if he co-operated with the police in any investigations involving them. Since the location of Mr. Stewart obviated the need for murder charges, Harvey was charged with drug conspiracy to traffic in cocaine, kidnapping and the possession of a false drivers license. Moreover, the Florida Prosecutor handling the case has told us that late last year, he asked the court for permission to terminate the prosecution on those charges. He explained that the two witnesses whose testimony is crucial to the prosecution, Covel and Stewart have both vanished, and hence the case cannot progress until they are located. He believes they have fled the State, rather than risk death by testifying against Harvey. The Prosecutor promised to keep us appraised of further developments in the case.

Enclosed for your assistance, is a copy of the Florida State charges which were terminated late last year, as well as a copy of the Federal Indictment against Harvey.

If we can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

Philip T. White,
Director,
Office of International Affairs, Criminal Division.

By, John E. Harris, Senior Trial Attorney.

Enclosures."

Sir, I said to you that I read that reluctantly and seriously and with sorrow, and I read it because Sir there are people in this House, and outside perhaps that might not have accepted the assurance of their Attorney General.

Sir, on the basis of the information that we received, we were satisfied that there had been no abuse of the narcotics exchange of letters. As regards the representations to Executive Council, I think it is fair to say that Executive Council have considered the representations carefully and have advised the Governor, and the advice will be communicated in an expeditious manner to Mr. Harvey's present attorney.

Do not forget Sir, whilst I am not drawing any analogies or making any comparisons, do not forget Sir, that there was a very famous gentleman in the thirties in the United States, a gentleman who was supposed to rule the underworld there, and he was convicted because of the intimidations and other threats that he took of only one charge, tax evasion.

Mr. President Sir, this is the case that has been touted within these walls, and without these walls as the gentleman who has been the subject of an abuse of our narcotics exchange of letters. This is the gentleman, by reason of which Sir, we are asked to throw out this Bill; to repudiate the Treaty until all the good that will accrue to the Caymen Islands through being seen, and being a clean and reputable place, go down the river.

Mr. President Sir, those three irrelevancies were introduced. I have now dealt with them as I dealt with the Law Society's representations in my Opening Address. Apart from these three matters which were much touted, there were several other minor matters mentioned which my colleagues have ably and firmly responded to and dealt with. But I said Sir, when I started speaking that I was disappointed and saddened.

I was saddened Sir because there were made in this House by the Second Elected Member for George Town, a number of insinuations, a number of allegations concerning myself, concerning the Honourable Financial Secretary, concerning the Honourable Administrative Secretary, concerning the credibilities and making very serious allegations indeed. And Sir, in case Members do not remember what these were, may I just quote briefly what the Second Elected Member of George Town said, and I quote:

> "Mr. President, from some of the debate I heard here in this House yesterday and days before, and particularly days before, I am left to wonder Sir and the question whether any of our Senior Government Officials may be on the payroll of the IRS, the DEA or maybe the Justice Department. I say this not out of flippancy Sir, but out of a lot of seriousness, and Mr. President I believe that my concern is also the concern of many people in the public and private sectors."

Sir, Senior Government Officials being on the payroll of the IRS, the DEA or maybe the Justice Department, that was the allegation made, and it was said, and it was quoted and I say this not out of flippancy Sir but out of a lot of seriousness. When I spoke about the remarks of the Honourable First Elected Member for Bodden Town, I did hopefully attribute a certain flippancy to those. These Sir, I cannot do.

Why is it Sir that this Member wishes to destroy the credibility of the Senior Government Officials of this country? To undermine confidence in them, to make the public suspicious of them, to make the public not deal with them in an open

and frank manner - why is this being done? Because I can only take it that when he refers to 'Senior Government Officials' he is referring to the three Official Members of Executive Council, sitting here. He may be referring to others as well. If Sir, he is not referring to them and he did not mean the Financial Secretary, the Attorney General and the Administrative Secretary, I am quite willing Sir to give way to him on a Point of Information.

MR. LINFORD A. PIERSON: Mr. President, since this Member is willing to give way to me, I have no intention of standing in this House and apologising to the Honourable Second Official Member, or any other Member of this House for remarks which I made here a few days ago. If the Member feels to interpret what I said as being meant and intended for him, this is completely up to him. I do not care how much he stands here and tries to cry on the shoulders of the Members of this Assembly. I said what I said, and I am not going to stand here and rebut anything that I said. He has interpreted it the way he wished to do, and this is his problem.

HON. MICHAEL J. BRADLEY: Thank you Sir.
I asked for an interpretation.

I think I have got it now.

Mr. President, Sir, if any of the Members of the Senior Government Offices, whether it be the three of us or any other person, has been on the payroll, or is on the payroll of the IRS, the DEA or the Justice Department; if anybody has information to that effect Sir, as opposed to allegations. If anybody can produce any shred, jot or titttle of information of avidence to support that, I would urge them Sir not to hesitate, but to go directly to the Commissioner of Police, if they can trust the Commissioner of Police, or go directly to Her Majesty's Representative, the Governor of the Cayman Islands, if they can trust the Governor of the Cayman Islands. Or go directly to the United Kingdom Government of which Cayman is a dependent territory, if they can trust the Govenment of the United Kingdom. If they cannot, I do not know where they go after that.

Sir, allegations like this, should not be made lightly. You should not try and decry the arguments put forward by responsible people, holding responsible positions. You should not try and denegrate their position and their arguments by blackening their reputation without an iota of evidence to support it. May I categorically, for myself, for the Honourable Financial Secretary, for the Honourable Administrative Secretary categorically state that at no time have I ever been on the payroll of the IRS, the DEA, the Justice Department of the United States. That I never was, am not now and I will never be. The Honourable Financial Secretary has never been, is not now and never will be. The Honourable Adminstrative Secretary never was, is not now and never will be Sir. I could not live with myself or with my conscience if I did other than I attempt to do, and that is carry out my duties without fear or favour, as I best can and in the best interests of the Cayman Islands.

Sir, this Member in his character assassination went on and dealt with me in particular. He went and dealt with me by saying these words:

> "He hoped other mothers treat their daughters better than our Mother Country treated us, with regard to this Treaty."

He continued:

> "This is the problem when the people of the Cayman Islands are placed in jeopardy and in a secondary position by people in authority who do not have the same interest as a 'born Caymanian'. How can they love this country the way I do...(he asked)...No amount of status can change that position...(he said). (He said)...if these people had their way, Cayman would be reduced to what it was 50 years ago, when all we had here were parrots. (He went on to say)...that the day is coming when Members who sit in those official chairs should be Elected Members responsible to the people, and not Senior Civil Servants. (He also refered to Members who are)...birds of passage, who will leave us in a few years, and could not care a less whether we swim or drown. (He said)..."

MR. LINFORD A. PIERSON: ...Exactly how I feel, I maintain that.

HON. MICHAEL J. BRADLEY: He said that he saw an article reporting the indictment in the United States, of the Assembly's former Sergeant-at-Arms and two other prominent Caymanians. He wondered 'which one of our Official Members' was involved in that matter, or assisted in any way:

> "I wonder whether the interests of the Caymanian people is paramount to those Members in position, or whether they want to justify their positions to the American Authorities."

Sir, the country I come from is similar in many ways to the Cayman Islands, in that there have been over the years from their shores, in the past, men who have gone abroad to seek, to look, to work for their living in other places. Irish men have done it, they have gone to Australia, America, Canada. Wild geese have flown all over the world. Caymanians have done it Sir. They have gone to Costa Rica, they have gone to Cuba, they have gone to America, they have gone to Canada, they have gone to many parts of the world. Can we say of people who go, who work hard, who work honestly that they do not have the interests of the country which is giving them their living at heart? Can we say that they are birds of passage, who will leave us in a few years and could not care a less whether we swim or drown?

Sir, I have had the honour and the privilege to be a Member of the Executive Council of the Legislative Assembly, and Attorney General of the Cayman Islands over four years now. I have been working away from the country of my birth for 20 years. I worked first for the Government of Malawi in Africa. I went from there and worked for the Government of Botsuana in Africa. I came in 1979 to the Caribbean and worked for three years for the United Nations, as legal advisor to the Government of Antigo and Barbuda. I served as Attorney General in the British Virgin Islands and for short periods in Turks and Caicos Islands and also in Monserrat. I worked as Regional Parliamentary Draftsman to the Governments of Eastern Caribbean and from that, I came here Sir. I came her, and before I came here, in all the places I came from, there never before had been aspersions cast on my integrity, and there have not Sir been until now. I worked as a loyal Member of the Executive Council of this country from 1982 to 1984 under the previous Administration. I have worked as a Member of the Executive Council from 1984 to 1986 under the present Administration, and I am glad Sir that to this moment in time, my former colleagues on Executive Council and other Members of the House have never called my integrity in to question.

I will Sir continue to act in the best interests of the Cayman Islands, as I can. I will endeavour to do what I think the job of any expatriate working in a position like mine should be to do and that is, to localise and to Caymanise the part for which he is responsible, as quickly and as efficiently as possible. When I came here Sir as Attorney General in 1982, I came as yet another expatriate into an Attorney General's Chambers and a Legal Department: into a judiciary and a courts office in which every one of the professionals, the lawyers, was an expatriate. There had been Caymanians who had been in Government service before, but they had left Government service, they had gone one at a time through Government and out into the private sector where the grass is greener: where the pickings are greater: where the possibility of making a very good living for yourself are there. Sir, when I came, the Law School had not yet started, the Law School which was specifically designed to provide qualified young Caymanians to take over the shoes of the expatriates in Government service, and the shoes of the expatriates in the private sector, so that the legal profession here should be, what all professions should be here, staffed entirely with people who are Caymanian. I could not agree with Members more in that that is the object. It is the object of the Law School, it is my objective. In my position the happiest thing one can do is to localise one's self out of a job, and see a Caymanian standing where I am standing now. To that effect Sir, from four years ago when there was none, there are now four young Caymanian attorneys in the legal and judicial system. There is another bright intelligent young Caymanian qualified and coming back to the Service in December. There are two more Caymanians

who are apprenticed and articled to the Attorney General who are in their final year and will be in Government Service as Attorneys next August, if they work hard enough. There are 19 Law School students in the four years so far, and with this years' intake there will be 24.

Sir, I think the Legal Department is doing its bit to ensure that Caymanians are qualified and able to take up the positions they rightly deserve. I Sir, hope that the Caymanians who qualify and go into Government Service will stay in Government Service, will go up as quickly as possible to the top echelons of that Service, whether it be standing here or sitting on the bench. That they will devote themselves to the service of their country in the way that the Honourable Financial Secretary and the Honourable Administrative Secretary does. It is my dearest wish that in other sectors of the community, that the same efforts were being made to localise and train as we are making to localise and train lawyers, and I encourage for the sake of the country Sir that every possible effort be made to do the same in insurance, in banking, in the hotel industry, in every possible way so that the top jobs are filled by the people who deserve to have them, and who are entitled to have them. That moment Sir, I hope will come very soon.

Sir, I apologise to Members of the House for speaking on this matter at such length, but I feel it is important. I feel that a country must have faith and confidence in the Civil Service of the territory concerned. Tht once faith and confidence are lost, then I am afraid that the future does not look as bright as it should be.

Sir, there started last Saturday in Ocho Rios, Jamaica, the 8th Commonwealth Law Conference. That Commonwealth Law Conference is held every three years, and brings together from all parts of the Commonwealth, lawyers, hundreds of lawyers and thousands of lawyers who meet every three years to discuss the most important legal matters affecting the Commonwealth. I went Sir briefly to the first two days on Saturday and Sunday when this House was in recess. I returned at midnight on Sunday night to this House because my prime duty is to this House, and to this country. But I returned Sir with the 41 papers that had been presented and would be discussed at those meetings. And I was surprised Sir to find that no fewer than five of the papers out of the 41 discussed and dealt with these small Islands of ours. There were Sir, papers from five of the most eminent lawyers scattered throughout the Commonwealth and others, and the topics in which the attitude of the Cayman Islands was discussed, were entitled as follows:

> The Law and Practice of Tax Havens, Uses and Abuses - by the Dean of Law of the University of Hong Kong.
>
> The Influence Of Modern Communications And Other Technological Developments On the Commission, Detection And Prosecution Of International Financial Crimes - by the Head of the Fraud Section of the U.S. Department of Justice.
>
> The Law and Practice Relating to Offshore Financial Institutions - by L.B. Johnson...(one of the foremost attorneys in Nassau).
>
> The Concepts of Payment in Relation to the Expropriation or Freezing of Bank Deposits - by the Professor of Commercial Law, Queen Mary College, University of London.
>
> Crime Knows No Boundries, Mutual Assistance in Criminal Matters - by the Deputy Minister, Department of Justice, Canada.

Sir, I read the Papers, I read the discussion of the Cayman Islands, and Sir, it is interesting that our approach to crime, to co-operation to criminality, to stamping out the evils of international narcotics dealing and commercial crime have attracted the attention, the sympathy and the admiration of wide-ranging parts of the Commonwealth.

When I came here four years ago, and went to international forums, whether it be at the Commonwealth Secretariat's Commercial Crime Symposia or other places, I heard the Cayman Islands being vilified, being branded as a haven for drug money. I spent my time defending the Cayman Islands as was my right, my duty and my privilige to the utmost of my ability.

Now Sir, the attitude has changed. The Cayman Islands is indeed respected, and has clearly identified itself. The attitudes have changed, the Cayman Islands is being held up as an example of a clean off-shore financial centre, with the result as the Honourable Financial Secretary has shown, that some of the most important banks in the world have recently decided to set up business here.

Mr. President Sir, I will not hold the House much longer, but before I close I would just like to read part of one of these Papers presented to the 1,800 Commonwealth lawyers at the meeting in Ocho Rios, and it is the conclusion. The heading is - The International Communities Self-Interest in Developing Effective Transnational Mutual Assistance and Avoiding Legal Confrontations:

> "Positive and co-operative attitudes have created many international success stories in combatting transnational financial crimes. Those efforts which involve the willingness of small and large nations to assist each other deserve considerable applause. Regrettably however, the past decade has witnessed occasions of international confrontation, rather than co-operation. When law enforcement in one country pursuing a serious financial crime, finds its investigation checked by the blocking and secrecy statutes of another nation, or by ineffective, archaic or non-existant legal means for obtaining evidence, it is not surprising that aggressive confrontational and opportunistic techniques will be used to secure evidence. Law Enforcement Officials in the United States, meeting such barriers have employed such devices as the arrest of foreign material witnesses and subpoenas backed by contempt proceedings, to require American-based entities to produce off-shore records. Many of the international community view such techniques as confrontational and hostile. Whatever their temperature, the techniques have worked under the circumstances, which is why they were employed.
>
> One of the lessons of such episodes is that a nation facing a threat of narcotics trafficking and money laundering, or large-scale international financial frauds will use every means available to enforce its laws and extend its jurisdictional reach broadly.
>
> In the final analysis, small and large nations must be willing to seek workable ways to assist in international financial crimes investigations. The willingness of smaller nations to co-operate in international crime control stems, not only from a desire to assist in combatting transnational fraud, but also a need to protect the financial institutions of those nations from infiltration by criminal elements.
>
> Money launders service not only the international swindler, but also the narcotics trafficker and organised crime. Financial institutions that harbour that type of criminal element will eventually be corroded or destroyed by internal corruption. No nation can tolerate having its financial institutions threatened by criminality. Thus the changes brought by technology have created the means of committing and the methods for combatting transnational frauds. The growth rate of international criminality is high. The steps we have collectively taken to achieve international co-operation are truly noteworthy and are based in no small measure upon modern communications and technology. What remains to be achieved is the network of modern, international mutual assistance arrangements that meet the needs of law enforcement tht must deal with modern criminality."

Mr. President Sir, there are four fundamental freedoms - freedom of religion, freedom of speech, freedom from want and freedom from fear. The Cayman Islands Sir, I have no need to tell you, we have freedom of religion. The Cayman Islands Sir, I have no need to tell you has got freedom of speech. The Cayman Islands Sir, by joining in this Treaty, by implementing

this legislation, will ensure that it will continue to enjoy freedom from fear, freedom of being harassed, freedom of measures being taken against us. Freedom from being able to go to the States to conduct our activities; freedom from harassment, freedom from fear. And Sir, as has been demonstrated by the business that is coming to us and not going away from us; from the size, the stature and the credintials of the new business coming in, freedom from want, so that Sir when hopefully, as soon as possible all our institutions that organise the international financial off-shore centre here are filled, as they should be, by Caymanians, that those Caymanians will always be free from want.

Mr. President Sir, I commend this Bill to the Members of this Honourable House.

MR. PRESIDENT: The motion is that a Bill shortly entitled the Mutual Legal Assistance (United States of America) Bill, 1986 be given a Second Reading.

QUESTION PUT: AYES AND NOES

MR. JAMES M. BODDEN: Do we have a division?

MR. PRESIDENT: Yes, of course.

DIVISION
NO.30/86

AYES: 10	NOES: 5
Hon. Thomas C. Jefferson	Mr. W. McKeeva Bush
Hon. Michael J. Bradley	Mr. Linford A. Pierson
Hon. J. Lemuel Hurlston	Mr. James M. Bodden
Hon. Benson O. Ebanks	Mr. G. Haig Bodden
Hon. W. Norman Bodden	Mr. John B. McLean
Hon. Capt. Charles L. Kirkconnell	
Hon. Vassel G. Johnson	
Mrs. Daphne L. Orrett	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	

AGREED BY MAJORITY: BILL GIVEN A SECOND READING.

MR. PRESIDENT: I declare the motion carried, and I think this perhaps would be a convenient moment to suspend proceedings until approximately two fifteen.

MR. LINFORD A. PIERSON: Mr. President, just before adjourning.....

MR. PRESIDENT: I have suspended proceedings I am afraid.

MR. LINFORD A. PIERSON: I was just going to ask you about the motion that we had asked to be...

MR. PRESIDENT: That will come immediately after we resume...

MR. LINFORD A. PIERSON: ..Because I do not see it down here on the Paper Sir, I just wondered.

MR. PRESIDENT: No, it does not have to be...well I will explain to you.

AT 12:46 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT: Please be seated.
We have just completed the Second Reading of the Mutual Legal Assistance (United States of America) Bill, 1986.

The Second Elected Member of West Bay did give me notice that he planned to move a motion at this point, and if he wishes to do so, now he may.

PRIVATE MEMBER'S MOTION
NO. 16/86

THE MUTUAL LEGAL ASSISTANCE
(UNITED STATES OF AMERICA) BILL, 1986

MR. W. McKEEVA BUSH: Mr. President, in accordance with Standing Order 24(9)(ii). I move the following motion:

"WHEREAS the people of the Cayman Islands wish to stamp out narcotic dealings...

MR. D. EZZARD MILLER: Mr. President, on a Point of Order Sir, could I draw your attention Sir to I think what the Member intends to do Sir, or the correct procedure to move if he is seeking to send the motion to a Select Committee. It should not be a Private Member's Motion, because if it was it should have taken precedents on todays' Order Paper. But it should instead be moved under 49(i).

MR. PRESIDENT: I think it is quite true it should be moved under 49(i). It is 24(9)(ii) that gives him a possibility of moving it without notice...(INAUDIBLE)...49(i) that is the substantive.....

MR. D. EZZARD MILLER: ...and that does not allow him to read the text of the motion that is before the House.

MR. PRESIDENT: No, I do not think that would preclude him from reading the text, and I do not see any objection to his reading the text. I think it is perfectly proper that he may read the text. Indeed, he did not have to give notice of the motion, and if he had not given notice, he would necessarily have had to read the text, so I will allow him to read the text.

MR. MICHAEL J. BRADLEY: Mr. President Sir, on a Point of Order. Is the affect of your ruling Sir to state that in any motion, one is entitled to put a preamble into it?

MR. PRESIDENT: I have to agree the preamble. You are not entitled to put a preamble which I have not agreed, but I had been shown this preamble, and had agreed it and it may be read. But it is, and I think the House should know it is being moved in accordance with Standing Order 49(i).

MR. W. McKEEVA BUSH: Mr. President, thank you Sir, but I cannot understand what this hocus-pocus is about.

MR. D. EZZARD MILLER: It is threading?? the needle as we did yesterday Sir on technicalities.

MR. W. McKEEVA BUSH: Mr. President, please.

MR. PRESIDENT: Anyway, if you would like to read the motion, that is what...

MR. W. McKEEVA BUSH: Now, Mr. President I do not intend to say too much you know, but you are going to have to give me a chance to say what I have got to say. Let me continue Sir, where I was so unnecessarily and so rudely interrupted by the Member for North Side and the Honourable Second Official Member...

MR. D. EZZARD MILLER: You will get a couple more...

MOTION
STANDING ORDERS 24(9)(i) & (ii) AND 49(i)

MR. W. McKEEVA BUSH:

"WHEREAS the people of the Cayman Islands wish to stamp out narcotic dealings and crimes of this nature;

AND WHEREAS a Mutual Legal Assistance Treaty has been entered into by our Government, the Government of the United Kingdom and the Government of the United States of America;

AND WHEREAS we have demonstrated our willingness to assist in the apprehension and conviction of individuals involved in narcotic dealings and related crimes under our Laws;

AND WHEREAS the Treaty is of such great magnitude and wide in scope that there are possibilities of incriminating citizens of the Cayman Islands who have no knowledge of US laws;

AND WHEREAS it is desirable for Members of the Legislative Assembly to ascertain the view of the majority of registered voters in the Cayman Islands on the Bill;

BE IT THEREFORE RESOLVED THAT the Legislative Assembly refer the Mutual Legal Assistance (United States of America) Bill, 1986 in accordance with Standing Order 49(i), to a Select Committee of the whole House and for the said Committee to report back to this Honourable House accordingly."

MR. LINFORD A. PIERSON: Mr. President, I second the motion.

MR. PRESIDENT: Thank you. The Member has now read out the motion. I should perhaps explain that I drew to his attention that it seemed that the word 'Select' had been omitted inadvertently in the Resolution clause, and that the motion did not make sense without the word in, so it is a Select Committee of the whole House. Now I should....

MR. JAMES M. BODDEN: Mr. President...

MR. PRESIDENT: Are you rising on a Point of Order?

MR. JAMES M. BODDEN: No, I just want to find out if we can now debate the motion that is before...

STANDING ORDER 25

MR. PRESIDENT: This is what I am about to address.

I looked into the question of what now happens, because at least in my recollection this is the first time since I have been here that we have had a motion of this precise kind. There is no doubt whatever that under the terms of our Standing Orders, Order 49(i), there is opportunity for a Member to move that a Bill should be referred to a Select Committee, and there is no doubt that such a motion may be made without notice, because 24(9)(i) provides that. There is nothing in our Standing Orders to say whether a debate then takes place, or what procedure is followed. I therefore had regard to our Standing Order, I think it is 84, ah 85, which says that where a matter is not provided for, resort shall be had to the usage and practice of the Commons House of Parliament. And I looked up the Standing Orders of the House of Commons, and they do cover the point. Standing Order 42(2) says:

"A motion to commit a Bill to a Select Committee, may be made by any Member, and if made, immediately after the Bill has been read a second time...(which is the stage at which it is being made here)...shall not require notice, and though opposed may be decided after the expiration of the time for opposed business...(that part does not really affect us because it is peculiar to the timetable followed in the Commons)...and the question thereon shall be put forthwith."

And Erskine May, page 536, in effect explains that more fully. A motion may be made by any Member, that the Bill be committed to a Select Committee. Such a motion if made immediately after the Bill has been read a second time, does not require notice, and must be decided without amendment before debate. That is what the Erskine May says, and that is what I am obliged by our own Standing Orders to be guided by.

I therefore have now to put the question.

MR. JAMES M. BODDEN: Mr. President...

MR. W. McKEEVA BUSH: Mr. President...

MR. PRESIDENT: Well there are two now...the First Elected Member for Bodden Town has caught my eye.

MR. JAMES M. BODDEN: Mr. President, I am very surprised that one more time the Government will try to use every tactic to ramrod this thing through, because I have been a Member....

MR. PRESIDENT: No, I do not call this a Point of Order, I am afraid the Member must sit down.

MR. JAMES M. BODDEN: Well yesterday you would not use Erskine May when we raised the point out of Erskine May. Why do you find it possible to use Erskine May today.

MR. PRESIDENT: I explained that at the time. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, what are you telling me then Sir, that I am....

MR. PRESIDENT: You can move the motion, you have moved the motion. It gets voted on straight away, there are not any speeches, there is no debate.

I have to put the question straight away, and that I will now do...

MR. W. McKEEVA BUSH: Mr. President...

MR. PRESIDENT: The question...will you please sit down, I am speaking.

MR. W. McKEEVA BUSH: Will you please give me a chance to say something.

MR. PRESIDENT: No, I am sorry...

MR. W. McKEEVA BUSH: Well I am going to say it any way. You can order him to throw me out. This is not right Sir. I moved a motion, I came to you and I spoke to you and I asked you about a motion. You knew the intentions of the motion, and now you are telling me...you knew all along that I intended to have a few words to say on it. Now you are telling me Sir that I cannot say it....

MR. PRESIDENT: This is what the...

MR. W. McKEEVA BUSH: ...After you had decided, and told me about what Standing Orders to move it under. That is not right. You are not being fair.

MR. PRESIDENT: With respect, what I did was to tell you that you could move the motion, and when you could move it, that you are entitled to do and that you have done.

MR. LINFORD A. PIERSON: Mr. President, on a Point of Order Sir. I do not think that we can all misunderstand you, and when we brought the text of this motion to you, we got the distinct impression from you that it would be open for debate, or it would have been useless for us to have brought this motion otherwise. So I have to agree with the mover of this motion Sir.

MR. JAMES M. BODDEN: Mr. President, this is really carrying the lack of democracy too far. In 14 years in this House as an Elected Member we have had motions after motions come to this House, and debate has been allowed on it. Yet something as vital to the country as this, you will not let us debate it.

MR. PRESIDENT: I will now put the question. Will those in favour please say Aye.

MR. W. McKEEVA BUSH: Parliamentary democracy....

MR. PRESIDENT: ...Those against, No.

MR. W. McKEEVA BUSH: ...is not being carried out.

MR. LINFORD A. PIERSON: This is the most biased House

MR. PRESIDENT: I think the Noes have it.

MR. W. McKEEVA BUSH: Mr. President, I think you should be ashamed of yourself.

MR. PRESIDENT: Order, Order.

MR. W. McKEEVA BUSH: I am telling you, I am walking out on my own accord.

MR. PRESIDENT: In that case....

MR. G. HAIG BODDEN: Mr. President, I have to announce that I have to leave too, because I have been under the same pressures ever since I have been here - no freedom of debate any more.

THE FOLLOWING MEMBERS LEFT THE CHAMBER:

Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Mr. James M. Bodden
Mr. G. Haig Bodden
Mr. John B. McLean

QUESTION PUT: AGREED. THE MOTION WAS DEFEATED.

MR. PRESIDENT: The House will now go into Committee to study a Bill entitled the Mutual Legal Assistance (United States of America) Bill, 1986.

MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1986

COMMITTEE THEREON

MR. CHAIRMAN: Please be seated. The House is now in Committee. Before we start, perhaps I should make two observations. Firstly, that I shall take it that it is as usual, the will of the House that any printing errors or the like should be corrected by the Honourable Second Official Member, and that he should have the necessary authority to make those corrections. Notwithstanding the fact that we do not explicitly refer to them during the Committee Stage. And unless any Member wishes to question that procedure, I think it has now become fairly standard practice and I will assume that it represents the wish of the Committee on this occasion too.

HON. VASSEL G. JOHNSON: We agree with that Mr. Chairman.

MR. CHAIRMAN: Secondly, I have been given notice, or rather I have been given four separate notices of proposed Committee Stage amendments. Two of these were given by the Honourable Second Official Member; one related to one amendment and the other to four separate amendments in one notice. One of them was given by the Elected Member for North Side that related to one amendment, and one of them was given by the First Elected Member for Bodden Town, and that related to about a dozen amendments.

I propose, provided that the Members who gave notice that they wished to move the amendments are here when the time comes to allow all of those amendments to be moved, and will take them in turn as we come to the appropriate clause. I hope I will remember on each occasion. If a clause is the subject of a proposed amendment, if I seem to forget, please will any Member feel free to remind me.

MR. D. EZZARD MILLER: Mr. Chairman, just for clarity Sir, are we going to consider amendments which have been Tabled, if the Member is not here to move them.

MR. CHAIRMAN: I think perhaps you did not hear what I said. I said that if the Member who gave notice of an amendment is here to move it, I propose to allow it. If he is not here to move it, it follows that it cannot be...

HON. VASSEL G. JOHNSON: That is quite clear.

CLERK: CLAUSE 1. SHORT TITLE AND COMMENCEMENT.

MR. CHAIRMAN: The question is that Clause 1. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

MR. CHAIRMAN: The Question is that Clause 2. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: CLAUSE 3. IMPLEMENTATION OF THE TREATY.

MR. CHAIRMAN: The question is that Clause 3. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3. PASSED.

CLERK: CLAUSE 4. THE CAYMAN MUTUAL LEGAL ASSISTANCE AUTHORITY.

MR. CHAIRMAN: This is the first of the clauses, in respect of which I have notice of an amendment. In fact I have notice of three amendments, one of which was to be moved by the Honourable Second Official Member, and two of which were to be moved by the First Elected Member for Bodden Town.

As the First Elected Member for Bodden Town is not at the moment here, I will invite the Honourable Second Official Member to move his amendment.

HON. MICHAEL J. BRADLEY: Thank you Mr. Chairman. In accordance with the provisions of Standing Order 52(2), I hereby move the following amendment -

> That clause 4 of the Bill be amended by the renumbering of clause 4(1) as clause 4 and by the deletion of clause 4(2).

May I Sir, briefly explain that since there were representations made in respect of the fact that sub-clause 2 appeared to remove the decisions of the Central Authority from all types of review by the court, including review by way of prerogative writ, that I am proposing to remove that clause, to make it quite clear that even though the Central Authority is acting in an administrative capacity, that it is subject to the prerogative writs of Prohibitions, Mandamus, Certiorari, Injunction, in the same way as any other administrative tribunal, or any other administrative body. So that if it abuses or goes ultra vires its powers, it can be called to task and corrected.

Thank you.

MR. CHAIRMAN: The question then is that Clause 4. be amended as proposed by the Honourable Second Official Member.

Unless anyone wishes to speak to the amendment, I will put first the amendment.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 4. PASSED.

The question now is that clause 4. now as amended do stand part of the Bill.

Unless any Member wishes to speak to that, I will put the question.

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

CLERK: CLAUSE 5. ATTORNEY GENERAL TO BE NOTIFIED OF REQUEST RECEIVED.

MR. CHAIRMAN: This is the second of the clauses in respect of which I have been given notice of amendments, and again the notices I have received are two. One from the Honourable Second Official Member, and the other from the First Elected Member for Bodden Town. And again, in the absence at the moment of the First Elected Member for Bodden Town, I will take first the amendment proposed by the Honourable Second Offical Member, and invite him to move it.

HON. MICHAEL J. BRADLEY: Mr. Chairman, I move that clause 5. of the Bill be amended by the deletion of the word "The"...(which is the word which first appears in the clause) and the substitution therefore of the words "Without prejudice to Article 5(4), the".

If I may explain Sir, this is an amendment again being made as a result of representation from the private sector, to make it quite clear that the provisions of this clause in no way inhibit, vary or undermine the provisions of Article 5 sub-article 4.

MR. CHAIRMAN: I will first put the amendment, so that the question is that clause 5. be amended as has been proposed by the Honourable Second Official Member.

Unless any Member wishes to speak to the amendment, I will put that question.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 5. PASSED.

I will next put the question that clause 5. as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 5. AS AMENDED PASSED.

CLERK: CLAUSE 6. POWERS ANCILLARY TO THE EXECUTION OF A REQUEST.

MR. CHAIRMAN: In this case again for the third time I have had two notices of proposed amendments to the clause; one from the Honourable Second Official Member, and the other from the First Elected Member for Bodden Town. And once again, in the absence of the First Elected Member for Bodden Town, I will invite the Honourable Second Official Member to put his amendment first.

HON. MICHAAEL J. BRADLEY: Thank you Mr. Chairman.

I move that clause 6(1) of the Bill be amended by the deletion of the words "Subject to the provisions of the Treaty, upon receipt of a request, the competent authorities in the Cayman Islands shall do everything in their power to execute the request." and the substitution therefore of the words "Upon receipt of a request, the competent authorities in the Cayman Islands shall execute the request, in accordance with, but subject to, the provisions of the Treaty."

May I briefly explain Sir, that once again this is in response to a representation made from the private sector, to make it quite clear that the request must be executed in accordance with, and under the provisions of the Treaty, and that the words which are being deleted, do everything in their power, could be misunderstood. It is therefore clarifying that it is subject to the provisions of the Treaty.

MR. CHAIRMAN: We take the amendment first. So I shall first put the question that clause 6 be amended, as proposed by the Honourable Second Official Member.

Unless anybody wishes to speak to that question.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 6. PASSED.

I will next put the question that clause 6 as amended do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 6. AS AMENDED PASSED.

CLERK: CLAUSE 7. POWERS TO COMPEL WITNESS FOR PRODUCTION OF EVIDENCE.

MR. PRESIDENT: The question is that Clause 7. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 7. PASSED.

CLERK: CLAUSE 8. AUTHENTICATION OF OFFICIAL DOCUMENTS

MR. PRESIDENT: The question is that Clause 8. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 8. PASSED.

CLERK: CLAUSE 9. PROTECTION OF PERSONS APPEARING IN RESPONSE TO A REQUEST.

MR. PRESIDENT: I was given notice of a proposed amendment to Clause 9. by the First Elected Member for Bodden Town, but since he is not here to put the amendment, I will put the question that Clause 9. do stand part of the Bill.
No Member wishes to speak.

QUESTION PUT: AGREED. CLAUSE 9. PASSED.

CLERK: CLAUSE 10. PROTECTION OF PERSONS DISCLOSING CONFIDENTIAL INFORMATION.

MR. PRESIDENT: The question is that Clause 10. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 10. PASSED.

CLERK: CLAUSE 11. RESTRICTION AND APPLICATION OF LAWS NO.16 OF 1967, AND NO.26 OF 1979.

MR. PRESIDENT: The question is that Clause 11. do stand part of the Bill. But before I put that question, I should add that I had been given notice of a proposed amendment to Clause 11. by the First Elected Member for Bodden Town, but in his absence again, I propose to put the question that Clause 11. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 11. PASSED.

CLERK: CLAUSE 12. TRANSFER OF PERSONS IN CUSTODY, TO OR FROM THE TERRITORY OF THE OTHER PARTY.

MR. PRESIDENT: The question is that Clause 12. do stand part of the Bill. And once again, I should comment that I have been given notice of a proposed amendment by the First Elected Member for Bodden Town, but that in his absence I propose to put the question that the Clause do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 12. PASSED.

CLERK: CLAUSE 13. CONFIDENTIALITY WITH REGARD TO A REQUEST.

MR. PRESIDENT: I have been given notice by the Honourable Second Official Member, of a proposed amendment to Clause 13., also separately, by the First Elected Member for Bodden Town. In the latter's absence I will invite the Honourable Second Official Member to move now the motion of which he gave notice.

HON. MICHAEL J. BRADLEY: Mr. Chairman, I beg to move that Clause 13(1) of the Bill be amended by the deletion of the words "except that person's attorney" where they appear in line eight thereof and the substitution thereof of the words "except that

person's attorney and such other persons as the Central Authority may authorise".

Again Sir, if I may briefly explain that once again mindful as we always are of representations from the private sector, that this amendment is being moved in response to representations from the banking community and others, who pointed out that they have been under the Narcotics Agreement and Law under certain difficulties in that they are bound by their own procedures to inform a senior officer or a director of any such requirements to disclose information but that they have been unable to do so. Administratively, an arrangement has already been in operation under the Narcotics exchange of letters, whereby the United States authorities and myself have agreed to such a disclosure in limited circumstances. This amendment is to enable our Central Authority where such similar situations arise, to authorise disclosure to such other persons on such conditions that the Central Authority itself may want, like non-further disclosure.

Thank you.

MR. PRESIDENT: I propose first to put the question that Clause 13. be amended in accordance with the proposal of the Honourable Second Official Member.

Unless any Member wishes to speak to that.

QUESTION PUT: AGREED. AMENDMENT TO CLAUSE 13. PASSED

I shall next put the question that Clause 13. as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 13. AS AMENDED PASSED.

CLERK: CLAUSE 14. CLAIMS FOR EXPENSES AND COSTS.

MR. PRESIDENT: The question is that Clause 14. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 14. PASSED.

QUESTION PUT: AGREED. CLAUSE 14. PASSED.

HON. MICHAEL J. BRADLEY: Just for information Sir. There is one typographical error. In line two the word "the" should read "be" - to be imbursed.

MR. D. EZZARD MILLER: Reimbursed.

HON. MICHAEL J. BRADLEY: To be reimbursed.

MR. PRESIDENT: Oh. I see.

HON. MICHAEL J. BRADLEY: It is just for the information of Members, even though I have power by the Assembly.

CLERK: CLAUSE 15. SERVICE OF NOTICES AND DOCUMENTS.

MR. PRESIDENT: I ws given notice by the First Elected Member for Bodden Town of a proposed amendment to Clause 15., but in his absence I propose to put the question that Clause 15. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 15. PASSED.

CLERK: CLAUSE 16. ENFORCEMENT.

MR. PRESIDENT: I was given two notices of proposed amendments to Clause 16, one from the First Elected Member of Bodden Town who proposed two amendments to Clause 16(2) and another two to Clause 16(3), and one notice by the Elected Member for North Side, who proposed an amendment to Clause 16(6).

In the absence of the First Elected Member for Bodden Town, I propose to invite the Elected Member for North Side to propose his amendment.

MR. D. EZZARD MILLER: Mr. Chairman, I beg to move that Clause 16(6) be amended by the addition, immediately following the words "justice of the peace", of the words "and without prejudice to the provisions of any other law with regard to the liability of any

person to be dealt with for any unlawful attempt to obtain from any person or body any confidential information".

MR. PRESIDENT: The question is that Clause 16. be amended in the manner proposed by the Elected Member for North Side.

Unless any Member wishes to speak to that, I will put the question.

QUESTION PUT: AGREED. CLAUSE 16. AS AMENDED PASSED.

MR. PRESIDENT: There is a proposed new Clause, and I am afraid I have to refresh my memory....

HON. MICHAEL J. BRADLEY: Sorry Sir, was that not the amendment, or did I miss something....

MR. PRESIDENT: You are quite right, that was the amendment, but that we have not done the clause as amended, I am so sorry.

MR. D. EZIARD MILLER: (INAUDIBLE)

MR. PRESIDENT: ....That we have carried the amendment to Clause 16. We have not put the question on Clause 16. as amended. Thank you.

The question now is that Clause 16. as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 16. AS AMENDED PASSED.

I was starting to say I must just refresh my memory...yes, new clauses are considered after the clauses in the Bill as printed have been disposed of, and before the consideration of the schedules. So there is notice of one proposed new clause. It was notice given by the Honourable Second Official Member of a proposed clause 17, and I will invite the Honourable Second Official Member to move accordingly.

HON. MICHAEL J. BRADLEY: Mr. Chairman Sir, I beg to move that the Bill be amended by the addition immediately following clause 16 thereof, of the following new clause -

"Margine Note Reads:
"Repeal of Law 17 of 1984.

17. The Narcotic Drugs (Evidence) (United States of America) Law, 1984 shall be repealed on a day to be appointed by the Governor by Proclamation published in the Gazette."

Again, a brief word of explanation. Mr. Chairman, this fifth of the five amendment which I have moved is like all the other amendments, in response to representation from the private sector which have been as they always are, when constructive, carefully considered and agreed to by Government. In this case, since it was the intention and agreement of the parties to the Treaty, the United States and the Cayman Islands, that once the Treaty comes into operation and the implementing legislation comes into operation, that no new certificate should issue under the Narcotics exchange of letters. This clause which I seek to add, enables the Governor by Proclamation published in the Gazette, to repeal the law which gives effect to the Narcotics exchange of letters.

Thank you Sir.

MR. PRESIDENT: The question is that the proposed new Clause 17, do stand part of the Bill.

Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. NEW CLAUSE 17. PASSED.

CLERK: SCHEDULE.

MR. PRESIDENT: The question is that the

13, and by the addition of a new Clause 17 thereto.

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

THIRD READING

CLERK: THE MUTUAL LEGAL ASSISTANCE (UNITED STATES OF AMERICA) BILL, 1986.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to move that a Bill shortly entitled the Mutual Legal Assistance (United States of America) Bill, 1986 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortley entitled the Mutual Legal Assistance (United States of America) Bill, 1986 be given a Third Reading and passed.

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

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move that the House be now adjourned until 14th November, 1986.

MR. PRESIDENT: The question is that this House do now adjourn until the 14th November, 1986.

I think that the Elected Member for North Side did give me notice of one matter which he wished to bring up on the Adjournment. He may now do so.

MOTION ON ADJOURNMENT
STANDING ORDER 11(6)

MR. D. EZZARD MILLER: Mr. President, it is unfortunate that I have to raise this matter about the policy concerning overseas medical care: to seek clarification of the policy on which it is rendered, from the Honourable First Elected Member of Executive Council, responsible for Health, Education and Social Services. But Mr. President, for the past 20 months I have been trying to assist a member of my district to obtain assistance for overseas medical care for his son who needs a heart operation. And Mr. President, we have not been seeking to obtain free overseas medical care assistance, the gentleman has made it clear that he is willing to repay Government the full cost of the care, on a schedule to be agreed on.

Mr. President, this gentleman, Mr. Whittaker whose child I am talking about has worked for the Public Works Department of this country for 14 years. Mr. President, when I first approached whom I believed was responsible for making the decision back in January 1985, to get help for this man, I was told by the Chief Medical Officer that the child would have to be sent to Jamaica.

Mr. President, we all know the political and economic situation in Jamaica. The family did not wish to take their son to Jamaica. And I posed the question to the Chief Medical Officer after a lengthy discussion, as to whether he would send his son to Kingston for medical care, and he said no, and I told him, neither would I. And I do not think that either my son or his son is any more important to us than Mr. Whittakers son was to him. Mr. President, the Chief Medical Officer gave me the verbal undertaking that the case was going to be taken care of, that the young man was going to be sent to Miami for medical care.

Two months ago Mr. President, I learnt when I got a phone call from a very prominent lawyer in this country as to whether this case warranted a donation from his firm, that nothing had been done in the last 18 months to help this gentleman. Mr. President, to say that I was perturbed, or that my Scottish blood was boiling was puting it very mildly. I went to visit the gentleman that night and enquired as to what was happening and he said he was told that some new system was being developed which was going to save Government a tremendous amount of money, and somebody had talked to somebody in London, and his son was going to be sent to New York.

Mr. President, the next day I went to meet the Chief Medical Officer once again. I expressed my concern, and I was told that I would have an answer the following week, Thursday, as to what arrangements could be made. Mr. President, I gave them the grace of two weeks and then went back. They had no dates to send this child for an operation.

About three weeks ago, I attended another meeting with the Principal Secretary of Health, the Chief Medical Officer and the father of the child. The father was told that if he wanted help from Government he would have to go to New York. He expressed his reservations and the difficulties he would have in going to New York. And Mr. President, we were told in that meeting that the date for surgery had been set for the 25th September. Once again Sir, my Scottish blood boiled, and I queried why a month away. Because Mr. President, the father of the child had been told by a specialist in Miami, and by the doctor who was treating him here that if the child suffered another attack he could die.

We all know Mr. President that medical anxieties and emergencies are not created in the mind of the doctor or from a straight scientific approach. They are often created in the minds of the patient and or their guardians. I emplored the gentleman Sir to accept Government's offer and asked the Chief Medical Officer if there was a Cardiologist at the hospital; if there was an internist at the hospital; if they could have the child evaluated by one of the specialists. Because the child was being evaluated as to the emergency by the doctor at the hospital whose specialty, to the best of my knowledge, is neonatal care, and we are talking about an eight to nine year old boy. The doctor assured me that he would have that evaluation done in two days, and I would be informed if there was any emergency for the operation.

Mr. President, I received a phone call on Tuesday to attend a meeting at the Government Administration Building, which the Chief Medical Officer, the Principal Secretary, the father of the child, myself and the Director of Public Works, for whom he has worked was also to have been in attendance, but he was delayed and did not make it in time. And the question was put to the gentleman, that if he was prepared to go to New York, we would make arrangements and contact the surgeon about getting a date.

Mr. President, my Scottish blood boiled over, I was beyond words, because I had been assured that a date was set for the 25th September. The gentleman in his anxiety and his frustration in dealing with Government in this matter, had gone ahead and had made arrangements to have the child operated on on his own. He was therefore in a position to tell the Principal Secretary at that time that he could turn down the offer to go to New York, because God only knows when he would have got to go.

Mr. President, I am asking, and firstly Sir let me say that I have known this family all of my life Sir. They are honest, hardworking people. I begged Sir, the Social Clubs, Social Services, the Kiwanis, Lyons, Rotarians, the other social organisations to help this man. Anybody in this country can give this man a financial donation, and Sir, their prayers that he can have a successful operation done on his son.

And I am asking the Member Sir to state for the public of this country, what the policy is concerning overseas medical care? Who makes the decisions to send people overseas? What facts are these decisions made on? Mr. President I hope that he will add that he intended to make some changes to the present system, because Mr. President I think it was $1.5 million that was spent on overseas medical care a couple of years ago. I have seen the list as a result of a question being asked in this Assembly. I have seen the kind of cases that were referred by the Chief Medical Officer for medical care overseas, and I questioned the authenticity and the medical facts on which those decisions were based.

Here we have a genuine case which cannot be treated on this Island Sir, and the man is pulled around the mulberry bush. And at every meeting we have he is told that he will be told at another meeting.

MR. PRESIDENT: The First Elected Member.

HON. BENSON O. EBANKS: Mr. President, I must say Sir that the extent of this matter has taken me somewhat by surprise. I understood that I was going to be asked about the policy in respect of overseas medical care. I did not know that we were going to get a

dissertation on a specific instance, otherwise I would have briefed myself more carefully on it, but I have what I believe to be some of the basic facts on the case mentioned.

I should first state Mr. President what the policy is, who makes the decisions. If someone needs to have medical attention overseas, naturally it is determined by the medical doctor in the first instance attending the patient, that the patient in his opinion should be sent overseas, or should proceed overseas for attention, that is confirmed by the Chief Medical Officer. If the patient requests Government financial assistance i travelling overseas, the patient is then referred to the medical social worker to be evaluated as to means and to determine to what extent if any, the person needs financial asistance. That evaluation in turn is sent to the Chief Medical Officer, and if approved, it is sent to the portfolio, to the Principal Secretary, and once the Chief Medical Officer has made arrangements for the person to travel overseas, Government gives an undertaking to the facility to which the person is being sent, that it will meet the expenses. Normally the patient is requred to sign an undertaking to reimburse Govenment at an agreed rate, unless the person is indigent, in which case relatives are questioned, and attempt made to get their assistance, but if they are completely indigent they are sent, at Government's expense.

I might add Mr. President that recently we have felt that this decision being made by the Chief Medical Officer alone is not entirely satisfactory, and the Chief Medical Officer agrees with this and actions are in progress which hopefully will result in the decision as to whether a person goes overseas for medical treatment being made by a group of doctors as opposed to one.

Mr. President, as I said when it was indicated to me that I was going to be asked merely on the policy, I did not understand that a specific issue was going to be raised. But I believe that there are a few gaps in the account Mr. President, which if left uncorrected might cast a bad light on the department, or the Chief Medical Officer in particular, and I think that I should state what the position was as I understood it to be. Naturally I have not been involved in this Mr. President for 20 months, I have only heard about this in the last month or six weeks, when the Member first brought it to my attention.

Now Mr. President, as I understand it, this child suffers from a congenital heart problem which undoubtedly has to be attended to overseas, there is no question about this. The youngster was sent to Miami and that diagnosis has been confirmed by a specialist there...

MR. D. EZZARD MILLER: Excuse me Sir, the family took the son to Miami, nobody else sent him.

HON. BENSON O. EBANKS: The child was seen by a specialist in Miami. Let us put it whatever way the Member is happy with Mr. President. The diagnosis was confirmed, and it was advised that the child should have the operation. Government at that time as I understand it was approached for financial assistance. Arrangements have recently been established where by going through the Save the Children Fund in London these types of operations can be done for a fraction of the cost that it would be done by a private arrangement. I understand that this possibility was conveyed to the father, and certainly Mr. President my understanding is that the delay, or misunderstanding arises because the department and the portfolio understood that the father had gone away to let them know whether he would accept the offer to send the child to New York. Although he indicated that he did not want to go to New York, he undertook to think about it and let them know.

MR. D. EZZARD MILLER: That was not the understanding, I was in a meeting....

MR. PRESIDENT: You must let the Member speak.

HON. BENSON O. EBANKS Mr. President I am giving my understanding Sir. And frankly as I understand it, the gentleman has never given his acceptance to the offer to send the child to New York. At the most recent meeting he informed the portfolio and the department that private arrangements had been made to send the child to Miami, thank you.

Now Mr. President, I should

also say that I understand that the Chief Medical Officer contacted the specialist in Miami and received the assurance that the delay required in making the arrangements to send the child to New York would not endanger the child's life.

Secondly, I should say in defence of the Chief Medical Officer and the portfolio that in the past, estimates for operations to be done in Miami have proven unreliable, and in fact, estimates of between five and ten thousand dollars have in fact ended at forty or fifty thousand dollars. So, it was in an effort to save the father money and in fact stretch the overseas medical vote that this effort was being made. There is no question that the service that would have been rendered in New York would have been substandard, that has been confirmed Mr. President. So, it makes little difference that the father would in fact repay the money. The Government would have had in the first instance to find whatever it cost to send the child off, and if the father undertook to pay it, it could have taken him the rest of his life if it was going to be done in Miami. So I would have thought that the Chief Medical Officer and the department were working in the person's interest. It is unfortunate Mr. President that through what appears to be a genuine misunderstanding , or an overriding prejudice against sending the child to New York, that this incident has come to the point where the father has obviously taken it upon himself to finance the treatment privately. I regret that it reached that, and I will certainly give the Member my undertaking that I will get to the bottom of this, and confirm that what I have said is in fact the position. This is what I have been made to understand is the position, but I will check the facts again, and I will contact the Member.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m. on Friday, 14th November.

QUESTION PUT: AGREED. AT 3:27 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY, 14TH NOVEMBER, 1986.

FOURTH (BUDGET) MEETING

OF THE

1986 SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

FRIDAY, 14TH NOVEMBER, 1986

(FIRST DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
MR G HAIG BODDEN	SECOND ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTICT 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

APOLOGIES

MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

FOURTH (BUDGET) MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

FRIDAY, 14TH NOVEMBER, 1986

(FIRST DAY)

1. **PRAYERS**

   TO BE READ BY THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS

2. **GOVERNMENT BUSINESS**

   (1) THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR THE YEAR 1987 TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL SECRETARY AND LEADER OF GOVERNMENT BUSINESS.

   (2) THE APPROPRIATION (1987) BILL, 1986

   FIRST AND SECOND READINGS.

   THE BUDGET ADDRESS TO BE DELIVERED BY THE HONOURABLE FIRST OFFICIAL MEMBER.

   (3) MOTION

   THE HONOURABLE FIRST OFFICIAL MEMBER TO MOVE THAT THE DEBATE ON THE BUDGET ADDRESS BE DEFERRED UNTIL _____.

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Government Business. The

Honourable First Official Member.

GOVERNMENT BUSINESS

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Draft Estimates of Expenditure and Revenue of the Cayman Islands for the year 1987.

MR. PRESIDENT: So ordered.
Government Business, Item 2, the Clerk.

BILLS

THE APPROPRIATION (1987) BILL, 1986

FIRST READING

CLERK: THE APPROPRIATION (1987) BILL, 1986

MR. PRESIDENT: The Bill entitled The Appropriation (1987) Bill, 1986 is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: THE APPROPRIATION (1987) BILL, 1986

MR. PRESIDENT: The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, The Second Reading of the Appropriation (1987) Bill 1986 is being moved by the Budget Address now being presented.

These Islands have experienced several difficult years of negative publicity, firstly dealing with the substance of the Narcotics Agreement and most recently, the Mutual Legal Assistance Treaty.

In my first Budget Address, I commented that "the 1980's will be difficult years with no easy answers". Looking back and realizing that one-half of the decade has gone by, we view these remarks as being close to the reality of the era ,it has internationally been a somewhat trying time for the image of our offshore financial centre. While the negative articles are unlikely to be discontinued, Cayman is on a footing now where we can defend our position to the outside world. We have acted in a responsible manner. However, we should not be naive to believe that because Government has demonstrated its attitude against crime, that all illegal activity will now go elsewhere. We must continue to be diligent in enforcing our laws, to ensure that we minimize the criminal activity, which may seek to hide behind our Confidential Law. Simultaneously, we must ensure that justice for all is the democratic principle we adhere to obey.

International business of high quality still continues to be attracted to our shores from almost all corners of the universe, and may the Great Architect above continue to smile on us. By this attraction, we will diversify the business on our books and make us less vulnerable to conditions in any one country.

While the Cayman Islands' economy is stimulated most by our neighbour to the North, it is timely to monitor the World Economic situation as well.

At this time, when industrial countries of the world, with few exceptions, are experiencing moderate economic growth, an annual rate of less that three percent, our economy has sustained increased activity.

But the World Economic condition is floundering mainly due to low commodity prices, low price of oil, low productivity and high unemployment. The reduction in the interest rates in the United States, together with low inflation in particular have not, as yet, stimulated the economy, and the Chairman of the Federal Reserve Bank has sounded a warning of the worsening economic situation in that country and around the world. In October, the unemployment rate in the United States rose from 6.8 percent to 7

percent, and the economy grew at 2.4 percent in the third quarter of this year.

Cayman would be well advised not to undertake too ambitious a capital programme during the year ahead, but Government should carry out sufficient work to keep the economy buoyant. I believe the 1987 Budget provides that stimulation to the economy.

The Cayman Islands fiscal policy has been one of the key factors that has kept this country in the forefront as an attractive territory to conduct business, where investors are confident of the Government's positive attitude towards foreign capital investments and the lack of any restrictions against any inward or outward flows of it.

All of us, Mr. President, should remember that this country must try at all times not to spend more than the country can afford. Government coffers are not a bottomless treasure chest, and we cannot furnish every need, waive every fee, and be expected to provide immediately all the services that can be thought of. If we do, we or our children will pay dearly for it.

2. <u>THE ECONOMY 1986</u>

a) The Financial Sector
(i) Banking and Trust

Every year we are surprised at the number of institutions applying for offshore banking and trust licences, and 1986 is not proving to be an exception. At the beginning of the year, we expected that the rate of growth would moderate as many banks were already here, and competition from other offshore centres continued strong. In fact, this year it is likely that by the end of the year, we will issue the same number of licences as the 39 issued last year. As in previous years, some have been cancelled because of mergers, reorganisations, or for other reasons, but I anticipate by the end of the year we will be just short of, or will have reached 500 banks and trust companies with licences from the Cayman Government. What is particularly encouraging, is that we now have institutions from 52 different countries, and as a result of the steady increase in banks coming from countries outside America, the United States now provides only 33 percent of the total compared to 39 percent some five years ago. Twenty of the twenty-five largest banks in the world are now licenced here, including the first six. I would point out that our continued success in attracting banks here should be measured against a generally difficult time for banks world-wide, with many cutting back on their operations and limiting expansion. As banks run into difficulties, and others wish to diversify by purchasing other banks and spreading wider their risks, more and more banks are merging, so against this background it will be difficult, but still possible to maintain our rate of growth in 1987.

Despite the dissenters and their vocal efforts concerning the likely detrimental effect of the Narcotics Agreement on the future of our financial industry, from the indications available to me, this does not seem to be the case, and there has not been any noticeable slowing down. There are doubters again concerning the effect of the recently signed Mutual Legal Assistance Treaty, but here again, my earliest information indicates that the banking industry continues buoyant and banks of quality continue to arrive.

I have already mentioned that the interest in obtaining banking licences continues healthy. The volume of business on the books of the banks has expanded sharply. At the end of 1985, the total foreign assets of the Cayman offices of the licenced banks stood at US$175.5 billion, an increase of 16.5 percent on 1984 and compares with a ten percent increase the year before. Figures of this magnitude firmly establish us as a major offshore financial centre. It is also interesting to note that the Cayman banks offices liabilities to non-banks in the United States rose by 15 percent, an area one would expect to be most affected by any loss of confidence with Cayman Islands and its confidentiality, and in the year following the signing of the Narcotics Agreement!

The Government is sensitive to and ever mindful of the requirements needed for a successful banking community and for its part, takes comfort in these encouraging figures.

We are also mindful of the

substantial contribution banking and trust companies make to the local economy and the community. Nearly ten percent of our working population is directly employed in the banking sector, and of the banking work force, 77 percent are Caymanians. In 1985 the number of Caymanians in banking rose by 25, whilst expatriate staff with work permits fell by 12.

In financial terms, and considering only direct expenditure, some CI$49 million of expenditure was generated by the licenced institutions in 1985 with CI$4.7 million of this being a direct contribution to Government in licence fees. Those companies operating from within the Islands contributed CI$42.5 million. Nearly half of this total reflects the salaries and wages paid to employees, with the remainder being made up of capital expenditure within the Islands and other overheads.

This year, I anticipate this crucial section of our economy contributing over CI$5 million to Government in licence fees.

(ii) Insurance

Apart from the contribution made by the offshore insurance industry to the Budget in the form of licence fees, there are several other areas of the economy which derive benefit from the insurance companies' and underwriting managers' activities. Premium income in this area is estimated to be in the region of US$4 million per annum, of which over 20 percent is retained by banks on the Island, while the tourist industry receives over US$4 million from participants attending insurance company functions. Much of the tourist revenue is repeat revenue, as many companies have been meeting in Cayman each year for the last five years, and some for ten years. Another US$4 million is spent in local services, and over US$2 million in professional fees. These figures do not include the salaries of almost 200 people employed in this field, of whom over 60 percent are Caymanians.

As predicted in my comments last year, this year has seen a welcome increase in new licence applications. As of the end of August, 58 applications have been received, compared to 28 in the corresponding period last year. This includes one company, which is probably the largest captive worldwide, with capital of approximately CI$600 million.

Unfortunately, various changes in the United States Tax Law may have an adverse affect, so far as large captives are concerned, but until the laws are actually on the statute book, it is difficult to know exactly how we will be affected. However, we are confident we shall still attract the better quality, smaller insurance companies to Cayman.

All licence fees were increased by 50 percent as of 1st January, 1986, and estimated revenue from licence fees in 1986 was CI$1.6 million, but we have revised it to CI$1.8 million.

The second Captive Insurance Seminar in May was again a success, with over 100 overseas delegates participating. These seminars, although sponsored by Government are self-financing and do not require any financial assistance from Government.

(iii) Cayman Islands Currency Board

As at 30 September, 1986, the total assets/liabilities of the Currency Board stood at CI$17.9 million, an increase of 17 percent over the September 1985 figure. If currency in circulation continues on its present trend, it is expected to reach an all time high by year end. Total currency in circulation, (excluding numismatic issues) was CI$10.9 million at the end of September. Unfit notes redeemed and subsequently destroyed amounted to CI$1.6 million.

New Cayman Islands one-dollar notes, bearing the signature of the current Chairman, Honourable Thomas C. Jefferson, OBE, JP were issued in December 1985. The Cayman Islands 40-dollar note continues to lose popularity, and is rapidly withdrawing itself from circulation. At the end of September 1986, there were only 925 Cayman Islands 40-dollar notes remaining in circulation. The Board is in the process of having Cayman Islands 50-dollar notes printed, and they should be ready for issue by June 1987.

Approval has been given for a 1986 Eight Coin Proof Set to be minted by the Royal Mint, and will be

available for sale before Christmas. A CI$250 gold coin and a CI$5 silver coin commemorating the 250th Anniversary of Land Grant Settlement in the Cayman Islands were issued early in 1986. A collection of circulating coins, in an attractive presentation booklet, designed by the Currency Board staff and the Royal Mint, was made available in 1986 and sales are encouraging.

As at 30th September, 1986, the Board's investment in United States Treasury bonds amounted to CI$13.4 million, with fixed deposits totalling only CI$1.8 million. The Board felt that more profit could be realized if the Board were allowed to invest in bonds longer than seven years. In September 1986, the Currency Law (Revised) was amended to allow the Board to invest in securities up to ten years. This would provide more flexibility to earn more interest income with no added risk.

For the first time, since the establishment of the Board, no transfer from the operating surplus to the General Reserve was necessary. There was no need to top up the General Reserve because it was in excess of the required 15 percent of Demand Liabilities, and could keep up with the annual growth of currency in circulation. Therefore, the 1985 operating surplus of CI$1,330,524.46 in its entirety was transferred to the Government's General Revenue.

(iv) Companies Registration

During the first nine months of the year, 1,620 new companies were registered in the Cayman Islands, which compares most favourably with the 1,413 new companies, registered for the same period in 1985.

Revenue collected, to date, from the Companies Register is CI$5,997,384 and CI$5,812,000 for the same period in 1985. For the year 1986, the Registrar has estimated that the total revenue of CI$6.5 million will be collected, and there are at present no forseen reasons that would cause this estimation to be varied.

The Companies Registry is now capable of processing all companies for registration purposes within two working days. The Registry is still experiencing problems in the collection of annual fees, and as a result, the Registrar's office will be adopting a new policy in 1987 to strike from the Register all companies 12 months in arrears of their annual fees, unless a justified reason can be given not to execute.

(v) Agricultural and Industrial Development Board

The total assets/liabilities of the Board, as at 31st December 1985, amounted to CI$996,588, as compared to CI$912,563 in 1984.

The Agricultural and Industrial Development Board has obtained a new line of credit for US$1.1 million from the Caribbean Development Bank. This line of credit includes an Agricultural and Industrial Credit (AIC) component and a Student Loan Scheme.

As at 30th September 1986, the Board aproved loans under the AIC portion amounting to CI$274,000 (US$328,813). Some of these projects include a hydroponic farm, a live-on dive boat, farming equipment, and a commercial fishing boat.

With regard to the Student Loan Scheme (SLS), the Agricultural and Industrial Development Board will be working closely with the Education Council for the purpose of approving and recommending the approval of the Student Loan Scheme sub-loans.

(vi) Management Companies

To date 13 licences, under the Companies Management Law 1984, have been granted. There are four applications pending, and the requirements in regard to the required insurance coverage are being considered by the Honourable Financial Secretary's office.

For the period, January to September 1986, fees amounting to CI$67,406 have been received from this source, surpassing the CI$50,000 estimated in the 1986 estimates.

The Inspector of Company Managers is of the view that there are other firms, who are carrying on the business of Company Managers, and have not yet applied for a

licence, these firms are now urged to come forward and obtain the appropriate licence to avoid possible prosecution.

(viii) Legal Firms

In the coming year, three articled clerks in the private sector and two in Government are scheduled to graduate from the Cayman Islands Law School. All of us wish them well and look forward to them being called to the Bar. The legal profession is one of the key ingredients to a smooth running financial industry. Its contribution is significantly more than the CI$5.0 million in direct expenditure, and approximately 150 staff it employs.

b) Tourism Sector

Projected air arrivals for 1986 now stand at approximately 170,000. Up to the end of October, there had been a total of 136,059 air arrivals, an increase of 16.2 percent over the same period last year. Cruise ship arrivals by the end of this year should show a six percent increase over 1985.

The Treasure Island Resort and Hyatt Regency are expected to open at the beginning of the 1986/87 Winter Season. Based on a projected 70 percent occupancy of these two new hotels, and assuming that existing properties maintain significant occupancy rates, it is estimated that approximately 250,000 air arrivals will result. This will represent an increase of some 47 percent over this year's projections.

This predicted substantial increase in air arrivals has proved an exciting challenge to the Department of Tourism and Cayman Airways. New and more innovative marketing strategies are planned and very comprehensive advertising and public relations programmes are in place, to attract the number and quality visitors required to ensure the projected growth.

It is expected that the private sector will continue to work closely with Government in promoting tourism in these Islands; a relationship that has proven its worth in 1986. We are also hopeful that Northwest Airlines will provide more destination marketing support to Cayman than Republic Airlines.

c) Transport Sector
Cayman Airways Ltd.

The number of aircraft operated by our national airline will increase during the 86/87 Winter Season by the addition of one Boeing 737, (as recommended by the Swissair consultant), leased to operate during the peak season to help generate the demand for 300 additional rooms.

More charters will be operated by Cayman Express to effect increased utilisation.

The Boeing 737 will give the Board of Directors and management the opportunity to compare the operating cost of this aircraft to the Boeing 727-200.

d) Government Sector
(a) Finance and Development
(i) Personnel

With the departure of the Honourable Chief Secretary, Mr. Dennis Foster, in April of this year, and the subsequent reorganisation of that office, the Honourable Financial Secretary is now the head of the Civil Service and responsible for the Personnel Department.

Looking at the number of established posts in the Civil Service, in 1984 there were 1,310 posts, in 1985 the number rose to 1,367. That number has increased by 68 for a total this year of 1,435. With this increase, there would also be an increase in salaries from CI$22.0 million in 1985 to CI$23.0 million this year.

This year there were more than 30 officers abroad on courses of varying lengths. A number are on degree courses at universities in Canada, the United States, and the United Kingdom. The training of serving officers, although expensive, must continue if progress towards localization is to be achieved, and this is part of the reason for the increase in the additional staff.

(ii) Statistics

A celebrated British Chancellor of the Exchequer, Mr. Harold McMillan (later Prime Minister) some 30 years ago, chided his statisticians for the lack and unpunctuality of government statistics. He compared the difficulty of running the country using out-of-date statistics with attempting to catch trains using the previous year's timetable. Now, Honourable Members, I do not have the problem of catching trains within Cayman, but my Honourable colleagues and myself do frequently have the problem complained of by the British Prime Minister of not having statistical information to hand when we need it.

Where to set the balance between the costs and benefits to Government and the community of producing statistics is keenly argued the world over, and in a small country such as ours, the problem is even more acute where generally, both statistics and the resources to produce them are lacking. Nevertheless, this Government is necessarily involved with policy making in many fields, and it is only right that we should strive to be as well informed statistically as the administrations of other countries. I am sure that the Members of this Honourable House will agree that good information is the prerequisite to the making of good decisions.

Unfortunately, the provision of wide-ranging statistical information in a small country requires a larger proportionate effort than in a larger country, especially as many series have to be built from scratch.

However, we have for several years successfully brought together in the annual Statistical Abstract information, which becomes available as a by-product of Government administration with welcome contributions by the United States National Weather Service, and Cayman's enterprises in the electricity and telecommunications industries. The other bright spot is the long established consumer price index, which is compiled every third month.

Our record in overseas trade statistics, on the other hand, leaves much to be desired. In my view - which is regularly reinforced by the opinion of visiting economists with whom I have to deal - no progress will be achieved in producing detailed commodity trade statistics until importers and their agents fall into line with their counterparts in almost all other countries. They will have to accept the obligation to add the statistical classification to the commodities, which they enter with the Customs Department.

In trade statistics in the short term, however, we are taking the view that Government should produce more summary statistics, which it requires for itself. That is, we are trading off commodity detail for earlier availability. With the introduction of time-saving methods, results for the first half of 1985 with linking annual estimates for 1982-1984 will shortly be made available, and succeeding trade statistics will follow more quickly.

Although the commodity detail for the second half of 1985 will not be available for a month or so, I can advise Members of this Honourable House that the provisional estimate of total imports for the year 1985 is CI$120 million, an increase of three percent over 1984. If the breakdown between countries of origin of these imports confirms that picture of the first half of that year, we will find that some 75 percent of them came from the United States of America.

The starting of the employment survey at the beginning of the year roused disquiet in the business community, which was not altogether unexpected, given that it is several years since the Statistics Unit had taken any kind of economic survey. The signs are that there has been acceptance of the assurances that the returned information was confidential to the Government Statistician and his immediate staff, and would not be diffused throughout Government. As a consequence, a satisfactory response is being achieved in the survey, results of which should be published soon.

The results of the 1986 survey will describe the structure of Cayman's active labour force. The next priority is - as they say - to attempt the charting of the economy. This requires summary statistics describing the industrial composition of the country's gross domestic product (GDP), its cost structure and expenditure upon it.

These national income statistics are not an academic exercise, but as the readers of the financial press will know, are the distilled essence of a country's

economic performance, and we are often asked for them. The estimate we generally produce, CI$210 million for 1983, is very broadbrush and based on fragile assumptions. I imagine that the Honourable Members will not be surprised that so crude an estimate is not what is expected from a country with an otherwise sophisticated infra-structure. We are looking at ways and means of remedying these deficiencies.

(iii) Computer Services

The VAXcluster from Digital Equipment Corporation operational in February, 1986, was the first computer system of this type installed in the Caribbean, and is considered "State of the Art" technology. It is interesting to note that other Caribbean Governments, institutions, and companies are now accepting and installing the VAXcluster concept.

During the year, the Computer Steering Committee established, as a result of the Computing Policy for Government, became very active. Priority has been given to the Payroll and Government Accounts projects. It is expected that a suitable software package can be acquired to minimize programming development time for both areas. It should be understood that even with a package, much time and effort will still have to be expended by the relevant departments and Computer Services on the development of the manual procedures to effectively implement these systems. Plans are for the Payroll system to be running parallel in January 1987, and the Government Accounts system toward the latter part of 1987. The Accounts and Audit Advisor is heavily involved with the design of both systems and their implementation.

(iv) Customs

The Customs Department has made satisfactory progress during the year. Staff changes included the appointment of a Customs Adviser, who on two occasions had been of assistance to the Cayman Islands Customs, under the auspices of British Executive Service Overseas.

Basic training, in both technical and management subjects, was undertaken during the year, and further courses are planned. The Department is concerned to improve its enforcement techniques, especially in the investigation of commercial fraud, and in its preparation of prosecutions. One Deputy Collector attended 12 weeks of training in London on a course for senior officers in Customs Management, run by the Crown Agents in collaboration with Her Majesty's Customs and Excise Department in the United Kingdom. Now all Deputy Collectors in Grand Cayman have attended the United Kingdom Customs Management Courses.

The recently formed Task Force became well established during the year, and made an effective contribution to the efficient working of the Department. It recently acquired its own "sniffer" dog, and one member of the team has received training as a dog handler. This will assist in the war against drugs coming into the Islands, to which the Department is making significant contribution. Among many Customs seizures, one is particularly worthy of mention - that of a fishing yacht found to have over half a ton of Ganja secreted on board. The crew members received substantial prison sentences.

In 1985, Customs became the first Government Department to appoint its own Internal Auditor, and during the past year, he has put a great deal of effort into the development of this section as a useful tool of management.

With an eye to the future, proposals have been under active consideration to change the basis upon which liquor is sold in the Departure Lounge at Owen Roberts International Airport. It has been suggested that the Duty Free Shops there should be stocked with bonded liquor, instead of operating on a duty drawback system as at present. If adopted, this should mean a quicker service for passengers, who would be handed their purchases at the shop, rather than on leaving the Departure Lounge. A Bill will be presented during this meeting for Honourable Members' consideration.

A review of the Customs and Tariff is long overdue, and the Customs Adviser has already begun exploratory talks within the Department with this in mind. The Department will welcome informal discussions with other interested parties, especially importers, Customs brokers, etcetera, on any matters in the law, which are of common concern.

The New Services request, if honoured, will allow the Department to increase the hours of the shift system at Owen Roberts International Airport and provide sufficient staff to cover the operation hours from 7:00 a.m. to 11:00 p.m. each day.

(v) Ship Registration

Ship registration in the Islands continue to be of great concern to Government. In recent years, the number of reported incidents concerning Cayman Islands registered ships have been on the increase, and the point has now been reached where a decision must be taken, either to continue the Shipping Register, or severely limit it.

If the Shipping Register is to be continued, then it is felt that this will necessitate the establishing of a Marine Sector in Government, which would be responsible for inspecting and policing ships for safety requirements. However, in order that any Marine Surveyor may have the necessary authority, we would have to seek to have the various International Conventions extended including SOLAS i.e. Safety of Life at Sea to this territory, and thereafter seek to have legislation passed through the Legislature. If Government undertakes this route, it should be kept in mind at all times, that considerable expenditure will result, and it may be that the ship owners will be called upon to subsidise such a development.

For period, January to September 1986, some 114 new ships were registered in the Cayman Islands, and for the same period, revenue of CI$203,252 was collected, this exceeded the 1986 estimated figure of CI$120,000. For the same period in 1985, CI$101,000 was collected.

There are, at present, some 757 ships on the Register, and although many of these are of the small yacht type, the Register is now attracting large ocean going vessels.

(vi) Revenue and Expenditure

The year began with a balanced budget of CI$67.4 million, which includes CI$50.8 million in recurrent expenditure, CI$3.5 million in statutory expenditure, CI$4.6 million in locally financed capital expenditure, and CI$8.5 million in loan financing.

Having examined the performance of the economy over the past ten months, it is expected that the year will end with a substantial surplus. The revised figures in millions are as follows:

Deficit brought forward from 1985		$(1.1)
Revenue local	62.0	
Loan	3.9	
Recurrent Expenditure	-----	49.5.
Statutory Expenditure	65.9	3.6
Captial Expenditure		8.4
Net Surplus Balance 31 December, 1986		$ 3.3

This has resulted mainly from increases in revenue above the estimated, and a reduction in recurrent expenditure below the estimated due to prudent control of all expenditure.

(vii) Public Debt

On 1st January, 1986, the Public Debt of the Cayman Islands was CI$11.0 million. Net changes during the year amounted to CI$985,658 leaving an expected balance of almost CI$12.0 million at year end.

Self-financing Loans to Port Authority, students and the Agricultural and Industrial Development Board guaranteed by Government was CI$3.3 million at the beginning of this year. Borrowings and repayments netted show an increase of CI$127,342 leaving an expected balance at 31st December, 1986 of CI$3.4 million.

(viii) General Reserve

The General Reserve stood at CI$6.2 million on 1st January, 1986, and when netted against the 1985 deficit of CI$1.1 million, is reduced to CI5.1 million. It is proposed in the 1987 Draft Estimates, that CI$2.0 million of this year's surplus be transferred to General Reserve to further strengthen our financial position and provide for possible lean period in the future.

(b) Internal and External Affairs

(i) Broadcasting

The Department is now producing some 160 hours including a separate FM service at prime time, with a resolve to upgrade the skills of Caymanians for the profession and provide the best broadcasting service possible.

(ii) Immigration

Additional funding will be required to provide for staff to cope with the extended operational hours predicted for the 1986-87 winter tourist season and beyond, and proposals for these have been made in New Services, which will effect a shift system to cover the Owen Roberts International Airport operations from 7:00 a.m. to 11:00 p.m. each day.

(iii) Police

In-Force training programme continues with training in the areas of general police duty, and selected officers in specialist departments continue to go overseas to obtain training not available locally. All the United Kingdom Sergeants, except one who is developing the Police computer project, have completed their contracts and returned home. A Chief Inspector and an Inspector have also completed their tasks and returned. The programme has been directed at on-the-job training in all areas, both Uniform and CID, comprehensive vehicle driving training has been administered to most officers, and the Force now has its own capacity to print and develop colour photographs to the high standard required by the courts.

Steps continue to develop the careers of local officers, and since the last Budget Address, 13 local officers have been promoted to ranks ranging from Sergeant to Superintendent. This is in line with the policy to localise posts, whilst at the same time, maintaining efficiency.

In the past year, there has been an increase in crime generally and a significant increase in drugs offences, mostly cocaine related. In addition to increased enforcement measures, steps have also been taken in several directions, with an awareness campaign to educate the public, in the hope of preventing further escalation of this serious problem. If the trend continues, however, further strengthening of the Force will be unavoidable and necessary.

(iv) Prison

The Development of Prison facilities continues to focus on the provision of accommodation, the development of human resources and the rehabilitation needs within its walls.

An experienced Chief Officer was seconded from the Correctional Services of Canada, to assist the administration in carrying out its responsibilities, and four senior officers were sent overseas for training courses and attachment at appropriate institutions.

Current trends indicate that demands placed upon this service can be expected to increase, until effective crime prevention programmes and alternatives to imprisonment can be implemented.

(c) Judicial Department

The number of criminal cases filed in Summary Court have been steadily rising over the years, with between 100 - 200 cases increase in each year over the preceding year. On 5th November, 1986 the figure rose to 3,213, an increase of 712 over the 1985 annual figure of 2,501 and almost double the 1980 figure

of 1,624. Provision is made in the 1987 New Services of the budget for a second magistrate to cope with the ever increasing number of cases.

(d) Legal

There are presently four Caymanian lawyers, qualified overseas, in the Government Legal Service, with one more due to join in the New Year. Of these, two are presently with the Attorney General's Chambers, where they have played a significant part in bearing the workload, both in advisory matters and in conducting prosecutions. They have both also been given the opportunity to pursue further relevant courses overseas during the last year, which will be of benefit to them, and to Government, in the future. The third Caymanian lawyer is due shortly to transfer from the Courts Office to the Attorney General's Chambers.

Meanwhile, the Law School has greatly augmented the value of the qualification offered by it. The University of Liverpool, in the United Kingdom, has given its approval for the students at the school to study for the degree of Bachelor at Laws at the same time, as they pursue the Cayman Islands Attorney-at-Law qualification. This means that all the students at the Law School will have the opportunity of coming away from their course with both a professional qualification and a degree from an established and highly reputable United Kingdom university. The first year's intake at the School are due to complete their course in the Summer of 1987, with five students scheduled to take their final examinations in July of that year. In the meantime, the school has had another encouraging year with 17 of the 19 students passing the annual examinations at the first sitting, which bodes well for July.

(e) Health, Education and Social Services

(i) Museum

During the year, the development of a national museum has been pursued, and the old Courts' Building was handed over to the Museum Board of Control. A structural survey of the building was carried out and the decision taken that it was worth saving. The Building was then treated for termite infestation.

(ii) Education

Major renovation took place at the old Teachers Cottage in West Bay to create a sheltered workshop for handicapped adults. This facility opened its doors on Wednesday last with 12 students. There was good community response to a drive to raise money for the workshop, which is now known as the Sunrise Centre.

During the 1985/86 school year, the Community College moved its Hotel section to the old Public Works Department site, thus realizing savings in rental payments and transportation.

In September 1986, after some renovations had been made to existing buildings, two new courses, Construction and Auto-mechanics were added to the curriculum. The Hotel operations course was expanded to two classes, due to the demand for places. As of September 30th, the enrollment figure for full-time courses at the Community College stood at 125. Arrangements are being made with the Commonwealth Fund for Technical Co-operation for an educational specialist to assist with the development of the Community College. The specialist is due to arrive in early January 1987 for a two-year tour.

It is unlikely that the George Town Primary School site will be able to accommodate additional buildings after 1987, and pressure of numbers now make it imperative that land is identified and a new school built as soon as possible. Plans call for a new infants school to be built in George Town. This will accommodate the first three classes, or approximately 275 children. The existing George Town Primary School will become a junior school catering for approximately 300 children in the three upper classes.

The Sports Complex is already demonstrating that it is a great step forward for the Cayman Islands. Our people have welcomed it, and are making use of its facilities. Visitors, who know of it, are on the whole impressed.

The Lions swimming pool has been in constant use, especially by the High, Middle, Preparatory and Catholic schools' children from 9:00 a.m. to 3:00 p.m. At present, a programme of training classes in the evenings for primary schools, as well as junior and senior teams, is underway.

The athletic track is an all-weather surface, and fully marked to international standards. The nearby schools use it for their physical education sessions, and a junior track club trains there at least twice per week. A number of adults use the facility for health walks, and on weekends a number of joggers make use of the track. The Cayman Islands Schools Athletic team made use of this facility for a six-week training period in preparation for the Caribbean Schools Tournament, at which their performance was outstanding.

In the centre of the arena a full international sized soccer field is being prepared, and should be available for use soon. A start is anticipated to commence on the pavilion in 1987.

(iii) Social Services

This year, like 1985, was a record year for this Department in that both years, three young Caymanians returned to work in the Department, four of whom earned Bachelor of Social Work degrees overseas.

This cadre of young Caymanians have greatly enhanced the quantity and quality of service of the Department to the community. Additionally, all other vacant posts were filled with a full complement of 12 Social Workers/probation staff in the Department, two of which are seconded to the Court.

The Adoption Service contiues to show an increase. Last year, 47 children were put forward for adoption, compared with 73 children this year, a 55 percent increase. The upward trend of five children in 1982 and 18 in 1983 continues to escalate.

The Juvenile Law is still under review, and all indications are that it should be completed by the end of 1987.

In 1987, it is anticipated that the Home Health Aide Programme will come on line at a cost of CI$60,763, as well as start up works on the 75 bed proposed rehabilitation residential facility for court ordered juveniles, as well as voluntary placement of emotionally disturbed children unable to adjust in the regular classroom with their peers.

With regard to Personnel, it is expected that adequate provision for library staff will be put in place in order to ensure proper management of that facility. Additionally, the need for more Social Worker staff and an Assistant Director of Social Services is to be noted. The latter post is occasioned by the increasing growth of the Department and the resulting administrative responsibilities.

(iv) Health

For the first time, using the limited available data, the life expectancy at birth was calculated to be 74.5 years in our Islands, for which we should be proud. We hope to be able to maintain and improve upon this with continued improvement in the health care delivery.

Improvements to the physical plant consisted of an extension to the Maternity section to provide a well-baby nursery and vastly improved facilities in the neo-natal nursery. These improvements were long awaited, and will have the effect of minimizing the very costly transfers of neonates overseas.

The addition of two medical officers to the establishment has made it posible to institute 24-hour cover at the hospital with a doctor on the compound at all times, and has allowed internal reorganization of the medical staff with resulting increased efficiency. As a result, pressure on acute care beds in the General Ward have been reduced, due to a more rapid turn round of patients. Visits by specialists continue to give much needed support. The temporary absence of the surgeon and the obstetrician/gynaecologist has resulted in some reduction of service, but it is expected that this situation will soon be rectified.

A vision tester, donated by Cayman Council for the Visually Handicapped, is becoming more and more

popular, and it is hoped that this partnership with Government will be better able to cater to the requirements of the needy.

During 1986, Environmental Health personnel continued their efforts to ensure a clean healthy environment. Refuse collections were extended to provide a minimum of thrice per week service. The short-term rental of open containers to assist residents in clean-up efforts became increasingly popular.

A multi-sector workshop was held for farmers on the public health aspects of meat production, including animal health considerations. The combined resources of the Health and Agricultural Department were utilized in this workshop.

Psychiatric services available to the public have benefitted from an increased frequency of visits by the consultant. We are able to have his services for approximately 15 days in every month. The 1987 New Services contains a request for a medical officer to perform psychiatric services full time. A much needed psychiatric consulting room has been provided.

The Life Line Service was created at the hospital for providing help-to drug users, by counselling and directing them to appropriate sources. Education materials are available or on hand at the Health Department. However, much still needs to be done in the Drug and Alcohol Programme. A co-ordinator for the programme, who it is anticipated will be a psychologist, is requested in the 1987 New Services. This appointment, together with the psychiatrist mentioned above, will form the nucleus of counselling and treatment services within the programme.

The addition of another Dental Surgeon has reduced the waiting time for appointments, offered a wider range of services on a routine basis, more effective monitoring of the work of the auxilliaries, and more frequent visits to Cayman Brac.

The very successful preventive fluoride programmes, began in East End and North Side schools, have been extended to West Bay Primary in Grand Cayman and Creek Primary in Cayman Brac. Modifications have been completed to the clinic at West Bay Primary and a Dental Auxiliary currently provides treatment for the children there twice weekly. Weekly visits to the Northward Prison by the dentist has caused a marked reduction of the number of patients attending at the hospital. An extension to the Dental Laboratory, together with the appointment of a technician was also timely, and will reduce the types of services, which are now being sent to overseas laboratories for fabrication.

A workshop on the Care of the Elderly, and an update on sexually transmitted diseases conducted locally for nurses and doctors were supported by Pan American Health Organisation, for improving their knowledge and skills, as a part of our continuing education programme.

(f) Development and Natural Resources

(i) Portfolio

A petroleum agreement, which was finalised and signed with a Texas company in 1985, has been terminated at the request of the company. The depressed condition of the economies of the world-wide petroleum industry is the reason given for termination.

Cayman Turtle Farm continues to write history. A major achievement in 1986 was the hatching of the world's most endangered sea turtle, the Kemps Ridley, in a captive environment. This project is ongoing with the Mexican Government, and the United States Department of the Interior. The pilot shrimp project has been fairly successful, and is an alternative or supplement which could eventually allow the farm to become independent of Government subsidies.

The draft Building Code, which was prepared by an advisor from the United Kingdom, working in consultation with the Building Code Committee, has now been edited and returned to the Committee, and it is now being presented to technical associations in the Cayman Islands. A Chief Building Code Officer is being recruited to deal with implementation of the plan and to prepare the infrastructure.

(ii) Housing Development Corporation

Debenture Stock issued as at 30th June, 1986 amounted to CI$1.3 million. The total assets/liabilities of the Housing Development Corporation as at

mid-year amounted to CI1,226,356. As at 30th September, 1986, loans approved totalled CI$210,000, and there are several applications in the pipeline.

(iii) Water Authority

Work has commenced on the construction of the West Bay Beach Sewerage project. It is divided into three major contracts, the first is the preliminary earthworks for the sewage treatment works, this contract commenced in late March, and was completed by a local company at the cost of CI$600,000. The second contract is the procurement of all the plant and materials required for the project, this contract was granted in July to a Canadian company, and will be completed by the end of the year for a cost of CI$958,000. The third and final contract is for the carrying out of the civil engineering works. Following a comprehensive pre-tender conference, which was attended by the six prequalified contractors, the contract was awarded for a bid price of CI$6,301,459. The civil engineering contract will commence in November 1986, and the completion date is estimated to be January 1988. Now all the costs of the major contracts are known, it is projected that the total works will be completed at a cost of CI$8,679,219, CI$266,019 or 3.2 percent in excess of the original estimate.

The proposal to provide George Town with a public piped water supply is now a reality. Much of the year has been taken up with complicated negotiations with Caribbean Utilities to determine an agreement, whereby waste heat may be utilized to distill seawater. It now appears that a satisfactory negotiatiated agreement has been reached, whereby Caribbean Utilities Company will invest in the distillation plant, produce the water and sell it to the Water Authority, which will then distribute it via a pipeline to individual homes. The proposal will allow the Water Authority to ensure that the consumer is treated in a fair and proper manner. The final designs for the first phase of the scheme have been completed, contract documents drawn up, and funding has been offered by Caribbean Development Bank.

A ground water investigation has been carried out on Cayman Brac, which involved the drilling of eight exploratory boreholes along the Bluff Road. The results of this investigation will be published prior to the end of the year.

The Cayman Water Company had a satisfactory year, sales are up, and this is the first year in which a dividend has been paid to their shareholders. Their plant has kept up with the demand, and their operation has been much enhanced by the present method of management. Two of the larger developments within the franchise area have decided to provide their own water supply, based on seawater reverse osmosis. This will have the effect of allowing the Cayman Water Company a breathing space in which to consolidate their position, prior to the expected need to increase their output for future development.

(iv) Lands and Survey

The Department of 30 staff is subdivided into four distinct and interrelated sections: Land Registry, Land Valuations, Survey Section and Drawing Office.

Projected statistics show a definite increase in work load for Registry staff. Proposals for 1987 include the imputting of basic Land Registry information onto computer to provide an alphabetical listing facility as an interim measure before expanding this data base into a fully computerised Lands and Survey system.

There are proposals in train for expanding the land valuation section slightly, so that the full Estate Management range of services can be offered to Government.

The main survey projects for 1987 are planned to be the completion of mapping of Grand Cayman and the revision of maps and a subsequent publications of a new edition, and the start of aerial photography and mapping of the Sister Islands.

The eastern half of Grand Cayman was mapped and full aerial colour photography is available for purchase by the public.

(v) Agriculture

In agriculture, the Government Demonstration Farm is being upgraded and programmes are shortly to be implemented to boost development of private sector agriculture. The Portfolio will be asisted by specialists from abroad as well as in-house.

The dog control programme, which was introduced in 1986 has been very successful. The kennels at Smith's Road were upgraded as part of the programme.

The Farmers' Market is well on the way to becoming a reality with work currently in progress. The site selected is adjoining the Agricultural Show Grounds.

(vi) Planning

In early 1986, the Central Planning Authority embarked on their statutory Development Plan Review function, which has been in the planning stage since mid-1985. With the assistance of in-house staff and Standing Committees established in each district, and augmented by study teams from various Graduate Schools of the University of Tennessee, useful base data has been collected and preliminary assessments made, which the Central Planning Authority is going to build upon to produce the final review plan. It is intended for the final phases of the review project to be handled in-house, with extensive public participation on a district-by-district basis.

(vii) Mosquito Research and Control Unit

No further re-infestations by the disease carrier mosquito, Aedes Aegypti, have been detected this year, verified by continuous serveillance involving over 5,000 premise inspections, covering all three Islands.

Upgrading of the swamp canal system north of George Town has been completed, and work is underway creating access roads in the Bodden Town - Pease Bay region. These roads are needed for ground control of larvicides, applied by air, to the extensive breeding swamps in this area. Immediate plans include a new canal system for breeding swamps in the Rum Point area.

The Natural Resources Laboratory has completed the first phase of monitoring the health of coral reefs and sea grass beds around Grand Cayman. After deep involvement in the development of the new marine parks, the Laboratory staff are now installing markers and mooring buoys for these sensitive areas.

(g) Tourism, Avition and Trade

(i) Civil Aviation

At the next meeting of the Legislative Assembly, it is proposed to introduce legislation to establish the Civil Aviation Authority, which will be a statutory authority similar to the Port Authority.

(ii) Fire Department

There were some major fires that drew national attention, and had they not been dealt with swiftly and effectively, serious consequences would have resulted.

It is difficult to put a monetary value on the sevices rendered by organisations such as the Fire Department. However, it is obvious from what we have seen in recent years, that their timely intervention in times of fires and other related calamities have prevented major property loss and personal injury that would have reached into the millions of dollars.

The Fire Department is an essential service and to keep pace with our rapid growth, Government has entered into a development programme, which will result in the construction of a Central Fire Station at George Town, a sub-station for West Bay and a new improved Fire Station for Cayman Brac. In addition, new equipment and staff will be added, providing comprehensive fire protection for the entire community. The programme is scheduled to be completed in the latter part of 1988.

(iii) Labour Office

It is hoped to introduce Labour

Legislation in 1987, and in fact a discussion Bill has been published to allow the entire community the opportunity of submitting their comments to Government, in an attempt to provide necessary legislation, suitable to the people of these Islands and the Cayman way of life.

Government proposes to establish an office to deal specifically with the subject of Trade and Industry. It is envisaged that the activities of that office can be effectively combined with that of Labour, in view of the fact that these subjects are closely related. It will, therefore, be necessry to strengthen and upgrade the Labour Office by the addition of one post. This Department will promote the diversification of our economy, liaise with the private sector on programmes to assist with the development of small local businesses and light industry, as well as to deal with labour related matters. Provision has been included in the 1987 New Services for a Director of Trade and Labour.

(h) Communications, Works and District Administration

(i) Postal Department

Special effort was made to have all unlicensed radios on the Island properly licensed, and this has borne some fruit as revenue collected, so far, is in excess of that collected for 1985.

(ii) District Administration

The economy of Cayman Brac and Little Cayman has shown improvement in 1986. This is attributed mainly to two areas: Labour-intensive Government capital projects during the year, and an increase in tourism on the Sister Islands.

Government's largest capital project for the year has been the road programme. Foremost in the project was the continuation of the Bluff Road.

Work has also been started on the airport terminal site in preparation for the start of construction of the new terminal at Gerrard Smith Airport scheduled to begin in 1987.

Tourism in Cayman Brac has been encouraging this year. The occupancy rate at the Brac Reef Beach Resort and the Tiara Beach Hotel in Cayman Brac, and at the Southern Cross Club in Little Cayman has been very good. This has come about by the increased overseas advertising of the Sister Islands, and an improved jet air service to Cayman Brac.

(iii) Public Works Department

The Department is actively pursuing many of the recommendations of the Allgrove Report, 1985. As a result, an extension project at Savannah Primary School has recently been let by competitive tender on a labour and materials basis. Similar projects will, in future, be carried out primarily in this way. Correspondingly, the Department's purchases of materials into its unallocated stores during the first nine months of 1986 amounted to CI$62,000 as compared to CI$367,000 and CI$709,000 over similar periods in 1985 and 1984 respectively, as a result of a decision taken by the Honourable Financial Secretary on 12th May, 1986, that the stores should be run down to CI$100,000.

Training continues to be emphasised, with two officers leaving during 1985 to pursue Bachelors degree courses in Architecture and Construction Engineering, respectively. A third officer recently rejoined the Department after completing, with honours, an Associate Degree Course in Building Construction Technology. A senior officer is currently attending a three-month course in Project Preparation and Management at the Caribbean Development Bank.

Drawings and contract documents for the Gerrard Smith Airport New Terminal Project were completed in July 1986.

Subject to approval of the Caribbean Development Bank Loan in December 1986, works on the new terminal building contract are anticipated to commence in May 1987. Estimated expenditure in 1986 on site preparation work and professional services is CI$163,500.

A 500 foot safety end to the runway was constructed at a total cost of CI$219,450.

Work on upgrading the runway shoulders at an estimated cost of CI$80,000 has been completed. Excavation of the basin, channel and ramp for the West Bay Launching Ramp/Dock is well underway. Completion of excavation, ramp construction and car parking are anticipated at a cost of CI$25,200.

The construction of roads linking Crewe Road, Smith Road and Elgin Avenue was completed at a cost of CI$304,000. The intersection of these new roads features a roundabout system.

Construction of a road from Mount Pleasant to Conch Point Road was also completed in 1986, at a total cost of CI$131,750. Little Bluff Road and Bull Rush Walk Road were constructed in North Side, agricultural access roads, at a cost of CI$25,000.

3. The Year 1987

Mr. President, at a time when two of the major private sector construction projects are nearing completion, Government appreciates the need to maintain the buoyancy of the economy by carrying out some capital work. The 1987 Budget has been prepared with this reality and objective in mind.

The Budget is CI$74.1 million, an increase of CI$6.7 million over 1986. Estimated ordinary revenue is CI$65.2 million or 16.6 percent over 1986 approved. Loan receipts are estimated at CI$7.7 million.

Estimated Recurrent Expenditure is CI$55.3 million, an increase of CI$4.5 million, or 8.9 percent over the 1986 approved. Statutory Expenditure is estimated at CI$2.7 million. Capital Expenditure is estimated at CI$14.1 million comprising of CI$6.4 million from local revenue and CI$7.7 million from loans. The programme of works include ongoing and new projects such as:

a) West Bay Beach Sewerage System
b) Public Water Supply George Town
c) Gerrard Smith Airport Terminal Taxiway and Apron
d) Owen Roberts Airport Fire Station
e) West Bay Fire Station
f) Farmers Market George Town
g) School Buildings at Cayman Islands High School and George Town Primary.

4. Salary Increase

Government has not awarded a salary increase to Civil Servants since the 1984 Salaries Review, which was effective 1st January, 1984.

Mr. President, all of us are aware that inflation will never stop, although in recent times, the annual rate has been moderate. From June 1983 (on which the 1984 Review was based) to June 1986, the inflation rate is seven percent.

Provision has been made in the 1987 Budget for a five percent award to Civil Servants and pensioners.

5. Conclusion

The world economic recovery continues to be of concern to economists and financiers alike, while some indicators are positive, there are other important ones which are in the negative. The economic activity in the United States of America is not healthy, although we will need to monitor the recent results of the United States election, where the Senate and the House of Representatives are not now controlled by the party of the incumbent President.

Cayman Islands economy experienced healthy activity during 1986, and the Budget now presented while holding on tenaciously to the principles of fiscal policy, exercises those same values to stimulate the ensuing year. While at the same time seeking Honourable Member's approval to transfer CI$2.0 million to General Reserves and ensuring that there is a balanced Budget.

Mr. President, I have great confidence in the future development of these Islands, and we have demonstrated in the Mutual Legal Assistance Treaty our attitude about the facilities of these Islands being used for criminal activity.

These Islands "blazed the trials" in dealing with drug trafficking by signing the Narcotics Agreement, and this year agreeing to the Treaty.

Mr. President, there is plenty of good business attracted to and establishing themselves in the Cayman Islands, so let us concentrate on quality. For the 'Good Book' says, 'cleanliness is next to Godliness', and if we continue to follow these values, all will be well with the Cayman Islands' future economic development.

Mr. President, during the year, my Portfolio, Finance and Development has been charged with responsibility for two more departments: Personnel and Legislative Assembly. To my staff, I wish to express my sincere thanks for their support during the year.

Mr. President, I recommend The Appropriation (1987) Law, 1986 proposing an estimated sum of CI$71,410,463 to cover Recurrent, Capital and New Services in 1987. Excluded from this sum are statutory provisions covering pensions and loan repayments amounting to CI$2,697,936. The estimated expenditure is, therefore, CI$74,108,399.

Thank you Mr. President.

BILLS

THE APPROPRIATION (1987) BILL,1986

SECOND READING

CLERK: THE APPROPRIATION (1987) BILL, 1986

MR. PRESIDENT: The question is that a Bill entitled the Appropriation (1987) Bill, 1986 be given a Second Reading.

Although the motion is now open for debate, my understanding is that discussions with Members of the House have confirmed that most would wish to follow our normal practice of not starting the debate on the Appropriation Bill and on the Budget for a few days after the Appropriation Bill has been moved, and that on this occasion, the debate is due for Tuesday, I think.

HON. THOMAS C. JEFFERSON: Yes, Mr. President. I move that the debate on the Budget Address be deferred until Tuesday, 18th November, 1986.

MR. PRESIDENT: In that case, I will put the motion that the debate on the Appropriation (1987) Bill, 1986 be deferred until 10.00 o'clock on Tuesday morning.

Does any Member wish to speak to that? I will put that question.

QUESTION PUT: AGREED. DEBATE ON THE BUDGET ADDRESS TO BE DEFERRED UNTIL TUESDAY, 18TH NOVEMBER, 1986.

MR. PRESIDENT: There is no other business on our Order Paper for today, but there is of course other business on the Business Paper, and I imagine that the Business Committee will be arranging some for Monday, in which case we would meet in the ordinary way on Monday. And I will invite the Honourable First Official Member now to move the adjournment until Monday morning.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this House until Monday, 17th November, 1986 at 10.00 o'clock.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 o'clock on Monday, 17th November.

Does any Member wish to speak? In that case I will put the question.

QUESTION PUT: AGREED. AT 12:24 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., MONDAY, 17TH NOVEMBER, 1986.

FOURTH (BUDGET) MEETING

OF THE

1986 SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

MONDAY, 17TH NOVEMBER, 1986

(SECOND DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	*FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT*
HON MICHAEL J BRADLEY, QC, LL.B	*SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION*
HON J LEMUEL HURLSTON, JP	*THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS*
HON BENSON O EBANKS	*MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES*
HON W NORMAN BODDEN, MBE	*MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE*
HON CAPT 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 MABRY S KIRKCONNELL	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS*
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*

APOLOGIES

MR JAMES M BODDEN	*FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN*

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

FOURTH (BUDGET) MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

MONDAY, 17TH NOVEMBER, 1986

(SECOND DAY)

1. PRAYERS

TO BE READ BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. PRESENTATION OF PAPERS AND REPORTS

(i) CAYMAN AIRWAYS LIMITED

FINANCIAL STATEMENTS AND ANNUAL REPORT FOR THE YEAR ENDING 30TH JUNE, 1986 - TO BE LAID ON THE TABLE BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

(ii) FINANCE COMMITTEE

REPORT OF THE STANDING FINANCE COMMITTEE (MEETING HELD 16TH SEPTEMBER, 1986) - TO BE LAID ON THE TABLE BY THE CHAIRMAN THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL SECRETARY.

3. QUESTIONS TO MEMBERS

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

NO. 82: WOULD THE HONOURABLE MEMBER STATE WHETHER THE TOWER LOAN HAS YET BEEN PAID OFF?

NO. 83: WOULD THE HONOURABLE MEMBER STATE THE BALANCE OF THE GOVERNMENT'S BANK CURRENT ACCOUNT WITH BARCLAYS BANK PLC AS AT 30TH SEPTEMBER, 1986?

NO. 84: WOULD THE HONOURABLE MEMBER STATE THE TOTAL REVENUE COLLECTED FOR THE PERIOD 1ST JANUARY TO 30TH SEPTEMBER, 1986 AND PROVIDE A COMPARISON TO THE CORRESPONDING PERIOD FOR 1985?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 85: PURSUANT TO THE PASSING OF PRIVATE MEMBER'S MOTION NO. 9/86 BY THE LEGISLATIVE ASSEMBLY WHEREIN IT WAS RESOLVED THAT GOVERNMENT CONSIDER TAKING STEPS TO PROVIDE THE NECESSARY SUPPLEMENTARY EXPENDITURE, DURING THIS FINANCIAL YEAR, TO ALLEVIATE THE SHORTAGE OF LOW INCOME HOUSING WHICH IS A SERIOUS PROBLEM, WOULD THE HONOURABLE MEMBER STATE WHETHER FUNDS HAVE BEEN PROVIDED?

NO. 86: CAN THE HONOURABLE MEMBER GIVE A PROGRESS REPORT ON THE SOCIAL SECURITY SCHEME?

NO. 87: WOULD THE HONOURABLE MEMBER MAKE A STATEMENT WITH RESPECT TO THE INTRODUCTION OF THE NEW HIGH SCHOOL EXAMS, THE TOPIC OF WHICH WAS PUBLISHED IN THE CAYMANIAN COMPASS ON 13TH OCTOBER, 1986?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 88: CAN THE HONOURABLE MEMBER STATE WHY APPLICATIONS FOR THE PORT DIRECTOR AS ADVERTISED IN THE COMPASS (AD.ES3928B) WERE TO BE SUBMITTED TO HIMSELF RATHER THAN THE PORT AUTHORITY?

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO. 89: CAN THE HONOURABLE MEMBER STATE THE FOLLOWING DETAILS OF THE CONTRACT AWARDED TO CARIBBEAN UTILITIES CO LTD TO SUPPLY WATER TO GOVERNMENT -

(a) WHAT IS THE PRICE OF WATER PER GALLON;

(b) IS THERE ANY GUARANTEE AS TO THE QUANTITY OF WATER TO BE BROUGHT PER MONTH: AND

(c) WILL CARIBBEAN UTILITIES CO LTD BE REQUIRED TO PAY THE SAME 7% ROYALTY AS CAYMAN WATER COMPANY?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 90: WILL THE HONOURABLE MEMBER GIVE FULL PARTICULARS OF THE RECENT LEASE BY CAL OF THE 737 INCLUDING THE FULL COST OF THE LEASE AND SERVICE CONTRACTS?

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 91: COULD THE HONOURABLE MEMBER SAY WHETHER HE OR ANYONE ELSE HAS GIVEN INSTRUCTIONS TO THE STAFF OF THE CAYMAN ISLANDS HIGH SCHOOL THAT ONLY STUDENTS WITH A GOOD CHANCE OF PASSING BE ENTERED FOR THE GCE AND CSE EXAMINATIONS FOR 1987?

4. *STATEMENTS BY MEMBERS OF THE GOVERNMENT*

STATEMENT BY THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RE: PRIVATE MEMBER'S MOTION NO.14/85 - CONTRIBUTORY PENSION SCHEME, PASSED BY THE LEGISLATIVE ASSEMBLY THE 10TH DAY OF SEPTEMBER, 1985.

5. *GOVERNMENT BUSINESS*

BILLS:-

FIRST & SECOND READINGS

(1) THE TRUSTS (AMENDMENT) BILL, 1986

(2) THE FIREARMS (AMENDMENT) BILL, 1986

(3) THE NOTARIES PUBLIC (AMENDMENT) BILL, 1986

(4) THE TOBACCO PRODUCTS AND INTOXICATING LIQUOR ADVERTISING BILL, 1986.

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MONDAY

17TH NOVEMBER, 1986

10.03 A.M.

MR. PRESIDENT: Prayers. The Honourable First Elected Member of Executive Council.

PRAYERS

HON. BENSON O. EBANKS: 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 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.

Let us pray together.

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. Amen.

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

MR. PRESIDENT: Please be seated.

Presentation of Papers and Reports. The Honourable Second Elected Member of Executive Council.

PRESENTATION OF PAPERS AND REPORTS

CAYMAN AIRWAYS LIMITED

HON. W. NORMAN BODDEN: Mr. President, I beg to lay on the Table of this Honourable House, the Financial Statement and Annual Report of Cayman Airways Limited for the financial year ended 30th June, 1986.

MR. PRESIDENT: So ordered.

HON. W. NORMAN BODDEN: Mr. President, the audited Financial Statement of Cayman Airways at 30th June, 1986 showed that the Company made an operating profit of US$818,813 for the year then ended. This figure of course, included one half of the annual Government subsidy. However, even when the subsidy amount has been deducted, the Company still ended up in a better than break-even position, with an operating profit of just under US$200,000. Of course, after accounting for financing cost, there is a net loss for the year of approximately US$1.1 million. Adding to the accumulated deficit of US$17.6 million from the previous year, this brings the total accumulated deficit of the Company to US$18.7 million as of 30th June, 1986.

It must be pointed out here, that Government's agreement in November of 1985 to convert to share equity, the loan and other trade debts due to it by Cayman Airways,

has helped substantially to improve the Company's balance sheet, to the extent that the working capital deficiency has been reduced from US$8.9 the previous year to US$2.7 million at the close of this financial year.

It is also worthy of note that this is the second year in succession that the Company has been able to bring its net operating loss down to just over US$ 1.0 million from an average annual loss of over US$3.0 in previous years. This has been accomplished inspite of unexpected maintenance costs, and other unavoidable increases in expenditure, and while keeping all aircraft lease payments up to date, and servicing its current debt obligations on a timely basis.

This is also the second year that Cayman Airways has produced an Annual Report, in which the Chairman and Board of Directors have set out in greater detail, the Company's performance, their efforts to meet objectives, and to effect improvements where possible. These documents provide clear evidence of Governments' and the Boards' continuing determination to conduct the Company's affairs in a businesslike fashion, and to preserve its credibility in the airline industry.

Mr. President, much progress has been made, and Governments' and the Boards' efforts must continue to be concentrated on stabilizing and strengthening our national airline, to face the inevitable competition which is bound to come in the near future, from major United States carriers on its main routes to the United States.

Government's financial support on a fixed basis, and the loyalty of the travelling public of these Islands are essential to the national flag carrier's future.

In conclusion, I wish to publicly record Government's grateful thanks and appreciation to Cayman Airway's Chairman and Members of the Board, the Executive Committee, management and staff for their labours and total dedication. And I take this opportunity Mr. President, to encourage all of them to continue to make the meaningful contribution which the airline needs in order to maintain its rightful place in providing dependable air services to our country.

Thank you, Mr. President.

MR. PRESIDENT: Thank you.

Presentation of Papers and Reports. Item 2, the Honourable First Official Member.

FINANCE COMMITTEE

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Finance Committee Meeting of 16th September, 1986.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, that meeting on 16th September, 1986 approved a total supplementary expenditure of CI$982,080. A breakdown of that expenditure is as follows:

* There was CI$2,750 for Internal and External Affairs, to cover the cost incurred in the procurement through the Crown Agents of flags and Coat of Arms.

* A further CI$105,000 was also approved for Internal and External Affairs, under Operating Expenses, Sub-Head 7- 073, to revoke funds which were allocated in the 1985 Budget, and it also takes account of the pound loss in parity, as against the Cayman Islands dollar and the United States Dollar.

* CI$4,000 for Internal and External Affairs, for emergency relief, to cover additional unforeseen expenses for the repatriation of refugees, and local search and rescue operations for the balance of the year.

* CI$87,500 For the Immigration Department to cover overtime. It is the cost incurred as a result of substantial increase in the flights and the operating hours beyond the normal hours covered by the Immigration Department.

* CI$20,000 for the Police Department, for the gathering of information purposes.

* CI$40,000 Finance and Development, as a loan to the Cayman Preparatory School, to assist that school in financing required this year.

* CI$125,000 for the Legal Department to cover both the United States and the United Kingdom consultancy fees in relation to the signing of the Mutual Legal Assistance Treaty, and to obtain the services of a Library Consultant for both the Attorney General's Chambers and the Law School. These fees also cover Gray and Company.

* CI$42,000 Development and Natural Resources, on consultancy fees, to defray costs anticipated for the remainder of 1986, arising from an existing agreement between the Government of the Cayman Islands and the University of Tennessee Graduate School of Planning.

* CI$33,200 for the Department of Tourism, to deal with an anticipated shortfall in the provision of personal emoluments.

* CI$252,000 Department of Tourism, supplementary for advertising, to allow the Department to begin this year with increased promotion in order to attract the 70,000 additional visitors estimated by that Department.

* CI$18,900 to cover the operating expenses of the officers in the United States, which is tied to the additional promotion.

* CI$11,000 to assist the Prison Department in the purchase of a vehicle more suitable to their needs, which would have a passenger capacity of 25 persons.

* Another CI$10,000 for the Prison Department, to cover outstanding commitments on the soon to be completed female cell block, and the maximum security cell block at Northward Prison.

* CI$130,730 for Development and Natural Resources, and more specifically the Water and Sewerage Project, to defray costs associated with the loan commitment and interest charge, consultancy fees and project preparation expenses for the George Town water supply.

* CI$100,000 as a loan to the Cayman Turtle Farm to establish a flora and forna exhibit and snack bar, hoping that this additional attraction will allow the Turtle Farm to be less dependent on Government subsidies.

The Finance Committee also gave further consideration, and approved an overdraft facility with Barclays Bank to a maximum of CI$4.5 million, if ever required by this Government during the twelve-month period.

Cayman Airways Limited, the issue of shares. Finance Committee unanimously agreed that Cayman Airways Limited's indebtedness to Government at 31st December, 1985 in the amount of $6,050,920 to be converted to 3,025,460 shares at a par value of two dollars per share.

Personal Tax arrears - it was agreed that personal tax arrears as at 31st December 1985, should not be collected, as a result of the repeal of the law.

Interest-free loan Paradise Manor. Agreement by majority that Finance Committee ratified the third payment of stamp duty allowed to Paradise Manner in 1985, and it be seen to be treated in the records of Government as an interest-free loan.

Outstanding hospital fees - Finance Committee unanimously approved that the outstanding fees due to the hospital for the years 1978/1979 be no longer pursued for collection.

Letter of Credit - Fire Service Vehicle. Finance Committee also approved the authorisation of a

letter of credit for a Fire Service Vehicle to replace one recently involved in an accident.

Fire Service Department, for the Fire Station at West Bay, CI$50,000 being the estimated cost of site preparation for the proposed West Bay Fire Station.

And a proposal put to Government for the Finance Committee on the Pirates' Week administration for stamp duty waiver was withdrawn.

Further consideration to the Helen Harquail Centre - approval was given for monetary assistance to the Cayman Cultural Foundation, to complete the construction of the centre, the cost for the completion being CI$100,000. It was agreed that it be determined whether the private businesses working on the project would be willing to give financial assistance along with Government, but if not, approval for the payment of CI$35,000 which represents the sum due, be paid. This has been paid.

Mr. President, thank you very much.

MR. PRESIDENT: In accordance with the provisions of Standing Order 67(4), the Motion has been deemed to have been agreed.

Questions. The Second Elected Member for George Town.

QUESTIONS TO MEMBERS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO. 82: Would the Honourable Member state whether the Tower Loan has yet been paid off?

ANSWER: A decision has been taken by the Government that the Tower Loan should not be paid off. Instead, the loan should be allowed to run for the 7-year agreed term of repayment, following which the deposits held as collateral security, plus accumulated interest, will continue to exist as a part of the General Reserve balance.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if this decision is in keeping with the Auditor General's recommendation, and the recommendation of the Public Accounts Committee?

HON. THOMAS C. JEFFERSON: Mr. President, it is not in keeping with the Auditor General's recommendation, or the Public Accounts recommendation. But we all know that in Government, anyone can make a recommendation, it does not mean that because the recommendation was made that everyone has to accept it. There are points in the recommendation, there are also points on the other side, for the recommendation not being agreed to.

MR. LINFORD A. PIERSON: Mr. President, it is unfortunate that the Member takes the Public Accounts Committee's Report and the Auditor General's Report so lightly, but I would like to follow this up with this supplementary question.

Would the Honourable First Official Member state whether the deposits held as collateral security by the bank are totally immobilised during the currency of the loan?

HON. THOMAS C. JEFFERSON: Mr. President, the Public Accounts Committee's recommendation, or the Auditor General's recommendation were not taken lightly by Government. It is just that on this occasion, we could not agree to this one recommendation. If we go back to the reason why we structured the loan from Barclays in this way, it was Government's opinion at that time, and it is still the opinion, that if you have deposits and you wish to use them to the maximum benefit, you structure a loan, and this is also the commercial way of doing business Mr. President, it is nothing so genius or special. But if, in structuring the loan, it is agreed that the bank

will charge one percent for the loan over the rate that it will charge on a deposit, it means that you have to leave the deposit there. Otherwise the bank will have no way of determining the one percent differential.

MR. LINFORD A. PIERSON: Mr. President, I cannot follow the logic in that, but I have a further supplementary question.

Would the Member further state whether it is correct that the present arrangement of the Tower Loan costed Government some CI$40,000 in net accumulated interest charges to the end of 1985, and whether that was a commercial decision from his department?

HON. THOMAS C. JEFFERSON: Mr. President, I believe that CI$40,000 is about correct. I do not have the exact figure with me this morning. There are two ways of looking at it. If we structure the loan along the lines of the recommendations of the Public Accounts Committee and that of the Auditor General, you would not be paying CI$40,000, you are likely to be paying CI$4-500,000 in interest.

MR. PRESIDENT: If there is no further supplementary, the Second Elected Member for George Town may ask the next question.

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

NO. 83: Would the Honourable Member state the balance of the Government's Bank Current Account with Barclays Bank PLC as at 30th September, 1986?

ANSWER: As at 30th September, 1986 the Government's Current Account showed an overdraft balance of $1,093,325.95. However, the cause of this overdraft was expenditure in excess of $1 million for capital road works. Funding for this project has been obtained through the granting of a loan by Barclays Bank to the extent of US$2.42 million. Although the loan was approved prior to 30th September, the first draw down did not occur until 3rd of October, 1986.

In addition to the foregoing, the balance in the US$ 7-day Call Account to 30th September stood at $516,815, while maturing fixed deposits also held with Barclays (and excluding those held as collateral security), amounted to $2,093,502.00.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Member say if this overdraft which existed on 30th September has been wiped out, or does it still exist today?

HON. THOMAS C. JEFFERSON: I am happy to Mr. President. On 13th November, the Barclays Current Account balance was $1,003,153.15 good balance.

MR. LINFORD A. PIERSON: Would the Member state what he means by 'good balance'?

HON. THOMAS C. JEFFERSON: It is an expression Mr. President, it means that it was not an overdraft, it was a proper credit balance.

MR. PRESIDENT: Unless there is any further supplementary, the Second Elected Member for George Town may ask the third question standing in his name.

MR. LINFORD A. PIERSON: There was no further supplementary on that Mr. President, but I would appreciate it if you could give us a little time to read the written answer.

MR. PRESIDENT: If you want longer, you are welcome to have longer. I certainly do not want.....

MR. LINFORD A PIERSON: I will continue Sir.

MR. PRESIDENT: There are quite a lot more question, and I am trying to give all Members a fair chance to ask their questions.

MR. LINFORD A. PIERSON: I understand Sir.

THE SECOND ELECTED MEMBER FOR GORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO. 84 Would the Honourable Member state the total revenue collected for the period 1st January to 30th September, 1986 and provide a comparison to the corresponding period for 1985?

ANSWER: The revenue collected for the period 1st January, 1986 to 30th September, 1986 amounted to $49,345,309. For the corresponding period in 1985, the amount collected was $39,705,158.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Member say if the figure of $49 million plus, which had been collected up to the 30th September this year included any loans, or was it just pure revenue?

HON. THOMAS C. JEFFERSON: Mr. President, perhaps I should not try to answer this question, because I do not have the details. But my understanding is that the majority of the revenue here which we are talking about, the $49,345,309 for the period January to September 1986, there is a possibility that three to four hundred thousand of it is loans, the rest is revenue, ordinary revenue.

MR. PRESIDENT: I wonder if the Member would care to undertake to circulate later to Members, the precise loan figure, it might help the...

HON. THOMAS C. JEFFERSON: Yes Mr. President, I would be happy to do so.

MR. LINFORD A. PIERSON: Mr. President, perhaps this question would also have to be supplied later on, but I wonder if the Member could state, and this is a supplementary, undertake to provide a percentage of the new revenue measures collected for 1986. Of the new revenue measures, what percentage was collected to date?

HON. THOMAS C. JEFFERSON: I would be happy to do that as well Mr. President, provided the Honourable Member gives us a little time to work it out.

MR. G. HAIG BODDEN: Mr. President, I wonder if the Member can tell us if the loan which made the answer in the previous question look good, has also been used to make the revenue look good. What I am talking about Sir, is that in the answer to the previous question, the overdraft seems to be of non-existance because of a loan. So, I am wondering if the revenue here is also being enhanced by loans?

MR. PRESIDENT: I think the Member may have got the dates confused, because as I understand it, the revenue collection figure is to the 30th September, and we were told in answer to an earlier question that there was an overdraft of more than a million on 30th September. The overdraft had been cleared off by the collection of a loan, by 13th November. I think that is my understanding of what we were told.

HON. THOMAS C. JEFFERSON: No Sir, 3rd October.

MR. G. HAIG BODDEN: I am not talking about that. The previous answers stated that there was an overdraft on 30th September, and in explanation for that overdraft, the answer goes on

to say that really, there was no overdraft because there was a bigger loan to cover it. Now I am wondering if this same thing has been done with the revenue, that the revenue would not be so good if there were not substantial loans to make the revenue appear better that it really is.

HON. THOMAS C. JEFFERSON: Mr. President, I would say that the revenue stands on its own footing. The answer to the previous question to which the Second Elected Member for Bodden Town refers to, indicates that as of 30th September we had an overdraft of $1,093,325.95. The revenue given in the present question to which you are asking a supplementary, of $49,345,309, if you notice, is as of the same date, it is 30th September, 1986. So your overdraft is part of your $49,345,309. The funds from the loan, the Barclays loan, did not come into the revenue until 3rd October.

MR. PRESIDENT: If there is no further supplementary, the Second Elected Member for West Bay may ask the next question.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO. 85: Pursuant to the passing of Private Member's Motion No.9/86 by the Legislative Assembly wherein it was resolved that Government consider taking steps to provide the necessary supplementary expenditure, during this financial year, to alleviate the shortage of low income housing which is a serious problem, would the Honourable Member state whether funds have been provided?

ANSWER: No funds were provided by supplementary vote as envisaged in the Motion. However, a provision of CI$100,000 is included in the 1987 Estimates for this purpose.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: So, Mr. President, the quicker we get on with the business of the House, the quicker we will get those cases which I brought before the House then, attended to?

MR. PRESIDENT: No doubt quite right, but the Member knows that he should not make statements.

MR. W. MCKEEVA BUSH: No Mr. President, that was a question, and I am waiting for an answer.

HON. BENSON O. EBANKS: Mr. President, if that is a question, the answer would be that possibly some of those mentioned, I think it was nine or ten, there may have been twelve examples given at the time the Motion was brought. It is possible that some of those cases will receive attention during 1987, it is possible that others will not.

MR. LINFORD A . PIERSON: Mr. President, for the record, would the Member state whether this $100,000 will be divided between various districts in accordance with the needs of those particular cases?

HON. BENSON O. EBANKS: The Member is correct Mr. President.

MR. W. McKEEVA BUSH: Mr. President, I would ask whether there was any study done as to how many cases there are in the country?

HON. BENSON O. EBANKS: Mr. President, at the time the Motion was brought, it was stated that a study was on-going. It is my information that this should be ready by the 1st January.

MR. W. McKEEVA BUSH: I wonder if the Member would give an undertaking, that he would let this Member know something about the Report, come January 1987?

HON. BENSON O. EBANKS: Mr. President, it is intended to get on with the job of looking after the problems once the Report

is in hand, and the Committee has met.

MR. W. McKEEVA BUSH: Mr. President, I asked whether I could be informed as to how many cases there are in the country. I am wondering if the Member could give an undertaking that he will let me know?

HON. BENSON O. EBANKS: That would be no problem, Mr. President.

MR. PRESIDENT: I wonder if the Member would care to consider making the Report available to all Members of the House. I think perhaps other Members would have an interest in it too.

HON. BENSON O. EBANKS: Yes Sir. The Report as I understand it, will give varying degrees of need, that is, where minimum help from Government or Service Clubs, recommendations for demolition and replacement, and all such information.

MR. PRESIDENT: Unless there is any further supplementary, the Second Elected Member for West Bay may ask the next question standing in his name.

THE ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 86: Can the Honourable Member give a Progress Report on the Social Security Scheme?

ANSWER: In accordance with the terms of Private Member's Motion No.14/85, a Progress Report in the form of a Statement by a Government Member has been prepared for presentation at this Meeting.

SUPPLEMENTARY:

MR. W. McKEEVA BUSH: Supplementary Mr. President. Can the Member say whether that is going to be before the Debate on the Budget, or afterwards?

MR. PRESIDENT: I think if the Member look at his Order Paper for today, he will find that the Statement is down as Item 4. in the Order Paper.

MR. W. McKEEVA BUSH: I am sorry Sir, that one slipped me.

MR. PRESIDENT: I thought the Member was a Member of the Business Committee, perhaps I am wrong?

MR. W. McKEEVA BUSH: No Mr. President, you are quite right, this was done without my knowledge.

MR. PRESIDENT: I hope you are not imputing improper motives to other Members the Business Committee.

MR. W. McKEEVA BUSH: No Mr. President, but it is a fact.

MR. PRESIDENT: Never mind. Perhaps the Member would like to ask the next question standing in his name.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO. 87: Would the Honourable Member make a statement with respect to the introduction of the new High School Exam, the topic of which was published in the Caymanian Compass on 13th October, 1986?

ANSWER: In June 1984 Sir Keith Joseph, the then British Secretary of State for Education, announced his decision to replace the existing GCE 'O' Level, CSE and Joint 16-Plus examinations with a new examination to be known as the GCSE Examination. His schedule called for students to sit

the new examinations from 1988.

Up until June 1986, it was doubtful whether that schedule would or could be kept because of industrial action on the part of teachers in the United Kingdom. As late as April and May 1986 some Examination Boards were urging postponement, because it was felt that insufficient preparation had been undertaken. However, in June a substantial sum of money was made available for the training of teachers, purchase of equipment and other expenses connected with the introduction of the examination. Settlement of the industrial dispute was achieved shortly thereafter and a decision taken to stick to the original schedule of 1988.

Since the Cayman Islands used the University of Cambridge local examinations syndicate and the Welsh Joint Examinations Committee to set our external examinations, we were forced to follow developments in the United Kingdom in certain respects.

When it became known that the original schedule would be followed in the United Kingdom and that the CSE Examinations would not be available after 1987, a Working Party was set up in Cayman to advise what action might best be taken here.

Since approximately 60% of our students sit the CSE Examinations through the Welsh Joint Examination Committee and our High School had for some years been using the Welsh Committee's combined syllabus - a syllabus which attracts both a GCE 'O' Level grade and a CSE grade component and therefore approximates more nearly the new GCSE Examinations, it has been decided to enter that band of students for the GCSE Examinations being offered by the Welsh Joint Education Committee in 1988.

An Advisor from the Committee will be visiting the Islands for one week commencing 3rd January, 1987 to conduct seminars in connection with the new examinations.

In the meantime, the Cambridge Local Examinations Syndicate has indicated they will continue to offer GCE 'O' Levels to their overseas clients until at least 1989 so those students who would normally sit that examination will continue to do so for the time being. Simultaneously, the Cambridge Board is offering an international GCSE Examination which will undoubtedly, at some time in the future, replace the GCE 'O' Level completely.

It is intended to procure the services of an adviser from the Secondary Examination Council in the United Kingdom to visit the islands to review our situation and offer advice on which Examinations Board will ultimately be most suitable to our needs.

Members can rest assured that whatever decision is taken will be done after receiving the best available advice and that it will be done on sound educational criteria.

MR. PRESIDENT: The Second Elected Member for George Town.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Mr. President, a supplementary. Perhaps the Member would not have this information available, but if he does, would he state whether any study has been done with regards to the GSCE Examination, and the advantages that he foresees for the Cayman Islands in continuing these exams?

In other words Mr. President, whether they will be a combination of the new present GCSE examination and the CSE examinations.

HON. BENSON O. EBANKS: Mr. President, I am not sure

that I understand the question. The position is that we have no choice in the matter. In the case of CSE examinations, they will no longer be available after 1987. As to how long the 'O' Level will continue to be offered to overseas clients of Cambridge is debatable. We have been informed that they will be available to us until 1989, so that we have to make a decision during the coming year, as to which of the Boards we are going to use to do basically the GCSE, or whether we are going to do the international GCSE.

MR. LINFORD A. PIERSON: Mr. President, if I may clarify my question. I think it is perhaps known that the GCE exams cater to perhaps 40 percent as the Member said, of the student body, and the CSE, normally to the more practical students who cannot attain the GCE examinations. My question was whether the GCSE would provide an opportunity for both levels of student, and if not, what would be the position with those students that now sit the CSE examinations?

HON. BENSON O. EBANKS: Mr. President, the new GCSE examinations will embody both the GCE 'O' Levels and CSE students. It will be graded in such a way that there will be an equivalency as known to the present GCE 'O' Levels and to the CSE level.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, can the Member say if there is any relationship between the GCSE and the CXE of 1976? I am talking about the Caribbean Examinations?

HON. BENSON O. EBANKS: No, Mr. President, they are two entirely different examining bodies, so there could be no relationship between the two.

MR. PRESIDENT: Is there any further supplementary? In that case I will invite the Elected Member for North Side to ask the first of the questions standing in his name.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 88: Can the Honourable Member state why applications for the Port Director as advertised in the Compass (AD.ES3928B) were to be submitted to himself rather than the Port Authority?

ANSWER: Since it was appreciated that there may have been potential applicants within the Port Authority's Board of Directors, it was thought appropriate that applications should be, in the first instance, delivered to the Member responsible for the Portfolio.

SUPPLEMENTARIES:

MR. D. EZZARD MILLER: Supplementary Mr. President. Can the Member state who is now the Chairman of the Port Authority?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, at the moment I am, the former Member has now resigned.

MR. D. EZZARD MILLER: Supplementary Mr. President. Can the Member state when he reappointed himself as Chairman of the Port Authority?

HON. CAPT. CHARLES L. KIRKCONNELL: On the 12th of this month Sir.

MR. D. EZZARD MILLER: Does the Member not consider it an unfair advantage to other applicants, when the current Chairman at the time of the interviews on November 7th was being interviewed by his Board for a job with the Company which it manages?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I do not consider that it was unfair, I think it was quite open. All members

there were members of high integrity, and they voted their conscience, and I am sure they made the right choice.

MR. LINFORD A. PIERSON: Mr. President, a supplementary. Could the Member say how many applications were received in the name of the applicants?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, there were three: Captain E.L. Solomon, Captain Harris McCoy and Mr. Errol Bush.

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Would the Member state whether each of those applicants had an equal opportunity for an interview.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, each applicant had equal opportunity Sir.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Is the Member saying that there is no advantage, when Members of a Board have to interview their boss, who is the Chairman of the Board, for a job as Director of the Company which it manages? Because I think there is Sir. It is very difficult for someone to say 'no' to your boss.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, in this respect Sir, I do not think it is an advantage. It is a statutory Board. Mr.Bush was Chairman of that Board Sir. He was not their boss.

MR. LINFORD A. PIERSON: Mr. President, if I may make a comment Sir.

MR. PRESIDENT: You may ask a supplementary, you know you should not make comments.

MR. LINFORD A. PIERSON: All right, a supplementary. I think I can turn this into a question.

Would the Member state whether it is a custom for Members of a Board to not at all times agree with the Chairman, and that they can be in a position where they disagree with what the Chairman is saying, and yet there is no undue influence necessarily from the Chairman, on the Board Members? The reason for this Sir, is that as a member of many Boards, I find that many times the Chairman is not always right, and never usually has his way.

MR. PRESIDENT: I think you have asked your question.

STANDING ORDER 23(7)

HON. THOMAS C. JEFFERSON: Mr. President, I wish to draw to your attention that under Standing Order 23(7) we have reached eleven o'clock.

MR. PRESIDENT: I was about to say the same thing. I think that Standing Orders now provide that any question that has not been answered by eleven o'clock will be automatically placed on the Order Paper for reply at a later Sitting within the same Meeting. In other words, if I have understood the Standing Orders correctly, it is not necessary for Members who have to...

HON. THOMAS C. JEFFERSON: It is 23(8) Sir.

MR. PRESIDENT: That is right. It is not necessary for Members to have to ask specifically that their questions shall be put down for oral answer, they will automatically be put down for oral answer on another day.

HON. BENSON O. EBANKS: Mr. President, I wonder if...I have been looking at the Order Paper, and I fear that we might be a bit shy on business for the entire day, and I am wondering if in the light of that, it might not be wise to suspend Standing Orders to allow Question Time to continue, in order to finish the questions on today's Paper.

MR. PRESIDENT: I am in the hands of the House. If Members would like that, and a Member cares to move a Motion, we

can ascertain what the wish of the House is. I think it is a good point.

SUSPENSION OF STANDING ORDER 23(7)

HON. THOMAS C. JEFFERSON: Mr. President, I move under Standing Order 84...

MR. PRESIDENT: 84, I think.

HON. THOMAS C. JEFFERSON: 83.

MR. PRESIDENT: Yes, 83.

HON. THOMAS C. JEFFERSON: ...that the suspension of Standing Order 23(7).

MR. PRESIDENT: In order to enable the remaining questions on today's Order Paper to be asked, I imagine that is the intention.

So, the motion is that in accordance with the provisions of Standing Order 83, Standing Order 23(7) should be suspended, in order to enable the remaining questions on today's Order Paper to be asked.

Does any Member wish to speak to that?

MR. G. HAIG BODDEN: Yes, Mr. President. I would like to call the attention of the House to the fact that on the Order Paper today, we have, besides the Statement by the Member of the Government, three Bills for minor amendments plus we have a revolutionary Bill, The Tobacco Products and Intoxicating Liquor Advertising Bill, and there is no way that we can finish the debate on that Bill today. So I would not take up the time of the House with Questions which can be answered through the week and next week. It has never been known in this House, that a Bill dealing with alcohol, drugs or tobacco went without debate. So I think the House should reconsider, and get on with the business for the day, leaving the Questions for the remainder of this Session.

MR. PRESIDENT:

Does any other Member wish to speak? In that case I will put the question.

QUESTION PUT: AGREED BY MAJORITY.

I think the 'Ayes' have it. In that case I declare the Motion carried, and questions may continue.

STANDING ORDER 23(7) SUSPENDED

I now invite the Elected Member for North Side to ask the next question.

MR. D. EZZARD MILLER: We still have some supplementaries under the current one Sir, if I may.

MR. PRESIDENT: Well, very well, yes they may continue, we have not completed them I agree.

CONTINUATION OF SUPPLEMENTARIES TO QUESTION NO.88.

MR. D. EZZARD MILLER: Supplementary Sir. Could the Member state whether in his appreciation, there may have been potential applicants from the Board for the job of Port Authority Director, anticipated when the Law was changed in September?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, when the Law was changed Sir, it was not anticipated. We did find at that time, it was very cumbersome in the hiring and dismissal of the Port Director, and this was the main reason why the Law was changed, to make it more easy and to give the Board more autonomy.

MR. D. EZZARD MILLER: Supplementary Sir. Can the Member state whether the immediate past Chairman of the Board who is now Port Director of the Port Authority, had any outstanding qualifications above the other two applicants?

MR. PRESIDENT: I am doubtful whether that is really a proper supplementary. Moreover, I do not think that the Member for Communications and Works has the sort of responsibility for the Port Authority, that enables him to give directions as to who should be appointed to a particular post by it.

MR. D. EZZARD MILLER: I agree with you wholeheartedly Sir. That is why the question was asked in the first place, I did not think that the applications should have gone to him.

THE ELECTED MEMBER FOR NORTH SIDE TO ASK THE HONOURABLE FOURTH ELECTED MEMBER RESPONSIBLE FOR DEVELOPMENT AND NATURAL RESOURCES

NO.89: Can the Honourable Member state the following details of the contract awarded to Caribbean Utilities Company Limited to supply water to Government -

(a) What is the price of water per gallon;

(b) Is there any guarantee as to the quantity of water to be bought per month; and

(c) Will Caribbean Utilities Company Limited be required to pay the same seven percent royalty as Cayman Water Company?

ANSWER: A contract has not been awarded to Caribbean Utilities Company Limited to supply water to Government.

Negotiations are currently in progress with Central De-Sal Limited, a sister company to Caribbean Utilities Company Limited to supply water to the Water Authority for distribution in George Town. As soon as a contract has been signed by Government, details will be made available.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can I ask the Member if the sister company to which he refers, is merely a sister company, or are the shareholders of Caribbean Utilities the beneficial owners of the sister company?

HON. VASSEL G. JOHNSON: The beneficial owners of Central De-Sal Limited, Mr. President, comprise many other companies.

MR. G. HAIG BODDEN: But is it not correct that the major shareholders in Central De-Sal Limited are also the major shareholders of Caribbean Utilities?

HON. VASSEL G. JOHNSON: The major shareholder Mr. President, is certainly not Caribbean Utilities Company Limited. The parent Company of Caribbean Utilities Company Limited maybe one of the shareholders.

MR. G. HAIG BODDEN: Mr. President, can the Member say if this little reply in semantics is an exercise to deny the House of the right to the answer to the questions sought by the Member for North Side?

HON. VASSEL G. JOHNSON: Mr. President, whatever description the Member wishes to attach to this answer, in my opinion, it is the correct answer. After the contract has been signed, the information will be available, as he is now asking.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member if he will give us the price of the water to be sold by Central De-Sal Limited?

HON. VASSEL G. JOHNSON: Mr. President, I have already said Sir, that after the franchise, or the licence, whatever, has been signed, the information will be available, but not before.

MR. G. HAIG BODDEN: Mr. President, can the Member give us the quantity of water which Government guarantees to buy from Central De-Sal?

HON. VASSEL G. JOHNSON: My last reply also relates to that too, Mr. President.

MR. G. HAIG BODDEN: And will the Member also tell us if Central De-Sal will be required to pay a royalty, since they are in competition, or will be in competition with Cayman Water Company, who now pays a royalty?

HON. VASSEL G. JOHNSON: Yes Mr. President, I will also tell him that at the appropriate time.

MR. G. HAIG BODDEN: Of course Mr. President, can I ask the Member if he remembers telling the House in September that Central De-Sal would not pay a royalty?

HON. VASSEL G. JOHNSON: Well, if the Member knows that Mr. President, why is he asking me the question now.?

MR. G. HAIG BODDEN: Because I never ask a question unless I know the answer.

MR. PRESIDENT: Order! Order!
The purpose of asking questions is to seek information, I think, according to our Standing Orders (LAUGHTER). I do not know whether the Member means to imply that he no longer needs to ask the next two questions which stand in his name in the Order Paper, because he knows the answers already! But I will give him the opportunity of asking them nevertheless.
The Second Elected Member for Bodden Town.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 90: Will the Honourable Member give full particulars of the recent lease by CAL of the 737 including the full cost of the lease and service contracts?

ANSWER: The full particulars of the Lease Agreement by Cayman Airways of a Boeing 737 are as follows:

(a) Lessor: Dannair Ltd. of the United Kingdom.
(b) Period of Lease: 16th December, 1986 to 29th April, 1987.
(c) Type of Aircraft: Boeing 737-200 advanced with seating capacity of 130 in an all economy class configuration.
(d) Security Deposit: US$100,000 Letter of Credit.
(e) Monthly Rental: US$285,000 to include 250 block hours. Additional usage will cost US$525 per hour. Included in this rental are four flight deck crews plus one additional captain, insurance and third party liability, full maintenance of aircraft, peculiar catering equipment and painting of CAL's logo and name on the aircraft.
(f) Additional costs:
(1) US$35,000 covering the cost of ferrying the aircraft from the United Kingdom to Grand Cayman and return) and
(2) Accommodation for crew members and engineers.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Mr. President, would the Member state whether this is a wet lease, or whether a crew will be trained to operate the 737?

HON. W. NORMAN BODDEN: Mr. President, it is a wet lease. The cockpit crew is being supplied by Dannair, and the main reason for that is that it is a short-term lease.

MR. G. HAIG BODDEN: Mr. President, can the Member say what the difference in cost is to Government between the lease payments on the 737 and the two 727's which Cayman Airways now operate?

MR. PRESIDENT: I think it has already been made public, what the costs of the 727 are. So I think the Member will have just to work that out for himself.

MR. G. HAIG BODDEN: Yes, Mr. President, but since the 737 which is a smaller aircraft appears to cost so much more, I was hoping the Member would try to explain this to the public?

HON. W. NORMAN BODDEN: Mr. President, a comparison to be made between the two leases, it must be born in mind that as the reply indicates, the $285,000 per month lease-charge includes 250 block hours, flight-deck crew, insurance and third party liability, the full maintenance of the aircraft, catering equipment and the painting of the logo and name on the aircraft.

The lease of the 727 includes just the straight lease-charges monthly, and does not include the additional items that I have just outlined. However, bearing in mind that the 737 is a smaller capacity aircraft of 130 seats, compared to 157, I feel that the two leases probably compare favourably based on the information supplied to me by Cayman Airways. If we compare the two aircraft on a 250-hour utilisation, the 737 would cost $1,140 per hour, and the 727 $1,420 per hour.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member if in working out those figures, he took into account not only the number of passengers carried, but the fact that the 737 will carry little or no freight when compared with the 727?

HON. W. NORMAN BODDEN: Mr. President, what was being compared there was the total direct cost of operations. It is true that the 737 has less capacity for cargo. But if you deal with the other indirect operating costs, the 737 has a tremendous advantage over the 727, in as much as there are savings in fuel, savings in flight attendants, savings in the number of flight-deck crew, and savings in landing fees and other ground charges. So if you went into the detail of it, there are indirect savings to be experienced in operating the 737.

MR. LINFORD A. PIERSON: Mr. President, could the Member state whether a form of cost benefit analysis has been prepared, to determine the benefits of the 737 above that of the 727 for that short period?

HON. W. NORMAN BODDEN: Mr. President, based on the cost and the information which I have just supplied to the House, the Company is satisfied that in using the 737 for the type of work which is planned by the Company, which is mainly the charter operation, that there will be substantial profits realised from that operation, if it is separated and dealt with on an individual basis.

MR. G. HAIG BODDEN: May I ask the Member if the range of the aircraft have been taken into account. That is, the 737 having a much shorter range, could it handle charters profitably to say, places like Los Angeles or would they have to restrict either the load of passengers or the amount of fuel, which would mean a stop rather than a direct flight? Has the range been taken into account in arriving at the favourable performance which is put forward today?

HON. W. NORMAN BODDEN: Mr. President, the range has been taken into consideration. The type of aircraft we are talking about is a 737 advanced-type aircraft, and the performance of that aircraft enables it to operate the charters to the destinations which Cayman Airways have charters planned to this coming winter season, and those flights can be operated without any penalty in payload, which are in places like New York, Chicago, Detroit and St. Louis. As to charters operated to Los Angeles, neither can the 727 operate a Los Angeles charter without making a stop. If the 727 were to attempt to operate a charter to Los Angeles, it would necessarily have to make a stop. If the 737 was put on such an operation, maybe it would have to make two stops or more, but the point I am making is that the Company is satisfied that the range of the 737 advanced-type adequately meets the charter operations that are planned this winter by the Company.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if it is correct that this lease being a 'wet' lease, will exclude any local people from being employed on this aircraft. In

other words, there will be no stewardesses, no pilots, no crew members at all employed locally.

MR. PRESIDENT: I think that has been answered. I think the Member has already said that was so.

MR. G. HAIG BODDEN: Yes Sir, I was just trying to find out if I was correct in assuming that.

HON. W. NORMAN BODDEN: Cayman Airways, Mr. President, will supply cabin attendants, but not cockpit crew.

MR. PRESIDENT: I see we are already passed the time at which we normally suspend proceedings mid-morning. So, even though we have not actually finished Questions we will continue with them after the suspension, I think I will now suspend proceedings for approximately 15 minutes.

AT 11:25 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:45 A.M.

MR. PRESIDENT: Please be seated. Questions. The Second Elected Member for Bodden Town.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO. 91: Could the Honourable Member say whether he or anyone else has given instructions to the staff of the Cayman Islands High School that only students with a good chance of passing be entered for the GCE and CSE examinations for 1987?

ANSWER: The Principal of Cayman Islands High School has been instructed that the school is to adhere to the policy that only students with a reasonable chance of passing be entered for the GCE and CSE exams in 1987.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, can the Member say on what date those instructions were handed down?

HON. BENSON O. EBANKS Mr. President, I do not know on what date the instructions were handed down, but they were first discussed in an Academic Committee, or at least my first knowledge of them was from the Minutes of an Academic Committee held on 16th October, 1986.

MR. G. HAIG BODDEN: Mr. President, can the Member say if he saw the Minutes of the Academic Committee which first discussed the initial instructions that said that only those with a good chance, or a hundred percent chance of passing should be entered.

HON. BENSON O. EBANKS: No, Mr. President, I have never seen those and I doubt that that instruction was ever given, or that there are Minutes that reflect that.

MR. G. HAIG BODDEN: Mr. President, would the Member investigate this matter, and forward the Minutes of the Academic Committee to the House, because certainly, initially, it was discussed, or they were instructed initially, whether he knows it or not that only children with a good chance of passing should be entered, and it was only after the teachers objected strongly that the instructions were changed. So, will the Member undertake to get the initial Minutes and send them to the Members.

HON. BENSON O. EBANKS: Mr. President, the Member is making a statement and asking a question at the same time. The position is that no such instruction was ever issued, therefore I am telling the Member what the instruction was, and that is the position.

MR. G. HAIG BODDEN: But, Mr. President, can the Member tell us how he can answer in that fashion, when he has just said that he had not seen the Minutes.

HON. BENSON O. EBANKS: I said that I saw no Minute containing what you were eluding to. I have seen the Minutes which I am assured are the only Minutes of Academic Committee Meetings held, and I have them before me.

MR. G. HAIG BODDEN: Mr. President, will the Member tell the House if the new instructions were given after my question was Tabled.

HON. BENSON O. EBANKS: Mr. President, there was no change in instructions Sir.

MR. D. EZZARD MILLER: Supplementary Sir. Can the Member read the Minutes so that we can clear the air.

HON. BENSON O. EBANKS: Mr. President, I have answered the question. I do not think I need to read the Minutes of the Academic Committee to the House, they are not part of the question, and my reply is based on that, and I do not intend to read the Minutes.

MR. G. HAIG BODDEN: Mr. President, will the Member let me have the Minutes, so that I can read them?

HON. BENSON O. EBANKS: Mr. President, I do not know Sir from experience, the Member picks out only those things that suit him to read. If they are going to be read, I would read them...(LAUGHTER).

MR. G. HAIG BODDEN: Will the Member allow, say the First Official Member to read them, since he is responsible for Government Business. This question is not a laughing matter Mr. President, and I think we need to get to the bottom of it.

HON. BENSON O. EBANKS: You see Mr. President, I believe this is an instance where the Member does not have the answer to his question...(LAUGHTER).

MR. G. HAIG BODDEN: Maybe I will surprise you with a photocopy of those Minutes.

HON. BENSON O. EBANKS: It would be interesting.

MR. PRESIDENT: Well, if we have exhausted the possibilities of supplementaries, that ends Question Time. We pass on to Item 4. on today's Business Paper. Statements - the Honourable First Elected Member of Executive Council.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

HON. BENSON O. EBANKS: Thank you Mr. President. In accordance with the provisions of Private Member's Motion No.14/85, the following statement is made.

Mr. F. Gordon Smith, CBE, MA, Fellow of the Institute of Actuaries, left Grand Cayman on 22nd July, 1986, having completed his preliminary work on a proposal for a Social Security Scheme for the Cayman Islands.

It was hoped that Mr. Smith would have returned on 1st October, 1986, to conduct public discussion sessions on the proposal, and to make final recommendations for the scheme in light of those discussions.

Subsequent events, particularly the activities of certain elements within the community regarding the Mutual Legal Assistance Treaty, signed within the United States on 23rd July, 1986, led Government to conclude on 23rd September, that it would be more appropriate to delay the contemplated public discussions of the scheme. Accordingly, present plans call for Mr. Smith to return early next year to continue his assignment.

MR. PRESIDENT: Item 5. Government Business.
Bills. First Readings.

GOVERNMENT BUSINESS

BILLS

THE TRUSTS (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE TRUSTS (AMENDMENT) BILL, 1986.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Trusts Law, Revised, is deemed to have been read a First time, and is set down for Second Reading.

SECOND READING

CLERK: THE TRUSTS (AMENDMENT) BILL, 1986.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled a Bill for a Law to amend the Trust Law, Revised.

The Memorandum of Objects and Reasons Mr. President, states quite clearly the reason for this short amendment and it is to remove an anomaly in the Law, so as to enable a Cayman Islands incorporated exempted, or non-resident company to be a beneficiary on an exempted trust.

The problem that arose Mr. President is that there is absolutely no question that the beneficial owners of an ordinary non-resident exempted Cayman Island investment company are neither domiciled nor resident in the Cayman Islands.

However, under Section 69 of the Trust Law, which reads:

> "Where the Registrar of Trusts is satisfied that the beneficiaries under any trust do not and are not likely to include any person at any time resident or domiciled in the Islands, he may, upon application made by the trustees at any time, register such trust as an exempted trust."

There is question Mr. President, that if the Registrar is not satisfied, that the beneficiaries under any trust, do not and are not likely to include any person at any time resident or domiciled in the Island. In other words, exempted companies obtain their status as an exempted company by the beneficial owner being resident elsewhere. But there is some non-clarity about whether a trust can be....perhaps another way of explaining it Mr. President, there seems little doubt that the beneficiary of any trust can be a corporate entity as well as an individual. Further, the reference to 'person' in Section 69, includes a corporate entity, as a result of certain provisions of our Interpretation Law. There is obviously no doubt, that an ordinary non-resident, or exempted company will not be resident in the Cayman Islands for the purposes of Section 69. However, the use of the word 'domiciled' produces the problem. Although all of us Mr. President, may think there is not any direct authority in the Cayman Islands.

It is clear from the English authorities that a company is treated as domiciled in the jurisdiction of its incorporation, thus any company incorporated in the Cayman Islands, whether resident, ordinary, non-resident or exempted, is domiciled in the Cayman Islands, and Section 69, says the opposite.

I think that even the Legal Draftsman at the time, may have been concentrating on the individual rather than the entity, and thus created the anomaly with this particular Law.

In order to clarify the position Mr. President, the amendment sought is under Section 82, which reads:

> "A person domiciled in the Islands shall not include a company incorporated in the Cayman Islands which is an exempted company, or non-resident company as defined in

Section 2 of the Companies Law."

And perhaps Mr. President, in trying to deal with a technical amendment under a very technical piece of legislation, I may have run the risk of not clarifying the position to all concerned. But it is a simple matter Mr. President. We are trying to remove the anomaly which will allow exempted trusts to be registered by the Registrar, or to be allowed for registration by the Registrar, thus giving us more business on our books, and hopefully more revenue to Government coffers.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Trusts Law (Revised), be read a Second time.

The Motion is open for debate. No Member wishes to speak, I will put the question.

QUESTION PUT: AYES

MR. W. McKEEVA BUSH: Can I have a division Mr. President?

MR. PRESIDENT: Certainly.

DIVISION
NO.31/86

AYES: 14

Hon. Thomas C. Jefferson
Hon. Michael J. Bradley
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. D. Ezzard Miller
Mr. John D. McLean

MR. PRESIDENT: I declare the Motion carried.

AGREED: THE TRUSTS (AMENDMENT) BILL, 1986 GIVEN A SECOND READING.

MR. PRESIDENT: Bills. First Reading.

THE FIREARMS (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE FIREARMS (AMENDMENT) BILL, 1986.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Firearms Law (Revised), is deemed to have been read a First time, and is set down for Second Reading.

SECOND READING

CLERK: THE FIREARMS (AMENDMENT) BILL, 1986.

HON. J. LEMUEL HURLSTON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Firearms Law (Revised).

Although containing 16 clauses Sir, this Bill is quite an uncomplicated one. Eleven of the 16 clauses Sir, relate to the increases of penalties, to bring those into more realistic levels.

The principle amendments contained in this Bill Sir, relate firstly to minor amendments in connection with Gunsmiths Licences, and secondly, and perhaps more importantly, there is provision to compel the holder of a firearm, to

hand over that firearm immediately on receiving written notice under certain circumstances.

If I can deal firstly Sir, with the minor amendments in relation to Gunsmith's Licences. Clause 4 of the Bill substitutes an item in the principal Law in Section 11. It substitutes sub-item (b) making it mandatory for a holder of a firearm to produce a valid Firearms Users Licence upon delivering that firearm to the Gunsmith's shop.

The principal Law presently contains the provision that the Gunsmith has to only have reasonable cause to believe that the holder has a firearms licence. This proposed amendment will remove the provision for him to have just 'reasonable cause', and to make it mandatory that the person delivering the firearm must have a valid licence to do so.

In clause 6. of the Bill Sir, a very minor amendment in sub-item (d), provides that the sign displayed at the premises of a licensed gunsmith shall in addition to containing the words 'licensed as a gunsmith' continue to include the words 'to repair and alter firearms' along with a description of the type of firearms so licensed.

Clause 10. of the Bill provides for an amendment to Section 19. of the Law, which deals with licences and permits, and it is a tidying-up amendment to include the altering of firearms, in addition to the provisions for repairing firearms. This has been brought to notice Sir, because it is our understanding that there are increasing difficulties where residents, wishing to obtain permits to export their guns for repairs or alterations, may be having more difficulties in obtaining the permits from foreign countries for such purposes, and hence the demand will result in more local persons undertaking the work locally.

The most important amendment being proposed in this Bill Sir, is in relation to Section 28 of the principal Law, wherein it is proposed to insert an additional subsection under Section 3. Section 3 deals with situations where the appropriate authority revokes a licence or a permit, and gives notice in writing to the holder, giving notice and specifying that the licence has been revoked, or requiring such persons to deliver up the firearm or permit on a date to be specified. The amendment Sir, is to insert a new sub-item (c) that where the appropriate authority revokes any licence or permit under this section, he shall give notice in writing to the holder thereof, requiring such persons to deliver to him forthwith, the firearm to which the licence or permit relates. In other words, it is requiring an immediate surrender of the firearm upon being so notified. Obviously Sir, this would have been the intention on the first instance, but because the law is silent on the point, one could simply in the past, revoke a licence, and if the individual did not surrender it, you could then only charge him for being in possession of an unlicensed firearm. This amendment takes care of that point Sir.

Continuing on that same Clause 12 sub-item (e), there is the addition of a new subsection, also dealing with the delivering up of firearms. New subsection 5 provides for the disposal of firearms handed over to the authorities. It provides that anyone who produces a licence within twelve months of having had it surrendered, may retrieve the firearm so surrendered. If not retrieved within twelve months, the firearm is forfeited to the Crown.

The other tidying-up amendments Sir, relate to the insertion of the word 'Royal' in front of the Cayman Islands Police Force, recognising its current status, and in accordance with the provisions of Standing Orders Mr. President, I have written to the Clerk, giving notice of a very minor Committee Stage Amendment that will be moved in connection with Clause 16, and hopefully, notice of that very minor drafting amendment will be circulated to Members shortly.

I recommend the Bill to this Honourable House Sir, and trust that Members will find it possible to support it.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Firearms Law (Revised) be given a Second Reading.

The Motion is open for debate.

The Second Elected Member for West Bay.

DEBATE ENSUED

MR. W. McKEEVA BUSH: Mr. President, I would have preferred to see today a complete new law before us, seeing that the present law is quite old, some 22 years now, and times have changed to say the least, since 1964.

In the absence of such a Bill, I can however, give my support to the amending Bill now before us for consideration. I would say Sir, that I feel strongly that the procedure of gun licensing in these Islands should be now reviewed. I do not agree Sir, that one person should have the prerogative of issuing gun licences. I believe that they should be carried out by a proper Licensing Board consisting of several people, and I make the suggestion not in any derogatory form, or manner against the person presently carrying out this particular function. But I make the suggestion only because I feel that a properly constituted Board would make the licensing of guns more democratic.

The other thing I feel strongly about is that presently, private citizens, that is an ordinary person who do not own a business, cannot get a licence, or at least find it hard to get one, and with the very high crime rate existing in this country, this is posing a threat, as I see it. It is posing a threat to a man in his home in his bed, if he is attacked by some criminal with a gun. I believe Mr. President that there are many, many guns on the street, probably three times as many or more than are now licensed. So Mr. President, the private citizens really do not have a protection for their families, and in Cayman today as I see it, this is a most serious matter. Not that I feel that having a gun in the house is a good thing, I feel that there maybe many qualifications to what I am talking about, but the answer is not an easy one. Getting the gun that is unlicensed is the problem, and who wants to put the bell on the cat.

I support the Bill, and I trust that the Government bench take heed as to what I am talking about regarding a Board for the licensing of firearms in this country, and maybe for a complete review of the Firearms Law.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, it was not my intention to debate this Bill, but unfortunately the mover of the Bill did not read my little note. I was asking him to clarify Clause 12. of the Bill, and it would have saved me having to speak on this Bill.

I would like to support, Mr. President, what the former speaker said, the Second Elected Member for West Bay, that I feel that a proper Licensing Board should be established by Government. I would hate to see a situation where there is a lot of favouritism, and where the amendment to Section 28 of the principal Law could be abused. I do not think that the problem is with licence holders of valid permits. But I believe Sir, that the major problems are with the illegal firearms, and I feel that perhaps more vigilance should be taken by the Police to try and find these illegal firearms. Because Sir, from unofficial information I have received, there seem to be quite a number of guns that are circulating around, that are not licensed.

Mr. President, I believe that the cause of this erosion in our society is due to the insensitivity towards our social problems in the Cayman Islands. I believe Sir, that many of these illegal arms will, in time get into the wrong hands, if they are not there already, and will create a very unsafe situation to the upright citizens of this country.

I believe Sir, that it will be necessary for many of us in the Cayman Islands, many of the upright citizens in the Cayman Islands to indeed, have licensed firearms. But Mr. President, I hope this day will come later than sooner, because it will be a sad situation when one must have a gun in his side table at night to protect himself. This is not the Caymanian way of life Mr. President. We have been in a situation where we have been able to sleep with our doors open in this country. But Mr. President, the situation is fast disappearing. I feel Mr. President, while I support this amendment, that we should be very, very careful in that this particular amendment is not abused in any way.

I thank you Mr. President, and I support this amendment Law.

MR. PRESIDENT: Does any other Member wish to speak. Does the Mover wish to exercise his right of reply? The

Honourable Third Official Member.

HON. J. LEMUEL HURLSTON: I would like to thank the Members for supporting this Bill. Both of the speakers mentioned Mr. President, possible fears in our community; possible threats against private citizens and businesses; possible dangers in relation to the protection of persons and property in their homes.

Let me assure this Honourable House Sir, that the present licensing authority, the Commissioner of Police and the entire Royal Cayman Islands Police Force take quite seriously, their responsibility in respect of the use and control and licensing of firearms. This particular matter is under constant review within the force, and there is indeed a properly established procedure, and a screening process that is laid down in respect of the current licensing policy. Let me therefore assure Honourable Members that there is no favouritism whatsoever being practiced now, or will ever be practised in that regard.

I have however, taken note of the recommendation made, that perhaps the time is not too far away to consider the establishment of a Licensing Board.

Thank you Mr. President.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Firearms Law (Revised) be given a Second Reading.

QUESTION PUT: AYES

MR. W. McKEEVA BUSH: Can I have a division Mr. President.

MR. PRESIDENT: Yes.

DIVISION
NO.32/86

AYES: 14

Hon. Thomas C. Jefferson
Hon Michael J. Bradley
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. D. Ezzard Miller
Mr. John B. McLean

MR. PRESIDENT: I declare the Motion carried.

AGREED: THE FIREARMS (AMENDMENT) BILL, 1986 GIVEN A SECOND READING.

MR. PRESIDENT: Bills. First Reading.

THE NOTARIES PUBLIC (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE NOTARIES PUBLIC (AMENDMENT) BILL, 1986.

MR. PRESIDENT: A Bill entitled a Bill for a Law to amend the Notaries Public Law, 1982 is deemed to have been read a First time, and is set down for Second Reading.

SECOND READING

CLERK: THE NOTARIES PUBLIC (AMENDMENT) BILL, 1986.

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

(Amendment) Law, 1986.

Sir, I hope that my speech in moving this Second Reading will be more brief than the Second Reading speech of the Bill I last presented to this Honourable Assembly, and I also hope that the subject matter of it will be slightly less controversial.

Our Notaries Public Law Sir, was revised and redated and enacted some four years ago, by Law No.13 of 1982. Contemporaneously with that law, it was thought appropriate in December of 1982, to amend the Legal Practitioners Law of 1969, so as to provide that in respect of persons who are on the role of Attorneys-at-Law in this jurisdiction, that the Clerk of Court shall strike off the court role the names of any Attorneys-at-Law, other than those who possess Caymanian status, who have not been at any time during the 24 months immediately proceeding the striking off, and possession of an annual practising certificate. That amendment was passed by this House Sir, at that time, and the reason for such passing was to ensure that persons who had ceased to have a practising certificate here, who had ceased to carry on business here, and who had gone to other jurisdictions, could not hold themselves out to the world at large as Attorneys-at-Law in the Cayman Islands, entitled to do business here.

We, with our large offshore financial industry, have a duty to ensure that the office of Notary Public is an office accorded to citizens and to persons who realise the responsibility of the office, and to persons who are responsible and answerable to this community. On that basis Sir, it was thought that whilst there is no territorial limit placed upon the particular place where a notarial act can take place by somebody authorised under our law, that it was not appropriate for persons to carry on notarising documents, having legal affect and registrable in this jurisdiction, when those people had ceased, and ceased for a considerable period of time to be resident within this jurisdiction.

Accordingly Sir, it is proposed that the Notaries Public Law be amended by inserting a new section, which since it is brief, I will read in full. The margin note reads "Non-residence for twelve months" -

> "10(a) The Clerk shall strike from the register the name of any Notary Public who has been continuously resident outside the Islands for the immediately preceding period of twelve months."

That is the end of the clause Sir, and that clause I submit to Honourable Members of this House, will protect the office the dignity and the integrity of persons carrying out notarial acts in respect of this jurisdiction.

I commend the short, hopefully uncontroversial Bill to Honourable Members of this House.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Notaries Public Law, 1982 be given a Second Reading.

The Motion is open for debate. No Member wishes to speak, I will put the question.

QUESTION PUT: AYES

MR. W. McKEEVA BUSH: Can I have a division Mr. President.

MR. PRESIDENT: Certainly.

DIVISION
NO.33/86

AYES: 14

Hon. Thomas C. Jefferson
Hon. Michael J. Bradley
Hon. J. Lemuel Hurlston
Hon. Benson D. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush

Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. D. Ezzard Miller
Mr. John B. McLean

MR. PRESIDENT: I declare the Motion carried.

AGREED: THE NOTARIES PUBLIC (AMENDMENT) BILL, 1986 GIVEN A SECOND READING

MR. PRESIDENT: There is in fact only one more Bill, the First and Second Readings of which are down on today's Order Paper, and no other items are on the Order Paper for today.

In view of the forebodings expressed earlier by the Second Elected Member for Bodden Town, perhaps it would be as wise if we postpone the discussion of this remaining Bill until this afternoon, and break for lunch now. I do not know whether that would suit Members, it is fairly near lunchtime.

MR. W. McKEEVA BUSH: Mr. President, in respect of the Order Paper Sir, I remember that all Bills....

HON. MICHAEL J. BRADLEY: Will the Member please stand when addressing the....

MR. W. McKEEVA BUSH: I remember that all Bills were put on the Order Paper for discussion. One I see has been excluded, that is the Partnership Law (Amendment) Bill. I do not know whether somebody could explain to me what happened?

MR. PRESIDENT: Well, I can only deal with what is on the Order Paper, I am afraid. If there has been some slip, no doubt Members of the Business Committee will go into it. But the fact is the House cannot be expected today to consider things that are not on the Order Paper, and that there is only the one remaining item. I expect there probably where good reasons why the others were omitted.

I do not think we are likely to finish the discussion of this one remaining item before lunch, and I am inclined to think perhaps it will be for the convenience of the House generally, if we do suspend proceedings now.

I will suspend proceedings until approximately two fifteen.

AT 12:30 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:23 P.M.

MR. PRESIDENT: Please be seated.
Bills. First Reading.

THE TOBACCO PRODUCTS AND INTOXICATING LIQUOR ADVERTISING BILL, 1986

FIRST READING

CLERK: THE TOBACCO PRODUCTS AND INTOXICATING LIQUOR ADVERTISING BILL, 1986.

MR. PRESIDENT: The Bill entitled a Bill for a Law to make provision for the display of a health warning in connection with the advertisement of tobacco products to provide for the control of advertising of tobacco products and intoxicating liquor, and for purposes connected therewith, and incidental thereto is deemed to have had its First Reading and is set down for Second Reading.

SECOND READING

CLERK: THE TOBACCO PRODUCTS AND INTOXICATING LIQUOR ADVERTISING BILL, 1986.

MR. PRESIDENT: The question is that a Bill

shortly entitled The Tobacco Products and Intoxicating Liquor Advertising Law, 1986 be read a Second Time.

I beg your pardon, I said that before the Member had moved it, and I was premature. If the Member will move it now, I will say it again later.

HON. BENSON O. EBANKS: Mr. President, I beg to move the Second Reading of a Bill shortly entitled The Tobacco Products and Intoxicating Liquor Advertising Bill, 1986.

Mr. President, this short Bill seeks to implement the recommendations of a Select Committee of the Legislative Assembly, which reported to the Budget Session one year ago.

The Bill, Mr. President, seeks to require that certain advertising for tobacco products should incorporate a health warning, and to prohibit all advertising of tobacco products and intoxicating liquor on radio and television broadcast from within the Islands, and at cinematographic displays, and to permit the Governor in Council to make regulations in respect of other forms of advertising of these products.

Mr. President, evidence worldwide is overwhelmingly conclusive that tobacco smoking and excessive drinking of alcohol are dangerous to health.

Companies such as insurance companies have recognised this, and have been rewarding nonsmokers and non-drinkers for some time now, by charging lower premiums to such persons.

It will be seen from the Bill, Mr. President, that Section 3 deals with the health warning to be placed on tobacco advertisements, and it will also be noted that subsection 2 of that section makes an exception in the case of documents which are published outside these Islands, and imported to the Islands, but contain advertisements of tobacco products. Nevertheless, Mr. President, even though that proviso is there, most of the developed countries now insist that similar warnings to those which this Bill seeks to propose, are carried on advertisements, so we do not believe that this is a serious loophole in the law.

Since at the moment, radio is owned entirely by Government, it seeks to ban the advertisement of both tobacco products and intoxicating liquor completely from that media. In the case of the cinemas, Mr. President, I can say from experience that the existing cinemas have for a long time voluntarily desisted from advertising alcohol and tobacco products.

The only persons Mr. President, who will be affected by this will be some of the local publications. We are not saying at this point that they cannot advertise tobacco products. What we are saying is that wherever they carry these advertisements, they must be accompanied by a warning to the effect that the use of tobacco products can be severely damaging to ones health.

Government has taken the lead in this Mr. President, in that, from the time the Committee made its recommendations, no new contracts were signed for advertising tobacco or alcohol products, and it was also recommended and has been complied with, and it was also recommended and it has been complied with, that Governments' statutory bodies such as the Airport Corporation do not accept new contracts for advertising on their billboards. So Mr. President, I think that we are taking a step in the right direction with this Bill. As I have said, the evidence is now overwhelming that tobacco smoking is dangerous to health, and while we are enforcing the other misuse of drugs laws, we tend to overlook the fact that alcohol is probably the most widely abused drug of all in the Cayman Islands, and what this Bill seeks to do, at least, is to remove from any advertisement any, shall I say, glorification or edification that could be given to the product by means of advertising, and I commend this Bill to the favourable consideration of Honourable Members.

MR. PRESIDENT: Now I can do what I tried prematurely to do before, and that is to say that the question is that a Bill shortly entitled The Tobacco Products and Intoxicating Liquor Advertising Law, 1986 be given a Second Reading, and that the Motion is open for debate.

DEBATE ENSUED.

MR. W. McKEEVA BUSH: Mr. President.

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: I can give the Bill my support. I am sure some are wondering how I support the Bill, and did not support the motion. Having seen the Bill, I would take it as an abrogation of my responsibility to all the people in this country, if I failed so to do.

It is a researched fact that the promotion and advertising of tobacco products is aimed and do hook the young people on the smoking habit. Research tells me too, that one smoker in every three is thought to start smoking before the age of thirteen. Research carried out in the United Kingdom also brought to light that smoking is one of the largest causes of death. It accounts for more than four times as many premature deaths as road accidents, alcohol, fires, murder, suicide, poisoning and every other cause of accidental death all put together. On the average, those who die from smoking loose ten to fifteen years of life, compared with their expectancy if they had been nonsmokers. That is why organisations including the Royal College of Physicians, the British Medical Association, the Health Education Council and many others, have called for a ban on the promotion of tobacco products. They object to tobacco promotion firstly, for ethical reasons, secondly, because it helps to promote an image of smoking that is contrary to the realities of the habit, thirdly, because it undermines the effectiveness of serious health messages and fourthly, and particularly, because of the unfortunate and misleading link created between smoking and physical fitness, which is particularly regrettable in its effect on young people. These statistics, Mr. President, might not really apply to these Islands as they do to the United Kingdom, because of the size of our country. Nevertheless, it does have an affect on us and better health is something which everyone want and desire.

Mr. President, it is not an easy thing to get current smokers to kick the habit, but as far as I am concerned, we do have a special responsibility to help prevent young people from starting this deadly habit.

There is one more point I would make. It has been a long time as I told you earlier, Mr. President, since I have been to Government House, maybe I have been a bad boy, but I trust, that if I am invited again, His Excellency will take heed of the dangers of smoking, and not pass out those obnoxious smelly cigars that I see sometimes. I am also wondering Sir, if something cannot be done also about smoking in public places such as the hospital and other places as well. Inhaling the smoke from someone else's cigarette it is said, is as bad as smoking itself.

So Mr. President, with those few remarks, I give the Bill my support. Mr. President I know that I voted against the motion and having done my own research, and having seen the Bill, the twenty thousand dollars that Radio Cayman has lost, has been raised by other taxes on people, so it seems that Government will not miss that twenty thousand dollars. This Bill will not cure all the social problems as might be anticipated, but, yes, it is a start and we need to start somewhere. The Bill, I will give my support to, at this time.

HON. MICHAEL J. BRADLEY: On a Point of Order, Mr. President, Sir. It may be that the Chair feels that it is not proper to draw the attention of Members to Standing Order 35(7) which says that the conduct of the Governor may not be impugned or debated in any other than a substantive Motion.

MR. PRESIDENT: I thought about it, but I came to the conclusion that it was my cigars, rather than my conduct he was criticising.

MR. W. McKEEVA BUSH: Yes Mr. President.

HON. MICHAEL J. BRADLEY: I thought it was your conduct in handing out the cigars!

MR. PRESIDENT: Well...

MR. W. McKEEVA BUSH: Mr. President, why try to deal with such trivial things as he is bringing up there. The Member knows what I am talking about, he is the one that is using those stink

cigars I smell sometimes.

MR. PRESIDENT: I think if the matter is trivial, the Second Elected Member for West Bay should not have raised it. However, there we are. Does any other Member wish to speak? The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Sir.

I am pleased that Government has seen fit to support the Motion which resulted in this Bill being brought forward.

There were a number of people in the community that were a little bit concerned when they saw, I think it was Friday's issue of the Caymanian Compass, which indicated that this Bill might have been withdrawn. But I think that was some error, I do not know on whose part. However, I, in bringing this Motion, think I presented my case quite well. I do not intend to prolong my debate on this, except to say that I disagree with a few of the comments which I saw printed in the newspaper, that advertising basically, is done simply for a person to change from one brand of a product to another. That is not the case, in fact, the primary reason why this Motion was brought to the House was because there were certain advertisements which I heard on Radio Cayman, which every time I heard those advertisements I thought to myself, 'if I were a young person trying to decide whether or not I should either drink or smoke, those advertisements would certainly have gone a long way to convincing me that I would have been better off by choosing to do so.' And I felt that they had a direct, unfavourable impact on the young people of this country.

It is a foregone conclusion, everyone is aware of what smoking does. My comments to the Caymanian Compass when they contacted me earlier on, were that I looked at this as a step in the right direction, and quoted an old Chinese proverb which says that a road even a thousand miles long, you get there by starting making one step at a time, and I would hope this particular Bill, Mr. President, will prove to be just that. There are many other areas with regard to smoking and the consumption of alcohol, that I feel needs attention, and which I would hope that we will see before this House is dissolved in some two years time, that we might be able to do, or bring other measures to this House which will help this country.

There are a number of areas which need attention, and I feel Sir, that perhaps in Committee stage we might wish to bring some other amendments, or propose some other amendments, because it is now time that Government look at the banning of smoking in all Government buildings, whether it is the hospital or wherever it is. But it is definitely a detriment, and I feel Sir, that in any community, we need to take into consideration the masses, the majority of the people, and if there are a few people who insist that they will smoke whether or not it shortens their life by ten, fifteen or twenty years, well that is their business, as long as they smoke where they do not interfere with another persons health.

I of course support the Bill, and I wish to thank those Members that have, in anticipation of those who will I want to say that I am most grateful, and I feel that any revenue lost through the passing of this Bill will be more than realised through perhaps the good health of the people of this country, which might result in young people who refrain, or refuse to get involved in any of these vices by at least these things being brought to the forefront.

I want to thank this Honourable House. Mr. President I thank you for allowing me to speak on this Bill.

MR. PRESIDENT: The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, I rise to support the Bill, shortly entitled The Tobacco Products and Intoxicating Liquor Advertising Bill, 1986.

I recognise and accept the rights of every person, every individual to choose the way he or she desires to go. But I sincerely believe Mr. President, that Government has a distinct responsibility to warn and inform the general public by whatever means at its disposal, of the health hazards in the interests of public health, the cost of which, Government is quite often called

upon to underwrite.

As has been said, it is a fact that almost daily, there is new conclusive evidence being uncovered to substantiate fully the health risk that tobacco use and excessive use of alcohol bring to those who choose to indulge.

I would like to mention here that as the Mover said in his opening remarks, as part of Government's recommendations not to allow the use of billboards which were controlled by the Cayman Islands Corporation for such advertising, this has been done, and I may add, that the Corporation has had no difficulty whatsoever in getting new advertising customers to replace those for the advertisements covering tobacco or alcohol.

This Bill, Mr. President, will bring hardships to no one, in fact it is just the opposite. It is intended to prevent hardships because today there is no monetary value that can be placed on good health.

I believe too, that this is a step in the right direction, and let me say here, that I would expect that other protective measures will be taken in other areas to further extend Government's effort to fully inform and thereby protect public health to the maximum degree possible.

With those few words Mr. President, I support the Bill. Thank you.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, as the seconder of the Motion which resulted in the Bill before us here today, a Bill shortly entitled The Tobacco Products and Intoxicating Liquor Advertising Bill, 1986.

I naturally give my full support to this Bill. I do not support this Mr. President, because I wish to project myself as a moralist, nor have I supported this Motion which has brought this Bill about, because I wish to project myself as some form of born-again Christian. Mr. President, my position on this had started from the time I can remember, because I was fortunate Mr. President to have been brought up in a very Christian home, a home where there was no smoking and no drinking. I remember Sir, that the first beer unfortunately, the first beer that I ever tasted was when I was almost twenty years old. So Mr. President, I have always been opposed to smoking and excessive drinking because I have seen the very harmful affects that smoking and drinking have on the lives of the people involved and more so Sir, on the lives of their families.

But Mr. President, while this Bill deals primarily with the prohibition of advertising of tobacco products and intoxicating liquor on radio and television broadcasts from within the Islands, and at cinematographic displays, I feel Sir, that it is unfortunate that it did not go beyond this.

Mr. President, from a personal point of view, I would wish to see smoking restricted in all public places. I would wish to see restaurants and other areas zoned for smokers and nonsmokers. Mr. President I feel that it is only a courtesy to those who do not smoke, that smokers respect their rights and their feelings in this respect. Also Mr. President, in public buildings and offices. I had a lady who came to speak to me on this a few days back, but when I told her that I would call her boss and see if he could do something about the situation in the office, she told me not to do it, because she was afraid she would be fired, that is unfortunate. Mr. President if this situation must continue, then we would ask the smokers not to pollute the air that others have to breathe, and this does not only apply as I have said, in public places such as restaurants, hotels and so on, but should also apply in public offices. We would be taking a forward step, if later on, an amendment could be brought to this House to bring about that situation where smoking would be restricted in these public areas and buildings.

Mr. President, it is a well known fact which has been established by medical research that smoking and drinking is harmful to ones health, and while I can appreciate that the efforts which we are taking through this Bill will not totally stop this problem, Mr. President I feel that it will reduce the danger that is now inherent in this terrible practice. To some individuals, smoking and drinking is socially accepted, it is a socially acceptable way of taking drugs. But as the Second Elected member for West Bay said, statistics have shown that more people have died from drinking than perhaps from any single other cause. Yet Mr.

President, you find that many of our leaders see no harm in getting plastered, and even jumping into their cars and driving on public roads in a condition where they are not only putting their own lives at stake, and in danger, but also the lives of the general public. And Mr. President these same individuals should be setting an example for their people.

Mr. President, I feel that Government is to be commended for taking a lead in this matter, but I also feel Sir, that it is incumbent on each Member of this Legislative Assembly to set a good example. It sometimes bothers me how upstanding members of our community are, and the pillars of the Church are some of the individuals that are most to be blamed for the breaking of certain laws with regards to drinking. Mr. President, I wonder from what moral position they speak, when they get up in the Church sometimes and admonish their flock to do right. Mr. President, I do not speak on the evils of smoking and drinking, because I feel that it is a problem with any member of my family, or it is a problem with myself.

I support this Bill Mr. President, because I feel that any upright citizen of this country should do the same. We want a healthy Cayman Islands for all. We have cleaned up the billboards; we are discontinuing contracts on the radio, now we need to clean up our individual lives.

While I know that the remarks made by the Second Elected Member for West Bay, to you Sir was made in jest, I hope that all Members of this Assembly, and indeed top Government officials, will see the more serious side to the statement made by him. Mr. President, as I have said, what sounds very contradictory is that some of the Churches that denounce drugs as they should do, smile at the use of smoking and drinking alcohol. As a matter of fact, some of those leaders of the Church, pillars of the Church, are very guilty of that abominable practice.

Mr. President, right in this district of George Town, and I am sure Members can say the same for the districts throughout the Cayman Islands, I have seen many homes destroyed from the use of alcohol. I have seen many of my friends die from lung cancer and other causes related to smoking. I feel Sir, that Government must take even stronger measures, must become even more sensitive to the problems by getting more directly involved through lectures, through the use of the Social Services Department, and otherwise. Train up a child in the way he should go, and when he is old he will not depart. Many times Mr. President, the onus and the problem lies with the parents. They must show the example to their children. It is not always a surety that the children will follow the advice you give them, but Mr. President, that is nonetheless our responsibility.

Mr. President, I support this Bill, I give it my wholehearted commendation.

Thank you Mr. President.

MR. PRESIDENT: The Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support the Bill, not because it seeks to implement the Report of the Select Committee of this Assembly on the prohibition of liquor and cigarette advertising, but I am able to support it Sir, because I was once a smoker of 25 years, of which I can only look back and say, were regrettable years. I quit smoking 18 years ago, and the only regret I have is that I ever started to smoke. I was loosing my health as a result of smoking, I was tired, it was reducing my capacity for work, it started to affect my blood pressure, and started to show up on the EKG's. I was advised by the doctor to quit. But like every other human being, we think we know better than the next person, what we should do, and I continued to smoke. However, the time came when I got the Hong Kong flu which made it impossible for me to even stand the scent of smoke, and it was ten days before I was able to even stand anyone around me smoking a cigarette. I made up my mind from that day forward that if I could do without it for ten days, I would do without it for the rest of my life. I went through one year of torture trying to quit the habit, but thank God, I conquered it and I have no regrets, and I have not looked back.

It was often said that a cigarette and the habit of smoking was fire on one end and fool on the other. And Mr. President, I agree with that, because no man can show me any benefit whatsoever that he has derived from smoking, and if you

take alcohol which I used to take as well, smoke and drink, the next day my head felt as big as this Legislative Assembly Building, so I know Mr. President, what smoking and drinking gives, I have no need to ask anyone.

I did not realise either Mr. President when I was a smoker, how much discomfort I was causing to other people, particularly in an air conditioned car, and how much annoyance it was to them, today I am able to appreciate that fact.

Some Members have said that the Bill does not go far enough. However, Mr. President, as one Member said 'the journey of a thousand miles begins with the first step'.

I also feel, that as leaders in our community we should set the example to others, and particularly the younger generation who are the ones that are most likely to take up the habit of smoking. Somehow or other Mr. President, it appeals to the younger generation because I think it gives them the feeling of being matured men and women.

I can only hope and pray Mr. President, that we will continue to find ways and means to control, in some way or other, the use of cigarettes and smoking generally and as well alcohol to a level that we can tolerate.

Mr. President I have no hesitancy Sir, in supporting this Bill, and I ask other Members to give it their support as well.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I too realise the evils of cigarette smoking and the excessive use of alcohol. However, the Bill before the House is a phony. The Bill before the House has been brought by a Government that for the last two years, has done nothing but encourage the use of alcohol in these Islands. They have greatly angered the Churches, and now, they try to assuage that anger by presenting a phony Bill to the House.

It is a known fact, that since the last Election, licences have been granted to many new liquor establishments. In fact, somebody remarked recently that in George Town it is only left for them to license the lampposts.

I recall when they were elected in 1984, there was a provision in the Liquor Law, which said that there could only be one licensed establishment to every 250 voters on the registered list of voters. And immediately, as they were elected, there was an application to license a premises on the West Bay Beach, and that regulation in the Liquor Law would have prevented the granting of that license. So the Executive Council immediately amended the regulation so that that regulation dealing with the ratio of licensed premises did not apply to the West Bay Beach and having taken that out, the places there were granted licences, this is a fact. No sooner that this had been done, than other supporters of the Government applied in George Town to get their establishments licensed, and Executive Council went back again and amended the Regulation, so that the Regulation did not apply to the Island at all, and so more supporters were given licences, through the Board which they had set up. And, finally, a few months later, they brought a new Liquor Bill to this Assembly, and they revoked the Regulation, or repealed the Regulation which had existed in the law, so that it no longer exists. And to my mind, this was definitely encouraging new places to be established.

When they were elected, there was a Regulation which was part of the Law, which said that no new place could be licensed if it was within a quarter of a mile of a Church, or school. Some of their supporters were clamouring for licenses. The new Law which was passed by this Assembly and supported by their backbench supporters, left that clause out of the Law, and more of their supporters were given licences in areas where they could not have received them before November, 1984.

Since November, 1984 we have seen an expansion of the hours that an establishment can stay opened. We have seen new rules with regard to the Sunday hours. So, the Government has been guilty over the last two years of encouraging, and not only encouraging but making it possible for the distribution of alcohol, in a manner unprecedented before. The Government has done everything possible to enhance the legality of the liquor sales. And this is why I say that this action today is hypocritical, and a phony.

One need only look at the bias

of the law, and see how phony it is. It seeks to prohibit advertising in the cinemas. It is my understanding, that the cinemas stopped advertising liquor and cigarettes several years ago. Yet, the Bill does not seek to prohibit the advertising in newspapers, why? Is it because the Government is afraid of the editor of the one newspaper? Is it because they are afraid of his editorials? Is it because they would hurt the man whom they recently gave Caymanian Status to? Or, are they afraid that he will come out strong against them, and may spoil their image for the next election? How can they bring a law so bias, seeking to stop advertising in the radio, when the radio does not accept advertisements for liquor and cigarettes, seeking to stop advertising in the cinema, when the cinema does not accept advertisements, yet not seeking to stop advertisements in the newspaper, where they appear daily? How can we be so phony?

I do not believe that this Bill make any significant impact upon the existing condition. I think just as many people will smoke, and just as many people will drink, as had done so before this law appeared, because the Bill does not attack the cause of our problem. If we are to have a generation of nonsmokers, and if we are to have a generation of non-drinkers, we will have to start educating that generation of the evils of the use of tobacco and alcohol, not merely telling them that it is bad, but giving them the facts. Teaching them in school and at home, if the parents are able to do so, of the many diseases that are started in the body by over indulgence, of tobacco and alcohol; teaching them of the many social ills. Government has to change its posture from being a phony and a hypocrite, and attack this matter not only for show and for sham, but attack the realities of the matter. Government welcomes the use of tobacco and alcohol.

The Budget this year would not have been balanced, and even that is questionable, but it would not be in the state that it is in, if it were not for the revenue from alcohol and cigarettes, if it were not for the licensing fees which Government gobbles up. So Government welcomes the money which comes in to its coffers from the sale of cigarettes and alcohol, and it is my belief that the present Government will not do anything to, in any way, slow down the sale of cigarettes and alcohol. But if they can present a Bill which makes them look good, and which people believe is making an impact, they will do that. But I call this Bill a phony.

MR. PRESIDENT: I think perhaps we have reached the time when we customarily take our afternoon break, and I will therefore suspend proceedings now for approximately fifteen minutes.

AT 3:23 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:43 P.M.

MR. PRESIDENT: Please be seated. Resumption of the Second Reading Debate on the Tobacco Products and Intoxicating Liquor Advertising Bill. Does any other Member wish to speak? The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I rise to offer my few words of support to this very short Bill, which seeks to restrict the advertising of tobacco products and intoxicating liquor in certain respects.

Mr. President, I have heard it said here in the debate that this Bill is hypocritical, and it is phony. I do not believe so Mr. President, neither is the Bill dealing with the sale of liquor or the licensing of bars. The Bill is not advocating either the banning of individuals' rights to smoke, or to consume liquor, for this Mr. President, is a free society, and I do not think that it is right for Government to place any sort of restrictions on the individual. The Bill seeks to do one thing only, and that is to control the advertising of these dangerous and harmful items of tobacco and liquor.

Mr. President, anything that is harmful to society, harmful to the individuals' health, and affects them in any way, should be dealt with. At least, to provide comfort when people gather in places like public transport, congregate at meetings, and large bodies. And it has become a practice of necessity Mr. President, that these areas are clearly marked as nonsmoking

areas, and areas where smoking can be done.

Mr. President, we have seen the result of research, which indicated that especially tobacco, is very harmful to human health. People are even scared these days to smoke, those who were habitual smokers, they are fast dropping the habit. Today you go into a meeting, you will probably find twelve or more people there, and if one or two smoke, that is the maximum. It goes to show Mr. President, that these harmful things to health are being recognised by societies today, and they are actually taking precautions against it. Some people Mr. President have even become allergic to tobacco smoke, even the fumes affect them. So it is desirable that some action be taken against these things in public areas. But as I have said Mr. President, this Bill is not seeking to obstruct the individuals' rights to use them.

I think the Bill is worthy of everyone's consideration, and I offer my support to it Mr. President. Thank you very much.

MR. PRESIDENT: Does any other Member wish to speak? In that case, does the Mover wish to exercise his right of reply.

HON. BENSON O. EBANKS: Yes Mr. President. I would like to thank those Members who have supported the Bill, and I can assure those Members Mr. President who were worried about the revenue lost by Radio Cayman from the advertising that the time, in my opinion, has already been recouped from other products, and in any event, that the loss would be more than compensated for by the longer productive life of Caymanians, if they stopped smoking, and certainly, just by one less case having to be sent to Miami, at Government's expense for lung cancer caused by tobacco smoking.

I noted Mr. President, the remarks of some Members about more drastic measures such as stopping the smoking of cigarettes or tobacco products in Government buildings. My knowledge following that Mr. President, in other countries is, that that is a very expensive exercise, in that, persons demand most times consideration on the other side, and if you provide a nonsmoking area, you must provide a smoking area. I do not believe that we want to get into that at this point, and I am not sure that this Bill in any event would be the place to deal with that.

Also, Mr. President, as one Member has recently said, it would seem to me that the general public are becoming much more considerate, and are usually enquiring of others whether they object to them smoking in their presence, before they light up these days, so maybe, that is taking care of itself.

Mr. President, this Bill brought a lot of appeals for leaders in the country to set examples, and so on. I certainly endorse that Mr. President. But I am not here to cast stones. There are too many other worthwhile things to be done, and it is my belief that the Caymanian public knew long ago the difference between the wheat and the chaff in this Assembly.

I have to reply though Mr. President, to some of the things that were said regarding this Government and the encouragement of the drinking of alcohol, because one would get the impression that this Government actively promotes the sale of alcohol, and nothing could be further from the truth. It is true, that this Government changed the Liquor Licensing Law and removed the quarter-mile restriction from a church, school or civic centre, and that is, remove the quarter-mile restriction on a place being licensed to sell liquor which was within a quarter of a mile of a church, school or civic centre. The provision was taken out Mr. President simply because it was a ridiculous situation. Government was leasing its Town Halls which are civic centres, and then granting liquor licenses for alcohol to be served within those civic centres. Almost everyone of those Town Halls are within a quarter-mile of a church, yet the same Government that said that you could not sell liquor within the quarter mile, was making a mockery of the law, and issuing the licence to people to sell liquor within those civic centres. What is even worse in the case of Bodden Town District, the Government went and built a civic centre within a quarter of a mile of licensed premises. The civic centre was a very expensive exercise, something like three-quarters of a million dollars. And that was why Mr. President, we removed the anomaly. The other anomaly was in George Town, because one establishment had had a licence for some years. If you blew your nose you could hear it in the church door,

but the restaurant that was owned by a Caymanian a couple of extra feet up the road could not get a licensed, and this went on for year after year. Now, all the restaurants have a licence, and I do not believe that they have contributed one single bit to extra drunkenness within this town, or within the Island. And for the records, Mr. President, to my knowledge there is only one new retail licence that has been issued since 1984, inspite of the law having been changed.

It was said too Mr. President, that the change of the law in respect of one licence to every 250 registered voters was done for some supporters of this Government, or friends of this Government. Mr. President, to my knowledge, if anybody benefited from the lifting of that restriction, it was a friend of the last Government, not of this Government.

In presenting the Bill Mr. President, I made it clear that in the case of newspapers or publications emanating from within the country, we were requiring at this time only that wherever an advertisement appeared, that the warning must appear with it. And I made it clear that why we were taking this route, was because much of the reading material used in Cayman is imported, and carry advertisement all be it mostly with the warning, therefore it would be hypocritical of us to say that a local newspaper could not carry an advertisement, once it carried the warning, but papers and books could be brought in from overseas with the advertisements in them. So what we have done Mr. president, is to say that the newspapers, if they accept advertisements, must print the warning along with the advertisement. And I think that is all any reasonable Government could be expected to do, there is nothing phony about that.

And Mr. President, certainly this Government has had nothing to do with the granting of status to the editor of any newspaper, or anybody else. To my knowledge, this Government has never interferred with the individual grant of status to anyone. That rumour is a hangover from the last Government.

As I have said Mr. President, my mission here is not to castigate any individual or group of individuals, or to pontificate, but I will put this Government Mr. President, although it changed that quarter-mile, against any other Government when it comes to its stand against the use of alcohol. Mr. President, there is an old saying in West Bay that since people learn to talk, they can say anything. Sure, the last Government can talk about the pretty dressing up they put on the Liquor Bill, but Mr. President, it was not this Government, it was not the Chairman of the Liquor Licensing Board and a Member of this Government who sought to obtain alcohol after hours in a drinking establishment after hours on West Bay Beach - that is well known as to who the perpetrator was in that instance .

Mr. President, I am sorry that these distasteful little asides had to be brought into the debate on this Bill, because I thought it was a straight-forward Bill, seeking to do good for the country. I maintain that that is all that is intended from the Bill, and I give it my wholehearted support, and again, I thank those Members who supported it.

Thank you.

MR. PRESIDENT: The question is that a Bill shortly entitled The Tobacco Products and Intoxicating Liquor Advertising Law, 1986 be given a Second Reading.

QUESTION PUT: AYES

MR. W. McKEEVA BUSH: Could I have a division Mr. President.

MR. PRESIDENT: Yes.

DIVISION
NO.34/86

AYES: 13

Hon. Thomas C. Jefferson
Hon. Michael J. Bradley
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell

Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. D. Ezzard Miller
Mr. John B. McLean

AGREED: THE TOBACCO PRODUCTS AND INTOXICATING LIQUOR ADVERTISING BILL, 1986 GIVEN A SECOND READING.

MR. PRESIDENT: That concludes the items that are on our Order Paper for today. So I will ask the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: The business on the Order Paper having been concluded, I move the adjournment of this House until ten o'clock tomorrow morning.

MR. PRESIDENT: The motion is that this House do now adjourn until ten o'clock tomorrow morning.

QUESTION PUT: AGREED. AT 4:03 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 A.M., TUESDAY, 18TH NOVEMBER, 1986.

FOURTH (BUDGET) MEETING

OF THE

1986 SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

TUESDAY, 18TH NOVEMBER, 1986

(THIRD DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
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

APOLOGIES

MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

FOURTH (BUDGET) MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 18TH NOVEMBER, 1986

(THIRD DAY)

1. PRAYERS

   TO BE READ BY THE THIRD ELECTED MEMBER FOR WEST BAY.

2. PRESENTATION OF PAPERS AND REPORTS

   (1) SELECT COMMITTEE ON PROPOSED LABOUR LEGISLATION

   SECOND INTERIM REPORT - TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE SECOND OFFICIAL MEMBER, ATTORNEY GENERAL.

   (2) SELECT COMMITTEE ON THE ELECTIONS LAW

   REPORT OF THE SELECT COMMITTEE - TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE SECOND OFFICIAL MEMBER, ATTORNEY GENERAL.

3. QUESTIONS TO MEMBERS

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

   NO. 92: WOULD THE HONOURABLE MEMBER STATE THE AMOUNT OF UNPAID CUSTOMS DUTIES AS AT 30TH SEPTEMBER, 1986 AND PROVIDE AN AGING ANALYSIS OF THE OUTSTANDING ACCOUNTS?

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

   NO. 93: WOULD THE HONOURABLE MEMBER STATE WHAT PROGRESS HAS BEEN MADE TOWARDS THE ESTABLISHMENT OF A CIVIC CENTRE FOR GEORGE TOWN?

   THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

   NO. 94: WOULD THE HONOURABLE MEMBER STATE IF ANY DIRECTIVE, WRITTEN OR VERBAL, HAS BEEN GIVEN TO THE STAFF OF PWD DIRECTING THEM TO RESTRICT THE PURCHASE OF MATERIALS OBTAINED LOCALLY FOR THAT DEPARTMENT, TO CERTAIN NAMED LOCAL BUSINESS ESTABLISHMENTS?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 95: *CAN THE HONOURABLE MEMBER SAY WHAT IS BEING DONE WITH RESPECT TO THE GROWING TRAFFIC CONGESTION ON THE WEST BAY ROAD?*

4. *GOVERNMENT BUSINESS*

BILLS:-

THE APPROPRIATION (1987) BILL, 1986

SECOND READING: *COMMENCEMENT OF DEBATE ON THE BUDGET ADDRESS.*

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TUESDAY

18TH NOVEMBER, 1986

10.08 A.M.

MR. PRESIDENT: Prayers. The Third Elected Member for West Bay.

PRAYERS

MRS. DAPHNE L. ORRETT: 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 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. The Lords 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, Amen.

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

MR. PRESIDENT: Please be seated. Presentation of Papers and Reports. The Honourable Second Official Member.

PRESENTATION OF PAPERS AND REPORTS

SELECT COMMITTEE ON PROPOSED LABOUR LEGISLATION

HON. MICHAEL J. BRADLEY: Mr. President, Sir, in accordance with Standing Order 72(1) of the Standing Orders of this Honourable House, I beg to lay upon the Table the Second Interim Report of the Select Committee of the Whole House, on the proposed Labour Legislation for the Cayman Islands.

As Honourable Members will remember, this Select Committee was established pursuant to the passing of a Private Members' Motion at the sitting of the House, on 5th March 1985. And, subsequently, at the sitting of the House on 25th March, you Sir, as President, in accordance with Standing Order 69(2) nominated me to be Chairman of the Select Committee, and established a quorum of seven.

Your Select Committee Sir, wishes to report in accordance with the aforesaid Standing Order 72(1), that it has met in relation to the matters referred to it by Private Member's Motion No. 2/85, but finds itself unable to conclude its investigations and deliberations prior to the end of the 1986 Session of the Legislative Assembly.

I will Sir, however say, as is contained in the Second Interim Report, that your Select Committee has so far held 21 meetings, 12 of which were held during the 1985 Session, and 9 during the 1986 Session, and the dates of the meetings are as set out in the Second Interim Report.

During the 1985 Session, a" wa"

recited in the First Interim Report, your Select Committee received and considered various representations from organizations within the Islands, and met with two representatives from each organization. Further representations from the public and organizations were invited and received during this present 1986 Session. In relation to the First Draft Discussion Labour Legislation Bill, and also on 21st May 1986, your Select Committee held a special meeting to hold discussions with Mr. Adrian Smith, Labour Advisor of the United Kingdom Foreign and Commonwealth Office.

Pursuant to Item 7. of your Select Committee's First Interim Report for the 1985 Session, a First Draft Discussion Labour Legislation Bill was prepared and circulated to Members of your Committee on the 1st day of April, 1986. The Committee commenced consideration of the Bill, in draft at that time, and having duly considered it, caused it as amended to be published, which it was on 11th July, 1986, as a Draft Discussion Bill in an Extraordinary Gazette to enable to public at large to consider the Bill and make representations to your Committee. The public were requested at that time to submit their representations no later than the 30th day of September, 1986. However, your Committee at its twentieth meeting agreed to extend the deadline to the 31st of December of this year, and the media were accordingly informed.

We wish to place on record our full appreciation of all organizations which submitted representations during the 1985 Session. The invaluable views and suggestions for Labour Legislation from these organizations, greatly assisted your Committee in producing the First Draft Discussion Labour Legislation Bill. We are also grateful to these organizations and to the general public for the constructive representations so far made, in relation to the First Draft Discussion Bill as published, which will further assist your Committee in its final deliberations.

Lastly, but not least Sir, your Committee wishes to thank Mr. Smith, Labour Advisor of the Foreign and Commonwealth Office for his specialist advice and assistance.

In general Sir, we, your Select Committee, fully appreciate the sensitivity and concern of the public in relation to the introduction of labour legislation in the Islands. Your Committee has, and will continue to consider in depth, representations made to it so that the final Bill will reflect the majority consensus of opinion, and will provide for the Cayman Islands a Law most suited to its needs and requirements.

Mr. President Sir, I beg to lay the Second Interim Report.

MR. PRESIDENT: So ordered.

SELECT COMMITTEE ON THE ELECTIONS LAW

HON. MICHAEL J. BRADLEY: Mr. President Sir, in accordance with Standing Order 72 of this Honourable House, I beg to lay upon the Table of the House the Report of the Select Committee on Elections Law.

As Honourable Members will remember, this Committee was established by the passing of a Private Members' Motion on the 12th March of this year, which read as follows:

> "It is moved that a Select Committee of the Whole House be appointed to consider the petition of members of the public against the suggested introduction of single-member constituencies, as contained in a 1985 Select Committee' Report on the Elections Law 1983, regarding proposed changes to Section 4 of the Elections Law, 1983.
>
> Further, that the terms of reference of the Select Committee be expanded to include all other matters relating to the Laws of the Cayman Islands, regarding Elections, including the Report of the previous Select Committee."

Subsequent to that Sir, I had the honour to be appointed by you, to be Chairman of that Select Committee.

Sir, your Select Committee was convened four times during the present year. At the first and second meetings of which no business was conducted due to lack of a quorum.

At the third meeting, the matters contained and the terms of reference of the Select Committee Resolution were considered, and at the fourth meeting the present Report was considered and approved.

And Sir, as a result of those deliberations, your Committee agreed that the 1985 Report of the Select Committee which was Tabled in this Honourable House on the 6th day of December, 1985 be adopted, with the exception of Item 5(1a) of that same Report which dealt with and recommended the establishment of single member constituencies.

Mr. President Sir, I beg to lay the Report of your Select Committee on the Elections Law on the Table of the House.

MR. PRESIDENT: So ordered.

That concludes Item 2 on todays' Order Paper. I turn now to Item 3 - Questions. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President in asking the following questions, I trust Sir, that in the interests of the public, that Radio Cayman's taping of the rest of the proceedings of this House will be an improvement on yesterdays, much of which was almost inaudible.

QUESTIONS TO MEMBERS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO. 92: Would the Honourable Member state the amount of unpaid customs' duties as at 30th September, 1986 and provide an aging analysis of the outstanding accounts?

ANSWER: The total amount of customs duty unpaid at 30th September, 1986 on goods which had been released from Customs' charge was $449,014.72.

An aging analysis of the outstanding amounts by length of time overdue is as follows:

1 - 3 months overdue	$333,471.62
4 - 6 months overdue	99,612.96
7 - 9 months overdue	21,277.62
10 - 12 months overdue	- 0 -
over 12 months overdue	94,652.52
	$449,041.72

MR. PRESIDENT: The Second Elected Member for George Town.

SUPPLEMENTARIES: Mr. President, a supplementary Question.

Could the Member state the value of goods which is being held in Customs now, and which have not yet been released, and the approximate amount of duty on those goods?

HON. THOMAS C. JEFFERSON: Mr. President, if I understand the Honourable Member's supplementary correctly, the amount of goods that are in the customs warehouse whether it is at the Airport or whether it is at the dock, has not been cleared by Customs or by the importer, therefore no duty is outstanding.

MR. LINFORD A. PIERSON: That is a very good answer filled with semantics. My question Mr. President, if I may rephrase it, the Member , from what I understand, is stating that there is in fact goods held in Customs. I would like to know the period for which those goods were held and what is the intention of the Customs Department with regard to those goods.

HON. THOMAS C. JEFFERSON: Mr. President, it is really not a matter of semantics on my part. It is an attempt by my own knowledge to answer the supplementary question, as I understand it.

The question asked for unpaid customs duties. Unpaid customs duties in my mind, only come into reality when the goods have been released by the Customs Department, without payment promptly at the time of release.

MR. LINFORD A. PIERSON: Mr. President, my supplementary question asked for the value of those goods now being held, which have not yet been released. Surely, there must be some statistics on this?

HON. THOMAS C. JEFFERSON: The goods that are in the customs warehouse, the documents which are available to Customs are either the manifest from a ship or the Bill of Lading from an aircraft. If you peruse especially, the manifest from a ship, it gives you no indication of the duty to be collected.

MR. LINFORD A. PIERSON: Perhaps Mr. President, since the Member would not have an idea of the value of the goods that are being stored in the customs warehouse, perhaps he would know for what period these goods have been stored there?

MR. PRESIDENT: I think we are getting further away from the original question. If the Member wanted information about the length of time for which goods are staying in the Customs Queens' Warehouse, I think he really ought to put down a specific question about it, instead of asking about outstanding accounts.

MR. LINFORD A. PIERSON: Mr. President, continuing my supplementary, with respect Sir, I believe that my question is dealing with unpaid customs duty, and this is the reason I have been trying to solicit the answer to this question through supplementaries, but since this seems futile, perhaps the Member would undertake to let me have that information later on.

MR. PRESIDENT: If we can be precise about the information. It is information about the value, if it is known, of goods which are still in the bonded warehouses, and the length of time they have been there, that is the information. I do not know whether the Member can obtain that information?

HON. THOMAS C. JEFFERSON: No Sir. With respect, the information which the Customs have at its fingertips is a manifest document which gives no indication as to the amount of goods that are in the warehouse. The point that is being raised by the Honourable Member is how much customs duty is outstanding. The items that are in the warehouse are on storage, and are being charged storage fees. It does not, as yet, become eligible for payment until the person or the firm comes forward and clears the goods.

MR. PRESIDENT: Mr. President, I wonder if the Member could tell me how he would be in a position to determine the value to be placed on these goods if there was a fire in that warehouse, and the owners sued the Government for those goods, since he has no value on the goods?

HON. THOMAS C. JEFFERSON: Mr. President, the importer has the invoice of the goods, the customs do not. And in this particular case the Member is sighting, the importer will have to make a claim and satisfy the Customs Department that the goods were in the warehouse.

MR. LINFORD A. PIERSON: Mr. President, is the Member stating that if the importer came to Government with a claim which he was not in a position to substantiate, that he would settle the claim.

MR. PRESIDENT: I think we have strayed a long, long way from the original question.

MR. LINFORD A. PIERSON: I have further supplementaries Sir.

MR. PRESIDENT: Well, if it is a further supplementary that does relate to the original question I will consider allowing it.

MR. LINFORD A. PIERSON: I believe that my previous ones related, but that is a matter of opinion Sir.

Would the Member state the reason why the long outstanding balances as he has given in his answer have not yet been collected, and what efforts are being made to collect them?

HON. THOMAS C. JEFFERSON: I am happy to do that Mr. President.

The sum of the $449,000 which was due are covered by bonds and cash deposits which are in the possession of the Customs Department, so that all outstanding amounts due from individual importers are secured. It is a matter of the importer coming back to customs with a respective invoice, clearing off the deposit, and paying the proper customs duty. Some of the other items which are outstanding, are a result of Government's approval to defer payment of that duty for specific reasons. Payment for an amount of $188,000 has already been paid, and a further $30,000 has been paid, and in the remaining days of the month I am certain that all of it will be paid.

MR. LINFORD A. PIERSON: Mr. President, I am happy with this reassurance, but would the Member be in a position to state what period is covered in respect of the $94,000 which states over twelve months? How far over twelve months does this spread?

HON. THOMAS C. JEFFERSON: I think Mr. President if my memory is not failing me, this is a long outstanding item which dates back to 1983, and it was an item imported by one of the Governments Statutory Boards, and there was thought that they should not pay the duty. However, we have now received the first payment on the duty and some of it is caused by the fact that there was not a prompt follow-up coupled with the fact that the Port Authority's accounts were not up to date.

MR. LINFORD A. PIERSON: A further supplementary Mr. President.

Would the Member therefore agree that the position regarding the amount of unpaid duties, especially in respect of those over twelve months, is most unacceptable and that immediate steps should be taken to rectify this position?

HON. THOMAS C. JEFFERSON: Mr. President, I believe I have said that some of the payment is already in hand, and the rest of it will be in place by the end of the month.

MR. G. HAIG BODDEN: Mr. President, can the Member say what is the ratio between the deposits held and the duty owed?

HON. THOMAS C. JEFFERSON: Mr. President, a rule of thumb is normally one and a half times of the extent of the amount of the deposit as related to the amount of imports which the importer would normally bring in in any particular week.

MR. G. HAIG BODDEN: Mr. President, can the Member give the House some of the reasons why goods are released on deposit instead of duty being actually paid?

HON. THOMAS C. JEFFERSON: Perhaps Mr. President, I may not answer this one to the satisfaction of the Honourable Members across the floor, but some of it is that we are dealing with a very high volume of goods being imported, particularly by supermarkets and a lot of the items being imported are perishables. If we do not as a Government, seek to assist the importer in getting his goods cleared quickly so that he does not suffer great losses, we perhaps could be technical and say that you must clear the goods and you must pay for them straight away, but we find that this procedure of having a deposit is a long-standing one, it is nothing really new, and so far we have found that all of the importers have used it in a very prudent and reputable way, and have honoured their debts. We have had no difficulty really with the individual importers.

MR. LINFORD A. PIERSON: A further supplementary Mr. President. Would the Honourable Member state what percentage of the overdue accounts are covered by these deposits, let us say, the first three to six months, what percentage and what period?

HON. THOMAS C. JEFFERSON: Mr. President, I think we will find, I do not have the percentage at hand, but looking at the dollars and cents, of the $449,000 more than half of it is covered by either a cash deposit or a bond. I am afraid Mr. President, it is difficult for me to relate the aging analysis to answer the Honourable Member's question to his satisfaction. Perhaps I will undertake to do it in writing.

MR. G. HAIG BODDEN: Mr. President, can the Member say if this figure of $449,000 includes the duty on tobacco and alcohol products that have left the port, and maybe standing in a private warehouse or a bonded warehouse?

HON. THOMAS C. JEFFERSON: Mr. President, if it is in a bonded warehouse, I do not think we have collected the duty. But if it is otherwise than in a bonded warehouse, the duty would have been collected.

MR. G. HAIG BODDEN: I am not asking for precise figures, but I wonder if the Member can give us an estimate of the amount of duty that will be collected on goods now standing in their bonded warehouses, since it is not necessary to know the cost of the liquor since it is on a per gallon basis?

HON. THOMAS C. JEFFERSON: Its a good question Mr. President, but I am unable to give that kind of information without having notice of a day or so.

MR. PRESIDENT: I think perhaps we have exhausted the possibilities of this question, and I 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 RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO. 93: Would the Honourable Member state what progress has been made towards the establishment of a Civic Centre for George Town?

ANSWER: In light of other demands for Government funds and ongoing projects, the establishment of a Civic Centre for George Town is not considered a priority at this time.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if the $10 in the estimates is an indication of the priority which has been given to this project?

HON. BENSON O. EBANKS: That would be a correct deduction.

MR. LINFORD A. PIERSON: Mr. President, would the Member regard such a small provision as a practical joke and an insult on the constituents of George Town and West Bay, since my Motion asked for a Civic Centre in both those districts?

HON. BENSON O. EBANKS: Mr. President, it is not a practical joke. I said that because of other demands which I consider more urgent, the Civic Centre is not considered as a priority on the list of Social Service projects at this time.

MR. LINFORD A. PIERSON: Mr. President, a further supplementary. Would the Member state if he has any intention of seeing this project materialize before 1988?

HON. BENSON O. EBANKS: Mr. President, I cannot add too much more to what I have said, in that I do not consider it a priority at this time. But I would assure the Honourable Member that the Civic Centre for George Town will follow the provision for one in West Bay, because West Bay has a greater need.

MR. W McKEEVA BUSH: Mr. President, I was going to ask a supplementary, but I am glad he answered it.

MR. LINFORD A. PIERSON: Mr. President, it is

interesting that he sees the priority for West Bay and not George Town. We can see why he represents West bay.

A further supplementary Mr. President. Would the Member state whether he has done anything at all towards drawings or costings for either one of these projects?

HON. BENSON O. EBANKS: No Mr. President, in light of the answer which I have given, the exercise in drawings and costings would be futile.

MR. LINFORD A. PIERSON: Mr. President, would the Member confirm that it is not his intention to do anything at all about these projects, the Civic Centres in West Bay and George Town?

MR. PRESIDENT: I think the Member has in effect answered that already.

HON. BENSON O. EBANKS: Yes Mr. President, and the question is on the Civic Centre in George Town not on the one in West Bay.

MR. LINFORD A. PIERSON: Mr. President, my Motion dealt with both.

MR. PRESIDENT: But your question did not. If there is no 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 THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND DISTRICT ADMINISTRATION.

NO. 94: Would the Honourable Member state if any directive, written or verbal, has been given to the staff of PWD directing them to restrict the purchase of materials obtained locally for that department, to certain named local business establishments?

ANSWER: No verbal or written directive has ever been given by me or my Portfolio to the staff of PWD to purchase materials from any local business establishments.

I assume the Member has substantive reasons for asking this question and I would be most grateful if he would give the name or names or the person or persons who received such directives and also the companies named so that my Portfolio can investigate the matter thoroughly.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if there is a broad policy with regard to purchasing materials locally for Public Works projects?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, under the Financial and Store Regulations Sir, which deals with tenders, contracts and local and overseas purchases, I would beg your indulgence Sir, to allow me to read from chapter 2 and Section 8(4), The Procedure and Policies of the Financial and Stores Regulations:

"The Tender Committees

Tenders for Government supplies, works and services will be considered by the following Tender Committee -

(a) For contracts estimated to cost not more than $100,000, a Departmental Tender Committee comprising the controlling officer as Chairman, and two other officers of the department, or office appointed by him.

(b) For contracts estimated to cost more that $100,000, a Central Tender Committee comprising the Deputy Financial Secretary as Chairman, and such other persons as may be appointed by the Financial Secretary."

MR. LINFORD A. PIERSON: A supplementary arising Mr. President. In view of the information received in the Budget Address that the stores are being run down, would the Member state whether every attempt will be made to purchase locally, where possible, from local merchants?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, those are the instructions given by the Financial Secretary to the purchasing department of Public Works that they must purchase locally whenever the goods are available, so that is a policy of Government.

MR. PRESIDENT: If there is no further supplementary, I will invite the Second Elected Member for West Bay to ask the next question. He may do so now.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND DISTRICT ADMINISTRATION

NO. 95: Can the Honourable Member say what is being done with respect to the growing traffic congestion on the West Bay Road?

ANSWER: The Government recognizes that the traffic congestion on the West Bay Road is a serious and growing problem. As such, it requires a professional long-term solution. The problem is being addressed on two fronts:

Firstly, the Development Plan Review being carried out by the Central Planning Authority, with the assistance of personnel from the University of Tennessee, is addressing the problem. The exercise is expected to provide informed but general recommendations by early January, 1987. These will be studied by Government and decisions taken soon after as to what extent they should be accepted and implemented.

Secondly, the Government is committed to having a Master Ground Transportation Plan (MGTP) prepared by professional consultants. The need for such an exercise was recommended by the Public Works Department (PWD) and has been confirmed by the Draft Report recently receive from the University of Tennessee personnel. The MGTP will address all aspects of ground transportation, from the physical and financial through to the legal and administrative.

The exercise will be predominantly funded by a loan from the Caribbean Development Bank (CDB), approved in late October. The consultants in turn are being selected in accordance with the CDB's guidelines. Appointment of the consultants is scheduled for March, 1987 and the exercise should be completed by October, 1987.

The resultant MGTP will provide the professional basis for Government to implement effective and coordinated short-term and long-term solutions to this problem and others elsewhere on the Island.

SUPPLEMENTARIES:

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, can the Member say if it is Governments' intention to take over the transportation business?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the answer is no.

MR. LINFORD A. PIERSON: Supplementary Mr. President, can the Member enlighten us what steps will be implemented to deal with the growing congestion on the West Bay Road opposite the Hyatt, and the resort hotel once it is open?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, as I said earlier Sir, we are waiting on the report from the University of Tennessee to determine what we should do short-term. We hope to have this report in by early January.

MR. LINFORD A. PIERSON: Mr. President, would the Member consider in his consideration of this report, stop lights for those two areas?

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, I shall pass the Members' request on to the Chief Engineer of Public Works for his consideration.

MR. PRESIDENT: If there is no further supplementary, that brings Question Time to an end. We pass on to Item 4 in today's Order Paper. Government Business. Bills. Second Reading, and just to remind Members, the Honourable First Official Member has moved the Second Reading of the Appropriation (1987) Bill, the Motion is now therefore open for debate. Does any Member wish to speak? The Elected Member for North Side.

GOVERNMENT BUSINESS

BILLS

THE APPROPRIATION (1987) BILL, 1986

SECOND READING - COMMENCEMENT OF DEBATE ON THE BUDGET ADDRESS

MR. D. EZZARD MILLER: Mr. President, I would like to congratulate the Honourable Financial Secretary on his fine Budget Address. It could have been delivered with a little more gusto, but that is the...

Mr. President, having supported the revenue measures of the last Budget Address, and have taken a lot of political heat and criticism for doing so, I can well appreciate and share in the Honourable Financial Secretary's joy and accolades for the 1987 Budget. It does indeed speak well for the fiscal policies of any Government, when in the same year it can have a balanced Budget, while increasing the national reserve by $2.0 million, after wiping out the 1985 deficit position of $1.1 million. And, also giving the Civil Service a five percent increase in pay, while still providing $14 million for capital expenditure in the fiscal year 1987.

Now, Mr. President, I like to pound up the Government as much as the next man, when the opportunity arises, and also to keep them on their toes when they need it. But I wonder what the critics are going to say about the Government now. Will they still say that the economy is in a shambles, and that the country is being taken over the precipice into oblivion? I know that there are some, even within this very building Sir, who have spent long hours over the weekend meeting with many parties, trying to find ways to discredit this Budget, and if history is to be any record Sir, I expect that next weekend we are going to see a petition that the Government is not governing, is not doing to job it was elected to do. After all, they have not increased taxes this year, they have done...one has just identified himself Sir. They have put $2.0 million in reserve, when they should have spent in on a Civic Centre for George Town, which is not needed because they have more fiscal buildings than they can shake a stick at.

MR. LINFORD A. PIERSON: It was needed in North Side though.

MR. D. EZZARD MILLER: We do not have a Civic Centre in North Side.

Mr. President, obviously, this Member only comes to North Side at night....(LAUGHTER)...when it is necessary to hold public meetings to mislead members of my constituency...

MR. LINFORD A. PIERSON: ...To enlighten them!

MR. D. EZZARD MILLER: Mr. President, would you please

have this man removed until I have finished speaking. I am not going to put up with constant interruptions....

MR. PRESIDENT: ....I thought you were rather enjoying it...(LAUGHTER).

MR. D. EZZARD MILLER: As I was saying before I was interrupted, Sir. This Member only comes to North Side at night. I can appreciate that, because they come there and they have a meeting about a petition, you see, that is the problem, on the Mutual Legal Assistance Treaty. They tell the people all of these bad things that are going to happen to the country. And I realise Sir, that they are very hard pressed now with the facts that have been unveiled here in the last couple of days, to justify the argument that they gave the people of North Side in preaching their predictions of doom for this country....(You will have another opportunity).
But, Mr. President, if they in fact, go out and start another petition, and disturb people on their blessed Sunday morning, when they are either going to Church, coming from Church or trying to have a meal with their family, and they have these people knocking on their doors, trying to inveigle them into signing these petitions - calling for elections, I mean they want a change in Government. I think this petition, if they start one, will meet the same fate as the petition on the Mutual Legal Assistance Treaty, and elections and overthrowing the Government. Maybe they have learnt their lessons Sir, maybe, we will have to wait and see. It does not appear so, but I guess you have learnt one lesson anyway, you have to wait till 1988, there are not going to be any Elections between now and then...(LAUGHTER)

Anyway Mr. President, to get back to the Budget Address. Mr. President, for this Government to sustain economic growth, continue full employment in the face of the international scene where economic growth in most countries has been minimal, or negative in a lot of them, while maintaining full employment, can only be done by hard work, good foresight and a determination to succeed, not by petitions threatening to overthrow the Government.

Mr. President, I agree with the Honourable Financial Secretary's statement that the Cayman Islands fiscal policy has been one of the key factors that has kept this country in the forefront as an attractive territory to conduct business in, and I believe that his 1987 Budget Address continues in that vein. But Sir, I think we would all do well to heed his warning, that we politicians must not expect to have every wish and fancy fulfilled for our constituents, because as he says, Government is not a bottomless treasure chest. And this country Sir, must if it is going to continue to succeed, clearly identify the needs of the country, and separate those needs from the wishes and desires of the politicians.

Now Mr. President, it is good to hear that we have 20 of the 25 largest banks in the world licensed here, including the first six. That is a good foundation on which to build, and despite the verbosity of the opposition and their counterparts on the outside, I am still convinced Sir, that the Mutual Legal Assistance Treaty was, is and will be a step in the right direction for the continued stability of this country.

Mr. President, I am also glad to hear from the Financial Secretary that the infamous or famous CI$40.00 note for the Currency Board which some people have predicted was going to become the biggest collectors' item in the Cayman Islands. Maybe it will stand a chance of being that if we send it into its rightful place, into the garbage dump, and burn it and leave only five or six in circulation. I saw no justified reason for the introduction of a CI$40.00 note. I can certainly support its withdrawal and replacement by a CI$50.00 note. Mr. President, it was rumoured during the attempt to overthrow the Government in the last couple of months, that the currency was going to be devalued. I believe, given the facts as presented in this Budget Address, concerning the Cayman Islands currency, and the functions of the Currency Board, that the people of this country can now be assured that there will be no need to devalue the currency because of the Mutual Legal Assistance Treaty.

Mr. President, when the Student Loan Scheme was attached to the AIDB, I expressed concern that if it was going to be controlled by the Education Council, it might not serve its purpose. I still have that reservation Sir, because there are people in this country, who need short-term and long-term

financing to further their education, and cannot in some way or other meet the requirements of the Education Council. But, if they were allowed to borrow the funds, and obtain the education they desire, they could in fact, be productive people in our society, and they would fulfil a role that is needed, especially in the areas of technical skills.

Mr. President, the tourism sector seems set for a boom. Certainly the opening of the Treasure Isle Resort and the Hyatt Regency are going to be positive contributors to the tourist industry in this country.

Cayman Airways, Mr. President, seems to be on the right track, but Mr. President, let me make it clear here and now, that I have no intention of supporting a subsidy for Cayman Airways in 1987. Mr. President, if we look at the accounts as presented in this Sitting of the Legislative Assembly, we will see that firstly their operating profit has exceeded the subsidy which we gave them last year. I can see no justified reason in giving them the same subsidy next year. Secondly, Mr. President, there are certain disturbing signals in these accounts, and I do not pretend to be a financial genius, but seeing that the Second Elected Member for George Town is absent, I will venture into unchartered territory. Mr. President, what concerns me is that Cayman Airways has spent $2.3 million more in promoting the Airline, yet their revenue, after spending that additional money, is down by more than $1.0 million. Passenger revenue is down by $0.5 of a million below 1985, cargo is down by $0.5 of a million, chartered services is down by $0.75 million roughly, below 1985. If Cayman Airways cannot retain its income level after spending that amount of money, additionally in promotion now when there is no competition, at least no competition in comparison to that which they will have after the moratorium runs out. There are some encouraging signs Sir, administrative costs are down by $1.4 million, and I believe that they can go down a little further, because I happen to know that they have bonded one of my constituency members for $10,000 plus, to go off on training for a licence, and they could have obtained that same training in at least four schools which are all Part 122 FAA approved for less than $5,000, and a person who came out of those other schools got a full licence, not a restricted license, as was obtained in this case for twice the funds. Now I am sure that they have their reasons for going all the way to Braniff in Dallas for the training. I am not sure what they are, because it is day-to-day management, and I am told by the management of Cayman Airways that politicians should not get involved. I do not know whether the reason is because they can crash a simulator and overshoot the runway and still get their rating, or what. I am going to take the Management of Cayman Airway's advice, and I am going to have a hands off Sir, I am not going to support any subsidy for Cayman Airways. I think they can tighten their belts some more, and they can get along without it. If we do not force them to tighten their belts now, they have to understand that that water tap that they put the glass under for the last five to six years, whenever they got into trouble, Government bailed them out, it is 'finito', done. Then they will improve their management and they might even make some more money.

Mr. President, another concern with the Budget Address that I have is the growing cost of administration in the Civil Service. In this Budget, salaries are going to take up almost one third of the recurrent expenditure, and Mr. President, somewhere along the line we have to curtail the expansion of the Civil Service. I know it provides a lot of jobs, and stuff like that, but I believe like Cayman Airways, they can cut some of their fat out and still exist in the Civil Service, still do the good job that they are now doing. Mr. President, as an example, under the new services for the Civil Service, we find again for the third year in a row that we are adding customs officers to the Customs Department to provide a shift system at the Airport. Mr. President, I sincerely hope that this is the last year we are going to see a fairly sizeable increase in the number of customs officers, and immigration officers, and the justification is going to be to provide shift coverage at the Airport. I hope we have reached the saturation point, and that the service actually be provided.

Ship registration, Mr. President, there are many differing opinions about ship registration in the Cayman Islands, but I agree with the Honourable Financial Secretary, that either we are going to do this, and we are going to do it properly, and we are prepared to set up the proper administration to do it, or we are going to get out of the business. My

recommendation is, that we set up the proper administration, the expertise is available, mostly locally, because Caymanians are known as some of the best seamen in the world. They do know a little about SOLAS, they do know a little bit about inspecting ships and things like that, and a lot of it can be done. And I believe that there is some potential for increased revenue in the area.

Mr. President, it is encouraging to see that once again education has taken the biggest chunk of the Budget in the service departments of Government. I do not believe that we can spend too much money, that we can place too much emphasis on the development of our only natural resource, and that is our manpower. But Mr. President, one has to wonder at times, are we obtaining value for our money? Are we equipping young Caymanians to fulfil roles in our society which they can contribute positively to? Are we giving them academic opportunity? Are we giving them the opportunity to perform once they have obtained those academic requirements? Are we giving them the encouragement to develop themselves? Are we utilising the skills that we have encouraged them to develop? Some areas, Mr. President, I believe the answers to those questions are unfortunately negative.

The Social Services are being improved administratively, they are being given new posts to help with their administration. I hope that it shows up in a definite improvement in the social services, not only the bookkeeping department the paying of Bills and the filing of papers, but out there in the society where it is needed, and where it will count, that is, the social workers becoming involved with the youth, the social problems contributing to reducing those social problems.

Mr. President, health care in this country is also getting a big chunk of the 1987 Budget.

MR. PRESIDENT: I wonder whether before the Member starts on a new subject, if this would be a convenient moment for him to break, and for us to take our customary morning suspension? In that case I will suspend proceedings for approximately fifteen minutes.

AT 11:15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:25 A.M.

MR. PRESIDENT: Please be seated. Continuation of the Second Reading debate on the Appropriation Bill. The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, when we took the break I was about to make a few comments on the health care system in this country. Now, Mr. President, I believe I can say without fear of successful contradiction, that we are not getting value for money in our health care system. Mr. President, the health care system in this country, to sum it up, stinks, but Mr. President, I could talk until I am blue in the face about the health care system in this country, they are going to do what they want to do, when they want to do it and how they want to do it. I believe that the health care system in this country, compared to the other services that are provided in this country, and we are beginning to look at the Cayman Islands as a sophisticated country, with a very well organized infrastructure, and, unless something is done urgently to assure not only quantity in medical care, that is you must not only increase the medical staff and come up with a roster that puts them there 24 hours a day, and say we have made improvements. Improvements Mr. President, must come from the quality of health care available from our institution. And, until the health care department faces the reality that they only have to guarantee quality health care in this country by introducing a medical audit and pay review, we are always going to get horror stories from that institution. Mr. President, I would be bold enough to suggest to the Member responsible, that the creation of a body to audit the quality of medical care available at our hospital, and the introduction of a pay review, should be given a priority at that institution. Because Mr. President, that institution is presently responsible for a lot of iatrogenic diseases in this country.

Mr. President, the Water Authority - the proposal to provide piped water for the George Town

area in Cayman, Mr. President gives me some concern. I have done a small sampling of the community members of George Town, granted, I was not backed up by the University of Tennessee, or any other big university, but, I conducted a few telephone interviews with people who were randomly sampled from the telephone directory. And I asked what I feel were important questions which had to be asked before Government comes involved with the distribution and sale of water to the George Town area, such questions as:-

* Are people prepared to hook up to the water system, even though they may have a well and a cistern?

* Are they prepared to pay a monthly fee of some sort, whether or not they use the water system?

* Are they prepared to pay a cost that is going to recoup the expenses of providing a water system for the George Town area?

Not a cost that is going to involve Government in a 60 or 80 percent subsidy for the cost of water to the people of this area. We are talking about a cost that is going to return to Government at a minimum, the amount of money that was expended to provide such a service. The Honourable Financial Secretary says in his report that "the proposal to provide George Town with a public pipe water supply is now a reality. It now appears that a satisfactory negotiated agreement has been reached whereby Caribbean Utilities Company invests in the distillation plant, produce the water and sell it to the Water Authority." Fortunately, I was told in an answer to a question yesterday that the contracts have not been signed, and the negotiations are therefore, I assume, are not complete. But Mr. President, I do not believe the history of water production in this country by Government provides an adequate basis on which Government should be venturing into areas, as that to provide a piped water supply for the George Town area. I am not entirely convinced that Government has recouped its investment on the Lower Valley nor the East End water lenses. Mr. President, one of the things that has kept the fiscal policy of this country in tact and on the right track, is that Government has stayed out of public utilities. They have stayed out of the telephone business, they have stayed out of the electricity business, and Mr. President, it is my opinion, that they should stay out of the water business, leave it to private enterprise. Private enterprise has provided the water for the area of greatest demand in this country, an area that has grown in leaps and bounds. Private enterprise has provided the investment, they have produced good quality water, they have distributed it adequately in that area, and I think private enterprise, all be it that it does not have to be that company, should be encouraged to provide water for other areas in this country, and Government should stay out of the business. This country cannot afford another Cayman Airways, meaning that, this country I do not believe Sir, can afford to subsidise water distribution in this country to the tune of millions of dollars per annum, and that is what we are talking about when we are talking about putting in a piped water system for the George Town area. As I have said Mr. President, I have not found the demand, most of the office buildings in this town are begging the Water Companies to pump out their cisterns six months out of the year. Most of the homes have either a cistern or a well, or both. They are not interested in hooking up to a pipe line to provide them with water. They are not prepared to pay a fixed monthly fee for piped water, just because it runs across their gate. All that most of the people in this country are interested in, is that there is a source from which they can buy a truck load of water when they need it. And I believe that the water needs of this community can be met by such a distribution system for many years to come. Mr. President, we see where the Water Authority has gone to Cayman Brac to drill wells in the Bluff to test for water. Mr. President, I do not believe that they are getting the returns on the Lower Valley water system, nor the East End water system to justify this kind of experimentation. The answer for the Cayman Brac water needs certainly Mr. President, has to be desalinisation. The money spent to bore these wells and have people up there recording how much water they can pump out of the well for two or three days, could probably have bought a desalinisation plant and place it on the Bluff, and there they could have a constant supply of saline water from the ocean Sir, some of the deepest ocean in the world is right down from that bluff. They would not even have

to pump it, they could gravity feed it, because it is already elevated. I do not believe Sir, that we should always gobble up the recommendations of these overseas experts, who come here in my opinion Sir, in many instances, to create an ivory tower themselves in which they intend to sit in for the next umpteen years and guarantee themselves an adequate salary, adequate retirement for years to come, and employ their unemployed friends from their homeland. This country cannot afford that Mr. President. My recommendation to Government is 'do not get involved in the water business'. If I can be proven wrong, if Government can show me the figures or the statistics to justify the expenditure that they are going to put into it, and they can show me where the returns are going to come from, how much the people are going to pay for that pipeline across their street, how much it is going to pipe it in, then if I am proven wrong, I am willing to say so. If Government can show me they can break even, make a profit, I will withdraw my recommendation and let Government stay in the water business.

Mr. President, it is good to see that Government is making adequate provisions to upgrade the Labour Office in anticipation of the Labour Legislation, which we all hope will come in 1987. I think again Sir, it is a step in the right direction, we have to provide the administrative framework to do this, but here again Sir, we must be cautious in providing staff, because $23.0 million is a large chunk of the recurrent expenditure.

Mr. President, Cayman Brac District Administration- I am a bit concerned Sir, that Cayman Brac might be getting at this time, more than its fair share of the pie. I agree Sir, that some of the capital development that is going on there might be necessary, but here again we have to look at what is going to be Government's return on its investment in these capital projects.

Public Works Department, Mr. President, they have, as has been said in the Budget Address, reorganised themselves somewhat, according to the recommendations made in the Allgrove Report. I believe that it will pay dividends. I look forward to the Ground Transportation Plan. I would have liked to have seen it earlier, but I guess everything takes time. I also was hoping to see in the Draft Estimates a breakdown of the road programme from Public Works. Maybe the Honourable Member can provide it in Finance Committee, because I believe Sir, that it is essential, both from Public Work's point of view and from the Members representing their various constituencies, we need to know exactly what is provided for in the estimates, so that we do not get into an argument with the Director of Public Works as to which road should have been done. We are told that it is not in the Budget, and we get five or six other employees saying that there is no money for this, when we assumed all along that that was voted for, so I think we need to be given a specific breakdown of what the block vote for roads and public works in this country covers. It is unfortunate Mr. President, that the Member responsible has not been able to live up to his promise of March 1985, when he, in this Chamber, indicated to me that he was accepting my idea that we should have one janitor appointed for the civic area in North Side, that is one person who would look after the Town Hall, the School, the Post Office, and the Clinic, because I believe, there again if they appoint one person and he is there five days a week, they can realise some savings from what they are paying three or four different people that are doing it now. Nobody is doing it adequately. For Pirates Week we spent a lot of time cleaning up bush from the driveway around the clinic. And in fact it is painfully obvious Mr. President, you can go to the North Side civic area right now, and you will find that the person who looks after the Town Hall sprays the bush with weed killer, exactly half way between the Town Hall and the Clinic. We are not talking about hundreds of feet you know Sir, we are talking about a maximum distance of 50 feet. That one cleans 25 feet and the other 25 feet is left to grow up. During Pirates Week burr-grass was there three feet high, because I was on a riding lawn mower and I was getting the burr-grass in my knee while I was cutting it. Something needs to be done. The other unfortunate thing about Public Works Sir, is that Finance Committee last year charged the Member to spend $100,000 of the vote on the road between Bodden Town and George Town to straighten it, widen it and light it, in an effort to reduce the number of traffic fatalities in that area. Mr. President, this is November, and I believe I drive that road as often as anybody else. There have been a few survey ribbons put down here and there, a few marks on the road, but the only thing of any substance done to improve that road was done by the private enterprise last Christmas, in clearing the bush from the side of the roads. Now

Mr. President, I believe that when Finance Committee sets a priority on something, some attention should be paid to that priority. I hope Sir, that something will be done in the very near future about that stretch of road, because it is getting worse, basically, because the traffic is getting heavier every day of the week. Somebody from one of those three eastern districts is buying a new car and putting it on the road. Something has to be done, not in 1988, but now.

Mr. President, I support with reservations the salary increase to Civil Servants, basically because there are a lot of Civil Servants who work very hard Sir, and who have earned the salary increase. The problem I have with the Civil Service Sir, is that there are a few who seem to be riding on the crest of the wave so to speak.

Mr. President, I support the Bill for a Law to appropriate certain expenditures for the services of the financial year 1987. I believe that the country will be well served by the provisions of this Budget. The capital budget is fairly extensive. It is going to provide some needed development in this country.

So with those few words Mr. President, I support the Appropriation Bill, 1987.

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

MR. D. EZZARD MILLER: I will draw your attention to Standing Order 33 Sir. Mr. President, since no Member seems to be prepared to speak, I propose that we close the debate.

MR. PRESIDENT: I think I will give Members just another moment, but not very long, another fifteen seconds. If no Member has by then caught my eye, I shall be obliged to ask the Mover of the Motion whether he wishes to reply.

MR. D. EZZARD MILLER: The fifteen seconds have gone Sir.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I really am not prepared, but I shall go ahead.

Mr. President, I would like to take this opportunity to congratulate the Honourable Financial Secretary, the First Official Member for his clear, concise and comprehensive Budget Address, which he delivered to this Honourable Legislative Assembly on Friday, 14th November. It was very ably delivered, very informative, and gave a very true picture of the affairs of this country. It certainly bears out the necessity for the revenue increases which were voted here in this Honourable House earlier last year, and I supported those measures then, and we can easily see the benefits of them here today.

This is the seventh opportunity I have had since being elected to represent the constituency of the Lesser Islands, to debate a Budget. Each one has increased considerably, and the total amount expressing how our country has grown, how its needs have increased, and that we have been able to supply those needs by prudent management.

Mr. President, a Budget of $71,410,463.00 to cover recurrent capital and new services, plus a statutory provision covering pensions and loan repayments amount to CI$2,697,936 which gives a total budget of CI$74,108,399 is indeed a very large sum for a territory as small as the three Cayman Islands. It shows that we have a high standard of living, also it shows that we have a lot of needs. If we have needs, we must be prepared to help supply these needs, and to make sacrifices when taxation is placed upon us. It was most unfortunate that such unnecessary tactics were used against the measures as they were put forward against the previous Budget, for we all know, that without us helping to share the burden we will not get what we need.

We have also heard in recent months much hullabaloo over the Mutual Legal Assistance Treaty. I too had a visit from some of my good friends to my district. We certainly welcomed them, they helped Cayman Airways by contributing revenue to them by coming. They are always very welcome, but we would much prefer if they would come to help us with our problems, rather than to help create additional

problems for us.

MR. D. EZZARD MILLER: They should come during the day, right!

CAPT. MABRY S. KIRKCONNELL II: Well day or night, I really do not mind, as long as they do not tend to create additional problems.

We all have a goal to do what is best for the Cayman Islands....(INAUDIBLE)....We certainly understand that, and we are glad that you do too.

What I am trying to say Mr. President is that I feel it is incumbent upon each and every Member elected to this Honourable House to foster and create a healthy atmosphere within the Cayman Islands that investors will feel confident, and that we give a true picture of the situation that exists, in order that we can continue to develop as we have done. If we create an unfavourable situation, we may not be in the years to come, able to boast of these large budgets and balanced budgets.

I go now to the financial sector - Banking and Trust. It is important to note that the number of Banks and Trust Companies which are licensed in the Cayman Islands, will have reached 500 by the end of 1986, with approximately 39 new licences for the year.

I am also encouraged that 20 of the 25 largest banks in the world have licenses issued by the Cayman Islands Government, including the first six largest. This bears out what I have said previously Mr. President, they have confidence in our country, and in the decisions which we have made in this Honourable House. Also, it is encouraging to note, that our banks are diversified, in as much as they come from 52 different countries. We must realise that the banking industry and the financial industry are the main pillars of our economy. They employ nearly ten percent of our work force, and a large percentage of the employees are Caymanians.

Also, the Insurance industry which is closely tied to the Banking industry has also continued to grow. That employs approximately 200 people, and that is growing. And I am encouraged to note from the Honourable Financial Secretary's Budget Address, that approximately 60 percent of those employed in the Insurance industry are Caymanian nationals, and that licence fees from the Insurance industry amounts to approximately $1.8 million.

I could not speak without singling out the Cayman Islands Currency Board, Mr. President, realising what a wise decision it was when it was created, and what an asset it has been to us, and I am very proud to see to progress it has made again. The total assets as at the 30th September were $17.9 million, an increase of about 17 percent over September 1985.

I also note that $1,330,524.46 operating surplus for 1985 was transferred to Government's General Reserves.

Turning now to company registrations, this is another area which we had heard would be reduced drastically, but I am happy to say that it continues to hold its own. It is a good revenue earner, the revenue collected in 1986 from January to September was $5,797,384. A total to be collected for 1986 is estimated to be approximately $6.5 million. I am also happy Mr. President, to note that a new policy will be put into force for the striking off of companies that have become more than twelve months in arrears with their annual fees. I feel that this is a step in the right direction, for certainly, there is no reason if a company is functioning, why it cannot pay its company fees annually.

The Agricultural, Industrial and Development Board- I am happy that we have such a Board. It is unfortunate that it is not able to grant loans more readily to our small farmers and people who wish to have small loans to help themselves in business. But I know, anything that concerns a loan is cumbersome, but it is good that our Government is making funds available at an interest rate that the smaller farmer can live with. It is also encouraging that student loans are now being made available. I sincerely hope that as student loans are being made available, the structure will be properly structured in order that the collections will be made on time, that future students will have these funds on a revolving basis, and that they can be continued, for certainly, in this day and time Mr. President, we must encourage each and every student to improve their educational standard, whether they feel that they are academically qualified to pursue a degree course,

or whether it is in the technical field. We must encourage them, because we are living in a more technical era when they need more knowledge than they did in the years past.

The Management Companies. I was surprised to note that there are only 13 companies licensed as management companies. I thought we had considerably more than that, but nevertheless, they have also yielded a license fee of approximately $67,000.

Mr. President, the legal firms of this Island have made a great step forward in articleing clerks to the legal profession. It is an opportunity for our young people to pursue a legal career without having to leave home and go overseas. Some may not have been able to have actually afforded all the expense of going overseas, they can now do it at home. I for one am very proud of our Law School, they have done a good job, and I look forward to the graduates who will be graduating in 1987, and the future years.

Another very important pillar in our economy is the tourist industry, and it is encouraging to note that that has increased in air arrivals and cruise ship arrivals, with the opening of the two new hotels, and the chartering of another aircraft by Cayman Airways. I look forward to the fulfillment of the predictions as stated by the Honourable Financial Secretary in his Budget. We also welcome Northwest Airlines, who have taken over from Republic in their merger. Northwest Orient Airlines has a considerable amount of overseas routes, so it is hoped that they can extend additional destinations to and from the Cayman Islands, which will help us in advertising the Cayman Islands and bringing people to our shores.

Cayman Airways- I am very encouraged and I would like to congratulate and compliment the Honourable Second Elected Member of the Executive Council for how quickly he has Tabled the balance sheet and financial accounts of Cayman Airways in this Honourable House. Having been here for the last, almost seven years, this is the first time that I have seen an up to date balance sheet presented at such an early date. It is encouraging to receive it at an early date, and it is more encouraging Mr. President, to see that it appears as if our Airline is beginning to turn around. I have no expertise in Airline Management, so I shall not attempt to comment on the operations of Cayman Airways in that respect. I am grateful that we have at last gotten into the jet age in the Lesser Islands of Cayman Brac, and I hope that we can continue there, and that the flights will increase. We look forward to the purchase of a larger aircraft to replace the Trilander, which I understand is under serious consideration at this time. This is needed, not only for local traffic but many of the tourists arriving by the jet cannot stay until the jet flight at the end of the week departs, therefore they need a larger aircraft to make ongoing or departing connections. I understand, and fully realise as I stand in this Honourable House, my responsibility to the people of Little Cayman to represent them as much as I do Cayman Brac, and I would not be one to ever advocate that we abandon our responsibility of air service to Little Cayman. So, I will always insist that Cayman Airways must have an aircraft that can safely fly in and out of the airport at Little Cayman. That is why I am asking for this larger aircraft, but taking into consideration its limited capacity, because of the limited facilities at Little Cayman. Little Cayman has a tendency, the people there, to feel about the people of Cayman Brac in a similar way to the way the people of Cayman Brac feel about the people of Grand Cayman, so we do not want to create a feeling that Little Cayman is being left out. And this year, we were able to improve the roads and other infrastructure in Little Cayman as well.

Mr. President, I note with concern the Civil Service has again increased considerably in number. I realise that we as legislators constantly seek employment for the people from our districts, but I do realise that when almost a third of our recurrent expenses are covering salaries, it is becoming an alarming situation.

I also have concern that our computer service, the numbers employed there are increasing all the time. I know we are moving into the computer age, but I hope Mr. President that this will soon be able to help us to reduce the number of needed staff...I am not saying reduce the number that we now have...but the number of additions that we would anticipate requiring. It was my understanding, as we went into computerization that the reason for computerization was to make information and statistics more readily available, and at the same time to reduce the cost of

Government. With the purchase of computer equipment and salaries, it is becoming a major expense.

Mr. President, recently there has been disturbing reports in the press concerning ship registration. We have a problem with ship registration here in the Cayman Islands. we either have to do it right, or not at all, is my opinion. I experienced when I was involved in shipping myself, what the inconvenience to this territory was, it not being a signature to the SOLAS-Safety of Life at Sea Convention. I do not know all that it entails, but I feel that we should thoroughly investigate it, and if it is at all possible, we should become signatures to it, if not, we must give our ship registration a very serious look. because as a ship becomes of age, it is an almost a physical impossibility to become covered by the United States Coast Guard Form B Loadlines.

As I said in starting Mr. President, I was not prepared, so therefore that is why I am looking around.

Our public debt on January 1st, 1986 amounted to $11.00 million. The changes during 1986 of $985,659 at the end of 1986, we estimated will be approximately $12.0 million. For all that this country has, I do not think that that is such a large sum. I think we are very fortunate that we do not have a larger public debt than that.

Turning to Broadcasting Mr. President, again I would like to congratulate Radio Cayman. Radio Cayman helps to unite the Cayman Islands, we appreciate it considerably in the Lesser Islands. I note with interest that they have now purchased FM equipment, and it is my hope that it will be powerful and strong enough that we will be able to enjoy the FM in Cayman Brac at an early date. Occasionally we can receive it, but not at all times.

I note that Immigration again, needs a large number, an increase in their staff. In order to serve the airport from 7.00 a.m. to 11.00 p.m., but I really hope Mr. President that this will eliminate the necessity for so much overtime.

The Police Department - I could not stand in this Honourable House and speak without speaking on the Royal Cayman Islands Police Force. They are very important to our safety and welfare. I think they are doing a good job. I am very grateful that we have been able to have the services of the Sergeants and the Inspectors from the United Kingdom. I note that they have completed their tour of duty, most having returned to the United Kingdom, and that Caymanian locals have been promoted in most cases to fill their jobs. I congratulate the Caymanians who have been promoted, and I ask them to give us their best service.

The Prison - The Prison to me, is something I wish we did not have to have, but unfortunately, it is one of the things that is necessary in a modern society. I think we must attempt to establish a more complete rehabilitation programme at our prison. I know some say that a prison is not a rehabilitation centre, I accept that. Here in the Cayman Islands we do not have separate rehabilitation centres, and until we have those, I think that a certain amount of rehabilitation must take place within Northward Prison. I would also ask the Honourable Member responsible for it, if attention could be paid to improving the reception area at the Prison, it is very inadequate, I know prisoners are prisoners , they have committed a crime, that is why they are there. But we must realise, all of us make mistakes at times, they are human beings and they have families, loved ones who want to visit them, and I feel that this country could provide a better equipped reception area than we now have at Northward Prison.

Going now to the Portfolios, Mr. President, Health, Education and Social Services. First to the Museum, I am glad to see that Grand Cayman is following our example, and at last getting their Museum established. Cayman Brac, again, has set the pace for Grand Cayman. I think we need to preserve our heritage, and although the little Museum we have in Cayman Brac is very humble, people come there they enjoy it, and we are proud of what we have. Recently, we were able to relocate the little prison, it is a little two-cell prison which I think was probably constructed some way in the late twenties, on to the Museum site, and it is surprising Mr. President, the number of people that go there daily to have their photographs taken. So it just tells you that our tourists are not looking for Miami Beach or New York City when they come to the Cayman Islands, they are looking for something that is native, and I think that it is important as we develop, that we keep our heritage and we

develop and be proud of our forefathers, and keep something Caymanian. Our educational system is something of which to be proud. I am again very happy to see that we have been able to provide a large sum of money for the Education Department. I think there is no better investment that we can make in the future, than in our young Caymanians, and to educate them. We are fortunate that we have such dedicated members of the education profession here in these Islands. I think that all of us should appreciate them possibly more than we do.

I am also very impressed with the progress that has been made on the sports complex here in Grand Cayman. I know for the first few years that I was in this House, there was a lot of talk about it, a sort of feeling that it would never be a reality. But today, its progress is easy to be seen, and I look forward to its continued progress.

I would also like to compliment my colleague from Cayman Brac, the Member responsible for Communications, Works and District Administration, for his attempt in creating a playing field in Cayman Brac, across from the Civic Centre, and I hope that funds will be available, that he can continue that project in 1987, it is much needed. It will centralise our sports activities when it is completed. It will also be able to serve as additional parking area for the Civic Centre, and I think it is ideally located.

Social Services - the Social Services Department has a very important part to play in our community, and I am very grateful to the Member responsible for the Portfolio, that the emphasis has been placed in getting social workers for the different districts, and in particular that funds are being made available for poor relief, and also to improve substandard housing. We must realise that some of us have become more fortunate than others. Often in my district I hear people say 'that person does not deserve to be helped because he or she has children', that is very true, but if those children are not helping their parents, then the parent is doing without and it is not really fair for us to say that we will let them suffer just because their children are neglecting them. I feel we must help where help is needed.

In our Health Services, I am very glad to see that Grand Cayman is now be to have doctors at the hospital 24 hours a day, it has been necessary for many years. Unfortunately, in the Brac we have had a sort of deterioration in our medical staff, but we hope to soon be up to our full compliment in the not too distant future. We have a good health system, it is expensive to the Government, but we must realise that as Caymanians, there is no place in the world where I think we could get the medical service that we get at the price that we pay. And I feel that it is incumbent upon all Caymanians to pay their fees, small as they are, when they receive treatment at the hospitals or clinics. While I am talking on health, Mr. President, there is one thing that concerns me considerably, the Elected Member for North Side brought it to this Honourable House at a previous meeting, concerning overseas medical treatment. I realise it is costing this Government considerable amounts of money but I am concerned that it is a very, very slow process. I myself have recently been involved, in trying to get one of our aged ladies from Cayman Brac to have a hip replacement operation. After having two appointments in Jamaica, one in Miami all being cancelled, we were able with the aid of a winter resident of Little Cayman, Dr. Glynn Scott from Spartanburg, South Carolina, to have the operation performed at his hospital. I did not realise Mr. President, that there was a hospital or medical service still available in the world as we found there. This lady went to Spartanburg, South Carolina, they did not ask for one penny for admission. Dr. Glynn Scott performed the operation, the manufacturer of the part that was necessary, donated it, the hospital provided the service, we paid what deposit we could on it, and we have 90 days to pay the balance. I think it would be advisable, that if our Government contacted a hospital that has a humanitarian attitude such as this, I am happy to say that this operation has been very successful. The lady is now back in Miami, and will be returning to the Cayman Islands soon. But if we had to wait on the normal process, I do not know if the operation would ever have been performed Mr. President.

Going now to Development and Natural Resources, the Planning Department. I would like at this time Mr. President to offer my congratulations to Miss Deborah Drummond our

Acting Director of Planning. I think Cayman should be proud that we have a young lady who has been able to assume the responsibilities of this important department, and to perform her duties in a manner in which she is doing it. I have the honour of serving as a member of the Central Planning Authority, of which she in her capacity acts as the Executive Secretary. She has created a good working team within the Department, and I am proud to know that we have young Caymanians such as her, working in our Civil Service. I also look forward to the introduction of the Building Code which will be a great asset in ensuring that a building standard is maintained in these Islands.

Agriculture - much progress has been made in agriculture, and the demonstration farms. I note that the programme to boost the development of the private sector agriculture is being adopted, and that in-house help will be given and also experts will be brought in to help develop this. I would ask the Honourable Member responsible to offer whatever assistance is possible to Cayman Brac. I know our arable land in Cayman Brac is not too well suited to agriculture, but where it can be developed, we would appreciate any assistance that he could give us there.

I turn now Mr. President to District Administration, Cayman Brac and Little Cayman. 1986 Mr. President, has been a very, very difficult year for all people residing on Cayman Brac and Little Cayman. The older people have said to me that the economy compares to what it was in the 30s', this is alarming, and a more alarming trait is the fact, that according to the estimated population, it has been reduced from the 1,600 odd that it was at the last census to some way between 12 to 1,400 at the present time. This has been necessary, or has come about because so many people have been forced to leave the Island to seek employment mostly here in Grand Cayman, this is a dangerous situation. The team from the University of Tennessee and in their projections, projected that if this scenario of slow decline continues, that we could easily find ourselves with a declining population below 1,000, where most of the people are old, with a completely reduced birth rate. Therefore, the responsibility of Government would be very seriously increased, as they would not be able to take care of themselves. I am not bear to spread doom and gloom Mr. President, but I am here as a representative of my district. I want to present the facts as I see them. I have with me a volume of technical studies performed by the University of Tennessee team. If it was not that it would take so long, I would read conclusions from their report, which are extremely disturbing. They have suggested that the only way we can improve our situation is if we can give incentives to the investors, low interest rates, or something which would create a healthy climate for investors in the two smaller islands, in order that we could get something going. I have discussed with the Honourable Third Elected Member of Executive Council concerning the construction of the Bluff Road additions. We now have some Americans who have interests in building on the Bluff, and I think he concurs with me that if it is possible to help them get to their land, they in turn would develop, probably build houses, some for sale, some to live in. This would help to generate revenue for Government on import duty, it would also create employment for our people. This could be a start, and I think once we can get it started, we can see the situation in Cayman Brac turned around. The old traditional footpaths are there, it would not be a matter of having to purchase land or anything, they are gazetted, they could just be widened. We are not asking that they be blacktopped or anything like that, once they are accessible by vehicle then the developer could do the topping and surfacing if they feel it necessary. What I am asking Mr. President, is that the Honourable Financial Secretary our First Official Member, and the Third Elected Member of Executive Council make every effort to make funds available out of the 1987 Budget as early as is possible, in order that we can get some employment going in the Brac. This is very, very necessary Mr. President, we need employment. Some people say maybe the capital expenditure in the smaller islands are out of proportion. I am not arguing the dollars and cents. What I am here to day speaking of Mr. President, is a fact that if my people have no employment, they must leave the country. If they leave the country there is not much change of them returning, and we have a greater problem on our hands with the aged. I fully understand what the Honourable Financial Secretary has said, and I would like to repeat his warning here, it says:

> "All of us, Mr. President, should remember that this country must try at all times not to spend more than the country can afford. Government coffers are not b

bottomless treasure chest, and we cannot furnish every need, waive every fee, and be expected to provide immediately all the services that can be thought of. If we do, we or our children will pay dearly for it."

I fully realise this. I agree with this Mr. President, and that is why I want to make it very clear here today, that I am not asking for large sums of money in the Brac. I am just asking that sufficient money be available, that we can have continued employment until we can get the private sector going in the two smaller islands, so that we can try and help ourselves.

Mr. President, I look forward to further going into the Estimates in Finance Committee, and with what I have said, I support the Appropriation Bill, 1987.

Thank you Mr. President.

MR. PRESIDENT: I think it will probably be convenient if we take our normal lunchtime break now. I will therefore suspend proceedings until approximately two fifteen.

AT 12:39 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:19 P.M.

MR. PRESIDENT: Resumption of the Second Reading Debate on the Appropriation (1987) Bill. Does any other Member wish to speak? If no Member wishes to speak I shall have to call upon the Mover to find out whether he wishes to exercise his right of reply. Any Member wish to speak? Does the Member who has just entered, wish to speak? The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Mr. President, I guess I have saved the day!

MR. D. EZZARD MILLER: Prolong the Session.

MR. PRESIDENT: (LAUGHTER)...I will not express a view about that.

MRS. DAPHNE L. ORRETT: Thank you very much.

Let me add my congratulations to those already expressed to the Honourable Financial Secretary on the very find Budget Address presented here in this Honourable House. I think congratulations are in order to both he and his staff and to Members of this Government for proper budgeting, and prudent spending, while at the same time meeting all the urgent needs of this country. In addition Mr. President, we have been able to dispose of a deficit, which this country faced earlier on, and I feel that it is now only left for Members of this Government and the people of this country to continue to pray and seek the will of God that we have the guidance which has already been provided to us, to keep these Islands moving in the right direction.

Clearly, the revenue measures which this country imposed last year, will be seen to have been a very wise move. There are many areas Mr. President, which I would have of course, liked to have seen receive funding during the 1987 fiscal year. However, common sense dictates that one can only spend what one has, and Government is not able, nor should it try to do otherwise. Top priority must be given to urgent needs. A thorough sifting out of all areas of need, and of course, those requiring immediate attention so dealt with.

The Honourable Financial Secretary has aptly said that these Islands are on a footing where we can defend our position to the outside world, because we have acted in a responsible manner in our attitude towards crime. At he same time Mr. President, our diligence in enforcing the laws now on our Statute Books is of utmost importance, for we must be aware that there will continue to be those who would like to use these Islands as a base for their criminal activities, should this be allowed. We would definitely be better off in that long lost state of the Islands that time forgot, rather than using these Islands for such criminal activities. We can never Mr. President, afford to be a mecca for criminals and their crime. These Islands must diligently and constantly ensure that these laws are strictly adhered to, and if not,

that justice is meted out and seen to be so done. It is much more important Mr. President to portray these Islands as stable and self sufficient, rather than try for simple political reasons to ruin our reputation through what, in my opinion, is misleading propaganda put together hastily and irresponsibly and which only could serve to destroy our fine reputation.

Mr. President, I am pleased to say that I have personally, had the extreme pleasure of discussing the Mutual Legal Assistance Treaty with quite a number of foreign nationals from different countries, and all but two to my recollection, were of the firm opinion that we had taken the right step, and that we had clearly set about doing what was necessary to protect the image and reputation of these fine Islands.

Mr. President, in the Budget Address, the Honourable Financial Secretary was able to bring to our attention statistics which I feel are worth recapping. He mentions Mr. President, that international business of high quality, and I would like to stress that, 'high quality' still continues to be attracted to these shores from all corners of the universe. Mr. President, he goes on to impress upon us the importance of this, because we will now be able to diversify the business on our books, and it would make us less vulnerable to conditions in any one country. Mr. President, he goes on to mention that there has been increased activity in this country, whereas in other major countries over the world, there has been just the opposite. He however, has aptly cautioned us in not undertaking too ambitious a capital programme, while at the same time providing sufficient work to keep the economy buoyant.

Mr. President, I feel that in our country, the people of these Islands should be most grateful. I feel that any revenue measures which were undertaken earlier on, which were hotly debated and created some upheaval and discontent amongst certain factions of our society. I believe now, that the people of this country are able to see that they are reaping the benefits of these revenue measures, and at the same time Mr. President, I feel confident that when I say, that no one is really hurting because of these revenue measures, I feel that I am fairly well telling it like it is. Any complaints which I had heard earlier on seemed to have gone out of the window, and the population of these Islands seem to be happy with the situation as it stands at the present time.

Mr. President, in listening to the First Elected Member for the Lesser Islands, I became somewhat concerned, and I have been for some time, concerned that every measure, every area in which we can work to stimulate employment and development in the two Lesser Islands should be done. I think that the situation, as clearly explained to us by the First Elected Member for the Lesser Islands, is a cause for concern. I do not think it is one that should be taken lightly, and I believe that any funds that have been provided for those Islands in our Budget for the upcoming fiscal year are well in order, and I feel that Members of this House should support those measures wholeheartedly.

Mr. President, when speaking of the financial sector and the banking and trust areas of that sector, the Honourable Financial Secretary mentions that we continue to be surprised at the institutions applying for offshore banking and trust licences. Most Members will recall that earlier on, this was one of the chief concerns of some of the contributions which we saw being made to the press and so on, that business in these areas would be driven off from the Cayman Islands. It is heartening to note, and I trust that the people of these Islands would take notice of these statistics, that rather than business leaving our shores, and leaving us in a less than desirable position, while some may have left and that might be good for us, we are still able to attract business to these Islands. It is expected Mr. President that these will continue to grow, and the Honourable Financial Secretary expects that at the end of this year we will have seen no less activity in these areas, than last year. Mr. President, there has been no noticeable slowing down of business here. I think, taking two factors into consideration here, one, that we can maintain a fine reputation and on the other hand maintain a stable economy, is something that should never be taken lightly. The people of these Islands should be most grateful for a Government which is able to steer this country on a course which presents a picture such as this. And I would hope that the critics who have tried to discredit and to tear down and even to demolish this Government, would now find that there are many other areas where they can expend their energies and their efforts, and be able to contribute

more favourably to these Islands than in areas such as has been done in the immediate past.

Mr. President, I would like to congratulate the banking and trust companies in these Islands. It is noted that they have contributed a lot to this country, and I am grateful. At the same time, I would like to offer my congratulations to them, when I notice that 77 percent of the banking work force are Caymanians, and that in 1985 the number of Caymanians in banking rose by 25 percent, whilst expatriate staff on work permits fell by 12. I think that here is an area where congratulations are in order to the Caymanian Protection Board, for their efforts to see that our people are dealt with fairly, and that every effort is made for training and the moving up in this particular field of Caymanians in higher positions. I know that many times the Caymanian Protection Board has been criticized, but I believe Sir, that we have one of the finest Boards there, and that they are trying their best to work for the betterment of these Islands. There are many areas Mr. President, where we require expatriate staff, and I hope that the people of these Islands will recognise this, and give them every opportunity of working here and staying amongst us, and feeling at home while they make their contribution to this country. At the same time, I am hoping that every encouragement, every bit of help that can be made available to young Caymanians to move up the ladder, will be given, because this can only help to bring more harmony and a much more satisfactory environment for the Caymanian people and the expatriates who live amongst us. Congratulation are in order.

Mr. President, it is also noted that there has been increased activity in the areas of insurance, and while this may be looked upon as an area that causes concern because of the new tax laws about to be passed by the United States Government, we will await the result of the passing of those laws, and see what the effect on us will be. It is heartening to note that at least until the present time, we are not seeming to experience any real loss of business in these areas. The insurance industry is making a fine contribution to the economy of this country.

Mr. President, it is noted here that there is going to be change, and I am glad. The Member for North Side I think, took care of speaking about the Currency Board and the new notes that are going to be in circulation. The CI$40.00 note is definitely one which should be removed from circulation. I think the CI$50.00 note will prove much more attractive and perhaps maybe, much more desirable as a collectors item as well, that is left to be seen. Certainly it is much easier to be dealt with over the counter.

Companies registration - here is an area again where the critics felt that we would be down. But 1,620 new companies registered in the Cayman Islands in the first nine months of the year, does say something for us. This is a most favourable statistic, and Mr. President, when one thinks of the amount of revenue collected in CI$5,797,384 even above that which was collected in 1985, it says that this Government is doing something good for this Island. People are still attracted to it, and it is heartening to note that not all business that comes here is tainted, but there are still many good business people in the world who seek for a setting and an environment such as ours, in which to do business.

Mr. President in the Report of the Public Accounts Committee, suggestions were made regarding the striking off of companies that were behind in submitting their company registration fees. I feel Sir, that the action which is being proposed here to strike the companies off after 12 months in arrears, is quite in order. I think it is not good at all to have these companies sitting there, and if they are not doing business, then they should not be on our books. We do not need to carry numbers if we are not deriving any benefit from them, I feel that this is justified, and it is hoped that this can be implemented in the very near future.

The Student Loan Scheme of the Agricultural and Development Board Mr. President, is something which is welcomed. There are many of our young Caymanians who most people are aware, are not able to provide funds for colleges overseas to further their education. It is hoped that our more deserving students will make use of these funds provided, and that in turn, they will return to these Islands and make their contribution to the ongoing development of this country. It is regrettable that not everyone who applies is able to receive funding for furthering their education, but Mr. President as all of us know, this is neigh impossible, and I can only hope that it will be seen that everyone who is given this

opportunity, will return to this country and make their contribution in a very real and meaningful way. In turn, that they might be able to prove to the Government, that it is worthwhile to continue to keep these funds available for other students who will require them in the future.

I was a little bit disturbed to see that there are many management companies which perhaps are doing business in the Island, and are not paying management fees, or are not licensed as management companies. I feel Mr. President, that as the Honourable Financial Secretary mentions in his Report, that such companies and the people representing them would have come forward and obtained their appropriate licences, and pay the appropriate fees, because I think that responsible people should recognise that this Government and these Islands depend upon the fees payable for such companies, in order to carry on and do what is necessary for Government to be able to meet is obligations, and that they would act in a responsible and honest manner, and have their licences taken care of their fees paid, and make their contribution to the ongoing development of this country.

Mr. President, the legal firms in this country, and I am following this all along, because I regret that I was not able to put all my notes together, but I am sure that some of the other Members who will have time to do so, will cover any areas which I might omit. The legal profession in this country is of paramount importance. It is noted here that its contribution is significantly more than CI$5.0 million in direct expenditure, and 150 staff employed. That is an appreciable figure, and what I am hoping to see Mr. President, is that many of our young Caymanians are going to be employed in top positions in these firms in the not too distant future, especially with the completion of their education in the Law School, and in training overseas. I am pleased to note that even now we have several young Caymanians who are already filling their places in these legal firms, and I would hope that every encouragement is given to the localization of these firms, so that our young Caymanians who are capable of doing so, can move ahead in this field as well.

In the tourism sector Mr. President, I noticed where projections for 1987 are heartening. 1986 arrivals was 170,00 and we are looking at a much greater increase for 1987. It is estimated that 250,000 air arrivals will result. That is many times over the population of this country. I noticed where the Honourable Financial Secretary mentions that an exciting challenge is presented to the Department of Tourism and Cayman Airways, exciting and serious. For Mr. President, what concerns me here is that the product we advertise, is the product that is going to be supplied to the visitors in these Islands. I am pleased Mr. President, at those properties and establishments which are providing a top quality product for the visitors to this country. I have Sir, on many occasions been approached by visitors to this country who single out just a few properties, some of which are on Seven Mile Beach, and they have mentioned in no uncertain terms, that they will never return to the property to stay, nor would they advertise or promote it, nor recommend it to their clients. I feel that here is an area where Government is going to have to be very strong in demanding that the product be presented as top quality, or not be used as a tourist establishment at all. Now Mr. President, I realise that not everyone can come here and pay $360, $380 a day for a lush condominium on Seven Mile Beach. However, whether it is the newest property on the beach or not, cleanliness should certainly not be an excuse, nor should there be any excuse for the reception upon arrival, nor should there be any excuse for the quality of food in the establishment. These are areas which require urgent attention, and if this Island is going to promote itself as one of the best, then the beach, the sun and the sea is not all that we need offer. I feel Mr. President, that every property on this island which advertises itself as a tourist resort, must be of top quality. Decor might be a little different, the quality of the mattress may be a little different, but certainly, one should at least get what they are paying for, and I feel that there need to be a tightening up in this area, because these complaints are too numerous to be something that can be over looked. It requires the concerted effort of every individual in this country for tourism to prosper; for this Island to maintain its rating as a prime tourist resort, and especially when one recognises that it is the second most important means of supporting our economy. It behooves every single individual in this Island to recognise that their contribution is important.

We mentioned the Mutual Legal

Assistance Treaty and its impact on banking and other areas of our economy. But Mr. President, we cannot for one minute, assume that tourism can be taken lightly. Without it, we would have serious problems in this country. And as far as I am concerned, there should be no reason why any property here should, not be able to maintain the standards that it ought to maintain. I know of certain properties which a few years ago which were not at peak performance, and were certainly operating on a less than desirable basis, and they have pulled up their boot straps, improved on the product, and I personally have received many fine complements on their behalf. There are others Mr. President, which for one reason or another, are enjoying an almost constant or close to a hundred percent occupancy, because of certain connections which they have, and yet, tourists who come here are much displeased and unhappy at what they find when they get here. This is an important area Mr. President. Tourism in this country, is one of the areas where I feel that we cannot stress too much, too forcibly to the people of this country. And I can think right now Mr. President of certain workers whom I have spoken to, only in recent weeks, two as recently as last week, who have told me of doing 17 bedrooms and 17 baths for a day. It is impossible Mr. President for any one person to continue doing this quantity of rooms and bathrooms. To do a good job, even if they did it one or two days, by the end of the week they are warn out, there is no way. These establishments must hire sufficient staff to cope with the work load and give a clean and attractive product. Mr. President, I have also heard complaints about the food service, and the quality of food that is being served. This again, must be an area where diligent and careful attention is to be paid. We can advertise, and advertise, and advertise but sometimes just one or two properties with a quantity of unsatisfactory reports can do damage to this country. You have certain owners and managers of properties, who in order to save money for themselves, offer just about anything to the tourist, as long as they feel they can say to them, you have the beach and you have the friendliness of the people. Mr. President, there must be a drastic measure taken in these areas, whether or not Government is prepared to over look it for the upcoming busy season, is a matter for them to decide, but certainly the upcoming busy season is over, these properties either have to straighten up and fly right, or get out of the market. Because, we would be better off with a few less rooms to offer, than to have a reputation that is spoilt and hurts everyone in the field because of the quality of service and accommodation that are being provided. We can provide a first class product Mr. President, there is absolutely no reason why we should not. You can have a room that costs less, and yet it is clean, attractive and tidy, and this is of utmost importance, because this is one of the prime means of our economic stability here on these Islands. The Honourable Financial Secretary very ably said that we wanted to attract the number and quality visitors. You can only attract the type of visitor for which you provide. If we are going to provide less than a top quality product, then we are going to get less than a top quality visitor, and that can only detract, not enhance the reputation of these Islands, and the quality of life on these Islands.
these Islands.

The Honourable Financial Secretary, Mr. President went on to mention the very important and meaningful, comprehensive advertising and public relations programmes which they have in place, and I must say that they are absolutely some of the best that could be provided. It is hoped that the private sector will heed to his advice here, and will continue to support Government in its promotional exercise. For many establishments, diving establishments, restaurants, duty free stores, the transportation industry and other areas are benefiting from the tourists who come to this country, and they need to make a contribution to the promotion, and the public relations efforts of this Government. I do not feel that Government should foot the bill to do every means of advertisement that is done for this country, but these, how we go about it I am not sure, but there should be ways and means by which these various industries who benefit so much from the tourists, should be made to contribute to the ongoing advertising and public relations programmes.

It is heartening to note that we now have Northwest Airlines with us, of course with the merger. It means that there are far more cities in the United States that are going to be tapped, and this should only result in many more people coming to the country, and I wish for them a long and successful time here with us in Cayman.

Last year when we spoke about Cayman Airways, I mentioned that I would support any measures taken by Government to assist financially with the airline, provided that within a year there was seen to be some semblance of improvement in the airline's operations. Mr. President, I am so pleased to note that this is so. It is a very fine airline, it provides some very clean aircraft, fine staff, and they are to be congratulated. In travelling on some other non-Caymanian Airlines, when moving from Florida to other States or other parts of the United States, I have got to admit that I do not find staff that are more friendly, nor efficient than those whom I have had to deal with on Cayman Airways. I feel that they are doing an excellent job in that area. The Chairman and the Members of the Board of Directors, together with the Member responsible for Cayman Airways, and their staff, are to be congratulated. I believe that it is a definite effort on the part of each one, as to why the Airline has been able to make the strides it has, and to make such an improvement as it has over the past year. I can only hope that with the introduction of the new 737, we will find an improved product, and that Government will soon be able to determine which aircraft is more economical, and which will provide the service we need most, and also, I had at first wondered why the aircraft leased, should have to use staff other than our own Caymanian staff. But on second thoughts, it can be seen that this a wise and prudent move, because after the peak season we would have problems facing us with insufficient work for the staff to do. So on a short-term basis, I can see why it would be much more prudent to have the company from whom we are leasing the plane, supply the cockpit crew as well.

Mr. President, in looking at the subject of Personnel, We see that the number of posts in the Civil Service continues to increase, of necessity. This also shows an increase in salaries, and it was heartening to note that there are now 30 officers abroad on courses of varying lengths. The Honourable Financial Secretary has mentioned that this has proven to be expensive, but it is in Government's best interest, and in this Islands' best interest to try to train local Caymanians for top posts within the Civil Service. It is one thing Mr. President, to criticize and mention and carry on about top positions being held by non-Caymanians and so on and so forth. On the other hand, we must be careful not to criticize when certain individuals are sent overseas, and it is costing Government some extra money, this is the only way to do it. I feel it is a wise move on Government's part. It is important that Civil Servants be encouraged to move up. There are some instances Mr. President, where I feel we acted a little bit too slowly, and did not look ahead far enough, and perhaps we lost some very promising young people to the Civil Service. This is why I welcome the five percent increase in salaries, because every effort must be made to retain and to encourage those within the Civil Service. There is a definite temptation from within the private sector for young people to move into those areas. Often times it seems that the grass is greener on the other side, but I feel that the Civil Service offers to promising and dedicated young Caymanians, a career which can be most meaningful and rewarding, while at the same time making a contribution to this country.

Mr. President, the Honourable Financial Secretary went on to mention the importance of Government being provided with statistics, and having statistics on hand to provide to those who need them. Many times when these statistics are required, and Government has individuals going from place to place in the community collecting data, people treat this matter lightly, and in some cases, lend very little support to getting these figures collected, but I trust that the Caymanian public will recognise that this is not just something which is done to fill in time, or to pay more people. It is a very important factor, especially with the level of sophistication of which we boast in recent years. Statistics which are necessary, and which can be easily provided in other countries, should very well be able to be provided here. So I do not consider the gathering of data for the provision of statistics by Government, to be a futile effort at all. I would hope that the Caymanian public would recognise this, and would assist Government in this respect as much as possible. The Honourable Financial Secretary very ably said that good information is a prerequisite to the making of good decisions. So it is very important that statistics be readily available.

It is noted that there has been an increase in 1984 of three percent in the imports to this country.

Mr. President, it is no secret that basically all that we have to use in this country, whatever the commodity or product might be, it has to come from overseas. There is also mention made here of 75 percent of these imports coming from the United States. I do not wish to dwell on this subject, but I do not think that we should ever lose sight of the fact that any good relationship at all which we can retain and continue to have with the United States Government, must never, ever be lost sight of. We depend on that country to no small extent - 75 percent of what this country uses, or certainly what is imported, is from the United States, and that makes a difference. The people of this country must be given the facts, when any effort is made to destroy or to discredit the efforts on the part of this Government. These are areas which should be taken into consideration. I have said it already, and I will repeat it, it is much better having the United States as a friend - 75 percent of the imports are from that country, and we must never take for granted a country as important as they are to us.

Mr. President, on the Computer Services, it is heartening to note that progress is being made in that area. Not meaning to digress from this particular subject, but only last evening I was speaking to a gentleman who happens to manage one of the larger suppliers of computers and computer software outlets in the Islands here, and he mentioned that it was his intention, starting January,1987, to start a programme where at least twice weekly, probably in the evenings, computer instruction and classes would be held for deaf-mutes. He was at that time telling me of the many instances where this type of individual, rather than going on with menial jobs, bundling letters in the Post Office, or stacking boxes or filing, they can be involved in this area and can do a very fine job once they are trained well. I am hoping that, and especially with the interest which is now being shown in educating our less fortunate children who are afflicted with not being able to hear nor speak, that this would be an area where we might see Government able to use, as it has I think in one or two instances, our young people who are in this category, and that every effort be made to train and to encourage the young people who are in the computer field. It would seem that over the last year or so, we lost some very promising young people who had been working with Government. I am not sure exactly, the reasons behind this, perhaps a bigger salary within the private sector, but certainly, every effort should be made to encourage and to induce young Caymanians in this field, so that they will hold top positions within Government's computer sector.

Our Customs Department has a very responsible position within Government. A lot of Government's revenue comes from this source, and here it is heartening to note that Government has seen fit to send quite a number of the more senior officers overseas for training, and I feel that if they prove themselves worthwhile, that every dollar spent in this regard will be seen to be a worthwhile effort. Mr. President, I was pleased to note that they have acquired a sniffer dog. I noticed in the Miami Airport on my most recent visit there that these are being used. Every piece of luggage that comes off the Airline, the dog is around there sniffing, and checking out everything and I would hope that such diligence is seen to be in place at our Airport as well. I think that many of our young Caymanians are to be congratulated. I believe that they are making every effort to spot and to see that people who enter these Islands are not able to bring hard drugs in here. I still believe Mr. President, that there are instances where some might slip through, and if the acquiring of the sniffer dog can assist in this, it is worth every penny we put on it. I would hope Mr. President that every effort is made to see that at the Airport and the docks, that no carelessness is seen to be in place in this area, because drugs are available on this Island, there are no two ways about it, and we need to find out their source. It may not be easy, but it is an ongoing task and one which we cannot take lightly, drugs are getting into this country. I would hope and I would implore every Customs Officer and every citizen of this country that they do not turn a blind eye to anyone who is suspected of doing so, and I would hope that every effort Mr. President, is made to curtail this drastic, degrading, destructive monster which seeks to destroy our young people. The Customs Department, I would hope, each and everyone recognises the important part they play in the safety and welfare of this country, not only in collecting customs duties, but in their vigilance in seeing that drugs are not allowed to enter this country through the Airport or the docks.

The Report of the Public

Accounts Committee questioned the amount of money that was spent on overtime in the Customs Department during the last year, and I note that efforts are being made under the New Services Requests to increase the hours of the shift system. I am sure this will provide more job opportunities, and many of our young graduates from the High Schools will be able to find employment here. The moneys otherwise expended in overtime will perhaps be able to cover much of the salaries of the new recruits. I do not know exactly what happens with the late flights. It is noted here that these operations hours are from 7.00 a.m. to 11.00 p.m., but I take it that the extra hours which are required for the Faucett Airlines, are provided for otherwise.

Mr. President, we either register good ships, seaworthy ships, or we register none at all. We do not wish to see or hear of many of the ships registered in this country, either they are not seaworthy, or they are involved in some drug smuggling operation, or something else. I feel that as much as we can use the money derived from this, we are going to have to take a long and hard look at this area. It would seem to me that setting up a Marine Sector in Government might prove a little bit expensive. Yet, perhaps we will have to look into it in detail and see exactly what would be entailed, and whether or not we can afford to have one, perhaps this is what is necessary. I noticed here where the Honourable Financial Secretary is suggesting that ship owners might be able to subsidise such a development, but certainly, we would want to know that anything which is done here is of top quality, and the registration of ships should be seen to mean no less than that. There are 750 ships on the Register, and I would hope that the majority of those are proving not no be detrimental to our reputation, and especially now that we are attracting large ocean going vessels, instead of just small yachts.

Mr. President, we have been able to realise a substantial surplus. We have been able to do away with the deficit, and as well, a net surplus balance is showing of $3.3 million as at December, 1986.

This has been a good Budget Address, this has been a good year for this Government and for our people. We may not have had all the answers, we do not claim to be a Government which at times may not make a mistake. However, I do not think that we have become so big headed nor high minded that we cannot admit to those mistakes, if and when we make them. But on the whole Mr. President, I feel that the people of this country can be proud and pleased and thankful that the Government of this country is trying to exercise prudent control in all areas of expenditure, while at the same time trying to provide the services which this country needs. We can criticize new revenue measures, we can criticize many actions on the part of Government, but this is the only means we have of supplying the needs of this country. We may also become critical that some of the areas that we feel one Member of Government or another might feel should have top priority, that this is not done. But I feel on the whole after looking through this Budget Address and reading it through, going over much of the estimated figures, that Government has put together a Budget which I feel the people of these Islands can be pleased with. Again I say Mr. President, it is good that Government has seen fit to place moneys in the General Reserve, this had not been possible for some time, and I would venture to say that it is not unwise to put money aside for a rainy day, even though we may look down into the future as far as we can, and say that everything is going fine, it is important that this Government recognises that General Reserves must be maintained, and that we do not spend everything in order that 1988 we will go to the people and say that we have this, we have that, we have the other. But if a terrible hurricane or some other catastrophe hit this place, we would have nothing to fall back on. Mr. President it is important, it is prudent, it is wise that this action was taken, and extra funds placed in Reserves.

I think the Broadcasting Service, as I have reached that particular subject Mr. President...

MR. PRESIDENT: I wonder whether...I keep on thinking the Member is nearing completion, and giving her a moment to finish, but if you are turning to another subject, perhaps since we are already rather past the time when we normally break for the afternoon, it would be a convenient moment for you to be interrupted.

MRS. DAPHNE L. ORRETT: Yes Sir, I am not quite finished yet, and I think then a number....

MR. PRESIDENT: No, that is all right. I am not trying to silence you. You have several hours to go if you wish, it was just I misapprehended once or twice and thought you were nearly finished.

MRS. DAPHNE L. ORRETT: Thank you.

MR. PRESIDENT: In that case, I will suspend proceedings for approximately fifteen months.

AT 3:26 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:50 P.M.

MR. PRESIDENT: Please be seated. Continuation of the debate on the Second Reading of the Appropriation (1987) Bill. The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Mr. President. Mr. President I had reached the section of the Budget Address where I was about to deal with Internal and External Affairs, and the sub-section of Broadcasting.

I think we have an excellent radio broadcasting facility. The introduction of the FM service has been a very fine addition, and I think the staff should be congratulated. I also believe Sir, that there seems to be no harm sustained in the curtailing of advertising of cigarettes and liquor on the radio, and they are somewhat inundated with advertisements. You can hardly hear two or three songs running, or anything running for any length of time unless there is an advertisement in between. So I feel that this particular subject should not prove to be too controversial from now on, that Government would be losing too much revenue from the curtailment of advertising of cigarettes and liquor. I think the radio staff probably will join me in welcoming the opportunity of not having to promote these destructive drugs over the radio. There are too many other areas in which money can be derived, and I feel that this particular segment of Government will well be able to continue on a footing where they will not need any funding from Government, but will well be able to take care of itself. The Director and his staff, I think, are doing a splendid job.

The Immigration Department, I am sure are very, very busy. The increase in visitors to this country are going to put an added strain on that department, and I feel that the additional posts being provided are going to be a welcome measure in that area. I think that these fine members of the Civil Service are doing a very good job. It would seem that they are quite vigilant. I believe that members of the public are going to have to assist as much as possible, because it would seem that there are a still a number of people on these Islands who are here, who have over extended their stay and are not on work permits, and are weaving in and out of our community, somehow being able to get away from the detection of the Immigration Department, and although they are very vigilant and watchful, there are those who somehow slip through their fingers. I would hope that the Caymanian public would recognise the importance of this department and the fact that they need all the help which they can get in this area, in order to do the job which is necessary, and which this country cannot afford to overlook, because we can only handle so many people in this country. I feel that many times there are complaints that the Immigration Department is not doing its job, but they are human beings just like ourselves, and those members of the public who are aware of instances where the Law is being broken, then they should bring this to the attention of Immigration Officers. I feel that it is unfair for undue criticism to be levied against this department, because there are areas where they are not necessarily aware that people are breaking the Law, but their vigilance I am sure, will continue to be as keen as it has been in the past.

Mr. President, I do not know how other Members of this Honourable House feel, but the Police Department is a department of which I am very proud. I feel that we have some young officers in that department now, who are promising, dedicated and have an eye on moving up within the ranks of the Police Department, not necessarily because it will afford them larger salaries or more prestige, but I believe that they are interested in

seeing this country move forward and that law and order be carried out in a manner in which only perhaps Caymanians can do. You know, sometimes Mr. President, a person working within a country, and having his eye on leaving, may do a very good job, but one wonders whether there are times when certain things may not be as important to an individual who falls in that category. However, I would hope, and I am led to believe, that the steps taken by Government to recruit specialist staff from the United Kingdom to train Caymanians, was a wise one. Number one, I believe that it might have in the long run cost Government less, but certainly if it did not, it meant that the local young officers were able to get on-the-job training within the exact environment within which they would be required to work. Getting training in a setting such as the United Kingdom, or Jamaica or someplace else, might have been good in its place. But to apply what one has learnt within a setting such as that outside these Islands, might not have proven as favourable and as beneficial as having received the training right here. In addition, they were able to move up within their ranks, going right on up to Sergeants, to Superintendents within the force, many going into the computerised section, others in the marine section, and within a few short years, moving into ranks which of course, resulted in these recruits from the United Kingdom completing their job and moving back on home. There was some apprehension about this particular step being taken earlier on, but Government has proven that the long-term benefits to be reaped from this particular action on their part, was not necessarily that the expatriate would stay here and remain in the top positions, but exactly what they said would happen, is exactly what took place. They were here to train young Caymanians, do their job and leave, and this has just about been completed. Mr. President, the idea of being in the Police Force is not necessarily to simply have Caymanians there, efficiency is of utmost importance, and I believe that these young officers would be the first to say, that they are pleased that Government took steps which it did, to afford them the opportunity of getting added training and expertise in their field, so that they are better able to cope and to meet the challenges of such an important position. I would hope that every effort is made to encourage the members of our police force. I have noted that an effort is being made to recruit young persons with a high standard of education, at least that which can be obtained locally, and I feel that the impression that is being gained now is not that the police force is an area where any Tom, Dick or Harry can walk in and get a position, and I feel that this is important. I feel that young people with a high calibre of education and common sense, and dedication should be those that are recruited to such a position. In this day and age, it can be quite a temptation to get in there, and be rather passive, without a sense of dedication and purpose, and I feel that the present Police Force is one that we can be pleased with. I would hope that the Caymanian Public would render them the respect that they are due, and if there are one or two bad apples in the keg, who might otherwise put a damper on the reputation of the force, that these are weeded out expeditiously, and that it can be seen that the Police Force is a segment of this Government which we can be proud of. I congratulate them on the many areas that they have been able to detect crime over the last year. Mr. President, it could well be said that crime is very much on the increase, but I am not too quick to make such an assumption. It could be, and this is my opinion, that there has been a more vigilant effort on the part of the Police and Customs and other areas, where the crime is detected more than it has been in the past, and more cases have been brought to the Law Courts, and I feel that this might be why the statistics will show that there is an increase, and certainly I would hope that this is the case. This is certainly better than it being there, not detected, and we have a low figure, but yet the crime is continuing to go on within the country. The Police Department, Mr. President, the Chief and Deputy Chief and members of the staff in all ranks of that department I believe, deserve our congratulations. Trying to maintain traffic in this country alone, requires a lot of effort on the part of the Police, and I believe that they are trying to be as vigilant as possible, in ensuring that there are not more accidents than we experience from day to day on the roads of these Islands. I hope that this Government will continue to lend its support and encouragement by the benefits, the salaries and other areas to encourage them to make the Police Force a lifetime career.

Mr. President, while dealing with the matter of Prisons, it is a little bit disheartening to note that more buildings have to be made, and that demands placed on this

service are expected to increase. It is sad, it is a fact of life, one which we cannot be complaisant about, and simply shrug it off and say "Its ah, signs of the times, this is something to be expected, what can you do?" It is so easy to take an attitude such as that. But I would like at this time to take an opportunity of congratulating the churches and a few other organisations on these Islands who have a very fine on-going prison ministry within the Prison. They have been able to touch the lives of many of the individuals who might otherwise have come out and faced society with a despondent attitude, an attitude of being a failure, and there are I know, certain individuals that it is a pleasure to see the change in their life-style, the fine Christian attitude they now have, the way in which they are contributing to other areas in this country, quite seperate and apart from what they did prior to going in to the Prison. The Prison Ministry is doing a great job in this country, and they need every encouragement from Government, if there is any area in which we can help. But I am pleased to see that they are not depending on Government to provide anything which they might find necessary in assisting them in this ministry, but with the help from Service Clubs and private individuals, they have been able to lend some semblance and real meaning to life to the inmates of Northward Prison. I trust that this is an area that we will see will make a real impact on the prison community, and that they will return to society having learnt their lesson and being able to contribute favourably to this country.

The Judicial Department as I have mentioned earlier on, regarding the Prison is seeing an increase in work, and Mr. President, again, I would like to think that this is not necessarily an increase in crime, but an increase in the detection of it.

The efforts on the part of certain members of our community in raising money for the school, now called the Sunrise Centre, I am sure, should be a real encouragement to all members of our community, and our Island. To see that these children who started out in the Lighthouse School and went through years of learning and trying to make something worthwhile of their lives, now have a place where they can put into practice what they have learnt. I trust that this will prove to be one of the most heartening and encouraging areas, and an area where Government will see that its money was wisely spent, and I would hope and pray that the Director and members of the staff who run that centre, will continue to get the support of the community in all of their efforts.

Mr. President, I am pleased to note that funds have been provided for expanding the school facilities in the George Town area. As we all know, this district perhaps, continues to get a burgeoning population, and the steps taken by Government to provide both a Junior School and to also have a new Infant School is a sure sign that the Education Department is trying to keep abreast the needs of these Islands.

The sports complex will prove its worth, even more as time goes on. For every effort must be made for venues in areas where our young people can expend their energies, because I feel as I have felt for a long time, that when young people have the right channels through which to expend their energies, they will have less and less opportunity, and less and less, should I say, appetite or desire to get involved in drugs and other areas where for lack of these facilities, causes them to get bored, and through peer pressure they end up on the other side of the tracks. We are looking forward to the day when a sports complex is a reality in the district of West Bay. Mr. President, as we all know here, that is one of the larger districts on these Islands, and we are pleased with all the community efforts that are there at the moment, but a sports complex, we feel, would do much to enhance and to encourage young people to be more involved in the areas which they ought to be involved in. I congratulate the many young people in the district of West Bay that are becoming involved in projects which are promoting and assisting the district of West Bay, and proving to this Island that the young people in that district are not only the few who are involved in drugs and happen to be going in the wrong direction. We have a fine group of young people in that district that are making their mark in our society, and I believe that they are going in the right direction, and will prove very worthwhile citizens of that district, as time goes on.

The Social Services Department is a growing concern, for there are growing needs. I am pleased to see that three young Caymanians have returned to work in the department, a number of whom have Bachelor of Social Work degrees. This can only enhance the quality of service in that department. I

noticed that we now have a full compliment of 12 Social Workers and probation staff.

Mr. President, the adoption service continues to show an increase. I welcome this statistic, because Mr. President, there are many children in our community where the real problem lies within the fact that the training that they have received, or are receiving is less than satisfactory. I believe that when they are adopted into homes where they are going to find love, and they are going to find parents who care, who understand what it means to follow up homework, who understand what it means to monitor them, their whereabouts in the late hours of the evening, this all can only help to put a lesser constraint on the Social Services Department. I welcome that fact. There has been a 55 percent increase, and I would hope that each and everyone has found a home, which is exactly that, a home.

The Home Help Aid Programme Mr. President, will come on line in 1997, this is needed. There are many people, as the First Elected member for the Lesser Islands has mentioned, who will shrug it off to say that they have children, let them look after them, but while that is being said, those elderly people, or sick people are left to know the need for someone to care and look after them. The Home Help Aid Programme should go along way in helping to alleviate this problem. I feel that, in addition to Social Services, meeting these needs, the Church and other Social Service Clubs will come to the forefront, should, and I hope, will come to the forefront in assisting Government in meeting these particular needs.

Mr. President, the Bill that received support here yesterday, will only help to enhance the 74.5 years life expectancy of our population. I would hope Mr. President, that each of us in this community, in this Honourable House, recognises the importance of good health, not only for ourselves, but sometimes when you have to force it down the throats of some people, it would be better to do that, than to leave them alone and let them go on their way destroying themselves. I would hope that we will see a change in some of the laws in this country regarding the age limit for consumption of alcohol, changes made whereby there will be areas specified for smokers and nonsmokers. We will see Mr. President, a stronger educational programme, starting at an early age with our children, where we teach them of the harmful side effects of using these drugs whether from peer pressure or otherwise. The cases are but few, but Mr. President I feel that this country has reached a stage where even in our sophistication there have been a few incidents of the dreadful disease of Aids. I would hope Sir, that this Government will never sit complacently and believe that we do not have a problem in this area. Our children must be educated at an early age or the health care in this country is going to have a terrible strain to keep up with the demands. We have areas where I believe, when our young people know of certain things, or are made aware of certain things, they are already too much involved. There must be a concerted effort on the part of parents, churches and schools to educate our children in these areas, because Cayman is facing a problem which is growing, and which we cannot overlook it, and if we do, this population, our people are going to suffer from this epidemic, this dreadful disease which is destroying people in the United States and other places, because they took a dreaded, awesome, degrading sin, and took it for granted. This country must face up to its problems, and we have one here, and we must tackle it before it gets out of proportion. It is a sad fact, but Mr. President it is true, and our children and young people must be educated early enough to know what can become of them when they are involved in such vile practices.

Mr. President, I am hoping that the medical needs of this Government, this Island and the Lesser Islands are met. I feel that the Environmental Health personnel are doing a good job. There would be few places in the West Indies or even in the United States where you would find a public health service, a garbage collection service doing a better job than the one we are seeing done here today, and this particular department is to be congratulated.

I welcome the additional psychiatric services which are going to be available. It is sad that they are necessary, but they are necessary. I believe that Government taking a step in this direction is justified. I would rather see certain other things left undone, and areas such as this tackled, so that we can meet the needs of some of the people in this Island who are in a very sick state mentally and emotionally. A Lifeline Service

was created at the hospital for providing help to drug users, counselling them and directing them to appropriate courses. They have provided educational materials, but in this Report it is stated that much still needs to be done and alcohol programme and I quote -

> "A coordinator for the programme, who it is anticipated will be a psychologist, is requested in the 1987 New Services....(and I would hope that every Member of this House welcomes and supports this new measure). This appointment, together with the Psychiatrist will form the nucleus of counselling and treatment services within the programme."

Mr. President, one only needs to walk down the street along Harbour Drive and North Church Street, and you will see the necessity of the young people who are in need of help now. It is not uncommon to see them staggering down the street barely able to sit up on the breakwater. They are a sick society and they need help, and we are not doing anything too soon. We are not being premature at all in providing this service. In fact, it is long overdue. I would hope that we will see that these steps being taken, will result in many, many of our young people finding help soon enough so that their life span may run a little longer than it is expected to at the moment.

Mr. President, this has been a fine Budget Address. I will close in a few moments, but I welcome the efforts of the Water Authority in providing a suitable service for the public of George Town. I remember when, some years ago, it was highly debated in some areas, when Government said it would be a necessity that people use the garbage disposal system, and many people thought it would not be necessary, there was no need to expend money in this area, you can take care of it. But they found that it was one of the wisest decisions that was ever made. I think the same will be found in the provision of the water service as proposed by the Water Authority. There will be probably very healthy and suitable water provided, and I believe that the people of George Town will welcome this new venture on the part of Government.

I wish to offer my congratulations again to the Honourable Financial Secretary and his staff, and I trust that other Members of this Government will see fit to give the Budget their support.

Mr. President, we do not always get what we want, there are some things which I would have hoped to have seen provided for in this Budget, they were not there. We have only so much money to spend, and in looking over the Budget and seeing what the New Services are, that are going to be provided plus the ongoing expenditure, I feel that Government has acted wisely in their list of priorities. I would hope that, rather than being critical, and trying to let the Government appear to be incompetent, that Members will lend their support and see that these projects which are worthwhile, are able to be put into place in the not too distant future.

Mr. President, I thank you and the Members of this House for the time afforded me, and I hope and pray that the Budget Address will prove to be one which at the end of the year, we can say, was one which was honest, farsighted and which was in the best interests of this country.

Thank you.

MR. PRESIDENT: I make it about twenty seconds before four thirty, so I shall not contemplate inviting any further Member to speak in the debate at this stage, we will wait until the morning. I will ask the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 10(2) I move the adjournment of this Honourable House until ten o'clock tomorrow.

MR. PRESIDENT: The Motion is that this House do now adjourn until ten o'clock tomorrow.

QUESTION PUT: AGREED: AT 4:30 P.M. THE HOUSE STOOD ADJOURNED

UNTIL 10:00 A.M., WEDNESDAY, 19TH NOVEMBER, 1986.

FOURTH (BUDGET) MEETING

OF THE

1986 SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

WEDNESDAY, 19TH NOVEMBER, 1986

(FOURTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
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
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

FOURTH (BUDGET) MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

WEDNESDAY, 19TH NOVEMBER, 1986

(FOURTH DAY)

1. **PRAYERS**

   TO BE READ BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. **QUESTIONS TO MEMBERS**

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

   NO. 96: WOULD THE HONOURABLE MEMBER STATE THE AMOUNT OF HOSPITAL FEES OUTSTANDING AS AT 30TH SEPTEMBER, 1986 AND PROVIDE AN AGING ANALYSIS OF SAME?

   NO. 97: WOULD THE HONOURABLE MEMBER STATE THE TOTAL NUMBER OF REGISTERED COMPANIES AS AT 30TH SEPTEMBER, 1986 AND PROVIDE A COMPARISON FOR THE CORRESPONDING PERIOD IN 1985?

   NO. 98: WOULD THE HONOURABLE MEMBER STATE THE NUMBER OF COMPANIES WHICH ARE TWELVE MONTHS OR MORE IN ARREARS WITH PAYMENT OF GOVERNMENT FEES AS AT THE 30TH SEPTEMBER, 1986, INCLUDING COMPANIES IN LIQUIDATION WHICH ARE NOT YET STRUCK FROM THE REGISTRY?

3. **GOVERNMENT BUSINESS**

   BILLS:-

   THE APPROPRIATION (1987) BILL, 1986

   SECOND READING: CONTINUATION OF DEBATE ON THE BUDGET ADDRESS

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WEDNESDAY

19TH NOVEMBER, 1986

10:06 A.M.

MR. PRESIDENT: Prayers. The Honourable Second Elected Member of Executive Council.

PRAYERS

HON. W. NORMAN BODDEN: 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 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.

Let us repeat the Lords Prayer together.

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. Amen.

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

MR. PRESIDENT: Please be seated. Questions. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I am happy that we have Radio Cayman to broadcast these questions, because so far I have seen no mention of any questions in the Compass.

QUESTIONS TO MEMBERS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO. 96: Would the Honourable Member state the amount of hospital fees outstanding as at 30th September, 1886 and provide an aging analysis of same?

ANSWER: The amount of hospital fees outstanding as at 30th September, 1986 totalled $1,319,103.

By using the years in question as a basis for providing an aging analysis, a breakdown of the preceding amount is as follows:-

1986	$ 249,674
1985	292,467
1984	242,738
1983	180,908
1982	110,110

1981	146,537
1980	96,669
	$1,319,103

Acting on the recommendations of the Financial Secretary, Honourable Members will recall that at a meeting of Finance Committee held on 16th September, 1986, a decision was taken to write off fees outstanding for the years 1978 and 1979. This decision has been implemented with the exception of those persons who have acknowledged their debt and are in the process of making payment.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: A supplementary Mr. President. Would the Member state whether the individuals owing these fees have in fact been identified, and whether a means test has been carried out on the poorer individuals, to determine whether they are in a financial position to pay any of these outstanding fees.

HON. THOMAS C. JEFFERSON: By 'outstanding fees', is the Honourable Member meaning the total of $1,319,000?

Mr. President, over a year ago I began to issue letters to persons, or former patients of the Hospital, who had not, as is seen from the answer, paid their bill. I believe that I personally signed 7,000 letters. There were people who came forward having received the letter, to indicate as we suspected, that the records were not accurate, and payment had been received but not posted to the Hospital's account. There were other cases Mr. President, where the individual indicated hardship, or it would create hardship in him or her, to pay the Bill. Any such case which came forward was referred to the Social Services Department for, as the Honourable Member has said, a means test, to see whether the person was in a financial position, as he or she said it was.

MR. LINFORD A. PIERSON: A further supplementary Mr. President. In the case of individuals undergoing a means test, would the Member state whether these amounts have been written off where it indicates from the means test, that they are not in a position to pay these bills?

HON. THOMAS C. JEFFERSON: Mr. President, the answer is yes. Whenever the Social Services Department recommends that the fee be waived, it is waived, and I have done a number of them.

MR. LINFORD A. PIERSON: A further supplementary Mr. President. Would the Member state whether the outstanding fees from 1980 to 1986 as related in his answer, includes debts that are good or doubtful, but not bad debts. In other words those individuals who have had a means test carried out on them, and it has been proven that they cannot pay, have been excluded from this $1,319,103?

HON. THOMAS C. JEFFERSON: Any person who has come forward Mr. President, and subjected themselves to the Social Service Department's means test, then his or her bill falls into 1980 or 1986, those have been excluded from this list, because those fees were waived.

MR. PRESIDENT: The Member for North Side.

MR. D. EZZARD MILLER: Supplementary Mr. President. Can the Member state, since there appears to be a large increase in 1984, 1985 and 1986 over 1983, whether the increased hospital fees contributed to this, or do we have more people who are not paying their hospital fees?

HON. THOMAS C. JEFFERSON: I believe it is a combination of items Mr. President. We also have persons who arrived on aircraft, Cayman Airways or Air Jamaica, get off the plane, go into the hospital, have their babies, stay for three or four days, are discharged from the hospital, get back on the plane and go back to their homes without paying one penny, so it is a combination.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, will the Member say if he will try to institute a system whereby the bills are handed to the patients at the time of discharge from the hospital, so that the hospital will have a better chance of getting the fees?

HON. THOMAS C. JEFFERSON: Mr. President, at the moment we are working on a system which would require a deposit up front, together with handing the bill to the patient before they leave the hospital. I hope that Honourable Members will support this new system. It is obvious from the answer given at this meeting, that we need a different kind of system.

MR. LINFORD A. PIERSON: Mr. President, in this connection following the Members answer, would he state what procedures have in fact been instituted at the hospital to determine those individuals that are in a position to put down a deposit, whether there is somebody there to carry out a means test on individuals coming in for medical attention?

HON. THOMAS C. JEFFERSON: I think there are a number of people at the hospital who could do this Mr. President, but I think we need to set a rule for everyone, and when the person demonstrates to some satisfaction to the individual at the hospital that he is going to have hardship to put down a $300 deposit at that particular time, I think, depending on the reason for the person seeking medical aid, you either admit him or her, and then you ask the Social Services Department to conduct the means test.

MR. LINFORD A. PIERSON: So Mr. President, is the Member giving the assurance that individuals not in a position to meet a means test, would nonetheless be offered medical attention free?

HON. THOMAS C. JEFFERSON: Mr. President, I think that is presently the case, that most of the indigent people, I know a number of persons who have serious illnesses, some of them are 60 years or more and who have need to visit the hospital frequently in order to get medical treatment for their illness. In such cases, the individual is issued with a free medical card.

MR. LINFORD A. PIERSON: A further supplementary Mr. President. I cannot recall whether the Member told me whether the outstanding $1.3 million has been analysed into 'good', 'doubtful' and 'bad' debts, and whether an analysis of possible collectable fees has also been made, in order not to waste time and money in flogging dead horses?

HON. THOMAS C. JEFFERSON: Mr. President, we are working up that system. The Hospital Accountant has been requested by the Financial Secretary to work through the system as we did with the 1978 and 1979 accounts. The problem I believe, will arise in the same way as it did for the 1978 and 1979 accounts. So many years have gone by, that when you issue the letter the person is not here any more, and we will accumulate those individuals, and in addition to it, if we are dealing with it at the time and we find there is someone who cannot pay the bill, that will also be put forward either for Finance Committee's approval, or I will waive the fee, subject to the Social Services Department, but we are in the process of, as the Honourable Member says, analysing each year coming forward so that we put this matter to bed hopefully in 1987. I certainly think it is easy to do, and we will do so fully by mid year.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you.
I would like to ask the Honourable Member whether a system which I understand was in place from years back, for expectant mothers to either put up a substantial deposit up front, or if they found themselves unable to do that, were required to deposit in smaller amounts month by month, until such time as they were required to enter the hospital. If I am correct Sir, do I understand that quite an amount of this stems from bills relating to maternity cases?

HON. THOMAS C. JEFFERSON: It is correct to say that a good bit of it relates to maternity cases. I am not absolutely sure Mr. President that the system being described by the Third Elected Member for West Bay is in place, and working effectively.

MR. LINFORD A. PIERSON: I think this will be my last supplementary on this question Mr. President.

If the Member would be kind enough, if he has the information available, the number of individuals owing the $1.3 million, and if he could state specifically whether these have been identified, as it has been my understanding that some of these people maybe dead now?

HON. THOMAS C. JEFFERSON: Mr. President, some may be dead, some may, I would say, a good number of them, probably cannot be reached because they have left the territory. We have even written to persons who have received treatment at the hospital who is a visitor to these Islands and who has returned to the United States. Those we have billed, and the majority have paid. I do not at the moment Mr. President, have the proper answer to the question raised by the Second Elected Member for George Town, as regards the number, but perhaps if he wishes, I can give it to him in writing.

MR. LINFORD A. PIERSON: Yes Mr. President, if he could do that I would be happy.

MR. PRESIDENT: If there is no further supplementary, the Second Elected Member for George Town may ask the next question.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO. 97: Would the Honourable Member state the total number of registered companies as at 30th September, 1986 and provide a comparison for the corresponding period in 1985?

ANSWER: The total number of registered companies in the Cayman Islands as at 30th September, 1986 were 18,995. For the corresponding period in 1985 the total number of registered companies were 18,583.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: A supplementary Mr. President. I think it is easily deductible from the subtraction, but would the Member confirm for my information, that the net number of companies registered in that period of a year was only 412?

HON. THOMAS C. JEFFERSON: Mr. President, I do not want to give just a one line answer. We must take into account the fact that the Registry of Companies has been around 16 to 17,000 companies for quite some time. It is only in recent years that, having been put on the computer that we can really determine who is paying and who has not paid. I remember four years ago, and many years before that time, you would try to do the policing of annual fee payments by hiring college students, mainly those who were bonded by Government who were returning to the Cayman Islands and wishing to have work. We would have two people, one starting at 'A' and the other starting at 'Z' and working towards themselves. Z working towards A, and A working towards Z and it never gets finished. One ends at Q and the other one ends at L, and the people in the middle, you do not know whether they have paid or not. There just was not enough manpower to do the job. Having now computerised the system, simply by pushing a button we can get a printout to say who they are, and, having come this far, and you know when you print out information everybody forgets that it was an old system we were dealing with, and why can you not rectify this thing yesterday. It is being rectified, and we will ensure that the next time this question is answered, at the next Budget Meeting, if it is put, there will be a different answer given here. But there were more than 400 companies. The new registrations, and then the total number of companies struck from the Register because of non-payment, as the Second Elected Member for George Town indicated, it is the net position you are looking at.

MR. LINFORD A. PIERSON: Mr. President, if my friend the Honourable First Official Member could guide me through the alphabet again from A to Z, then Z back to A, perhaps he could tell me specifically yes or no, whether in that period there was only a net increase of 412 companies in the period September 1985 to September 1986 - yes or no?

HON. THOMAS C. JEFFERSON: Mr. President, it must have been semantics on my part, I thought I answered it. I said at the end that the Honourable Member was correct, that it was a net position, but to remember that some of these companies have been lying there not paying their fees for some time, and if you have new registrations, a company is being registered in 1986 of 2,000 and then you are wiping off 1,600 of old companies that are just hanging around not doing any business, and not paying any fees, the net position is going to be 400.

MR. LINFORD A. PIERSON: I believe Mr. President, I might be jumping ahead a bit here, because I have another question similar to this one, but would the Member state if he has the information available, whether the number given to me here in the answer, of 18,995 would have included approximately 4,000 companies that should now be struck from the Register, because of non-payment?

HON. THOMAS C. JEFFERSON: I believe that information is given in the answer to the next question Mr. President.

MR. LINFORD A. PIERSON: One other supplementary Mr. President, and I would be happy if the Member does not have this information, if he would undertake to provide it. The question is, the average net number of companies registered in 1984?

MR. PRESIDENT: Could you repeat that, I did not understand it. The average....?

MR. LINFORD A. PIERSON: Average net number of companies, net meaning, the net increase over the year before.

MR. PRESIDENT: When you say 'average', that is what threw me. Do you mean the net number between September 1984 and September 1985?

MR. LINFORD A. PIERSON: Yes Sir. I think the Member shook his head, he understood what I was asking Sir.

MR. PRESIDENT: As long as he did.

HON. THOMAS C. JEFFERSON: I believe I understand what the Honourable Member is seeking Mr. President. I would not say it was the average, I would say it would be the net for that particular period, but I can also say that I do not have the information available, and I will be happy to give it to him in writing.

MR. G. HAIG BODDEN: Mr. President, can I ask the Member if the 700 companies in default mentioned in the Public Accounts Committee's Report, are included in the 400 and odd net increase, because if they are, there would not be a 400 increase, there would be a minus of 300.

HON. THOMAS C. JEFFERSON: The Honourable Member is playing with numbers, Mr. President. The 700 companies is part of the 18,995 companies on the Register.

MR. G. HAIG BODDEN: So what will be the position when, if it is recognised that these 700 in default no longer exist?

MR. PRESIDENT: I wonder whether we can take this with the next question, because the next question is going to give us some figures about numbers in default, I think is it not? If the Member was agreeable, perhaps it would be best to wait for the answer to that, and then you can have...If there is no further supplementary, the Second Elected Member for George Town may ask the next question.

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST

OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO. 98: Would the Honourable Member state the number of companies which are twelve months or more in arrears with payment of Government fees as at 30th September, 1986, including companies in liquidation which are not yet struck from the Register?

ANSWER: The number of companies which are twelve months or more in arrears with payment of Government fees as at 30th September, 1986, including companies in liquidation which have not yet been struck from the Register are 3,562.

SUPPLEMENTARIES:

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if it is correct that the Company Register will now be much less, nearly 4,000 companies less when he has carried out the exercise of striking off these companies which really do not exist, because I think the Law says that when it is in default, the company does not exist, it must be struck off.

HON. THOMAS C. JEFFERSON: Yes, Mr. President, the answer is that if you have 18,995 companies on the Register at the moment, and you strike 3,562 it is going to be less.

MR. LINFORD A. PIERSON: Supplementary Mr. President. Since we have arrived at the true number of companies actively on the Register of 15,000 and not 18,000, does the Member have any information on the number of companies which have fallen into default since the signing of the Mutual Legal Assistance Treaty?

HON. THOMAS C. JEFFERSON: I do not have such information, at the moment.

MR. PRESIDENT: The Member for North Side.

MR. D. EZZARD MILLER: Supplementary, Mr. President. Does the Member have an aging analysis of these 3,562 companies, because I do not believe that they are all just overdue since 1984, or somewhere before that?

HON. THOMAS C. JEFFERSON: It is very likely Mr. President, you will find a number of them in the early 70's, not just 1984. I do not have an aging analysis, but I will be happy to provide it.

MR. PRESIDENT: The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, since, and I am going to turn this into a question very quickly, the past few weeks I have seen the Gazette filled with companies in liquidation. I wonder if the Member would undertake to provide me with the information I just recently requested, the number of companies placed in liquidation and struck off since the signing of the Mutual Legal Assistance Treaty?

HON. THOMAS C. JEFFERSON: Mr. President, I am happy to do that. In the Member's previous question he did not ask for it.

MR. PRESIDENT: I think what you have already undertaken, is to provide an analysis of all the 3,562,...

HON. THOMAS C. JEFFERSON: An aging analysis of 3,562...

MR. PRESIDENT: That is right, an aging analysis of the whole lot. The additional information as I understand it, that the Second Elected Member for George Town may be now asking for, is how many companies have gone into liquidation and should be struck, between the 30th September and today? The remaining information will be provided, or has already been promised. Would I be right that you are asking for the additional information, 30th September to now?

MR. LINFORD A. PIERSON: A further supplementary Mr.

President. Would the Member state whether he is satisfied from his records, that the majority of companies struck in the past six months, came about as a result of the signing of the Mutual Legal Assistance Treaty?

MR. PRESIDENT: That is seeking an expression of opinion, and I am afraid cannot be allowed.

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Can the Member say if the true figure of 15,333 companies is less than the number of companies on the Register five years ago?

MR. PRESIDENT: I think, until the Member can provide the aging analysis which has been promised, he is not going to be able to answer that. He has already said that he does not know how many of them are overdue arrears, for how long, but once the information is provided you can work it out.

MR. G. HAIG BODDEN:. But Mr. President, I wonder if he will agree that the 15,000 companies now in existance is less than the total number of companies on the Register one year ago.

HON. THOMAS C. JEFFERSON: I cannot agree to that Mr. President. There are 18,995 companies on the register. There are 3,562 that are in arrears, they are still on the Register. They are on the Register until you strike them off.

MR. LINFORD A. PIERSON: Just on a point of clarification, Mr. President. Would the Member state whether this 3,562 include companies now in voluntary liquidation, which have not yet been struck from the Register, because these would also still be included on the Register until a dissolution certificate is issued by the Registrar of Companies.

HON. THOMAS C. JEFFERSON: Mr. President, I think in one of the answers that I gave, I cannot remember which one it was now, what number it was, it was the one dealing with the twelve months in arrears:

> "Would the Honourable Member state the number of companies which are twelve months or more in arrears with payment of Government fees as at 30th September, 1986, including companies in liquidation which are not yet struck from the Register."
>
> The answer to that question is:
>
> "The number of companies which are twelve months or more in arrears with payment of Government fees as at 30th September, 1986, including companies in liquidation which have not yet been struck from the Register are 3,562."

Maybe I misunderstood the Member's question.

MR. LINFORD A. PIERSON: I think you understood that question, but my reason for asking, is that at the end of 1985 we have 4,000 that should have been struck off. Since 1985 we have had a number of our companies placed in voluntary liquidation, and it does seem somewhat strange that with that addition, the number has dropped. So this is why I wanted it clarified.

HON. THOMAS C. JEFFERSON: Mr. President, the 3,562 companies are not related to 1985, it is the accumulative position at the end of 30th September, 1986, which will probably begin in the 70's if you start the accumulation and build it up to 3,562.

MR. LINFORD A. PIERSON: Mr. President, just to clarify what I have said. I appreciate what the Member has said, but my position is, if at the end of 1985 you have had 4,000 companies requiring to be struck from the Register, and you have perhaps another 400 companies on to that, that would be about 4,400 companies. You cannot end up with 3,500.

HON. THOMAS C. JEFFERSON: Mr. President, we must bear in mind as well that although you have 3,362 at the moment, or at 30th September, 1986, if 500 of them come forward and pay their fees, there are only 3,000 left. So we must take this into account when we are dealing with this figure, because we must remember that although there is a registered office for the company, the owners of the registered office are not going to pay the bill for the company. It is the shareholders who have established the company, who have to forward the funds to the registered office, in order for the registered office to pay Government. Sometimes there is a problem with communications between the owner and the registered office, and those are some of the reasons why we find that companies appear on a computer printout to not have paid their annual fee.

MR. LINFORD A. PIERSON: A further supplementary, just to clarify this point, Mr. President. Is the Member stating then that the positive position of a net decrease of approximately say 1,000 is due to these companies that were initially in default, coming forward and paying their fees, is this what he is saying?

HON. THOMAS C. JEFFERSON: I was only using a general sort of an assessment of what could actually take place. But, we also need to remember, that the important statistic is not just the 18,993 on the Register. We also have to take into account new registrations annually, which usually run about 1,800 to 2,000 companies per year, so that is also a consideration when you are dealing with these figures.

MR. PRESIDENT: We have exhausted the possibilities of that question.... in that case we can pass on to Item 3 on today's Order Paper. Government Business, Bills. Continuation of Second Reading Debate on the Appropriation (1987) Bill, 1986.

Does any further Member wish to speak? The Second Elected Member for West Bay.

GOVERNMENT BUSINESS

BILLS

THE APPROPRIATION (1987) BILL, 1986

SECOND READING

CONTINUATION OF DEBATE ON THE BUDGET ADDRESS

MR. W. McKEEVA BUSH: Mr. President, I rise. I am glad I can, and give God thanks that I can be here to debate this Third Budget Presentation, since I entered this House as a representative of the people.

Before I move into my short contribution Mr. President, I crave the indulgence of the House, to offer my thanks and appreciation to our Clerk, to her deputy and the entire staff of the House for all their help and kindness over the past year. I think they are doing a good job, considering that this department of Government is paid less attention to than any other. I would also say Mr. President, a word of thanks to the Principal Secretaries and those other Civil Servants, who have been most helpful in their own way, over the past year.

In presenting the Budgetary proposals for the year 1987, the Honourable Financial Secretary undoubtedly made a very brilliant speech, and I offer him my congratulations. Mr. President, in the final analysis however, the country will be not only interested in the good Budget Speech, but the country will be interested in whether the Government has presented a good, and workable Budget. The people will be concerned as to whether the Budget will be effective in moving the country along the right paths in its economic development, and the people will be concerned as to whether the Budget will help to promote the real solution of the real economic, and most importantly, the social problems that confront us all at this time. As I see it, this is what will cause our people to give their nod of approval. After all, we are only here because our people wanted us here for the betterment of them all. Therefore Mr. President, the proof of the pudding then is not in its beautiful icing, the proof of the pudding is in the tasting thereof.

I must say Sir, that it is very heartening to hear that we have retained the same growth in the number

of banks coming to this country, as we did last year. The prediction is that for 1987, the same rate of growth is expected to be maintained. If we are going to give our people the amenities they are asking for, and which the country needs, We must continue to expand our financial sector. Mr. President, I do not know how many of these banks are coming from North America, from the United States, and I do not know whether the Government is really concerned as to where the business comes from once it is good, clean business. The promising situation would seem to say, that if the business is coming out of the United States, that my feeling on the Mutual Legal Assistance Treaty was perhaps, misplaced. However, if the business is coming from other areas around the world, maybe it is not time yet to say whose feeling was right, or whose was wrong. Undoubtedly, with business coming from all around, puts us in a much better position than having to depend on the United States' economy. It is good for us to have a broad based business. I doubt Mr. President, that anybody can start saying that the Treaty has begun to effect us favourably already. I believe, and I believe that every Member in this House feels within himself, that we have some years to wait to see the effectiveness of the Treaty, whether it is going to be favourable or whether it is going to cause us some harm. As I said then Mr. President, I will say now, if I am wrong, I will get up here and say that McKeeve Bush was wrong in his feeling on the Treaty. If I am right, then there would not be any use in me saying that I was right, that would not help the situation. But I am trusting that those who say that we are in a good position because of the Treaty, I am trusting that they are right and I am wrong.

In the final analysis Mr. President, all I have ever wanted, and all I have asked for the people who put me in the House to represent them, is peace, prosperity and happiness for all of them. Those who do not have peace and happiness, to be able to find it, and those who are in the lower strata of life, to be able to lift themselves out of their predicaments. If this is the aim of Government as it should be, by whatever means this can be accomplished, they will have my support in their search to bring about those things. Otherwise Mr. President I will be forced to object strenuously to the other path which might be taken. As a representative of the people, I believe that I would be acting in fairness. I was put here to do what my conscience leads me to do. Some people might not like what I say, or how I say it, but the fact of the matter is that I have to do what I feel is right.

Mr. President, growth must have a purpose, and that purpose must be both economic and social. It must have a purpose in the sense that the fruits of growth must be used for purposes of developing the economy and distributing it in the form of better employment opportunities, and better social services. If this is not done then, there is no use the country growing. If the people are not going to get something out of the growth of this country, then we might as well lock up the shop. If the cream is going to be taken away, and our people catch the crumbs, then we all might as well stay at home. Our job, first and foremost, is to protect every citizen in this country, whether he comes from a million dollar family, or whether he comes from a family that is all the time drunk. Of course, that says nothing for the million dollar families either, but this is what I see our job as. Some may not like it, well, they will just have to lump it.

Insofar as the Budget for 1987 is concerned, there is no expected deficit. The year 1986 will end with a surplus of $3.3 million, and it is proposed to transfer $2.0 million of that surplus to the General Reserves, leaving a surplus of $1.3 million to help with the 1987 expenditure. As the expenditure for next year will exceed the revenue by over $1.0 million, and the $1.3 million will also help to produce a surplus at the end of 1987 of some $72,267, this is, as I understand it. Mr. President, in our given economic situation, deficit spending is not something to encourage, especially if it means borrowing millions of dollars each year for non-productive expenditure, housekeeping expenditure. that kind of exercise creates inflation, makes the public debt higher, puts the country in a much more unstable position. So, I am happy to see that we are going into a balanced budget, and I am more happy to see that $2.0 million is being put into the General Reserves. This Mr. President bespeaks good financial thinking, the practice of course, of storing up for a rainy day, goes back to Bible times, and certainly in the likelihood of anything serious happening in this country, where it rendered us helpless to meet our commitments, the thought of having something put away, gives us some comfort. But, let us not go into

orbit yet, for we have a recurrent expenditure of just under $50.0 million which we would have to meet in the event of something drastic happening. We would have to find over $4.0 million per month, in a couple of months where would this put us? So, I can offer the Honourable Financial Secretary, and other Members of Government as well, we have got to give them credit too, my congratulations on this forward thinking.

Customs, Mr. President. The Customs Department is one which I have much respect for, and I really think they are doing a fantastic job. The department has a very fine staff, honest, hard working and committed to their country. They must be committed Sir, because it is the one department where we hardly see anyone leaving, especially in the higher brackets. I do not know all of the staff, but Mr. President, I do know that we have a good number from my district, and of these, I can say with my head held high that they are good, decent, honest, young men and women of impeccable character. I believe that they will go a long way in the Civil Service if they are given the chance. These Mr. President, are the kinds of people that this country needs. Dedication and honesty is needed in the Customs Department as much as it is needed in the Police Force. I have all confidence in the Customs Department that they will continue to do a fine job. There is one observation I would like to make with regard to Customs. For many years now Mr. President, Customs has had this procedure of collecting duty on vehicles, where, if your invoice is more than the rate book they use, then they calculate it on your invoice. And if the book is more than your invoice, they calculate it according to their book. Mr. President, this is a Government that likes to brag about examples. How can this be honest? How can this be an honest practice, when it is not even sanctioned by law. If a poor man goes to Miami or Tampa and buys a used vehicle, and he gets proper papers, and he has them notarised or certified in some manner, this should be sufficient enough. I have asked about this before, and was told that some people are dishonest and crooked and try to cheat the Government. Well, that may be so, but not everyone is dishonest or crooked in some shape or form. I believe that this situation must be looked at, because right now as I understand it, Government is not acting within the law, and this practice is nothing but an Al Capone act, a scheme which is most unfair to the public, and as I have said, these days I hear a lot about we as a Government having to set examples. Well, I wonder whether anyone thinks that this practice is honest. I would like to see this situation change to a more equitable practice. I know that our Honourable Financial Secretary is not to blame, this is something that has been going on for years, and I have all confidence in him to do the honest thing by the public, and revise this situation. Now, Mr. President, I know that I am going to be told that we need more revenue, and we have got to build up our reserves, and I have just said that, that is true, but we must do it honestly. You cannot tap yourself on the back in one fashion, and then steal in another fashion, and that is exactly what is happening here. I cannot see anybody digging themselves out of this. It is a fact, that practice is not honest, and it hurts our people, and we should revise this situation.

Mr. President, Radio Cayman is doing a fairly good job, that is, except for those times when it is interfered with. Mr. President, I did not interrupt anybody in their thoughts on this Budget, and their train of thinking, so let the Honourable First Elected Member behave himself. Unless he has something good to tell me that he wants me to say, then let him keep quiet. They are always complaining that I interfere with them. I made a promise that they could say anything in this House and I would not touch them. But let me continue in some peace now. I am going to keep the promise.

I am glad Mr. President to see new programmes being introduced this year. I feel that a good variety of local, regional and international events and cultural, that is Caymanian culture now I am talking about, and religious and educational material will help to broaden our peoples' knowledge. I am a strong believer Mr. President, in good communications, and I feel that when our people are properly informed and told the truth, there will be less room for mischief makers. Communication Sir, can make or break a Government, it is a known fact. Communication can make or break a family. I have stated before and I will say it again, as a Member of Government who is responsible to the people of this country, I expect to be kept up to date with things that go on in this country. Not to hear it on the street from somebody else, when the story is

twisted around a million times. Tell me what is going on, that I can tell the people the truth, this is all the public wants. Mr. President, some people criticise the Radio Station. The most criticism that I hear is about how people talk. I do not know what the difference is between a "Caymanian" and a "Kaymanian", but that is the way it is. The fact of the matter is that too many people in this country are something else, other than Caymanian. I am satisfied that they are doing a good job, and I would also congratulate the Director of Broadcasting and his staff for the good job they are doing.

Immigration, Mr. President, as a representative, it is not, I know, an easy thing to please everybody and sometimes we are quick to criticise. The Immigration Department I know, has a very difficult task, they are also like our Customs Officers, and many of them are trying very hard to do a good job and to please the public. They work long hours which takes many of them away from their families, and we have to appreciate what they have to sacrifice to serve their country. Once you start to deal with Immigration, Mr. President, you get accused of discrimination, but this is far from the truth in the case of this Member. I am particularly concerned Sir, about the flow of unnecessary people into this country, and I wonder if sufficient measures are there to curb it. When I say unnecessary Sir, I do not only mean that perhaps it is a person who we do not need here to work, but I am also speaking about certain behavior when they get here. We really have to take stock as to the limit we allow on our streets, many of whom have no respect for law and order. To site a case Mr. President, just a few days ago, or a few months now, I was driving home from work, and in the vicinity of Sundowner on the West Bay Road, I came across an incident where two Jamaican girls were fighting another one, two against one. It caught my attention because of the big rocks that came flying across the street. Luckily there was a Police car coming behind me, and he saw it about the same time that I did. Both of us stopped, as did a lot of other cars. One of the girls had a knife, and the one who had the knife was the maid of a lawyer. Well immediately they started mouthing me, and the Officer who was from the CID, and one of them told me, she said "look, you do not have any business in this", and you should have heard the language. If I had had some arresting powers, I would have made an arrest, and then you would have gotten me for that...(LAUGHTER). The bad thing about it Mr. President, there were at least five other foreign nationals walking up the street, and they asked me whether this sort of thing was going to be taken to court, seeing that there was knife play, and all. I told them well, I do not know, I was not an Officer. Anyway, I told the girl "look, I have a lot of business to do with these situations, I am here to help keep the peace, and it is people like you who are giving good Jamaicans a bad name, and at the least you can behave yourselves when you come here". And what do you think the problem was all about - a man. It seems that one of the girls was going out with the other one's boyfriend. But it was no joke, it might seem laughable, but it was no joke.

That incident left a bitter taste in my mouth, and these are the kinds of situation that we are being faced with. Now Mr. President, I can speak about these kinds of cases quite openly because I am not scared to lose a vote. Those people know quite well that I do not discriminate. If I can help them in any way at all, if it is a genuine case, I try to do it where possible. However Mr. President, something has to be done, one bad apple spoils the rest.

Mr. President, the other case I would wish to mention is the one I read in the Compass the other day, and I want to read it here. It concerns one Owen Barrington Bruce, aged 30....

MR. PRESIDENT: I think this is probably sub-judice. I am not sure what points the Member is going to make, but I think I had better ask him to tell me privately first before....

MR. W. McKEEVA BUSH: Mr. President, I am only....

MR. PRESIDENT: I am going to suspend proceedings for our coffee break, during which the Member can come and see me.

MR. W.McKEEVA BUSH: I thank you Sir.

MR. PRESIDENT: So I will suspend proceedings for approximately fifteen minutes.

AT 11:24 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:44 P.M.

MR. PRESIDENT: Please be seated. Resumption of the Second Reading Debate on the Appropriation Bill. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, before we took the break I was going to deal with an article as produced on the front page of the Caymanian Compass on Thursday 13th November,1986 which identifies a Jamaican man, aged 30 who said he came to Cayman in September 1984, leaving his children and including a wife and two children in Jamaica. He admitted that he had been in trouble with the Police in his homeland. As a juvenile, he had been convicted for illegal possession of a firearm. In 1974 he said that he was sentenced to 15 years in jail for robbery with aggravation, and driving away a vehicle without the owners consent. He said he was paroled around June or July 1981, and that shortly after his release he was convicted of store-breaking and larceny. On this conviction, he said he received a two-year sentence and was sent back to prison to complete his previous sentence. He was released in November, 1982. In Cayman he worked as a chef on board the M.V.Ports of Call , and did mechanical and electrical work on the side. He married for a second time in November 1984, to a Caymanian girl. He said he had not divorced his first wife, and agreed that this was bigamy, what else could it be? Mr. President, my question is, without it being sub-judice, is how in the world could a man come into this country with such a long jail record? How could he come here and marry a poor unsuspecting girl, and commit bigamy?

Another case is the one of the holdup in broad daylight, right here in town a few days ago, right out on the waterfront. Luckily, that jewellery store had some very brave women who should be commended. Mr. President, I do not care who likes me for it, but some drastic measures must be taken, and I say that a way that we could do it is to let them get a visa to come here. Today, our society is threatened already from within. We have enough scoundrels of our very own, we hardly need outside collaboration to further our destruction. Often I am confronted, and I know we all are confronted with this type of situation. And many of the social problems that we are now experiencing, namely drug abuse, illegal gambling, robbery, burglary, one-day marriages for $500, illegitimate births, these things are traceable directly to the influx of these types of people, and we already have enough of these problems of our own, committed by our own people. Let us put our heads together, let Government form some kind of Committee, a task force consisting of a few members of this House on it, and some from the Protection Board, and some from the Immigration Department, to see what we can come up with. We are confronted with the problems as Members of the House, let us be involved, let us know what is going on. We can help make decisions too. At least, let us knock around ideas. Crime has reached crisis proportions in this country. I will try to deal more with that later on. As I have said before, Mr. President, I would repeat less anyone misconstrues what I have been talking about. I am not discriminating against any particular nationality. I have friends from Honduras, I have friends from Nicaragua, I have friends from the United States, and do not think that we do not have those criminals coming here. I have friends from Jamaica. I do not discriminate against any particular nationality, but as I have said before, I have no other country to run to. I do not own an American Green Card, I own no Swiss or United States bank accounts. This little rock here is home, sweet home to me. And Mr. President, I doubt that those who had to come here from other countries to reside, because of crime, corruption and dirt in their countries, in their own home lands, are satisfied to see Cayman deteriorating the way we are in the area I am dealing with. Mr. President, we have good people from all the countries that I have mentioned, living here, decent people, people who have worked hard in our community, have helped within the Social Clubs, have helped in poor homes. I know some families in my constituency Mr. President, who have done a lot, Jamaican families too, who have done a lot for West Bay, in that they have gone into those areas where Government would not dare go, or at least did not go. But, we have a situation existing, and we have to do something about it. And in talking about the visa, I know that this will create

some stir, which perhaps is going to say it is going to be more difficult to get a maid. Mr. President, any proper channel opened I believe, will be satisfactory to our people, once they are told of the situation. But let us not bury our heads in the sand like an ostrich and say everything is all right. And when our people demand something, you say you cannot get it. If you communicate with them they will understand. Before I leave Immigration, Mr. President, I would mention one other area where I feel there is some advantage being taken. I feel Sir, that it is high time that we do something about those briefcase salesmen who come in here over night, do their business, take their orders, scrape up everything they can, and millions of dollars in the bargain are scraped out of Cayman. Mr. President, I sometimes speak about the merchants in this country, and over profiteering. Because I believe that it is a fact, there are no two ways about it, they can grumble all they want, they can say anything they want, it is the truth and the truth must be told. But after all, they are our own, sometimes the closest bite the hardest, nevertheless they do pay licence fees, and they do hire staff, so we have to offer some protection, and if nothing is being done presently about this unfair situation, then I hope the Honourable Member responsible for Trade and Business and the Honourable Member responsible for Immigration will do something to start straightening out this malpractice. It seems Mr. President, that every time I get up to mention Immigration or Police I am called to order about something. I hope that it is only that you have my best interests at heart. I trust that I will not be sub-judice in anything I am dealing with. Of course, I know sub-judice has been a rule devised to keep people from saying anything, especially used in Parliaments worldwide, to keep politicians from making their thoughts known. Anyway Mr. President, I trust I will not be sub-judice in this instance. One of the most important requirements in a democracy, and for the democratic system, is that the public maintain confidence in the Law Enforcement arm of Government. The Police, as the only law enforcement body that we have, must always remain above reproach and suspicion. Constant complaints from the public cannot be ignored and pushed aside, it must be seen that the Force is capable and willing to discipline Members for breach of conduct. I believe Mr. President, that the training programme instituted some years ago, a few years ago, has raised the level of competence of some of our Officers. However, I am still concerned that unless there is a general improvement in the conduct of some Officers, the improvement of the force will be lost, and the public's respect for the force in general will continue to deteriorate. I am trusting that as the Training Officers from the United Kingdom depart, and local officers begin to take up certain of these training roles and others as well, that the Government does not now rest on its laurels, but that every effort will be made to continue to strengthen this training programme, with special emphasis on dealing with the public.

The accident rate on our highways has become very alarming, despite the fact, that our roads are second to none in the Caribbean area. It is well known that most accidents are due in part to drug and alcohol abuse. The Police Sir, need to take more preventative action rather than just sitting by, and waiting to prosecute after an accident has occurred. I know that these speed traps are a form of deterrent, but an accident can easily happen a long time before the car reaches the speed trap, in the case of the car speeding. In closing on this area, I would extend congratulations to those local Officers, who were recently promoted at the end of last year, and this year. Some of them I happen to have grown up with and went to school with, and I can attest to their personal honesty, and ability, and I believe that they will do this country proud. Some I did not go to school with, but I still have knowledge of their character, and I encourage them to remain honest, to always do a good job, because an honest Policeman is worth more than gold to his country. In these days of rapid changes and developments. Mr. President, as I have said before, crime is escalating in this country, and Mr. President, it is causing much concern, as it did back in the early 80's, when we had a surge in crime. Mr. President, gone are the days when one could sleep in one's bed in this country and feel safe. Let us not fool ourselves, if you do you are a bigger fool than I think. We have a serious situation existing, and Mr. President Government, as I have said, should not bury its head in the sand. Many people say that this crime has risen some 300 percent, that is an alarming crime rate for such a small community. Now, crime can be attributed to many things, but I maintain that the crime we are experiencing is attributed to a fast,

deteriorating social life in this country. Mr. President, we need more programmes, better social programmes. Mr. President, it is no use saying "you sentence someone to two years in prison", and that person is thrown back on the street in sixteen months time, no better off than he was when he entered. The crime rate is frightening, and if we are going to maintain our stability, if we are going to have the kind of growth that is necessary for proper development of the social services, then we have to do something about that which is causing the deterioration.

Mr. President, this year there was supposed to be an effort to reduce waste in the Prison system, and if that determination has been carried over into all Government departments, then it is a good thing. I am also glad Mr. President, that some efforts were made to keep the inmates at Northward Prison occupied with woodwork and other works such as agriculture. But I am still not satisfied that all is being done that could be done to properly rehabilitate our many young people who happen to go into Northward, especially those, and it is a majority, who are serving time for drug related offences. Time and time again, it has been pointed out that keeping a person locked up because of smoking a stick of ganja without the proper rehabilitative programmes, is doing him no good, because after he has been released for a short period, he starts back on the road to do the same thing.

Higher fines Mr. President are not helping social deterioration in Cayman, and going to Prison does not cure it. Prison has been instituted from the days of the Bible, and life has continued to deteriorate.

Mr. President, as I go through my district, and indeed the entire island, I see the great need for some kind of remand home, where we can put those people who are caught in the clutches of drug abuse, and also those with some sort of mental problem. A home, not just a lock up, a home where these people can be treated and looked after properly and where they can get some kind of rehabilitative conditioning. What happens now is that they get caught, get sentenced to Northward, after a few months or a year they are released to society in still the same condition, or maybe a little worse, because of the influx of drugs in Northward, and over and beyond that they experience the trauma of being in jail which puts them in a most depressing state. I dare say that out of the hundreds that you send to Northward, it does not serve as a deterrent to ten. We see them walking the streets, being a pest to the tourists, or other people, or they stay at home and make family life a constant misery. The misery comes about, not because the families do not care for their own, because 99 times out of 100 the family cannot cope with the problem. I say, the situation has reached alarming proportions, it needs action. Mr. President, I am a family man, and as it is with the family so it is with Government to an extent. I recognise that everything cannot be done at one time, and I believe there might be some plans, but implementation must begin soon. What I have said bears repeating, and let us not come up now arguing my debate, bringing figures, saying that we have got to do this. Let us face the fact that we have a problem, a serious problem, and that top priority must be put on it. Rehabilitation must begin in this country in a serious, serious manner. It must begin in the proper atmosphere and surroundings, not in a jail or some other lockup. If we do not do what is necessary, and place social services in this country on the top of the list Mr. President, not second to anything else, but first, if we do not do it, all of our other efforts, all of Government's work in other areas will have come to naught. Social Services it is said in the Budget, has a growing client population, case after case, they recognise it. But Mr. President, we have to do something, and put more effort and more priority on the social aspect of this country. If it continues to be neglected, social deterioration is going to be far above economic development. Mr. President, I know that there is a pretty good sum in the budget, which will be expended in a couple of different areas. However, Mr. President, I know that money, or a building I should say, and I recognise that fact, is not the sole criteria, but we have to get more and more money in order to get our programmes for social services. Mr. President, tomorrow would be exactly two years since I have been sworn in as a Member of this House, and most of what I have been dealing with in my two years in office has been the social aspect of the country. I do not think Sir, that any request that I have made is out of order. I do not think it is to any whim or fancy that I have. I see a case or a problem, and I try to do something about it. Mr. President, to show that we have not been placing the emphasis and the amount of money that is necessary in

this country over the years, I will give you some figures. Up until 1976 there was not a department, as such, for social services, that is up until 1976. So, to get some figures, I did not know where to look, but according to the records, from 1977 the vote for Social Services has been, and I read:

1977	$ 139,648
1978	$ 232,017
1979	$ 271,184
1980	$ 428,516
1981	$ 661,770

You will see Mr. President, and if you go right back, that in the Election years, every time the amount was doubled, every time.

1982	$ 763,115
1983	$ 586,900
1984	$ 976,818
Close to being doubled	
1985 the first year we	
were in office	$ 1,051,691
1986	$ 997,221
And this year,1986	$ 1,200,000

Now, Mr. President, I may be wrong, but with these kinds of Budget, tell me what any Social Services Director could get done? We have not faced up to the social aspect that has been confronting us. We have, over the many years been burying our heads in the sand, and every time a case is brought forward you laugh the person to scorn, telling him that the person that you are bringing the case for does not really need it, they must get out and work. And all the time, Mr. President we have been going down the drain socially. Crime is on the increase, and it stems from the social deterioration. It is true, that family life in this country, is not what it used to be,and I should say, it is because families, parents have more and more time to work, and less, and less time for their children. That is one of the causes, but I maintain, and they can call me a socialist, they can call me a communist, the only thing I do not want them to do is to call me late for dinner. They can do anything Mr. President, but I maintain that we have to take care of the unfortunate people in our society, or they will be our Waterloo. Housing, I will come to that later on, but housing is one of our problems. Mr. President, our people are burdened because of the rat race we find ourselves in, therefore the family will be neglected. But a caring Government must not just put tokens in the Social Services vote. We have to be about the business of putting the programmes in place, to combat the problems. I can well appreciate Mr. President, the amount of work the Social Services Department has. I know the many cases that I am confronted with. But Mr. President, tell me, is getting another filing clerk going to help the problem? Why do we not put and station the people in the districts, let them get out there and mingle with the people, put them out there, put an office in the district. I do not have an office in ours district, but we will devise something for them to work from, and put their programmes in place. If we cannot devise it ourselves, let us call in outside help. I know Mr. President that I am going to be told that "you do not know what you are talking about, you are just beating up your gums". I know that, but, the facts are there in front of our eyes. We need to be building more and more on our Social Services, or else all the good tries, and it bears repeating, of the Government are going to come to naught. All the computerisation of Government, all the treaties we sign, will not help us. I trust that Members of Government will not take this as a beating stick, to beat me on the head with, but that they understand where I am coming from, and the issue I am dealing with.

I see in the Budget that there is going to be a psychologist, this is good, its the part of a programme, but it cannot stop there. It must not only deal with the emotionally disturbed children, or juveniles, but it has to take those cases that we see walking the streets, into consideration. A country which will not take care of its own social problems, is doomed to damnation.

Mr. President, I see in the Budget that our Adoption Board's work is increasing. Last year 47 children were put forward for adoption compared with 73 children this year, that is 1986, a 55 percent increase. Mr. President, it is

alright to find families for those children. I trust that we are getting families and good homes in which to place those children. But are we really attacking the problem? Mr. President, is it not high time that the need for serious family planning programmes be instituted in this country. I was just praising our Radio Station Mr. President, why has a programme not been devised to be put on the Radio. We have more and more teenage pregnancies. We are really not attacking the problem, we have to start from the beginning.

I was dealing a few minutes ago with areas and priorities. I see on page 24 of the Budget Address ,that we are going to get in the New Services for 1987, a second Magistrate. We recognise that crime has risen, because we need a new Magistrate. Do we really need a new Magistrate, is my question? I am talking about priorities. Would not Mr. President, proper court recorders be the answer? Time would be cut down. We have a Chief Justice, a Puisne Judge, a Magistrate, a Clerk of Courts and about three or four more under her that are capable of doing her duties, and you are telling us now that we need another Magitrate in a country with 20,000 people? Mr. President take stock now, can you see where we are headed? I do not agree with that, and I hope a good explanation can be given to me, because I will not be supporting it. Take that money and get, which probably is in a range of CI$30,000, and put a Social Service Officer in West Bay, and another one in another district, to help stop the cases going into court, then you will not have the need for another Magistrate. Three Magistrates and a Chief Justice for 20,000 people?

Mr. President, I wish that we could be involved in the building of these estimates, that is where we could fight it out. I should not have to come here and speak with the passion that I do. Another mistake, you get the Budget of $72.0 million on the day before it is presented. It might be done because of the workload, I do not know, but if we were involved in the Estimates procedure, we would know a lot more about what is put into it.

Mr. President, I would like to move on, I have said what I think is necessary on Social Services, but before I move on, I would mention the Contributory Pension Scheme. This is a baby that I have much love for. When I brought the Motion Mr. President, there was a big fight in this House. We finally came to an agreement on the proper way to go about it, and the Motion was passed. The Member kept his word, and investigations were started. Mr. President, I know what I am going to be told, but anyway, I will still say what I have to say. I do not know Mr. President, what really caused the officer from the British Executive Overseas Division to not come here when he should have come back and started his work. It was said that it was because of certain carrying on in the country, having to do with the Treaty. Maybe when the Member gets up to answer, as I know he is going to do, he will tell me publicly what I know is coming now. I cannot see how in the world the Treaty could have stopped him from coming. I know that while I was in London, there was a series of meetings going on, and tempers were raised. But I knew of no general disorder, that the man could not come and carry on his study. Mr. President, mind that we do not fall into the same rut that previous Governments have fallen into, and it has gotten us nowhere, that is, at election time everything was done. The Social Services vote was doubled, and the people voted them out. Mr. President, our people are looking forward to the day when they will have a chance to retire with some satisfaction. They are looking forward to the day when they do not have to work in stores, at hotels and other areas for 15 to 20 years, and be brushed aside because of old age. It may be a token cheque in their hands. This is not fun and games. We are dealing with people's lives, human beings. No amount of answers, and no amount of excuses, and no amount of beating me on the head, is going to save this country from the chaos that is sure to come, if we do not follow through with our commitments to our people.

MR. PRESIDENT: Since the Member seems to have reached a break in his speech, I wonder whether perhaps it would be convenient if we take a break for lunch now, and I propose to suspend proceedings until approximately two fifteen PM.

MR. W. McKEEVA BUSH: That will be all right with me. I heard somebody suggesting that you cut me off, but thank you very much.

AT 12:44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:21 P.M.

MR. PRESIDENT: Please be seated. The Second Reading Debate on The Appropriation (1987) Bill. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, when we took the lunch break I was finishing with the Pension Scheme. I think I have said enough on that topic. I am just hoping that what I have said is taken in good faith, and at the end, we will have a scheme that is good and workable for the people whom we serve.

Mr. President, I would like to congratulate the Government for their bold efforts in making the graduates at the Law School eligible for the award of external law degrees from a recognised university. This is a very good step. The graduate students, when going abroad, will not now have to leave their diplomas behind, their diplomas should be good anywhere in the Commonwealth. I am happy Sir, that we have a Law School, and that the young men and women going there are doing such a good job.

Mr. President, the Museum is something that I have always wanted to see come about in these Islands, and it seems that Government is trying to go somewhere in bringing about this Museum. I quite well remember Mr. President last year in Finance Committee, I moved a Motion which was seconded by the Honourable Second Elected Member of Executive Council, that the Museum be named the Ira Thompson Museum, in recognition of the years of hard work and the fruition of that work by the many artifacts and records which are very valuable to a Museum, that he saved over many years. I am hoping Sir, that the Museum is going to be named as suggested in the Motion, which the Members voted on and passed. In all fairness Sir, I do not think that we should attempt, after the Members of this House have voted on a Motion and have agreed on something, that we should do otherwise.

Mr. President, I am not a spokesman on Education. I really do not attempt to get into that subject. I, Mr. President, will only pay tribute to the Department of Education and to the teachers , for having come through a very, very encouraging year. Mr. President, I was most heartened when at the Graduation Ceremony, it was said by the Principal, that contrary to rumours, there are no drugs at the school. Mr. President, that made me feel good. And looking at those young people Mr. President, I realise what an awesome responsibility we have. What an awesome responsibility the teachers have, for these are the citizens, the future men and women who will make or break this country. I am very heartened indeed to see the results of the 1986 graduating class, some very good passes. Mr. President, we had a couple of young people, a couple of students from my constituency, who had done exceedingly well, and who I believe, will go a long way in our society. I was touched Mr. President, to see a very young girl on the honour roll. I know the girl personally, and these are the people who really encourage me as a representative. I feel with that sort of caliber coming out of High School, there is no worry about future leaders to take our seats. I trust that they will get every opportunity to move along the right paths of this country, so that when they have that opportunity to take over, it can be a smooth transition. Mr. President, I was most glad to see that the Education Council made a decision to let young girls attend school after pregnancy. Many people do not support that Mr. President, but I do, it is a good thing. A young girl gets herself into trouble, why should she go on the dump heap of life? Why should she not have a chance to go back and finish her schooling? I think they made a very good decision, and I congratulate them Mr. President. I would be remiss in my duty in being a fair man, if I did not extend my praises to the Member across from me. I think that was a fair decision which was made, and as I have said in extending congratulations to the Council, the Education Department, the teachers, I would extend it to his Portfolio, to him and his staff, but the work has just begun, we have bearly scratched the surface, if we are going to prepare our young people for that awesome responsibility of being leaders in this community.

Mr. President, Health. I am glad that over the year, we have had 24-hour service at the hospital, and Mr. President, I very well remember in a meeting sometime last

year, when the Member for North Side and myself put forward a Motion to get that service. I remember the insults, and it could not be done. I remember that they told us that they had to have more staff, and they have given us the two doctors. But the fact is that we brought the Motion, Government defeated it, and then they brought the service. That is not so bad an arrangement Mr. President. All I am here to do, is to get them committed to doing something. I know that they will do it when they want, how they want, but if it is done then it satisfies me, because I am only here for the benefit of the people.

Mr. President, the Public Health Department I believe, is something that we should extend our praises to. They are continuing to try and make this country clean, so Mr. President, I believe that we need to give them the help that is necessary. I would support another Public Health Officer. Except for Mr. Gorman, I believe, who is the real qualified officer, they do not have anybody else. I know they had a Mr. Gordon, who did a good job in his time here, and I believe, that it is now time that we consider getting another officer, seeing the development we are faced with.

Mr. President, the Housing Corporation is something which I feel needs to have a different outlook in its programme. We have several needy cases in this country. I believe when the study is done, if it is carried out properly, we are going to find that we have a lot of cases that need urgent attention. But I do not think that the Housing Corporation as it stands, can take care of those people. I do not need to go into siting cases Mr. President, I have done that so many times in this House, but we do need to do something about the housing problem. I know that there is an amount in the Budget which I believe, can only scratch the surface. I know I will be told that it is a start. But here again, we are in an area that can cause us many problems if we do not put top priority on these social aspects of our country.

Mr. President, in dealing with this Portfolio, I would look for a minute at Agriculture. Mr. President, I find it hard to agree that Government should go beyond their little demonstration farm. I am wondering if we are not really defeating our purpose in trying to encourage the farmers. When I look at the farm I am really amazed at what can be done in the country, and I think they are doing a good job in showing the possibilities. But, we have to be careful that we do not get into competition with the farmers. If we really plant more bananas, more plantains, more tomatoes, I think the demonstration farm as I see it is big enough for just that demonstration. But, we would really be killing the farmers who already have to compete against foreign produce, if Government tries to over do a good thing, we have to be careful.

Tourism, Mr. President, it seems that we have experienced a good year, and if everything comes on stream as planned, the prediction for next year's growth is, I would say, astronomical. Mr. President, if the growth is realised, it becomes all the more important that we take our heads out of the sand and get along with serious programmes to educate our people in how to deal with this situation, and to prepare them to benefit from the tourist dollar. I understand that we have been advertising on television, I am glad that the Government is putting the Cayman Islands on television, this is a great form of advertisement, and I believe that the results will continue to be favourable. I trust that the Islands will be carried on the television, and that they will really show what the Cayman Islands are like.

I trust that the people who are doing it, do know something about these Islands. I think we can take a lesson from Jamaica, whose television advertisement is superb, and I believe that ours can be just as good, or even better. Mr. President, one thing we have to be careful of in the tourism sector, is overbooking. Overbooking would pose a serious threat to our tourist industry. I remember just a few years ago, what happened to one particular Caribbean country. One year they had overbooked so many tourists that they had to put them in the Manager's quarters, and they thought they were doing a good job, but this did not do that particular country much good, because visitors became unhappy in that type of situation. You know, we can try to do good and damage ourselves. One year they had an abundance, and what happened the next year, was that they had a drastic downturn in tourism. Overbooking is not a good thing, it is not fair to the tourists. Mr. President, I would issue a warning bell. Something has to be radically wrong when we find in so small a country, with fair growth you would say, when we have at least three tourist resorts going into bankruptcy. This is not a good picture, and it says that something is wrong and needs to

be corrected. I am no economist, and I do not know the answer, but something is wrong and we need to look at it. Three or four resorts going into bankruptcy can definitely put a dark spot on this country.

Mr. President, the gratuity system in this country in certain places, stinks. Sometime ago, there was a rumour that Government was going to do away with the gratuity system, when in fact, that suggestion came from the Hotel Association. Mr. President, Government did not institute the gratuity system, the Hotel Association did. But Mr. President, if any of them try to stop this gratuity system, they are going to have more trouble on their hands than they think, and I do not think that Government is going to try and stop it. Government must only be involved in standardising the system of collection. Mr. President, I believe that I move around this country as much as the next man, and I believe that I talk to as many people, visitors and Caymanians alike as the next man, and I do not hear many visitors complaining about the gratuity system. What I hear them complaining about are the poor conditions at certain hotels. What I hear them complaining about is the cost in certain stores. What I hear them complaining about is the cost for the rooms. I do not hear them complaining about the gratuities. I think that, in one form or another, they expect it. There is no doubt Mr. President, that our people need the gratuities to supplement their very, very low salaries, seven days a week, for $100.00, $120.00, $150.00, and some gratuities in certain places have been as high as $1,000. Why should we try to take that from these people who have given years and years of service, to help build up tourism? Mr. President, I get more complaints about this gratuity system than you can shake a stick at. In some places, what the managers are doing now , is that they are taking the gratuities and buying cleaning materials. This is not fair Mr. President. The maids' tips should not supplement the hotel's or the resort's expenditure. In certain places under one manager, they get a $1,000 for the month, and under another, in the same period they receive $300 - $400. How can this be fair? It is nothing short of stealing, and Mr. President these are complaints which I get, from decent people. A very hardworking and decent woman called this week, she has never stolen a penny in her life. All that they ask, is that they get what is justly theirs.

Mr. President, that leads me right onto labour. Mr. President, I was a very happy man when Government accepted that Motion that I put forward last year. I had some very high hopes to solve some of the problems facing the working man and woman in this country. I believe Mr. President, that as surely as the Bible commands us not to muzzle the ox, treading the corn, neither should the ox be allowed to eat all of the corn. The legislation which I envisioned, would protect the employee as well as the employer. I am very well aware that labour legislation in other countries has led to abuse by employees. But I am also aware, that there are employers who take much advantage of the working man and woman. This mentality towards the working man has led to serious social unrest in many other countries. If this Honourable House fails in its duty to bring about that legislation in a short time, we would get the same kind of unrest, that is, that which has destroyed other countries. People complaining that the Draft Labour Legislation has taken everything out of proportion. I do not support entirely, that Bill, there were many things which I argued against in Committee, but me being one could not stop it, and the majority of the Members voted for it, yet some of the same people are out there campaigning against it. Mr. President, every successive Government has failed to deal with Labour Legislation in a very positive manner. There were some tries, I will admit that, but there was no Labour Legislation brought here that I can see, even as more and more people are employed, and more and more complaints are made concerning labour in this country. Mr. President, I do not see this necessary piece of legislation destroying this country. What will destroy this country, is the absence of it, because when a person is so aggrieved that he has no redress, then he is going to take matters into his own hands, and this is what happened in other Caribbean countries. If you go back as far as 1938 in the records of Jamaica, you will see that there was riot after riot, because the working man asked for certain amenities, rights and privileges, and they were denied. Well, what happened? Chaos, and the formation of Unions resulted. We had better take warning. Those same people who are talking about socialism, they do not know socialism. I wonder what their 'ism' is? They have got a sickness Mr. President, a serious one, and I am much afraid that no doctor is going to cure it. We hear about 'all for myself' well that is it. As long as they get ahead, as long as $100 goes to their

credit, you, me and our children can starve. Mr. President, briefly I would say, that legislation currently on our Law Books affecting labour in this country is outmoded and has no relevance to the situation existing in this country today. There is a definite need for a law, and as far as I can determine there are five such laws in operation - the Workmen's Compensation Law which goes back 22 years, 1964; the Minimum Wage Law which goes back much further, to 1946; the Truck Law, 1944; and what was supposed to be the Labour Law, the Masters and Servants Law which goes back to 1842, a time of slavery, even the title denotes slavery. The other is the Trade Union Law, passed in 1942. Each one of these laws, I am sure Mr. President, was passed at the time, because the Legislators of the day saw a need. However the need in our country today, is more than any of these, or all of these, can fill. 1842, how could a situation then have any bearing on our situation today? What we really need to do is to check the history, and see who owned the slaves back in 1842, that is what we should really do. This Trade Union Law could be used if dissatisfaction continues to grow amongst our people. None of us wants that to happen, and that is one of the purposes why I moved the Motion last year. Mr. President, to give you a brief outline of those laws, the Workmen's Compensation Law has no relevance to workmen in Cayman today, it can do him no good because it is limited to workmen earning $750 or in the case of dollars, $1,500 per year. There is not, at least I hope not, no such person today in Cayman. Section 5 (1a) in the amendment to the law says:

> "Where death results from an injury, maximum compensation is L750 or $1,500."

In Section 5(1b) the compensation is limited to L1,000 or $2,000 for total incapacity. There is a limitation under Section 12, where claims of compensation must be made within six months of the date of the accident. These things are meant to kill people, to keep them down, this is what it is meant to do.

MR. PRESIDENT: I normally, if the Member will sit down for a moment, I normally allow Members very free reign during the Budget Debate, but really, their speeches should be tied to the Budget. This seems to me to be a speech that is really related to the forthcoming debate in due course, on the Select Committee's Report on the Labour Bill, and on the Labour Bill itself, and I think the Member ought to come back to the Budget before too long. I should have to stop him if he went on with a great deal more about the demerits of present Labour Legislation, and the sort of Labour Legislation he would like to see.

MR. W. McKEEVA BUSH: Mr. President, you should not anticipate my debate on a law to come, if there is such a law.

MR. PRESIDENT: I was commenting on what you have said already, and just expressing the hope that there was not going to be too much more of it.

MR. W. MCKEEVA BUSH: No, Mr. President, really, you cannot do that.

Anyway Mr. President, if you look at your Budget Address, page 38, you will see that it deals with the hope to introduce Labour Legislation in 1987. Mr. President, would you be fair in stopping me on this very wide statement here?

MR. PRESIDENT: There is a very brief mention in the Budget Speech. I have allowed you to speak about it at some length already, and have just cautioned you not to go on too long on the same subject, that is all.

MR. W. McKEEVA BUSH: Mr. President, it is stated here in the Budget Address that it is hoped to introduce Labour Legislation in 1987, and I am showing you the reason why it should come about. Now I cannot see how you could be fair Mr. President in trying to stop me from showing how fair it is to bring it. I am sure in listening to what I am saying here, you must be agreeing with me that it is time that it comes.

MR. PRESIDENT: I think you have got my point, which is that if there is to be a Bill introduced next year, there

will be a full opportunity to debate it, and even if there were not going to be a Bill, there would be an opportunity to debate the Select Committee's Report, so we do not need too much about it now. I think you have had a full opportunity.

MR. W. McKEEVA BUSH: Well Mr. President, I cannot agree with you Sir. I cannot see how you can tell me that I have had a full opportunity, when you say that the Labour Legislation is hoped to be introduced, and I have not finished telling you how I feel about it. Now if I am going to be curtailed, you tell me now, because I intend to carry on. I think I have a few....

MR. PRESIDENT: No, you may carry on...

MR. JAMES M. BODDEN: Mr. President....

MR. PRESIDENT: ...unless you are giving away to...

MR. JAMES M. BODDEN: I do not know whether it is fair to interrupt at this point, but it is on a Point of Order. I think, in my opinion that the Member for West Bay is completely right in his deliberation, because anything that is covered in the Budget Speech, it is standard, and has been standard for the 14 years that I have been in this House, that a Member is entitled to speak on that subject, and to give in his opinion, the merits and demerits of it. If it takes him even a little longer to do it than you or I may think is necessary. I think the man is entitled to give his opinion as to why he may think it is necessary to have the Labour Legislation, or why it is not necessary. I do not think he should be curtailed.

MR. PRESIDENT: Thank you.
I still think that the debate on the Budget Speech should be related principally to the Budget and the Estimates, and that we should not start seeking to debate in some detail, legislation which may be introduced in the coming Session. I have allowed the Member to say quite a good deal about this subject already. I was only cautioning him not to go on too long about it, and the caution stands.

MR. W. McKEEVA BUSH: Well, Mr. President....

MR. PRESIDENT: I think, actually if I may, without referring back to what I have said already, let us suspend proceedings for fifteen minutes, now we have come to the time we normally do in the afternoon, and the Member can reflect on what he is going to say afterwards. Thank you.

MR. W. McKEEVA BUSH: I have already made up my mind.

AT 3:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:36 P.M.

MR. PRESIDENT: Please be seated.
Second Reading Debate on the Appropriation Bill. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, when we took the break, I was trying to deal with Section 12 of the Workmen's Compensation Act, and I still do not really understand your ruling, and how much more time you are going to allow me on this subject.

MR. PRESIDENT: I hope it will not prove to be too long a section.

MR. W. McKEEVA BUSH: But that is not all I have to deal with Mr. President. Anyway, there is a limit....

MR. PRESIDENT: I hope the Law has not got too many sections in it then.

MR. W. McKEEVA BUSH: No Sir. There is a limitation under Section 12 where claims of compensation must be made within six

months of the date of the accident. I feel Sir, that if we are going to do something about the Labour Bill, all this will have to be taken into consideration, because sections like that are really no use to the working man, if he meets with an accident. I will use one example Sir, that a man is injured and that injury requires treatment by specialists abroad, or treatment over an extended period, he would be out of luck. As we can see, this law is one of the reasons why we need decent and workable labour legislation. The Minimum Wage Law, Mr. President, which came into force in 1963 and at that time, it did not set out our minimum wage. The only time that a minimum wage was set, was sometime in 1967, and in respect of common labourers at six shillings per hour for an eight hour day. Whether I am digressing or not Mr. President, you can see that these are the things that have to be changed. Mr. President, we are facing a situation in this country, especially in the casual labour sector, that if not rectified, again I must point out, we are going to have problems. Mr. President, some places are paying $3.25 per hour. Some places are paying $4.25, $4.50, $5.00. Mr. President, which man in this House would stand out in the hot boiling sun before a cement mixer for that kind of money? For a regular eight-hour day what would he take home for the week? Then we have to wonder if we really have poor people in this country, seeing the high cost of living.

Mr. President, as I have said, The Masters and Servants Law was enacted to regulate the rights and conditions of employment between employers and employees, but it falls short of providing even the barest minimum realistic regulation of the employer and employee relationship in the Cayman Islands today. Mr. President, I think that my debate has been solid and on safe ground. I believe, that for us to maintain the stability which the Honourable Financial Secretary talks about, we have to protect those areas, and those people. Mr. President, the doubters will always be doubters, there is no changing them. They are alive for one purpose only, that is so they can continue to live, and they alone live, meaning them and their families, they are a bunch of hypocrite. But let them wallow in their own folly, there is a day of reckoning coming, and I know that I am on the right path and that I have done the right thing in bringing that Motion forward. I believe, and I should say this publicly, that the Chairman was very diligent in his duty, not to say that Members have not been as diligent, and I believe, when all is said and done, that we are going to get a Labour Law which is practical, which is workable. I do not agree with the entire draft, there must be changes. I do not believe Mr. President, in all this red tape. I think it is one of the things that is causing our people to be angry, and to be confused in our community - too much red tape. The country has gone past the people, and has not carried the people along, in certain areas. I believe that the less red tape we can have, the better off we will be. Let us make things simple, so that we can understand it, that the ordinary man on the street can understand it, that is good communication. I trust that the Labour Bill will not be long in coming to this Honourable House, and I hope that all Members will support it.

Mr. President, I have but one area to deal with, and that is the constituency of West Bay. Mr. President, for this year I see in the Budget that the Fire Station is going to be built, that makes me happy, after waiting with much anxiety last year. But, if we are going to get it this coming year, then I would have to be satisfied. The people are paying for these things, the revenue measures were raised and it is the people's money that is going to pay for the people's amenities. I do not need to go into the need for one, I think that is very obvious, seeing the development on the West Bay Road, and the development in West Bay itself.

Mr. President, the ramp is soon to be finished, and I will have to wait and see the final outcome, but I trust that we will have a good ramp, it is certainly in need. It did not come in September, as I had anticipated, nevertheless, good things come to those who wait they say, and I hope this is a good thing when it is finished.

Now Mr. President, I mentioned development in West Bay. West Bay is a very large district, it is the best district on the Island, there are no two ways about it, and we need to find ways and means of bringing more development to West Bay. Mr. President, for six years now, maybe seven, maybe eight, I have been talking about having the cruise ships come to West Bay, and this was a big hue and cry in the election campaign, when we took over the Government. I have got to pose the question, is there really a

commitment to bringing a proper landing jetty, or facility to West Bay? Mr. President, the area that I have always envisioned is a proper area. All it needs is for some work to be done there, but if we could get Government's consent, and Government's commitment to doing something there, I believe that the district of West Bay would be enhanced. Businesses in West Bay were expecting this little facility, in order to bring in business, open up the district, because the district was really becoming a dormant district, but we are still that way, nothing much has changed in that line. Businesses started, and had to close down. Now Mr. President, many things are responsible for that. One of the things is that West Bayers find it hard, I do not know why, to support local businesses in the district, but this is a fact, and we have to find ways and means of bringing people into the district, or business into the district and make people want to do their business in their own district. I do not know the reason why, nothing has been put in the Budget. I know there are priorities, such as the Fire Station, but I had hoped to see something in the Budget for West Bay, and I trust that this will not carry over into election year. I do not believe in giving people things in election year, that is a bad habit that must be stopped in this country. People have to live all year round, from one election to the next election, not only at election time. I believe in a representation that will carry into a four-year, or five-year period, and maybe, when this study, or plan or whatever is being done, we will be able to plan better for our district, but we have some good opportunities down there, good property available that needs an input; new blood; new business spirit. Mr. President, the cemeteries in Bosun Bay and North West Point need to be looked at, people still use them. We need some fencing for them, and I am hoping in the course of this year, that those two cementeries will be able to be done.

Apart from that, I do not know what else West Bay is going to get. There is a need for roads and lights, and I trust that we are going to get several of them this year. We did not have a bad year, I am not complaining, but there is still much to be done in opening up the district of West Bay. Some of the roads need to be widened, and I am hoping that we can get together with land owners before we attempt to do anything, talk to them, show them the value of having the roads opened, therefore West Bay will become a better district in respect of roads. Mr. President, ever since the Mount Pleasant to Barkers road was completed, I felt that we should put a name to the road, and named after one of our outstanding citizens of West Bay, and I believe Sir, that that road should be named after Miss Redly Powery, because she was a woman who had done much good in West Bay. She was a teacher, she was a Church worker, a social workers and as I have said, her work never stopped throughout the district. I was one of her students. I very well remember going to her school, not for a long time, but she was one of the matriarchs of the West Bay district, and I believe we would be doing justice, if we named the Mount Pleasant to Barkers Road after her, the Redly Powery Road.

There is one more subject Sir, that is the Community Park, which I am hoping we can get established there this year, trusting that we will be able to get some support from Government, as we did with the field, and doing it with the Park. We started first, and with the help of the community and some very public spirited West Bayers and outside helpers as well, and the help of Government, we will by year end, have something to look at, and to be able to use it in the form of a Park. I trust that at Finance Committee, we can have some definite answers.

Mr. President, I could not close without mentioning Pirates Week. I think our young men, young and old alike, did a wonderful job in trying to retain the Caymanian way of life, to show it as it were. I think they did a good job, and we have to thank them all for being so public spirited.

Mr. President, in closing, I would say that, in my two years I have done the best of my ability. Some people might say, well, that was not too much, but however that might be, if I have a request from my people I tried to do something about it, and if I could not get it done, I told them that I could not get it done. Mr. President, contrary to what some people might feel, I do not put blame on any one person. I have never done it. I do not intend to do it. I will say that certain causes stop some things from being done, and as much as we kid one another, I believe that all of us are trying to do the same thing. Some could be harder workers than others, but be that as it may, some people are made up differently from others, not everybody is alike, what a world that would be

anyway. Mr. President, I believe I can give a good account of my stewardship. We are half way through, and not everybody has been pleased with my actions, but in the final analysis, I believe in the balances that I will not be found wanting.

I have stood for what I feel is right and proper for the country. I promise my people that I will struggle unceasingly to change those things, both in our economic and social life which have denied the masses of our people over the years, their proper places in this country. History will judge whether this Member is a man of deeds and not of words. But let one and all realise, that on my shoulders rest the finality of decision and action. I love my people, that is why I dare to speak out the way I do, even when I am kicked in the butt for it, and I believe as Antheas of Old, I will draw strength from the courage of the people. That I will draw strength from this land, that I will draw strength from the love of their hearts. I pray that Almighty God will continue to bless this land of ours, and that each one of us will receive his blessings as we strive to do what our consciences lead us to do. But as for me, it will always be 'my country, tis of thee, loyal and faithful, true to be'.

Mr. President, I have no problem in supporting the Budget. I pray for God's blessing for the year 1987, and this little country of ours.

I thank you.

MR. PRESIDENT:
Does any other Member wish to speak? The Second Elected Member for George Town.

MR. LINFORD A. PIERSON:
Mr. President, I too wish to congratulate the Honourable First Official Member on his presentation of the Budget Address. To be consistent Sir, I would have to say, that the philosophy behind the budget seems reasonable, and somewhat headed in a reasonable and sensible direction. I say this Sir, on the basis of statements which I made in the last Budget Debate. The Hansards will show that the 1987 Budget is the type of budget which I recommended in my debate on the 1986 Budget. During my debate on the 1986 Budget, I recommended less tax measures, and that our capital expenditure should be financed through loans, and not through the lifeblood of our people, and in particular, our poorer people in our Islands' community. While Sir, I agree with the philosophy behind the preparation of the 1987 Budget, I nonetheless, have made many observations, not only in the Budget Address but also in the Draft Estimates of Revenue and Expenditure. I believe Sir, that more economic sense has been applied to this Budget. I am happy that it appears better late than never, that the present Government has learn from their mistakes in 1986. I would have hoped Sir, to have seen in the Budget, some refunds made to the people who were over taxed in 1986, but they have gone part-way towards that. I guess Sir, that their consciences have been bothering them, and now they have decided not to impose any harsh draconian measures in the 1987 Budget.

Mr. President, I know that my good friend across the way is going to try to throw me off the track, but I will ignore his comments, because I will deal with him in detail later down here, in my Budget debate. Much of the Budget Address and the contents of the Draft Estimates of Revenue and Expenditure is speculative, and not based on a lot of factual information. For example Sir, the revised financial position for 1986 is at best a crude assumption of what the actual position will be at the end of this year. It would be interesting to see all the details comprised in the surplus of $3.3 million at the end of 1986. I believe that we should wait until the actual figures are out before we start thumping our chests, and I would pass this advice on, especially, to the Members of Executive Council, because this Budget, unlike the 1986 Budget, is perhaps their own Budget. It is also interesting Sir, to note that much of the $3.3 million surplus maybe attributed to an element of loan funding.

The Honourable First Official Member in the presentation of his Budget Address, admitted that our economy is stimulated most by the United States of America, and that the Chairman of the Federal Reserve Bank has sounded a warning of their worsening economic situation. Yet, Mr. President, he presents a Budget, which is the Government's Budget, not his own, which does not contemplate or take into account the many problems, economic, financial and otherwise that we are facing and will face in the future, and I will elaborate on this later on in my debate.

When countries big and small

the world over, are looking to diversify their economy, and thus become economically much stronger and more self sufficient, we are left without the proper economic guidance. I therefore hope that the position of a Director of Trade and Labour will be filled by a properly qualified economist, that will supplement the expertise that we now have within the Financial Department. It is a pitty Sir, that past Heads of that department did not see it necessary to have such an individual in place.

The Honourable First Official Member stated that the Cayman Islands fiscal policy is a key factor that made our country an attractive business centre. I imagine Sir, that from his association within the Executive Council, perhaps prior, he has heard this said so many times, that he is beginning to believe this. There have been so many Members that have got up in this Assembly and pounded their chests, that they are responsible for our economically viable country, yet, we are still to see any form of Economic Development Plan, or any other fiscal policy that has been presented. The first I am hearing about, will come as a result of a Private Member's Motion, from the Member for North Side, and I understand that this will be presented during this present sitting.

Regarding the fiscal policy of Government, I would remind anyone who makes such broad brusque statements that we are yet to establish proper fiscal policies for this country. We, Mr. President, have succeeded, not because of economic and fiscal guidance, but inspite of or not withstanding the absence of such policies. We were lucky, we were in the right place at the right time in history. I am eagerly awaiting the introduction of an Economic Development Plan. We hear of Government taking credit for an upsurge in our economy. Yet, I will wait to hear one of them tell me what fiscal policies, or economic policies which they have completed or presented to this Government, that has resulted in that increase or upsurge in our economy. The introduction Mr. President, of an Economic Plan, and of course, a revised Development Plan is eagerly awaited. Then, and only then, can we start lavishing personal accolades on ourselves. To date we have been very fortunate to have benefited from the mistakes of our neighbouring countries such as Jamaica, Cuba and to a certain extent, the Bahamas. Mr. President, I feel that the Economic Plan will be one of the wisest decisions that this Government has made, the introduction of such a plan, and I am eagerly awaiting to see the introduction and the contents of this Economic Plan. Some Members, Mr. President, call themselves living legends, but when you think of it, they are really only legends in their own minds. I do not see them written up in 'Who is Who'. I see nothing written up about them in any International journals. The only praises I hear are praises coming from their own lips. Mr. President, at a time when economic conditions are worsening, as admitted by the Honourable First Official Member, I would have expected that Government, unless the First Official Member accepts the full responsibility for the Budget, would show real prudence, by asking Members on the super scales in Government, to have taken perhaps a smaller percentage of increase in their salaries. If they are to take five percent Mr. President, then it should be put on a sliding scale. those in the lower brackets should be getting ten or fifteen percent. We are talking of the quantity Mr. President, five percent of $100,000 is much more than five percent of $10,000. I feel that the increases should be graded in such a way that the lower paid staff receive a higher increase, in quantity at least, with the higher paid staff getting marginally lower. But I feel Sir, that the poor pensioners should have been given greater consideration, especially those in the lower paid brackets.

Mr. President, I move on to the economy, a recap of the economy in 1986. The economy of the Cayman Islands is divided into two main sectors, namely the Financial Sector and the Tourism Sector. The Honourable First Official Member, the Financial Secretary has chosen to include the following institutions and segments to the Financial Sector, and has intentionally, or unintentionally omitted other very important areas such as the Accounting Sector. He listed:

* Banking and Trust
* Insurance
* Cayman Islands Currency Board
* Companies Registration
* Agricultural and Industrial Development Board
* Management Companies
* Legal Firms

I am sure on hindsight he realises that this is just touching the fringes, there are other important areas. I feel Sir, that the Budget Address would have been more meaningful to the people of this country, and more informative had he dealt with the other important sectors of the financial economy. However, as I have said, no mention was made of the contributions made by the accounting profession, which many would argue, is perhaps as big or bigger than the legal profession in this country, or contributes towards our economy in equal manner. It would certainly have to rank quite high on the listings which he provided. I am comforted in the thought though, Mr. President, that the Honourable First Official Member omitted such an important profession because of an oversight. I am sure that this was not intentional, and was not intended to be a slight.

He also chose to make reference to the dissenters, and their vocal efforts concerning the likely detrimental effect of the recently signed Mutual Legal Assistance Treaty. Mr. President, during the last sitting of this House, meeting in September, I could have gone on for four hours more, speaking on this subject, and on this subject alone, it is a pitty that he brought it up, because I could spend another four hours speaking on this alone. I realise that this is the Budget Debate, and will not use this amount of time on this subject. My reason for not doing this Sir, is that I know that even he himself, together with the Elected Members of Executive Council now realise that they made a grave mistake, when they hurriedly rushed the Mutual Legal Assistance Treaty through this House. Mr. President, even with the good Treaty, reasonably or comparatively good when we compare it to ours, that Bermuda got, I was reading in the papers today where their politicians had some very grave misgivings about that Treaty. At least their Treaty became effective the date it was signed, but our Treaty is retroactive, it goes back into the past, years and years, maybe 15 or 20 years, who knows? Innocent people could be caught in a web of conspiracy, or other offences under the Treaty; very innocent people. This is the point we were trying to bring across in this House, and this is why we have our Government Members giving the Financial Times a very one-sided account of what happened in the Cayman Islands during the debate.

I see an article here by a Mr. David Lennon, but I will deal with that in due course, because Mr. President, I noticed that you had your own contribution also, so I will have to refer to that in due course. But the Progressive Labour Party of Bermuda insisted that their Treaty made their Finance Minister, I think his name is Dr. Clarence James, an informant for the United States. I am not suggesting Sir, that this Treaty has made any Official in here an informant, because I was misquoted and misinterpreted in my last debate in this House, taken out of context, and I am sure the members realise that the accusations hurled at me were unwarranted. But nonetheless Sir, I am a politician, and I have broad shoulders, in every sense of the word. The Progressive Labour Party (PLP) of Bermuda went on to say, "It seems we have gone cap in hand to Washington". It would even be interesting Sir, to check on the real nationality of Members of this House, to see if they have an allegiance to the United States. Bermuda felt that the United States received all the benefits. " The benefits to the United States are very clear, and concrete, while we are left to speculate as to the benefits to Bermuda". This was a statement made by the leader of the PLP of Bermuda. These are statements made by Bermudians that received a reasonably good Treaty. The people of this country can decide for themselves whether they have received a good Treaty or not. I am not going to suggest here that we did not need to sign a Treaty, I think we all accepted that, and those politicians who waived their wings on the political platform, trying to make the public believe that the opposers to the Treaty were soft on drugs. They should be ashamed of themselves. This was their only defence, a drowning man will grab at anything. So I can understand Sir, why they felt it necessary to have to degrade the people who opposed the Treaty.

Mr. President, I am going to be moving on to another subject, I notice it is four thirty.

MR. PRESIDENT: I think it is just on four thirty. I was waiting for you to come to a natural pause. So if you have done so, I shall invite the Honourable First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 10(2), I move the adjournment of this House until ten o'clock tomorrow.

MR. PRESIDENT: The question is that this House do now adjourn until ten o'clock tomorrow.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., THURSDAY, 20TH NOVEMBER, 1986.

FOURTH (BUDGET) MEETING

OF THE

1986 SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

THURSDAY, 20TH NOVEMBER, 1986

(FIFTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF LESSER ISLANDS
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 D McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END
MR JAMES M BODDEN	FIRST ELECTED MEMBER FOR THE FOURTH ELECTORAL DISTRICT OF BODDEN TOWN

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

FOURTH (BUDGET) MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

THURSDAY, 20TH NOVEMBER, 1986

(FIFTH DAY)

1. PRAYERS

TO BE READ BY THE SECOND ELECTED MEMBER FOR WEST BAY.

2. QUESTIONS TO MEMBERS

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

NO. 99: WOULD THE HONOURABLE MEMBER STATE IF THE PROPERTY ADJOINING THE TOWER BUILDING WHICH WAS PURCHASED BY GOVERNMENT IN SEPTEMBER, 1985 WAS SURVEYED PRIOR TO ITS PURCHASE?

3. OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

(1) PRIVATE MEMBER'S MOTION NO. 17/86
RE: CAYMANIANS RESIDING IN CUBA

(2) PRIVATE MEMBER'S MOTION NO. 18/86
RE: THE ROADS LAW, 1974

4. GOVERNMENT BUSINESS

BILLS:-

THE APPROPRIATION (1987) BILL, 1986

SECOND READING: CONTINUATION OF DEBATE ON THE BUDGET ADDRESS.

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THURSDAY

20TH NOVEMBER, 1986

10.07 A.M.

MR. PRESIDENT: Prayers. The Second Elected Member for West Bay is not here. Does any Member have the Prayers? The Honourable First Official Member.

PRAYERS

HON. THOMAS C. JEFFERSON: 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 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.

Let us repeat the Lords Prayer together.

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, Amen.

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

MR. PRESIDENT: Please be seated. Questions. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Thank you Mr. President.

QUESTIONS TO MEMBERS

THE SECOND ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT.

NO. 99: Would the Honourable Member state if the property adjoining the Tower Building which was purchased by Government in September, 1985 was surveyed prior to its purchase?

ANSWER: I am not aware of a survey having been carried out on the property in question prior to its purchase, and neither was one requested as there was no reason to doubt the accuracy of the details, including the property size, as provided by the Lands Office during the purchase negotiations.

SUPPLEMENTARIES:

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Is the Member aware that the onus rests with the purchaser and not with the Land Registry, when purchasing property, that is, the onus for surveying the property to see that it is exactly what he is buying.

HON. THOMAS C. JEFFERSON: Mr. President, in hindsight we can almost say anything. That is the case, that the purchaser is the person who needs to ensure what is being purchased. We have purchased lots of land since the Cadastral Survey time. We had no reasons to doubt the accuracy of the record.

MR. LINFORD A. PIERSON: Supplementary, Mr. President. Would the Member state whether Government made an error in the purchase of the property, which resulted in an over payment of approximately $160,000?

HON. THOMAS C. JEFFERSON: Mr. President, we all made the error, because all the information was placed before Finance Committee, which is comprised of all Honourable Members and the Financial Secretary as Chairman. None of these Members either, had any reason to doubt the accuracy of the property size of that parcel.

MR. LINFORD A. PIERSON: A further supplementary, Mr. President. Would the Member state why such a grave error, or omission took place, in view of the recommendations made in the Public Accounts Report on the Accounts for 1984, with regard to land purchase by Government?

HON. THOMAS C. JEFFERSON: Mr. President, I do not have the Public Accounts Committee's Report in front of me for 1984, but from my memory, I do not recall a recommendation by the Public Accounts Committee that the property should be surveyed. It said, to the best of my knowledge, that you get an estimate or an evaluation from the Lands Officer on a parcel of land before you buy it. If there is any question in your mind, or in the Lands Officer's mind about the value, you get a second, independent valuation.

MR. LINFORD A. PIERSON: Mr. President, if I may refresh the Member's mind. The Public Accounts Committee's Report for 1984 dealt in some detail with the purchase of George Seymour's land, at which time recommendation was made that any future purchase of property by Government should be first passed through the Lands Department to ensure that a proper valuation was placed on the land. Would the Member state whether he is now aware of this directive?

HON. THOMAS C. JEFFERSON: Mr. President, the recommendation of the Public Accounts Committee, as I remember it, was subsequent to the purchase negotiation.

MR. LINFORD A. PIERSON: Subsequent to what purchase negotiation?

HON. THOMAS C. JEFFERSON: The purchase negotiations of the property being questioned, the size of it.

MR. G. HAIG BODDEN: May I ask the Member how costly was the act of not surveying the property, mentioned in the answer?

HON. THOMAS C. JEFFERSON: Mr. President, I believe that information is available if the Member researches the Public Accounts Committee Report.

HON. BENSON O. EBANKS: Mr. President, the Honourable First Official Member just touched on the Point of Order which I was going to call your attention to, and that is, Standing Order 22(f) (x) and (xi). If my memory serves me correctly, this whole matter was covered in the Public Accounts Committee's Report, and was commented on by the person who is asking this question, so the question is not being asked for information.

MR. PRESIDENT: I think the original question was probably permissible.

MR. LINFORD A. PIERSON: Additionally Mr. President, this matter has not yet been debated, as a result of the Government

Minute in answer to the Public Accounts Committee Report.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if he is questioning your right to allow this question?

MR. PRESIDENT: He is drawing to my attention something in Standing Orders, which is a right that all Members have, and Members exercise from time to time.

MR. G. HAIG BODDEN: Mr. President, may I ask the Member if the result of not surveying this parcel, was that Government paid in excess of $2.0 million per acre for this piece of land?

HON. THOMAS C. JEFFERSON: Mr. President, the property that we purchased was for a negotiated price of US$570,000.

MR. LINFORD A. PIERSON: Would the Member state whether this purchase was on the basis of the land being .36 of an acre, and later found out when it was surveyed, that it was only .24 of an acre?

MR. PRESIDENT: I think I am right, or rather I think the Honourable First Elected Member of Executive Council is right in saying that all this information is available in the Public Accounts Report.

MR. LINFORD A. PIERSON: No Sir, it is not. What we had in this House was a Public Accounts Committee's Report, and we are yet to get the Government Minute stating that the Report is correct or not. So I do not have available answers to that.

MR. PRESIDENT: Oh with respect, if that information in detail was contained in the Public Accounts Committee, the size of the plot and the rest of it, and my recollection is that it was, then I think that can be accepted as accurate information, because it came from the Auditor.

The Elected Member for North Side.

MR. D. EZZARD MILLER: Can the Member state whether Government is now conducting precise surveys, before land is being purchased?

HON. THOMAS C. JEFFERSON: Mr. President, there was a Committee established by Government, to set up guidelines for the purchase of land, which follows the recommendation of the Public Accounts Committee, and those have now been accepted by Government, and any property which would be purchased in the future, would be subject to survey.

MR. LINFORD A. PIERSON: Mr. President, in view of the ruling yesterday which you allowed, with a question based on the Public Accounts Committee's Report, when the Honourable First Official Member refused to accept the recommendation, I can hardly see why this question would be out of order, when in fact we have not yet received a Minute in reply to the Public Accounts Committee's Report. The Minute could very well say that the Report is inaccurate.

MR. PRESIDENT: Is there any further question?

MR. LINFORD A. PIERSON: Would the Honourable First Official Member state which officer of Government was responsible for authorising the purchase of this property?

HON. THOMAS C. JEFFERSON: Mr. President, the property was negotiated with the Lands Officer and the Financial Secretary, and the Finance Committee approved that the property be purchased.

MR. G. HAIG BODDEN: Mr. President, can I ask if Executive Council had approved this purchase before it went to Finance Committee?

HON. THOMAS C. JEFFERSON: The answer to that question Mr. President is yes.

MR. LINFORD A. PIERSON: So Mr. President, is the Member stating that the Finance Committee only rubber stamped what had

already been approved by Executive Council?

HON. THOMAS C. JEFFERSON: No Sir, the Second Elected Member for George Town knows the procedure, he has been in Government many years, and he knows that there is no rubber stamp, and that Finance Committee is not a rubber stamp to any recommendation made by Executive Council.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: In light of the last question. Would the Honourable First Official Member confirm that I, the Elected Member for North Side voted against the purchase, therefore it was not a rubber stamp?

HON. THOMAS C. JEFFERSON: To the best of my knowledge Mr. President, I believe the Elected Member for North Side voted against it.

MR. LINFORD A. PIERSON: Interesting supplementaries Mr. President. A further supplementary. Would the Member further state that on the basis of the .24 of an acre property bought at almost $500,000, that each of the 19 carparks made available through the purchase of this property, would work out to approximately $25,000, excluding any civil engineering costs, or paving to those parts?

HON. THOMAS C. JEFFERSON: I am not certain of that Mr. President. I do not have those figures to hand, and I am not certain that I can agree to that. It may be the case, but I do not have the figures.

MR. LINFORD A. PIERSON: Simple arithmetic Mr. President. Divide $477,000 by 19, I think you will get $25,000 per carpark.

HON. THOMAS C. JEFFERSON: Mr. President, if he is an expert on arithmetic, let him stay on the other side. I have had my day with it, and the public of the Cayman Islands know who I am, and what I am capable of, and what I am doing.

MR. LINFORD A. PIERSON: I regret getting the Member upset, and hot under the collar. I am just asking some supplementaries to get the answer I am seeking.

Would the Member state whether $25,000 was before paving and other civil engineering work on the carpark?

MR. PRESIDENT: Sorry, what $25,000 do you mean?

MR. LINFORD A. PIERSON: The $25,000 which he has accepted is the approximate cost per carpark.

HON. THOMAS C. JEFFERSON: Mr. President, I do not believe that I accepted that it was $25,000 per carpark. In any case, the property was not bought for that specific purpose. If I am given time to look at it again, perhaps I can answer the Member in writing.

MR. LINFORD A. PIERSON: A last supplementary, Mr. President. Would the Member agree that the Executive Council made a gross error, and a tremendous waste of Government funds in this purchase?

MR. PRESIDENT: That asks for an expression of opinion, and I am afraid I cannot allow it. The Member knows quite well that he may not ask questions which solicit expressions of opinion.

I think the Member said that was his last supplementary. If others have also exhausted the possibilities of this particular question we can move on.

In that case, Item 3. Private Members' Motions. Private Member's Motion No.17/86. The Second Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO.17/86
RE: CAYMANIANS RESIDING IN CUBA

MR. W. McKEEVA BUSH: Mr. President, I beg to move Private Member's Motion No.17/86.

"WHEREAS there are Caymanians and Caymanian related families who are desirous of leaving Cuba,

BE IT RESOLVED that His Excellency the Governor do make proper representation to the United Kingdom Government to bring these families home to the Cayman Islands as early as possible".

MR. D. EZZARD MILLER: Mr. President, I beg to second the Motion.

MR. PRESIDENT: Private Member's Motion No.17/86 dealing with Caymanians residing in Cuba, has been duly moved and seconded. The Mover may now speak to it if he wishes.

MR. W. McKEEVA BUSH: Mr. President, years ago the Cayman Islands were barely known, times were hard, and many Caymanian families went elsewhere to make a living. Some went to the United States, some went to Honduras, some went to Nicaragua, and some went to Cuba.

In those days Cuba was somewhat like America, as America is to us today. You went to Cuba for instance, to have your tonsils removed. As the world knows, a change of Government in the late 50's changed the entire situation. Many Caymanians left that country, moved elsewhere, and contributed well to those communities. Many are still there waiting, or wanting to come home to the Cayman Islands.

As it stands, Caymanians residing in Cuba can go to the British Council and apply for a visa. The Council then makes arrangements with the Government here, and then approval can be given. When arrangements are finalised, they can then travel to Jamaica and then on to Cayman. This arrangement I might be told, is a good arrangement. I believe that that is the answer I am going to get.

What we have to take into consideration Mr. President, is the astronomical cost to the Caymanian families living here, who have to pay in United States dollars $700. US$700 for each relative, to be able to come home. This is very expensive, and I believe as a Government, we can do something to help out these families.

Mr. President, in 1969, the then Government and the British Council, that is, the Cayman Islands Government and the British Council made arrangements for Caymanians living in Cuba to be brought home by special flight from Cuba, direct to Cayman. The people there were notified, arrangements were made for a plane, and in two trips around 80 people came home. They did not come free of cost, and I do not think that anybody is asking that today either. Each one had to pay the Cayman Islands Government their passage money. The majority, if not all of those who came here then, came home to the West Bay district. They established themselves, they worked hard to raise their families, and today they are some of West Bay's finest citizens. If that was the only problem we had, we would be on top of the world.

They came at a time when this country needed carpenters, mechanics, engineers, common labourers and even good office workers employed in the Civil Service today. They formed a nucleus of labour for Public Works. We even had amongst them a lay preacher, a good Christian man. I believe we would be doing the right thing in trying to bring home those people in Cuba. Mr. President, I believe as far as I can understand, the number would be in the region of between 50 and 75 people who are Caymanian born, or their children are. I am not asking that we go back to the tenth generation. I am asking that this facility be extended to Caymanian born, their children and perhaps some grandchildren, and this could be determined.

Mr. President, I have heard some talk about there being the possibility of Communist ideologies and entrenchment. I do not think we have to worry about that. I

heard that same kind of rubbish in 1969, when the other Caymanian families were coming home. There was a big hue and cry, I remember it. All sorts of things were said," Oh, Fidel Castro was going to take us over", you have never heard more in your life. Today, those people are the most industrious and hardworking people we have. Their children have turned out to be some of the best. As I have said, I do not think there is one case that we could look at and say that that family has caused this country any trouble. Some of them have worked hard, and have retained good positions in the Public Service, and in the private sector. So, I do not think we have to worry about Communist ideologies. As far as I can hear and understand, what was taught to the children when they get home, the parents taught them the good old capitalist and Caymanian way as they knew it, and it has been passed on from children to grandchildren.

Furthermore Mr. President, concerning this Communist entrenchment and ideology, I do not think any Communist would want to leave Dr. Castro, they are all satisfied over there. I am not going to belabour these points. I am asking this House to look with favour on the Motion; to consider the hardship to those Caymanian families who have to pay US$700 per relative under the present system, and to take other situations existing in this country, where we have to import labour, into consideration. If those people we would attempt to bring home to the Cayman Islands are anything like what we have today, and they are all the same families, I think our communities would be better off.

I am asking this House to please give consent to a good Motion, and let us bring home these people, and let them make a contribution to this country.

I thank you.

MR. PRESIDENT: The Motion is open for debate. Does any Member wish to speak? The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, I rise in support of this Motion. I support any efforts made to repatriate Caymanians from Cuba, or any other country in which their rights and privilege could be abused. While at first sight in reading the Motion before us today, I did not see the necessity for this Motion as Government has in the past been very effective in repatriating Caymanians. I nonetheless have understood from the Mover of the Motion, the Second Elected Member for West Bay, that some of his constituents are indeed experiencing major difficulties in being repatriated to their homeland here in the Cayman Islands. I therefore feel Mr. President, that any additional assistance which can be given, or any possible additional pressure which can be brought to bear on the Cuban Government would be well advised. Perhaps Mr. President, this matter is so important that His Excellency the Governor, or maybe the Honourable First Official Member should give a statement to enlighten this House, and thus the people of the Cayman Islands, as to the present status quo in this matter. Then they can tell us whether there is indeed any difficulties being experienced that they know of in repatriating Caymanians, who have expressed a desire to be repatriated home.

Mr. President, we have to bear in mind that the Cayman Islands have over the years, and I think the situation still exists, that we have had access to the British Embassy in Havana, in successfully repatriating Caymanians back to their homeland. Also, as far as I am aware, the United Kingdom has not to date broken any diplomatic relations with Cuba, or with the Cuban Government. Because of this continued relationship on a diplomatic level, we have over the years, enjoyed the privilege of overflying Cuba. However Mr. President, as stated earlier, I support any effort which can be made to expedite the process of the repatriation of all Caymanians who are desirous of returning home.

But Mr. President, of similar importance is perhaps the question of Caymanians who are held in prison in other countries, such as Jamaica. While it is true Sir, that before our prison was built, we were forced to send all our prisoners with sentences in excess of twelve months, to Jamaica. We are happy that today that situation no longer exists, even though Sir, it is sad that our prison is operating under the theory of Parkinson's Law. Every year Sir, we get bigger with more prison cells, and as a result, get more and more prisoners filling those cells.

In an effort Sir, to assist one

of the constituents, and I believe that my good friend the Honourable Second Elected Member of Executive Council has also been very instrumental in this. We have verbally, and also in writing, contacted the Jamaican Government for the transfer of one of our native Caymanians, who is also a member of the George Town constituency, a man by the name of Robert Rafney McField. He is serving a sentence in Jamaica, but it seems that very little is being done to reciprocate the arrangement which at present is available in Cayman. In other words, it is my understanding that we are prepared to send Jamaican nationals back to their country to serve their sentences, but to date we have found it very difficult to have this man returned back to his native land. His mother Mrs. Mavis Morris, has approached many Government officials, but it is my feeling Sir, that enough is not being done at a Government level, at a top Government level to assist this man. It is not enough to write letters, or to contact politicians in their private positions. I feel that this matter is of such importance that a Government delegation at the very top level should take a trip to Jamaica and talk with people in the Ministry of National Security and Justice, or whatever appropriate area is required. This is the same inequity Mr. President, that the Second Elected Member for West Bay has projected in this Motion. I have letters on file Sir, that have written to the Permanent Secretary at the Ministry of National Security and Justice, and they have come back to me and said that the onus is also with this Government to have the proper reciprocal arrangements made. So it would seem to me Sir, that we here in the Cayman Islands will need to deal with this matter at the very highest level, and I am saying here that I am aware that letters have been sent from His Excellency the Governor and other senior officials, to the Jamaican Government and I am aware also, that certain politicians have been contacted, but I do not think that this is good enough. I feel that we need to make a trip to Jamaica at a top official level, for the sole purpose of negotiating and discussing this matter.

Mr. President, this was the purpose of us building a prison to accommodate our people, and I would like to see this matter given urgent attention.

I support the Motion before this House Mr. President, and I have no reservations in giving it my total blessing.

Thank you Mr. President.

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

HON. J. LEMUEL HURLSTON: Mr. President, the Mover of the Motion was very perceptive, and his perception was very accurate, when he said that he had a reason to believe that he would be told that the present system was workable and acceptable.

The Government finds itself unable to support this Motion, Mr. President, and more so now that I have had the opportunity of hearing some of the reasons for bringing it. The Mover has said that the persons earlier repatriated in the late 1960's were not repatriated free of cost, but that they had to contribute to it. Yet, on the other hand he is saying now that persons who are now being called upon to contribute to the cost, are finding it hard to do so. It would seem therefore Sir, that one of the purposes of the Motion is to seek financial relief, and if that is the case Sir, then the Motion is rather misplaced.

We have no evidence Sir, that there are between 50 and 75 Caymanian born or descendants of Caymanians now residing in Cuba, who are anxiously awaiting any such representation to be made on their behalf, for their return for residence to the Cayman Islands. We have had in the past three years, an average of ten applications from persons wishing to return to reside in the Cayman Islands, or in a few instances, persons simply wishing to come on a visit, an average of ten per annum over the last three years. In 1984, 11 persons returned from Cuba and took up residence in the Cayman Islands. In 1985, five persons did so, and so far this year we have had applications in respect of eight persons to take up residence in the Cayman Islands, six of those eight applications are currently being processed and will be dealt with very shortly.

We can therefore see Sir, from the record that there is no tremendous flood of requests from persons wishing to take up residence in the Cayman Islands. And it seems that if it is financial relief for members of his own constituency that the

Member is really seeking to obtain, there are other ways and means of making representations for that purpose.

One has to also bear in mind Mr. President, that when accepting the repatriation of Caymanian-born persons or their descendants, part and parcel with that has to be consideration for their spouses, many of whom are not Caymanian or of Caymanian descent, but Cubans. Despite what the Member may feel, he is entitled to his opinion Sir, the threat of Communism is not an imaginary one, it is one of the most serious threats to the western world and it must also be born in mind Sir, that Communism does not come with any great announcement of its arrival. No one comes along with a red flag waving and saying 'here I am coming with Communism'. Communism has its subtle ways of finding its way into communities, and although we may have seen no evidence of it emerging in the Cayman Islands as yet, one can only take credit for that on the basis that persons are properly screened and processed before being given permission to enter the Cayman Islands.

So Mr. President, there is nothing major or controversial in this. The Member has outlined that there is a procedure in place that is working, where applications are received by the British Embassy in Cuba, transmitted to the Cayman Islands Government, and processed locally, and the successful applications are then approved and the arrangements are finalised for the persons to come either on a visit, or to return to reside here permanently. So it is not a denying of an opportunity.

Can I also say Sir, that in the past we have only had a few occasions where persons residing in the Cayman Islands, have acted as sponsors of persons wishing to take up permanent residence here, and on very few occasions have we had to decline an application on the basis that the sponsors locally were unable financially, or otherwise, to accept responsibility for the sponsorship. In accepting responsibility for the sponsorship, local persons have to ensure that they have adequate housing accommodation, in order to accommodate these families when they do return, and it does take them some time to get on their feet and to establish themselves properly. So, it is quite a responsibility, and one which cannot and should not be taken lightly.

On the basis of those few words Mr. President, I cannot support the Motion.

MR. PRESIDENT: Does any other Member wish to speak? The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, one is left to wonder why Government is taking the stand that it is, while granted, there is a mechanism in place, I believe Sir, that there are certain mitigating factors within the country, that Government appears to be turning a blind eye to. Mr. President, the last speaker spoke about the threat of Communism, that it does not come with a red flag neither Mr. President, does it come in a suitcase, and when you get here you can open it and let it out and let it affect, like some virus, the people in the community.

One of the reasons Mr. President, why Caymanians understand today the evils of Communism, and the hardships from living under Communism, is partly due to talking to Cubans of Caymanian descent who came here to live and who are now conducting active contributory lives in our community.

Mr. President, the fact is, that this country is going to need an influx of labour in the next couple of months to work in the tourist industry, to do the menial tasks which some people call it, in the tourist industry. Where are we going to get these people from? Are we going to bring in more Europeans? Why are the Europeans leaving England, is it because they are so well off in England and things are so good and rosy in England. Mr. President I had a conversation some months ago with a top level Civil Servant here on contract, who spent about an hour trying to convince me of how badly off he is, because he came to Cayman to work. How much he gave up to come to Cayman, and how expensive Cayman is, and Mr. President having listened to that man for almost a half an hour I had to tell him in my usual dictatorial, democratic way, that he was an idiot, because only an idiot would migrate from a situation of good to a situation of bad, on his own free will. So let us not put our heads in the sand and believe that it is only the people who might come from the Communist countries, whether it is Nicaragua, Cuba or somewhere else, of Caymanian descent who are going to bring evils into our society. I can well remember in the late 1960's who

started, and who coined the terminology 'expatriates' in this country. That was not coined by Caymanians, that was coined by the British expatriates in this country, to indicate to us Caymanians that they were better than us. And Mr. President, we have all heard the stories of these Europeans bringing in their toga parties and their wife swapping, etcetera, etcetera. So all the evils do not come from Communism that exists in our society today.

Mr. President, I believe that if this country is going to need an influx of labour, and it is going to, I think Government has a responsibility to contact countries like Cuba, where there are people of known Caymanian descent who might be willing and desirous to come here and provide that labour force, and we have a track record of the people who come to this country, and it is a good track record of becoming productive members of our society.

Mr. President, maybe we need to look at the Protection Law, somewhere along the line, and give assurances and provide people of Caymanian descent, who return to this country, at the very least, are given automatic work permits, you do not have to give them Caymanian status, but they should be allowed to work here in this country, and Mr. President, so should their spouses. They have made that choice in life, they have to live with it. Many of us are married to foreigners, and our wives are enjoying the fruits of the development in Cayman. Maybe if this Motion had said that we should bring back Caymanians out of Tampa and New Orleans, Port Arthur, the Government would have accepted it, because there would have been no connotation of Communism. And make no ghost fool you Sir, those Caymanians there have different values from the Caymanians today. Anywhere we bring them from, there are going to be certain areas of social conflict, but Mr. President those areas of social conflict are going to be no greater than bringing in Europeans, because at least some of those of Caymanian descent, I have heard the duppy stories about North Side and West Bay graveyard, and things like that, so they know some of thing things about Cayman, no Filipinos or Canadians or anybody else. I believe, because let us not fool ourselves, the position that Cayman is in today, is not entirely due to us Caymanians who have stayed here and worked on it, and are now in a position to enjoy the fruits. This country was built by seamen who may now be residing in Cuba, in Honduras, in Nicaragua, in Tampa, and in New Orleans. Those people who went off to work, some worked on shore because like me they get seasick. But, the important thing was that those allotments came to this country every year, and it is those allotments that built up Merrens, so that Government could borrow money from Merren to pay their Civil Servants, and it continued and it continued.

Mr. President, I think as a Government, we must have some obligation to the descendants of those people who built this country. Whether they are in Cuba, Tampa , New Orleans, Port Arthur, Honduras or anywhere else, certainly Mr. President, we have a greater obligation to those than we have to the French, Germans, English, Filipinos, Canadians or Americans.

Mr. President, I am disappointed that Government is not going to support the Motion.

MR. PRESIDENT: The Honourable First Elected Member of Executive Council.

HON. BENSON O. EBANKS: Mr. President, I had not intended to speak on this Motion, but it looks to me that we have gone quite a long way from the Motion, and in fact, the Motion has been over simplified, and I think I would care to make a few comments about it.

To my knowledge, applications that have come from Cuba, from Caymanian related families, have been processed and the people arrived here. If there is a problem with people getting out of Cuba, I do not think it is because of the necessity of any representation to be made to the Government of the United Kingdom, or even to the British Embassy in Havana. It seems that the procedure for dealing with applications to come to Cayman has been very well established, and certainly there is no time lost in the Embassy contacting this Government. I have experienced this Mr. President, only within the last month.

The problem probably lies Mr. President, in the fact that we are now down to persons who are in fact Cuban citizens, even though their ancestry might be British and from Cayman, and the Cuban Government therefore has a right to say when and whether their citizens will leave the country. We, as the Honourable

Third Official Member has said, have not been inundated with any large number of applications. If this were the case, and it was cheaper to put the group together, and find some special transportation to bring them out once they had been approved, then there would be a case to be made for that. All that the Mover has said, and those who have supported it about the quality of person who has returned from Cuba, Mr. President, is true. They have made excellent citizens, and in fact Mr. President, it is some of those same people who are today bringing relatives in. I have no knowledge of anyone not really being able to get their relatives here. If that is the case, well then the representation in my opinion does not need to be made to the United Kingdom Government, the representation needs to be made to the Cayman Islands Government because the machinery is in place with the United Kingdom's representative in Havana to get these people out, if the Cuban Government will permit them to come. And once the sponsors here can demonstrate that, as the Member has said, they have housing and so on for them. And Mr. President, the Government has been working with these sponsors. I know of a case very recently, which was dealt with by the Member who responded from the Government bench, where the original sponsor of a prospective returnee, had in fact agreed to sponsor more than one family, and one family came in or there were changed circumstances, and the sponsor could no longer accommodate the person when they were cleared by the authorities in Cuba, and the Member suggested that maybe alternative accommodation could be found, and this has happened and I believe that those people are well on the way to being permitted to come to Cayman. We, Mr. President, as I have said, have the machinery in place if there is a problem, the problem exists that the people are not making known to this Government exactly how many people would like to come, or in what sized families, and who their sponsors are. As far as I know, as the Honourable Member has said, every application that has reached this country, and we have had no representation from individuals or from the United Kingdom's Representative in Havana, that anybody is being denied the right to apply today.

Mr. President if there are 50, 60, 70 people in Cuba wanting to come here, the Government is unaware of it, and I would suggest that those family members who are prepared to sponsor those people, come forward to Government as was done in the late 60's, early 70's and let it be known, in which case the Government can then take an intelligent decision. But what representation are we going to make to the United Kingdom Mr. President? They have been assisting and processing every applicant that has come forward.

As regards the prisoner in Jamaica Mr. President, I thought the Honourable Third Official Member would have commented on that, because I happen to know that representations have been made on a Government level without success, but it is not because of inaction on the part of this Government. What perhaps was not made clear by the Second Elected Member for George Town, is the fact that the person mentioned is serving time in Jamaica not for an act committed in Cayman, but for an act committed in Jamaica, or allegedly committed in Jamaica I should say, because I do not know the details of it.

That is an aside Mr. President, but I have no problem with the Communism part of this debate Mr. President. the people who have come from Cuba have shown themselves to be law abiding, industrious people, and I am satisfied that the Government processes and accepts those people who have sponsors capable of accommodating them until they can get on their feet, and I know of no impediment that the United Kingdom Government could assist us with, in getting these people home. For that reason Mr. President, I regard the Motion as unnecessary, and for that reason I cannot support it.

MR. PRESIDENT: Does any other Member wish to speak, if not, does the Mover wish to exercise his right of reply.

MR. W. McKEEVA BUSH: Mr. President, I have trouble sometimes listening to the round about way that some Government Members can say things. For one thing, they ought to know, and even though they might not want to say, they know it that when I bring a case to this House, that I have done some research on it. I have had some representation on it, and enough to make me try to do something about it.

The Member who speaks for Government in these cases, said that the Motion is misplaced, because

of the financial cost, or words to that extent. Mr. President, I wonder if some of them had families in Cuba, if they would do something about it on a bigger scale than that which they are doing. The big thing is about, as far as I can determine from their contributions, is about the mechanism. They have a mechanism in place, and I said that, I did not need to be given a lesson on that. But, my complaint is the cost of that mechanism. One thing I did not hear, and I will give way to the Member responsible, if he can tell me how long it takes to process a request, I would give way, because that is something that I had not heard.

HON. J. LEMUEL HURLSTON: It varies Mr. President, the length of time that a particular application takes to be processed, because it depends on a number of factors. It depends on how quickly the sponsor can produce the evidence that we need, as to the availability of housing, and the other related commitments that have to be in place. It all depends on how complete the application is, in respect of the health, mental condition, physical fitness and so on of each individual applicant. I have seen applications processed in a week. I have seen other applications which have had to take four weeks to be processed, but I have never seen an application take any longer than approximately four weeks.

MR. W. McKEEVA BUSH: Mr. President, the other point they made was that they did not know how many persons living in Cuba wanted to come home to Cayman. But that is why I was asking the Governor to make proper representation to the United Kingdom Government. I am wondering if I had drafted the resolution to say that this Government make the proper representation, what they would have told me. All of those little stories you have heard Mr. President do not fool me. I know why this Motion is not being passed, and all the hypocrisy that was exhibited this morning does not satisfy me.

MR. PRESIDENT: The Member knows he must not impute improper motives to others.

MR. W. McKEEVA BUSH: Those are not improper motives, that it telling the truth.

MR. PRESIDENT: I think you are making the offence worse.

MR. W. McKEEVA BUSH: If there is nothing major....

HON. BENSON O. EBANKS: Mr. President, we forgive him he does not know what he is doing.

MR. W. McKEEVA BUSH: I do not know whether the Member was talking to me, or he was cross-talking to somebody else Mr. President.

MR. D. EZZARD MILLER: He was talking....

MR. PRESIDENT: I think he was talking to you, but he should not not...

MR. D. EZZARD MILLER: He was talking to the President, I thought.

MR. PRESIDENT: Anyway, please continue, and we will stop the interruptions.

MR. W. McKEEVA BUSH: That is all right Mr. President, he knows that I know what I am doing. Furthermore, he knows that I know what he is doing, and why he is doing it. What the Member should have told you Mr. President, you know, I had better leave some things unsaid.

HON. BENSON O. EBANKS: Maybe that is wise.

MR. W. McKEEVA BUSH: Wise, because it would bring to the surface certain things, to show hypocrisy. Government should pass this Motion in all fairness, and you know it more than anybody else. You will not skylark around here this morning, talking about I do not know what I am doing, that is what he always tries to make people

believe every time I bring a case, he is going to do something about it, so you do not need McKeeva to do anything about it. I am going to do something about it, I am the great I am that I am. I would not have brought this Motion here if I had not talked to people about it. Communist threat - I do not need to be given a lesson on Communist threats. I read, and I look at television, and I realise what is happening here in the Caribbean. Do you think $700 is easy to find? That is what they believe? Mr. President, the big thing here is not about a mechanism, it is the opportunity and the needs of the Cayman Islands today, of labour. What the Member responsible, I have a great amount of respect for him, they are letting the political directorate lead the Government sector a little bit here, I know this case, I know what is going on. What the Member should tell me is how Owen Barrington Bruce with such a long Police record, could get a work permit in this country. Remember the situations I spoke about yesterday.

HON.CAPT. CHARLES L. KIRKCONNELL: Mr. President, on a Point of Order Sir. We are straying from the....

MR. W. McKEEVA BUSH: Mr. President, will the Member....

CAPT. CHARLES L. KIRKCONNELL: ....Motion which is being debated....

MR. W. McKEEVA BUSH: ...will the Member really say his Standing Order.

MR. PRESIDENT: Will you sit down please. Thank you. Allow the Point of Order to continue, and I will rule whether it is a genuine Point of Order.

MR. W. McKEEVA BUSH: It is different from how he treats me.

MR. PRESIDENT: Sit down.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the Member is not staying within the confines of the Motion, he is straying, and it is irrelevant what he is saying to the Motion.

MR. LINFORD A. PIERSON: Mr. President, on a Point of Order.

MR. PRESIDENT: No, let me rule on that Point of Order first, please.

MR. W. McKEEVA BUSH: It is not a Point of Order.

MR. PRESIDENT: Let me rule whether it is a Point of Order. Will you please sit down.
I think a number of speakers have strayed from the strict terms of the motion. If I feel that the present speaker strays too far, I will stop him.

MR. LINFORD A. PIERSON: Mr. President, on a Point of Order. May I take my Point of Order.

MR. PRESIDENT: Yes.

MR. LINFORD A. PIERSON: It seems Sir that you are somewhat inconsistent with your ruling. Other Members of this House on rising on a Point of Order, have had to quote the Point of Order before you have allowed them to speak. And I would like to see consistency in this matter Sir.

MR. PRESIDENT: That is an expression of opinion, not a Point of Order. I will bear it in mind. The Second Elected Member for West Bay may continue. The Second Elected Member for West Bay may continue.

MR. W. McKEEVA BUSH: The Member for North Side is rising on a Point of Order Mr. President, and I am giving him time to find his Standing Orders.

MR. D. EZZARD MILLER: Mr. President, on a point of clarity on my part Sir, am I not correct that if a Member is going to interrupt someone on a Point of Order, he must quote the Point of Order on which he is interrupting the Member, otherwise it is an interruption, and he cannot speak unless the Member sits down and gives way, unless he quotes chapter, section, verse, sub paragraph, little (i) little (b) what the Point of Order is Sir? Am I correct or not?

MR. PRESIDENT: I have stopped Members who have in my view, started making speeches in the guise of Points of Order, and have expected them to quote under which precise Standing Order they are raising the Point of Order. That is to prevent speeches which are spurious Points of Order. If somebody gets up and immediately makes clear precisely what his Point of Order is, then I shall not necessarily insist that he quotes that it is done under Standing Order 24(1) paragraph (ii).

MR. D. EZZARD MILLER: Mr. President, can I draw your attention to Standing Order 34? I think the last Select Committee changed it a bit. I think it is now very specific as to what can be done and what cannot be done.

MR. PRESIDENT: My understanding is that 34(a) says the Members interrupting shall direct attention to the point which he wishes to submit to the presiding officer for decision. And my understanding of the Honourable Third Elected Member of Executive Council was that as soon as he had risen, he had said that the speaker was straying from the point, and irrelevant, and that is a Point of Order, and a known Point of Order. It is when somebody gets up and starts making a long speech, that I stop them.

Now, I think perhaps since we have spent so much time arguing about this, we might conveniently take our morning break. If the Second Elected Member for West Bay was going to finish within a minute or two, and he prefers to finish first, I will certainly allow him to. But if he wants to speak for some further time....

MR. W. McKEEVA BUSH: No Mr. President, I have about a five hour reply.

MR. PRESIDENT: So, in that case I think let us take our morning break, and I will suspend proceedings for about fifteen minutes.

AT 11:20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11.53 A.M.

MR. PRESIDENT: Debate on Private Member's Motion No.17/86. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I know this Motion is going to be defeated. Government is not going to pass this Motion. The next Motion I am bringing is going to be passed, and I know why that one is going to be passed; I know why this one is not going to be passed. Anyway, nothing I do or say here will make a difference, except Mr. President to say one thing. Threats do not frighten McKeeva, no matter how big the man is. You do not frighten me with threats, you have got to prove it to me, you have got to knock me down first. I have coined a neat phrase which I think suits Government in cases like this, and that is to let them wallow in their own folly, and that is exactly what I will do with them.

Mr. President, when a case comes to me, I try to do something about it. I know what has been happening to me, and if I put a case on the floor of this House, the people will know what I have said, and what I have done. Some might not like it, but they will understand what I have done, it will not be left to rumour.

Mr. President, I believe this Motion is fair. I believe that Government knows it is fair, and I know the reason why they are not going to pass it. Their reason will not make any difference, it is not going to help them. The Motion is left to the whims and fancy of the House.

MR. PRESIDENT: I will put the question in respect of Private Member's Motion No.17/1986.

QUESTION PUT: AYES AND NOES

MR. PRESIDENT: You would like a division?

MR. W. McKEEVA BUSH: Yes Mr. President.

MR. PRESIDENT: Certainly.

MR. W. McKEEVA BUSH: I wonder if you could hold off the Third Member from West Bay wished to vote against the Motion, she said she would come in and vote against it.

MR. PRESIDENT: I do not think you can presume to vote on other Member's accounts. If she comes in time she may vote.

MR. G. HAIG BODDEN: I think she is purposely absent...(LAUGHTER)

DIVISION
NO.35/86

AYES: 5	NOES: 9
Mr. W. McKeeva Bush	Hon. Thomas C. Jefferson
Mr. Linford A. Pierson	Hon. Michael J. Bradley
Mr. G. Haig Bodden	Hon. J. Lemuel Hurlston
Mr. D. Ezzard Miller	Hon. Benson D. Ebanks
Mr. John McLean	Hon. W. Norman Bodden
	Hon. Capt. Charles Kirkconnell
	Hon Vassel G. Johnson
	Mrs. Daphne L. Orrett
	Capt. Mabry S. Kirkconnell

MR. PRESIDENT: I declare that the Motion was rejected.

Private Member's Motion No.18/86. The Second Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO.17/86 DEFEATED BY MAJORITY

PRIVATE MEMBER'S MOTION NO.18/86
RE: THE ROADS LAW, 1974

MR. W. McKEEVA BUSH: Mr. President, I beg to move Private Member's Motion No.18/86.

MR. D. EZZARD MILLER: Mr. President, I second the Motion.

MR. PRESIDENT: I am just looking to see, I think it is the normal practice that the terms of Motions are read out by the mover. I know this is a long one, and the Mover may have thought that it would save the time of the House if he did not read it out. I was just wanting to check whether there was any requirement that it be read out. I cannot find a requirement.

MR. W. McKEEVA BUSH: In the meantime I will read it out Mr. President.

MR. PRESIDENT: I think it might be best if you did read it out. I think that would be on the safe side.

MR. W. McKEEVA BUSH: Motion No.18/86.

"WHEREAS certain cases have come before the Assessment Committee set up under section 7 of the Roads Law, 1974, for assessment of compensation:

AND WHEREAS such cases have highlighted certain

deficiencies in the Roads Law, 1974 concerning the notice under section 5 to owners of land whose land may in whole or in part be expropriated by Government for he construction of roads and related matters;

AND WHEREAS such notice is invariably either not communicated to the owner or occupier of the land or if it is so communicated, it is misleading in that it fails to state that compensation shall be paid in an appropriate case in fact the declaration states that no compensation is payable;

AND WHEREAS the Roads Law, 1974 uses two specific phrases which are vital to the computation of compensation, but which phrases namely: "undue damage" and "serious hardship" are not defined with sufficient clarity to enable the Assessment Committee to truly assess the amount of compensation to be paid to the applicant for the loss and inconvenience caused by the exploration of his land;

BE IT RESOLVED that the Roads Law, 1974 be amended to provide for the giving of notice by stating that the declaration shall be published in three consecutive weeks in a news paper published or circulating in the Islands and FURTHER THAT such declaration shall be served by ordinary post on each Registered Proprietor of any land affected or to be affected by the declaration;

AND BE IT FURTHER RESOLVED that the Roads Law, 1974 be amended by adding words so as to bring to the attention of the public that any person affected by such declaration may be entitled to compensation in a proper case;

AND BE IT FURTHER RESOLVED that the phrases "undue damage" and "serious hardship" as the same appear in the Roads Law, 1974, section 10(3) be defined."

MR. PRESIDENT: I will not take it that the Motion is duly moved and seconded, and the Member may speak to it.

MR. W. McKEEVA BUSH: Mr. President, since 1984, and ever since I have been elected to this House, and today makes it exactly two years since I was sworn in as a Member, I have tried to the best of my ability, to, wherever I find a problem, go to my people to find a solution, and I do it in all honestly, and the best way I know possible. Any work I do Mr. President, it is not transparent, or any kind of transparency in me, I do it because I see that there is a need, and maybe my heart is a little bit better than some people's. That is why when people come to me, I feel greatly affected.

Sir, in being a Member of the present Assessment Committee which has been established for the purpose of assessing compensation, when perhaps Government has to acquire property for roads, I have found certain cases which have highlighted certain deficiencies in the Roads Law, which Mr. President, was enacted in 1964, some 22 years ago. The deficiencies as highlighted concerning notice, as contained in section 5 of the Law, which says that, and I will read it:

> "Whenever it appears to the Governor that any particular portion of land is needed for the layout of a new public road or the widening or diverting of an existing public road, a declaration to that effect shall be gazetted.
>
> The declaration shall state the locality in which the portion of land is situated, the approximate area of such portion of land, the intention of the Government to construct a road or portion of road over such portion of land without payment of compensation for any interest therein, and the place where a plan can be inspected.
>
> The Governor shall cause a detached plan of the proposed new road, or of the part of the road intended to be widened or diverted, and the lands through which it is to pass, to be transmitted to the Registrar to be exhibited to any person who may require to examine it."

Now Mr. President, on looking at this section, one might be tempted to say that this is all that is necessary, but this is not the case. There are certain anomalies, in fact, the section gives a misleading impression that no payment is due to an owner, in the case of certain hardships to the owner, or undue damage when in fact, in such cases compensation is payable. The notice, if the owner does get own, is also misleading, in that it in fact states that no compensation is payable.

Another area is where the phrases "undue damage" and "serious hardship" are not defined with sufficient clarity to enable the Committee to make proper judgements, in my opinion. I have found in the Assessment Committee that we have to follow the Law, which says in section 10(3) and I will read:

> "Where the Committee is satisfied that the applicant has suffered or is likely to suffer undue damage or serious hardship at the time of the taking of the said land by reason that the loss:-
>
> (a) of any standing crop or tree; or
> (b) the severing of such portion of land from his other land; or
> (c) the injurious effect on his other land of the dispossession of such portion thereof."

My feeling has been, and is today, that there is a lot more to take into consideration than that which is stated in this Law. We need to look at other areas for a person to get compensation. We have to consider that the property which the road is going through, is a piece of property that a person has searched for years and found; has saved up money for years, and bought, and that by rendering that piece of property unusable, the person would have to go and find another piece of property, they would have to take time, and time is money.

Another thing I found very hard to accept, is the case where property has been in a family's possession for over one hundred years, and this is then cut up for a road, and then the family is told that they are better off because they have, for instance, corner lots. When in fact, the property has had road frontage on both sides for years.

Mr. President, as far as I can understand, this Motion is going to be passed, I hope, and I am waiting to hear Government's response, trusting that their hearts will be softened by the many cases that have gone to Members. I am waiting to hear their responses.

MR. PRESIDENT: The Motion is now open for debate. Does any Member wish to speak? The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, the Second Elected Member for West Bay has correctly predicted that the Government accepts his Motion, because it realises that the Law at present does not set out with sufficient clarity, either the procedure or the principle upon which compensation may be payable. It also recognises that declarations could be published with advantage in a local newspaper, as well as in the Gazette.

The Attorney General's Chambers will be requested to examine the present legislation, with a view to amending it in accordance with the Motion, and to also check the Law for any other anomalies. We will then bring a proper Bill before the House as early as possible.

MR. PRESIDENT: Does any other Member wish to speak? The Honourable Second Elected Member of Executive Council.

HON. W. NORMAN BODDEN: Mr. President, during this Meeting I have heard so much about hypocrites, and Christians, and it would seem to me Sir, that we can add fortune-tellers to that growing list.

I support this Private Member's Motion No.18/86, that is now before this Honourable House Sir, and I support it because I find that it is reasonable and timely, and I want to congratulate the Second Elected Member for West Bay for bringing, once again, a very good Motion to the House.

It is true that the phrases

"undue damage" and "serious hardship" are wide in scope, and these should be defined, because sometimes what is a serious hardship for one case might not be for another.

I also believe Sir, that a better system of notification to the general public needs to be provided for. I also would hope that when the Law is being examined, as the Honourable Third Elected Member of Executive Council has just stated, by the Attorney General's Chambers, that provision will be made for some rights of appeal from maybe decisions that are made by the Assessment Committee, plus any other amendments. I would certainly be supportive of this, and as I have said, I think it is a good Motion, it is timely, it is reasonable and I offer it my full support.

MR. PRESIDENT: Does any other Member wish to speak? In that case, does the Mover of the Motion wish to exercise his right of reply?

MR. W. McKEEVA BUSH: Yes, Mr. President, I can certainly rise in better form, than I rose before on the other Motion.

I will say Mr. President that I am not a hypocrite, I am not transparent, I am not the best Christian, I am not a fortune-teller either, I just know my people, I know who I am dealing with.

I am happy that Government has seen fit to accept this Motion, I believe in the final analysis, that we will get a good thing, and I trust that it will not be too long in coming forward. I know that we can hardly do anything again this year, but next year I am looking forward to seeing these laws being overhauled and amended as quickly as possible in the first part of the year. I am looking forward to a very busy year next year.

Mr. President, as I have said before, any time a problem is brought to me, I try to point it out to Government in the form of a Motion, when I think it is necessary, because that is what I am here as a Private Member to do. I am not here as a Private Member to sit back and say 'yes', or say 'no'. I am here, when I see a case, to bring my Motions under the Standing Orders, and I do my research, and when I do not think that I can handle it myself, I get a lawyer to help me, if it needs legal interpretation. So, I do not really like to be accused of the things I heard coming across. Tell me that I am too outspoken maybe, but do not accuse me of being a hypocrite.

I know why the Motion is being accepted, but I am very happy that they are accepting it. Thank you.

MR. PRESIDENT: I will put the question.

QUESTION PUT: AYES

MR. W. McKEEVA BUSH: Can I have a division Mr. President?

MR. PRESIDENT: Certainly.

DIVISION
NO.36/8

AYES: 11
Hon. Thomas C. Jefferson
Hon. Michael J. Bradley
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

NOES: 0

MR. PRESIDENT: I declare the Motion carried. That concludes Item 3. on today's Order Paper, and we can pass on to Item 4.

PRIVATE MEMBER'S MOTION NO.18/96 PASSED.

HON. MICHAEL J. BRADLEY: Perhaps Sir we could adjourn, and restart earlier.

MR. PRESIDENT: Well, I was just about to ask, or try to see if I could sense the feeling of the House, whether it would be more convenient....

MR. D. EZZARD MILLER: The Second Elected Member for George Town needs a lunch, because he is going to talk a long time Sir, he has a lot of notes, a lot of reading.

HON. MICHAEL J. BRADLEY: But if you make it sufficiently early Sir, he will not be back in time from Rotary.

MR. PRESIDENT: (LAUGHTER).

MR. W. McKEEVA BUSH: Two o'clock.

MR. PRESIDENT: It was the Second Elected Member for George Town speaking. In the ordinary course of events, if we adjourned at the normal time he might have fifteen to twenty minutes now. I imagine he plans to speak for rather longer than that, and perhaps it would be better from his point of view if we did adjourn now...

MR. LINFORD A. PIERSON: Yes Sir.

MR. PRESIDENT: ....and meet again a little bit earlier in that case. Two o'oclock?

HON. THOMAS C. JEFFERSON: Yes, two o'clock Sir.

MR. PRESIDENT: I think perhaps two o'clock, would that be convenient? Yes. In that case I suspend proceedings until approximately two o'clock.

AT 12.18 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.07 P.M.

MR. PRESIDENT: Continuation of the Second Reading Debate on the Appropriation (1987) Bill, 1986. The Second Elected Member for George Town had been speaking.

GOVERNMENT BUSINESS

BILLS

THE APPROPRIATION (1987) BILL, 1986

SECOND READING: CONTINUATION OF DEBATE ON BUDGET ADDRESS

MR. LINFORD A. PIERSON: Mr. President, when we adjourned yesterday, I had reached a point in my debate regarding a reference to a remark made by the Honourable First Official Member in his Budget Address.

I wish to at this point, Mr. President, clarify my remark regarding his reference to the dissenters and their vocal efforts concerning the likely detrimental effects of the Narcotics Agreement, and to set the records clear Mr. President, I will read the text of what he said in this respect. He said:

> "Despite the dissenters and their vocal efforts concerning the likely detrimental effect of the Narcotics Agreement on the future of our financial industry, from the indications available to me, this does not seem to be the case, and there has not been any noticeable slowing down. There are doubters again, concerning the effect of the recently signed Mutual Legal Assistance Treaty, but there again, my earliest information indicates that the banking industry continues buoyant, and banks of quality continue to arrive."

That was the full text of his

speech on that particular point, Mr. President, and I apologise to him if I did not quote him quite correctly yesterday.

Mr. President, as I was saying yesterday, while the Narcotics Agreement may have caused some amount of concern in the Cayman Islands, the Treaty has put the nail in the coffin. I do not in any way withdraw that statement, because there are already signs that what I have said is correct,but I would hope Sir, that our future position will indeed improve, and that this country will benefit in spite of this one-sided Treaty. I do not intend Mr. President, to enter into a full-scale debate on the Treaty, but I think that since it was brought up in the Budget, that it is only fair that Members of this House be given a chance to reply, and debate this point.

We have heard Mr. President in the Assembly during this sitting, that the number of registered companies in good standing have dropped from approximately 19,000 to approximately 15,000 over the months, and perhaps the past few years. This is a serious situation, and this indicates Mr. President, a downward trend in our economy, regardless of what we hear about the number of banks coming in here, and the size of these banks. The question to be asked here is, how much is being contributed to the economy of this country? This is what we want to find out, when we hear about these big bank coming here. Are they 'A' banks? 'B' unrestricted banks with a Manager and a secretary? Are they shelf banks? These are the questions we want answered Mr. President.

The Treaty has been signed only four months now, and already these Islands are experiencing certain adverse effects from the Treaty. I trust Mr. President that over the next two years, that our country will indeed benefit from this one-sided Treaty, but time will tell.

Mr. President I have seen a write-up in the Financial Times dated November 10, 1986. A survey which was carried out by a Mr. David Lennon, but it would appear from the contents of this otherwise fairly good journalism, that Mr. Lennon interviewed only members of the Government bench and their supporters, that supported this Treaty - this is quite clear, with the exception of a small note entitled 'Human Dynamo Still Sparks' which gave the impression that the writer intended to make a joke of the First Elected Member for Bodden Town. That was the only mention made of any of the opponents to the Treaty, and this was made in my opinion, to form some kind of a joke at that gentleman. The article states Mr. President, that the Islands officials insist that the main achievement of the Treaty is that it puts an end to subpoena serving, and other forms of harassment to which Cayman businessmen were subjected previously. Mr. President, if this is the only reason why the Treaty was signed, God help us. I would have thought that it was more in the interest of the people of the Cayman Islands, than the harassment of one or two businessmen. Mr. President, I was distressed to see that an independent writer, or supposedly independent, uninfluenced writer would have said that the opposition in the Legislative Assembly had seized upon the Treaty as an opportunity to try and unseat Government, and force new elections. Mr. President, nothing could be further from the truth. Of course we called for new elections, but the reason for this Mr. President was that the Government bench stated in no uncertain terms that they had given us the best they could, they had nothing better to give us, and we felt that because there was so much lacking in this, that somebody had to come in and make the necessary amendments. The only way this could be done, was by a new election. It was not because we wanted to create any instability, because like any of the Members across from me, I have as much love and interest in the Cayman Islands, as any of them. It was further stated Mr. President, that we wanted the 'behaviour' it says here. Let me read it exactly:

> "This behaviour is being denounced as political chicanery, sedition and rank opportunism, by the supporters."

Those words are very familiar Mr. President, and I believe I know who could be the architect of those statements. What was a bit surprising to me Mr. President, was that I saw no major statement made by our elected Government. I would have thought that a matter as important as this, that took so many pages of the Financial Times, it would be interesting to know who paid for this. But a matter this important would have had statements from our Elected Executive Council Members. But instead Sir, I saw yourself featuring here, and the Honourable First Official Member, who

are really Civil Servants in this Government. And I notice Sir that you said:

> "A more significant reason I believe, is that with the recent signing of the Mutual Legal Assistance Treaty with the United States, the Cayman Islands is set to begin a new chapter in the remarkable story of its development."

I hope Sir, that time will prove you right, and that even though you plan to leave here in May, you will hear the good story of the success caused through the Treaty.

I would at this point also Mr. President, suggest to those in the private sector, especially certain bankers who seem to get themselves involved in the politics of this country, and who tried so hard to prove the opponents of the Treaty wrong, that it is still a bit early to form an assessment of the real effects, good or bad, emanating from the Treaty. What we are all doing now Mr. President, is using the past trend in predicting the future, and some of the events and activities in the past would make us reasonably believe that these could occur in the future. We have seen abuse under the Narcotics Treaty, and I believe Sir, that we would be naive to feel that there would be no abuse, or no possible abuse under this Treaty. I for one Mr. President, and I believe this to be the view of my colleagues on this side of the House, still feel that the Treaty and legislation which brought this Treaty into effect, were too hurriedly rushed through the House, and that those documents still require certain necessary amendments. I would hope Sir, that our efforts in our petition to Sir Geoffrey Howe, have had some effect, even though we have not sent the signatures yet,but believe me you will get them in due course. We sent the petition up long ago, asking that the Treaty not be ratified, but we are also not so naive that we feel that there is a very strong possibility that Sir Geoffrey Howe will accede to our request. We know Sir, that the pressures that be, and the powers that be, will have a lot of influence as to whether or not any attention is given to our petition. But the people of this country Mr. President will see that the Members on this side of the House have their interests at heart and regardless of the criticism we get, we will speak for what we feel is in the best interests of our people, and let the people judge whether there is an election now, or whether there is one in 1988, the people will judge whether we were right or wrong. Enough said on that point Mr. President, because you did tell me not to go too far into this particular matter, but I hope you will use the same restraints on those who will follow me, because I am sure that while you had a lot of trouble in getting people up yesterday, by the time I am through here, you will be getting people jumping all over the place to reply to me.

I move on Mr. President, to the Financial Sector in the same sequence as the Budget Address.

Banking and Trust - I was pleased to learn of the success story from banking and other institutions, this was very heartening Sir. But my only hope is that this is long lived. I also hope that the main interest of some of the vocal proponents from the financial sector are not inspired by selfish motives, as in the majority of the cases so far published, it seems that the only reason some of these upstanding people in the financial sector, supported the Treaty, was because they felt it would put an end to the problems they had experienced in entering the United States, through subpoenas and other harassment. However Mr. President, as I have said, there seems to be little thought of the negative aspects of the Treaty on our country.

We were told that at the end of 1985 there were approximately 500 banks registered here, which translates to approximately US$175.5 billion of foreign assets in the banking system, and I am pleased to hear this Mr. President, it speaks well of our financial industry. This forms Mr. President, a significant increase of some 16.5 percent on the figure for 1984. Yet Mr. President, even with the enormous amount of funds and assets available in the banking system in the Cayman Islands, many local Caymanians are finding it most difficult to even obtain mortgage money and many businesses are finding it difficult to receive funding for their businesses. When they do receive funding, the funding is at such prohibitive rates, that they can hardly afford to pay the interest rates, much less the principal repayments. Why should not some of all this $175 billion be placed in a Building Society, or similar organisation? I do not refer to the Housing Corporation Mr. President, because that has no worked, and I do not think that it will

work, because it is not on the right footing. But I do think that a Building Society, properly established would work in the Cayman Islands. These funds could be made available for say, 20 to 25 years at low interest rates, since we have established Mr. President, that our people get very little benefit from this $175.5 billion. Perhaps we will be told what benefits other than Government fees, and the little salary that they get from working in the bank, that we receive from this $175.5 billion. We are told that the majority of people working in the banks are Caymanians, but what we are not told is that they are on the lower rung of the salary ladder. The smaller positions, the smaller percentage are held by expatriates who perhaps get 80 percent of their total salary benefits. Mr. President, is it enough to feel comforted in the fact that the Cayman Islands is the safe repository for the banking institution, with little tangible benefits to the people of these Islands? I say no. With about a quarter of one percent on the Euro currency transactions in this country, do you think that the banks would pull out, if Government approached them with that or similar suggestions? They have to pay in all other countries that they have established in, and I do not think that they would feel that this is a prohibitive suggestion. Out of the $175.5 billion which translates to $175.5 million, million, we get $5.0 million in Government fees. I would like somebody to work that out, and tell me what decimal points and how many zeros would be after the decimal point, before you get to a whole number?

The Insurance Sector - I was very disappointed to hear the Honourable First Official Member state that various changes in the United States Tax Law may have adverse affects on the large captives, licensed to operate in the Cayman Islands, and that not one word as to any plans, any contingency plans or some comfort to those insurance companies registered and operating here. Is it sufficient for us to accept that these companies will pull up their roots and go off to Bermuda, or some other area that offers them better terms than we do here in the Cayman Islands? Will the number of other small captives coming here compensate for all the big ones that will pull up and leave because our Government was not farsighted enough to protect them under the Treaty? Do we stand idly in a nonchalant manner while the larger captives are forced to find refuge in other destinations, such as Bermuda and Barbados, a situation partly caused by our negotiating team? While I appreciate Mr. President that certain concessions with regards to taxes, perhaps the four percent Excise Tax may not have been available. We do not know, because our team did not negotiate on that level.

I know I will hear certain Members state in this House that we would have had to have agreed on full disclosure in tax matters, but Mr. President, I contend that they are not quite sure of this, because they did not negotiate at that level. At least if they did, they did not negotiate in any detail that was reported back to us here in the Cayman Islands. So if they did, and they failed to report back as they did on all other matters, then they have themselves to blame. What will be of interest, and indeed of some significance, is the percentage of revenue which will be lost to the Cayman Islands when these big captives have fled. This will be the time when I will be interested in hearing of the marvelous and wonderful effects that this Treaty has had on the people of the Cayman Islands. We are only four months into the Treaty, and already we have seen harmful effects.

Mr. President, I move on to Companies Registration. We were also told that 1,620 new companies were registered during 1986, as compared to 1,413 for the same period in 1985. Yet, Mr. President, figures can sometimes not give you the right picture, depending on the way they are presented. We were not told when we received that information that we have lost over the past few months and perhaps extending into the past couple of years, 4,000 companies, which means that we do not have 1,800 companies on our register, as we are made to believe, but we have more like 1,500; a 20 to 25 percent drop in our Companies Registration. Yes Mr. President, the Honorable First Official Member failed to say what the number of companies were that were struck from the Register. All we heard was the number that registered during that period. It is just like getting the amount of revenue Government makes, but not being told that the expenditure exceeds the revenue, leaving us in a deficit position, as is the 1987 Budget, a deficit Budget, helped generously by a revised, estimated and speculative surplus. At the end of 1985 Mr. President, the number of companies in default had increased by 700 for that year, 700 in one year. It will be interesting to see the position at the end of 1986, especially in view of the number of

companies we find in voluntary liquidation, gazetted every two weeks in this Island. Mr. President, it would help that when we are given information in this House, that we are given both sides.

The legal profession, Mr. President, as in the case of the legal profession, the accounting profession is one of the key ingredients to a smooth running financial industry. I was pleased Mr. President, to see the admission by the Honourable First Official Member regarding the value of the legal profession. Pleased indeed, especially in view of the fact that an unwarranted attack was made on the Law Society by certain Members of the elected Executive Council. Mr. President, was this attack because the contribution from the Law Society on that particular matter touched a sensitive spot on the consciences of those Members? Would their reaction to the Law Society at that time had been the same, if the Law Society had agreed fully with the proposed enabling legislation to the Treaty? But Mr. President, I think in retrospect, the Members realised that they had made a terrible mistake, and they will be happy when this Budget Address is through, so that they will not be hearing much about the Treaty for a while, because I think even they would hate to hear that word mentioned in their ears.

But Mr. President, my Budget Address will be very objective. I do not intend to get here and cast any personal aspersions at any Members. After all, it is becoming soon the season of goodwill towards men, but in the event that my example is not emulated by my good friends across from me, I shall have to reciprocate at the first possible opportunity after I have heard them speak, so I am hoping they will follow my good example, and behave themselves like good gentlemen when they get up to speak in this House.

Mr. President, I now move to the Tourism Sector. I sincerely believe that the future of the Cayman Islands' economic development will rest in the tourism sector. I wish to make that point abundantly clear, that I sincerely believe that the future of this country will rest with the tourism sector, and not the financial sector. I see my good friend the Honourable First Official Member shaking his head, but again, I would like to be proven wrong, time will tell. My view, is that in this respect, that our tourism sector will provide more and more jobs for our people. I see the institutions that will survive the effects of the Treaty, being the big fish. But I see a lot of medium and small firms having to fold because of the pressures that will be brought to bear on them. Many of these small companies Mr. President, are companies that operated corporate and management firms, and a lot of the companies that were registered with them are pulling out, and I am not talking about companies that are suspect. I am talking about people that will look you in the eye and say 'you can tell me all the good things that you have to say about the Treaty, I do not want to hear. If I am going to be put under any form of investigation by my country, I do not need that kind of treatment." There is no doubt that there is a downward trend in the financial sector, and that this has resulted from the signing of the Treaty. I see fewer and fewer companies registering here, and a slowdown in other financial sector related activities. And to the Honourable Second Elected Member of Executive Council, I say I give you my full support in any efforts that you are making to promote these Islands. Perhaps Sir, the advertising and promotion budget should be increased, because I believe that our tourism sector is going to far outpace our financial sector.

I welcome Mr. President the new hotels, the Treasure Island Resort Hotel and the Hyatt Regency Hotel, and I really hope that our people will benefit from the job opportunities being opened up in those hotels. Based Mr. President, on the estimated 250,000 air arrivals for 1987, I feel that most, if not all of our people, including the 200 to 300 school leavers each year who are interested in this type of work, will receive employment. Mr. President, I think it is incumbent on Government to make sure that any offer of employment by these hotels is realistic. Not as a man told me a few days ago, a gentleman for whom I have a great deal of respect, a past Civil Servant, who has a tremendous amount of experience in storekeeping. He worked at the hospital for a number of years in the stores department, and he told me that he was called in for an interview at one of these hotels, to be a supervisor of the stores. But when it came to the question of pay, he was told that he would be paid $3.75 per hour. Mr. President, is this an attempt to discourage our people from applying for these jobs? Is this a way of opening the floodgates to cheaper labour from the Philippines and other countries, where these people will come and live below a

subsistence level? Mr. President, this is ridiculous, that a man at that level and of that stature would be insulted in such a way, when if you get a garden boy to mow your lawn, you have to pay him five to six dollars an hour. Mr. President, this would appear to me to be an outright attempt to discourage our people from applying for these jobs, and thus push them out, and not give them the opportunity to benefit from the prosperity. What benefit would there be to the Cayman Islands if our people receive no tangible benefit from these big hotels? And, Mr. President, when I say 'our people' I talk about a full cross section of this country. I do not represent any particular group within my constituency. I do not represent any particular minority group. I am a representative for the George Town constituency, and I feel Mr. President, that when I get up in this House I try to represent the interests of the people of the Cayman Islands. I trust Mr. President, that the Honourable Second Elected Member of Executive Council will take note of this, because I believe that he is aware of the case that I have just sighted here.

I move on to the Transport Sector. Cayman Airways - Mr. President, I believe that the introduction of the Boeing 737 to our National Airline is a wise decision. I believe that the benefits to be derived from the smaller aircraft will certainly outweigh any inconveniences caused by its restricted size. As far back as 1981 I recall a report supporting the 737 on much the same grounds as given by the Swiss Air Consultants. My position on this Mr. President, does not necessarily coincide, even with some of my colleagues, but this is my personal view with regard to the 737, and this is on the basis of our limited route structure. Mr. President, I have also had the opportunity to briefly study the financial statements of Cayman Airways for the year ended to the 30th June 1986. And, Mr. President, while I will agree that there have been improvements in a more timely presentation of the accounts for audit, just after the companies financial year, of greater importance Mr. President, is the actual performance in the companies operations. For one, Mr. President, as a qualified accountant, it baffles me why the $624,911, which incidentally is half of the annual agreed subsidy for the year to June 1986, should be included under Operating Revenues of Cayman Airways. I hope that somebody after me will get up and explain to me how a Government subsidy can be considered 'operating revenues' for the Airline. This amount Mr. President, has nothing to do with the operations of Cayman Airways. It should have rightly been placed under 'other revenues' or 'other income', but it has nothing to do with the operations of the Airline. But Mr. President, even with this subsidy injection, revenue fell far below the corresponding period in the year to June 30th 1985, and this fell by over $1.0 million. While I can appreciate that the loss of the Club Med Charters may have contributed to this, it is my contention that it is the responsibility of the Chairman and the Directors of his Board to seek new business, and produce a better performance. This was a very poor performance Mr. President, in comparison with the previous year. Producing financials two months after the year end is not good enough. If Cayman Airways is to survive, then better performance is needed. Mr. President, there were a number of factors in favour of Cayman Airways during the year to 30th June, 1986. For one, the fuel cost was reduced by $2.0 million, because fuel costs dropped tremendously. Yet Mr. President, even with the $2.0 million saving in fuel, our operating costs, flying costs; if Cayman Airways had not benefited from the $600,000 subsidy from Government, the position would have been very dark indeed. Something is not right Mr. President. All of these big profits which we heard forecast, where are they today? Is it enough to have a very impressive looking Annual Report, when there is nothing in it but a picture of the Chairman on the cover? Mr. President, in the year to the end of June 1986, had it not been for the $600,000 that Government gave to Cayman Airways, because they gave it to them, the profit before financing costs would have been only $193,902, as compared to $416,310 for the year to the 30th June, 1985. And Mr. President, the net loss after obligations under Capital Leases, etcetera, would have been $1.7 million and not $1.1 million as shown in the statement of loss and accumulated deficit. Mr. President, I move to the balance sheet of CAL for the year ended 30th June, 1986. Even the balance sheet Mr. President, has been window dressed to make it look good.

You tell your accountant what you want and you get it, especially if the fee is right. Of course, this did not apply to the very reputable firm of Thorne Riddell. I hope you are surprised that it did not apply to my firm. Approximately $7.0 million were taken out of Payables, out of Current

Payables and out of Loans. Government looked at Cayman Airways and smiled at them, and it was a worthwhile smile, $7.0 million worth of it. They took it out of their books and they said that in return 'you give me a few share certificates and all is well'. Yet Mr. President, I sat in that gallery and heard some severe criticisms of the last Government, because of the same thing. For a couple of hundred thousands, yet with a stroke of the pen, they wrote off $7.0 million, and everything was all right. This $7.0 million was transferred to a Share Subscription Account in order to reduce the shareholders deficiency, and Government, as I have said, is satisfied to receive a few share certificates in return. With the amount of subsidy that this Government is prepared to give Cayman Airways, there is no reason why it should not be doing better. When we examine the financial statements of that Company we see that it is progressively getting worse. The performance in the year to June 1986 was worse than the corresponding period in 1985. I want the Honourable Members of this House, and indeed the listening public to decide whether they feel that Cayman Airways Limited is operating on a good footing, or indeed, whether the Airline is showing any signs of increased profitability. Mr. President, Government continues to baby-sit Cayman Airways. In the 1987 Budget, Government is again providing $1.0 million, over a million dollars subsidy to Cayman Airways. Where is all the expertise and the result of this that I heard about when there was a change in Chairmanship; when there was a change in the Board of Directors? We were told that the old Chairman of Cayman Airways was pushing the Company through the ground. But it is interesting to note that the new Chairman has not performed any miracles. From the figures that we have before us the situation seems to be getting worse. Further, Mr. President, having heard the remarks made during the 1984 Elections campaign, a particular Member closely aligned to the Government bench said that we needed Cayman Airways like a hole in the head. Mr. President, it is certainly refreshing to see the positive stand now being taken by this same person. It is also refreshing to see the positive stand being taken by the Chairman, as reflected in the Chairman's Statement in Cayman Airways Ltd.'s Annual Report for the year to 30th June, 1986. As in the case of Cayman Airways, other Airlines coming to this country have contributed to the promotion of tourism in these Islands. It was therefore unfortunate Mr. President, that the Honorable First Official Member found it necessary to reprimand the old Republic Airlines, now Northwest Airlines, for not, as he termed, providing its share of destination marketing support to Cayman. It would be interesting to see the basis for his statement. This statement Mr. President, was in bad taste for a Budget Address. There is no reason why this should not have been made office to office, and not brought to this House, where we benefit from the immunities, the powers and the protection offered in this House. We can say things here that cannot be directly answered back, and this is unfortunate. Mr. President, it is my position that Republic Airlines has provided in the past an excellent service to these Islands. The fact that the Cayman Islands is constantly shown on its vast network of routes, would suggest that perhaps Republic Airlines has surpassed Cayman Airways in real terms, in promoting the Cayman Islands. It would be interesting to see how we would be able to cost the benefit derived from the advertisement that Republic Airlines has given to the Cayman Islands, just on its maps of is route structure. Somebody in North America picking up one of the maps, right away they see that there is a route to the Cayman Islands. I feel Mr. President, that that statement may have been a bit harsh, and if there is indeed any justification for the Honourable First Official Member feeling this way, then perhaps in future he should deal on a more official level with the management of the particular airline or company, not bring it in a Budget Address.

Mr. President, I move to the Government Sector. A serious situation is developing with the increasing number of posts being added to the Civil Service each year. This position, Mr. President, appears to have escalated since the purchase of the Tower Building, and I therefore want to ask whether the Personnel Department is not operating the Government Civil Service, under the theory of Parkinson's Law. Parkinson's Law for the edification of those who may not know, states that when a void is created it will inevitably be filled, and this seems to be the situation in the Government Civil Service. I am sure that we will soon hear that there is not enough space in the Tower Building, and that Government will have to consider another building, perhaps to house the computer, because that it another animal that we have rearing its ugly head, and it seems to be getting bigger and bigger,

like a dinosaur, unchecked. In 1984 there were 1,310 posts in the Service; in 1985, there were 1,367 posts; in 1987 the number has again increased by 68, to 1,435 posts. What will it be by the year 1990? It is an alarming increase, Mr. President. With this increase in the number of people in the Civil Service, salaries have jumped from $22.0 million in 1985 to $23.0 million this year, with the total sum provided for personal emoluments budgeted at $32.5 million. This sum Mr. President forms some 58 percent of the total recurrent expenditure, which is set at CI$55.3 million, which has been provided in the 1987 Budget. 58 percent of your recurrent expenditure budget is in personal emoluments. It is believed, Mr. President, that mechanisms such as computers, etcetera, tend to have the effect of cutting down a number of ancillary positions in any organisation. But the Government Service has shown beyond any doubt that the theory does not apply to the Cayman Islands Civil Service.

Since the introduction of the computer system, Government has been employing more and more staff. In addition to the $32.0 million in personal emoluments the computer system of Government has cost some hundreds of thousands of dollars, I will not state the most recent figure I have been given, but I am sure that the Official Member who presented the Budget will, no doubt, in his winding up provide the exact figure to date. What is of concern to me Mr. President, in the development of this computer system is the very lengthy timescale visualised for implementing the computerisation programme throughout the Government. The Public Accounts Committee was recently provided with a schedule or timetable showing dates for installation of programmes in various Government departments. But, Mr. President, when you look at these dates you can readily see that this is most unacceptable. While I would agree with the First Official Member, the Honourable Financial Secretary that the VAX Cluster from Digital Equipment Corporation maybe considered 'state of the art', I think these were the terms he used, I would advise that to date this very expensive piece of equipment, or toy does not seem to be receiving optimum utilisation. It would be interesting to see how cost effective the computer has been in Government. I am not opposing computerisation, but Mr. President, from my basic knowledge of installing any computer system, the most important factor is the feasibility study which is carried out prior to installing the system. One must first determine what is used to avoid ad hoc decisions. We hear that the Police Department is trying out their computer system, but it failed, after having spent hundreds and hundreds and thousands of dollars. Why was that allowed? Everybody seemed to be doing their own thing. Mr. President, what is also alarming is that the only technical person on the Computer Steering Committee, is the person who would have the biggest interest in seeing that her job is preserved. Mr. President, I feel that it is only in the best interests of this country that an independent person versed in computer operations and system analysis should be brought in on the Computer Steering Committee. Mr. President, in this connection, I would reiterate the Public Accounts Committee's recommendation that Government seriously consider tapping the computer expertise locally, available in the private sector, and there are many out there, to ensure that the best possible advice is obtained for he future development of the computer system. The Government should also consider obtaining the services, as I have said, of a person who is versed in Government computer applications, to sit on the Computer Steering Committee, in order to obtain, and I would like to stress that point, to obtain the benefits of an independent person which should be in addition to the Manager of the Computer Department, and this is not meant to be taken in any derogatory form, because I have the highest regard for the expertise of this Manager. But Mr. President, I think it would be in our best interests if we had an independent person on there.

MR. PRESIDENT: *If the Member has come to the* end of one particular section....

MR. LINFORD A. PIERSON: Yes Sir.

MR. PRESIDENT: ...of his speech, perhaps he would welcome our taking the afternoon break now. In that case I will suspend proceedings for approximately, well perhaps a little bit longer, perhaps twenty minutes, because I would be grateful if Members could spare just five minutes to come to the Committee Room, there are a couple of points I would like to mention to them before we actually take our formal break.

AT 3:15 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 4:05 P.M.

MR. PRESIDENT: Please be seated. Resumption of the Second Reading Debate on the Appropriation Bill. The Second Elected Member for George Town was speaking.

MR. LINFORD A. PIERSON: Mr. President, when we took the break, I had reached a point in the Budget Address dealing with the Ship Registration.

Mr. President, as in the case of Companies Registration, I believe that other areas of our financial sector will be adversely affected by the recently signed Treaty, and therefore Government should be looking into the possibilities of diversifying the Cayman Islands economy, and not depending too heavily on the financial sector, as a source of our future economic development. Ship Registration is one area which should be developed. While recognising that our Ship Registry met with some amount of difficulty in recent times, I believe that with a better developed Ship Registration system, that these difficulties would be significantly reduced. Government should at this time conduct a proper survey and feasibility study, to determine the cost benefits to these Islands of developing the registry system, that will meet with international safety requirements. A number of our country's competitors are developing their Ship Registries because they see this as a source of revenue. They see this as a source of their future economic growth. It is my understanding Sir, that Bermuda is one such country. We should therefore, look seriously at the viability and cost benefits of developing a proper system here. I believe that the increase in revenue which we have experienced each year as related in the Budget Address, and especially in recent years, would justify our serious investigation and study into this matter. Before any rash decision is made Mr. President, to discontinue or severely curtail our Shipping Registry, I would suggest that much thought be given to this subject.

Mr. President, I now move on to Revenue and Expenditure. In view of the projected and anticipated upturn in the Cayman Islands economy, I trust that the Government will restore the coffers of the Treasury to the buoyancy they found it in 1984. Although some Members would say that they found a bankrupt Government, their figures and sums Mr. President still require very careful scrutiny. It is heartening to see that $2.0 million that has been transferred to Reserve. But Mr. President, we need to look very carefully into this transfer, and see the basis on which this was made; this is a modest, though a good start, in building back the reserve to the position the Government found it in 1984. Mr. President, it is well known in this House, and in the Cayman Islands, that I stand for what is right. I have never been called an extension cord, for any group, and by the help of God, I hope this will never be. I do not believe that I would be comfortable in such a position. I believe in working with a group, but never as an extension cord. So the views that I express in this House are my views, and I know that many of those views are shared with my colleagues. Mr. President, this side of the House will be watching the performance of Government very closely. We expect better from them in the two years ahead, so it may be somewhat yet premature for them to start bestowing upon themselves any accolades. Mr. President, where better is possible, good is not enough. Mr. President, they are the stewards of the Treasury's funds. We want to see their good stewardship. Every job is a self portrait of the person who did it, and they will be weighed, and I hope not found wanting. We should autograph our work with excellence. As I have said, we will be watching Government's performance, as indeed will be the people of this country. The Honourable First Official Member has told us in his Budget Address that the revised, not actual, the revised net surplus balance predicted to the end of this year results from increases in revenue, above the estimated. By the 'estimated' I take it he means the 'approved' for 1986. If this is what he means, I trust that he will explain this statement in his summing up, because in fact, the 1986 estimated figures show an approved figure of $69.8 million, as against his revised sum of $65.8 million, a difference of $4.0 million. So it is clear Mr. President that the $3.3 million estimated surplus did not come from increases in revenue, above the estimated or approved figure of $69.8 million, approved for 1986.

Mr. President, I now move on to statements of estimated receipts and expenditure for the year ended 31st December, 1986. Just to set the record straight, I would point out to the Honourable First Official Member, the Honourable Financial Secretary who delivered the Budget Address, certain errors in this statement. I am sure that these errors were typographical, or computer errors, and I am sure that since it is indeed a Draft Estimate, that these will be corrected. But nonetheless, in case any of these may have escaped his attention, I would ask him to make careful note of these. The estimated revenue for 1987, shown in the Statement of Estimated Receipts and Expenditure for the financial year ending 31st December, 1987 should read, $65,158,295 and not the $72,860,727 shown in the statement. This is a difference of $7,702,432. I see the Honourable First Official Member is telling me that he also found some errors, so he knows that what I am saying is correct. While this is obviously as I have said, a computer error, I am surprised that it was not picked up before the Draft Estimates were circulated to Members. Another error Mr. President, under the Capital Expenditure, the Loan Works section of this statement, that is, the statement of Estimated Revenues and Expenditure, shows an incorrect figure of $7,152,432 as loans (general), when in fact the correct figure should be $2,421,073, a difference of $4,731,359. The correct figure of $2,421,073 is comprised of the following, and this is just for the information of the Member, in case he had not worked this out:

Head 42 - 002
For $478,000 is in respect of the Master Ground Transportation Plan, etcetera.

Head 42 - 003
For $1,115,029 is for the Cayman Brac Terminal Building, etcetera.

Head 42 - 006
For $828,044 is for the new Fire Station, etcetera.

That comprises the total correct amount of $2,421,073. Mr. President, with those corrections I now move on to the revised position for 1986.

When one examines this statement Mr. President, it is quite clear that Government has entered into deficit budgeting, as I said earlier. With the estimated revenue for 1987, set at $72,860,727 as against an estimated expenditure for the same period, 1987 set at $74,108,399, it is quite clear that on the basis of the revenues of that particular year, there is a deficit of $1,247,672. But, Mr. President, this amount was cleverly set off by the revised, or speculative, not actual estimated accumulated balance at the 31st December, 1986 of $1,319,939, and this is how they have arrived at $72,267,00 surplus, at the 31st December 1987. This surplus at the end of 1987 is based on revised, speculative not yet proven figures. It is noted that capital expenditure from local reserve and loans amounts to $14.0 million for 1987, as opposed to a revised 1986 position of $8.0 million, an increase of $6.0 million. This increase of $6.0 million Mr. President, will have the effect of definitely stimulating the economy, and I trust that the Caymanian public will benefit from these funds, and that the capital works will not all be contracted to overseas companies. Since we are stimulating the economy, I trust that our people will benefit from this.

Mr. President, I now move to the question of Expenditure (General). Mr. President, while it is commendable that the Government has been able to provide a surplus from the revised position for 1986. I believe that more prudence and better stewardship is required, in certain areas that is, I speak specifically and particularly on the unnecessary waste of money on the property next to the Tower Building. Mr. President, if this matter had been properly handled in accordance with laid down guidelines, as recommended by the Public Accounts Committee, this error may not have been necessary, or may not have happened. But Mr. President, as in other cases with the Public Accounts Committee' Report, it was ignored. We found ourselves, because of not following the proper procedure, over spending $160,000 unnecessarily, which funds could have been placed in the Housing Corporation, to help some of the poor people in this country, some of the 'little people' in this country; a term that is scorned at in this House, and let nobody fool you, there are a lot of little people in this country, as in any capitalist system. The wealth in the Cayman Islands is owned by a very small

minority of the people, ten percent maybe, maybe the most, 15 percent. 85 percent of the wealth is owned by 15 percent of the people. There is no wonder we have such severe poverty. But to get the record straight, I am not knocking the capitalist system. I am just suggesting that within the system that Government has to consider the less well off, and that Government should provide for these people. It is ridiculous Sir, that each car park in that very unwise purchase, where Government exceeded the true value by $160,000, each car park costed this country $25,000, and this is not considering any paving, or any other civil engineering works - is that good stewardship? Is that sound judgement? Is that prudence? No, Mr. President, it is not.

Now, Mr. President, I move on to an area which is very close and sensitive to me, namely the people, the little people, and providing the necessary outlets for these people. Mr. President, when I stood up in this House and I moved a Private Member's Motion No.10/86, on the Civic Centres for George Town and West Bay, it was not done to waste time, I was hoping not, but Mr. President it seems that the Honourable First Elected Member of Executive Council has implied in his response to parliamentary questions posed by me that he regards the Civic Centres, which he supported in this House, the Motion he supported, he regards them as of such low priority, that he only provided $10.00 for George Town and $10.00 for West Bay. Mr. President, this is what I call hypocrisy, and I believe that this is the genuine definition of hypocrisy, when a Member will stand in this House and support a Motion, knowing full well that he has no intention of doing anything about it. Mr. President, I want to remind, and I know that this is not necessary, but the Honourable Second Elected Member of Executive Council, but I would remind him, and the Honourable Fourth Elected Member of Executive Council that they are also representatives for George Town, and that they must not allow the Honourable First Elected Member of Executive Council to have his way in this matter, and I would wish to see full provisions made in the 1988 Estimates, if supplementary provisions are not made before. I hope that in his good judgement, and in his conscience, he will see the need for supplementaries coming to this House, before the end of the 1987 financial year. I know that the Honourable Second Elected Member, as I feel in the case of the Honourable Fourth Elected Member, has a keen interest in George Town, the same as the Member that seconded the Motion, from West Bay,and we will not stop our pressures on the Honourable First Elected Member of Executive Council, until he has seen the light. He knows that it is necessary for us to have these centres, and Mr. President, I hope that before the 1987 financial year is closed, that we will see proper funds provided for these two Centres.

MR. PRESIDENT: I think that would be the right time to break off, it is just four thirty.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with Standing Order 10(2), I move the adjournment of this Honourable House until ten o'clock tomorrow.

MR. PRESIDENT: The motion is that this House do now adjourn until ten o'clock tomorrow.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., FRIDAY 21ST NOVEMBER, 1986.

FOURTH (BUDGET) MEETING

OF THE

1986 SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

FRIDAY, 21ST NOVEMBER, 1986

(SIXTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

FOURTH (BUDGET) MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

FRIDAY, 21ST NOVEMBER, 1986

(SIXTH DAY)

1. **PRAYERS**

   TO BE READ BY THE SECOND ELECTED MEMBER FOR WEST BAY.

2. **GOVERNMENT BUSINESS**

   BILLS:-

   THE APPROPRIATION (1987) BILL, 1986

   SECOND READING: *CONTINUATION OF DEBATE ON THE BUDGET ADDRESS.*

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FRIDAY

21ST NOVEMBER, 1986

10:06 A.M.

MR. PRESIDENT: Prayers. The Second Elected Member for West Bay.

PRAYERS

MR. W. McKEEVA BUSH: 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 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.

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. Amen.

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

MR. PRESIDENT: Please be seated.

ANNOUNCEMENTS

Before inviting the Second Elected Member for George Town to continue his speech on the Second Reading of the Appropriation Bill, may I take the opportunity, on behalf of Members, of welcoming as our guests this morning to the House, the Constitutional Commissioners to the Turks and Caicos Islands, Sir Roy Marshall, Mr. Henry Steel and Mr. Williams whom many of you probably will know already, together with Mr. Cambridge...I am not sure, I cannot see whether the lady member of the team is there...she is not.

I know that all Members will value the opportunity of meeting them, and talking to them later in the day. Meanwhile, may I say how glad we are to have them here.

For the information of the House, and of the Member himself, by my calculation, the Second Elected Member for George Town has been speaking for just on two hours already. I think I make it one hour and 59 minutes, so we can say he is half way there. I invite him now to continue his speech.

GOVERNMENT BUSINESS

BILLS

THE APPROPRIATION (1987) BILL, 1986

SECOND READING DEBATE: CONTINUATION OF DEBATE ON THE BUDGET ADDRESS

MR. LINFORD A. PIERSON: Thank you Mr. President.

I too, Mr. President, am mindful of the presence of our distinguished guests this morning, the Constitutional Commissioners, and in my usual very calm manner, I will continue to deliver my reply to the Budget Address.

Yesterday Sir, at the adjournment, I had reached a point in the Budget Address dealing with the Social Services Department, and the particular point under this department which I was dealing with was that of the Civic Centres for West Bay and George Town. I have placed them in that order of priority, because from the answer I received from the Honourable First Elected Member of Executive Council, it is quite clear because he represents the district of West Bay, that his will be completed before the George Town Civic Centre, even though the Member for George Town moved the Motion in this House to have the Civic Centres established in both districts. Be this as it may Mr. President, my main concern is that something is done, and that the Member will not sit on this issue.

To recap Mr. President, the Honourable First Elected Member of Executive Council gave his full support to the Motion, that is Motion 10/86, but following a Parliamentary Question in this House, I think it is quite clear to the Members of this House, that he has placed this issue on very, very low priority. Mr. President, because I wish to prod the Member's memory because of his busy schedule, I wrote to him on June 3rd, 1986 on this matter, and this was regarding the two Centres, one for George Town and one for West Bay. But to date Mr. President, it is very sad to say, this Member has not had the courtesy to reply to my letter. My letter read:

"Hon. Benson O. Ebanks,
Member for Health, Education and Social Services,
Government Administration Building,
GRAND CAYMAN.

Dear Benson,

Re: Private Member's Motion No.10/86 - Civic Centres

I write in regard to the possibility of having funds provided in the 1987 Budget, for the construction of Civic Centres in George Town and West Bay, as per the above Private Member's Motion.

While I can appreciate that it may not be possible to appropriate the necessary funds for the two Civic Centres during any one particular year, perhaps arrangements could be made to stagger the building programme for the two centres over the next two years, i.e. 1987 and 1988.

I have had preliminary discussions with a few local contractors, and as a result of those discussions it would seem that a Butler Building would be adequate for the purpose required, and could be built at a very reasonable price. Accordingly, I would appreciate if you would obtain a costing on a building which can accommodate, say, around two thousand individuals, for George Town. Perhaps a similar size facility will also be required in West Bay. In this connection, I believe that Mr. Winston Skinner could be of invaluable assistance to your Portfolio, in assisting with the basic designs, or conceptual drawings of these facilities, and of course, I would be most pleased to assist wherever possible.

I realise that attention will be given within the next few months to the preparation of the 1987 Budget, thus the reason for writing to you at this early time.

Thank you for your kind attention in this matter, and I look forward to hearing from you at your earliest convenience"

To date Mr. President, I have not had the courtesy of a reply from the Member, and his response to this letter and to the Motion, was to provide ten dollars in the Estimates for the George Town Civic Centre, and a similar amount for West Bay.

This, Mr. President, is an insult to the people of the Cayman Islands, because when a Private Member's Motion is passed in this House, it is not the Motion of the Member passing it, but it is intended to benefit the people of this country, and whether or not the Member is happy with the position taken by the Mover of this Motion in this House, this is beside the point. The Member has an obligation to the people of this country, and to his own constituency. The majority of the Members of this House supported that Private Member's Motion, and it is a shame and a dereliction of duty that this Member is sitting on this matter. Mr. President, Motion No.10/86 received the full support of this House, and should therefore have been acted on. I do not think that it is good enough to have the Member tell the House during Parliamentary Question Time that he has no idea where on his priority, this matter falls.

To refresh the minds of Members, and the listening public, the Private Member's Motion in question, reads as follows:

> "WHEREAS there is a need for a Civic Centre within the George Town and West Bay districts, primarily for the purposes of providing hurricane shelters, for social functions and other civic activities, and
>
> WHEREAS the people of these two districts have over the years requested the establishment of such a facility for the purposes stated here in,
>
> BE IT RESOLVED that Government consider providing the necessary funds in the 1987 Budget for the establishment of Civic Centres in George Town and West Bay"

This Motion, Mr. President received the support of this House, and was passed. While this Motion was moved by myself, it was seconded by the Second Elected Member for West Bay. This was somewhat intentional, in that, it was seen to have receive the support of not only the Member for George Town, but also from the Member for West Bay, because we were asking for Civic Centres in both districts. It will be noted that this Motion not only called for a Civic Centre for George Town, my constituency, but also included one for the constituency of the Honourable First Elected Member of Executive Council. I would have thought Sir, that his interest would extend to his constituents. Mr. President, I included West Bay in the Motion because I saw the need for such a facility in that district. There is no question that the social problems in West Bay are as bad, if not worse, than those which we have in George Town, even though it is a marginally smaller district. Some Members from the West Bay district of course, continue to say it is the best district to live in. Mr. President, there is no question that both these districts are desperately in need of such facilities. George Town is still the capital of the Cayman Islands, and I believe will continue to be for many years, even though we see that the Honourable First Elected Member of Executive Council is trying his best to develop his into the leading district. But Mr. President, what is most disappointing, is that the capital of this country does not have the proper facilities, as do some of the smaller satellite countries in the Cayman Islands. We are now having a crusade in this country, one that is attended by many, many people in the Cayman Islands. It is sad to say that due to pressure of work, I have not yet been able to attend, but it is my intention over the weekend to do so, but if there was rain at the Lions Centre, that function would have to be cancelled. That is only one of the many functions that the Civic Centre could be used for. Of course, we will be told that there are other facilities available, like the school buildings and others, but I am sure Mr. President, we all know that that is a lot of rubbish.

Mr. President, it seems somewhat strange that we have districts such as Cayman Brac with a Civic Centre, which has only between 1,500 and 1,800 people. I am proud that the Government of the day had the foresight to provide such a facility for the people of Cayman Brac, even though some of them tend to feel that they are not a part of the Cayman Islands. I feel that they are Sir, and I believe from the remarks which I have heard in this House, that some of the Cayman Brac Members may want later on to see us get immigration permits to come to Cayman Brac, especially if we are going up there to hold public meetings. Mr. President, I would like to remind the First Elected Member for Cayman Brac that he

had better get those permits in place, because he is going to see a lot of meetings held by the Members from this side of the House, because it is our intention to hold a lot of public meetings in Cayman Brac, because the people up there I believe, have been misled and will be needing to be shown the light; they will be needing to be shown the right way. Also Mr. President, we have seen Civic Centres built in other smaller districts, East End and Bodden Town, and I am also happy that the Government of the day had the foresight to build those Civic Centres, because they are badly needed.

Mr. President, I know I will also hear the Members who will be jumping up after I sit, telling this House that the Civic Centres in some of these areas are not being used, but I will leave the response to this to the Member for East End and the Member for Bodden Town. I think the House and he general public know that they are very vocal and that they can take care of themselves. I do not need to speak on their behalf. Mr. President, what is perhaps most sad about the attitude of the Honourable First Elected Member of Executive Council is his insensitivity to the need for these facilities, and his apparent lack of perception as to the beneficial effects that the social programmes and other uses to which such a facility could be put. Mr. President, these facilities could serve a very useful purpose, especially for the young people of this country, and I will deal with that in further detail. It seems Mr. President, that our country would be taking a positive step in the right direction, if some of the efforts of the Elected Government, and especially this particular Member, were concentrated on preventative measures in this country, and an old but true saying Mr. President, 'prevention is better than cure'. Any efforts therefore, that our Government can exert, or influence that they can cast will not be lost, especially if it is directed on such preventative programmes, and facilities. I am fully convinced Sir, that if our young people were more usefully occupied after school hours, and during any of their free time, that we would see a significant reduction in the number of young men and young women being placed in Northward Prison. In addition Sir, to the responsibilities of parents towards their children, Government has a major social responsibility to the people of this country. Mr. President, I am not only referring to the minority of this country, because I feel that I represent a full cross section of the people of this country, even though certain Members would want to class me with the 'little people' but I am happy to represent the little people, somebody has got to represent them, because there is a lack of representation from certain Government Members. But alas Mr. President, I believe that it is well known in the Cayman Islands that my representation extends, not only to the so called 'little people', but also to the bigger fish. Mr. President, I represent the Cayman Islands, North Side, East End, West Bay and Bodden Town. I heard the North Side Member mentioning that I represent George Town, this is true....

MR. D. EZZARD MILLER: North Side has got good representation.

MR. LINFORD A. PIERSON: ...I believe, I believe Sir, that George Town is well represented by the Member speaking, but I hope that the same can be said about the North Side constituency, because I believe that the Member will find it very difficult to get a seat in 1988 if he continues on his course. Mr. President, I am hoping that because he is such a nice chap, that I will be able to convince him and put him in the right way.

MR. D. EZZARD MILLER: (INTERRUPTION)

MR. LINFORD A. PIERSON: I know Mr. President, that he is going to continue to interrupt me....

MR. D. EZZARD MILLER: I am not joining any Unity Team.

MR. LINFORD A. PIERSON: ...but I have to remind him that if he continues, I will have to ask the Sergeant to take him outside and cool him off. If he is going to interrupt me, I would like for him to rise on a Point of Order, and I will give way, but he will have to state his Point of Order, before he interrupts me.

It is very shortsighted Mr. President, when Members who are entrusted with the responsibilities and authority, to affect useful changes, refuse to do this. This is

why Mr. President, we all on this side of the House gave the four Members of Executive Council our full support, and I am happy that I supported some of them, and they know who they are, because I know that they are doing a good job, but there are some lacking in their responsibilities. Mr. President, regardless of whether they feel that we on this side support everything they do, they have a responsibility to this country. And Mr. President.....

HON. BENSON O. EBANKS: You tried to horse trade, you did not support.

MR. LINFORD A. PIERSON: Mr. President, it is an old saying 'when you throw a stone in a hog pen, the one that squeals is the one hit'. So Mr. President we hear the First Elected Member for West Bay, the Honourable First Elected Member of Executive Council, squealing over there, so I know that he is guilty, and he knows that he is guilty.

HON. BENSON O. EBANKS: Do you know that you did not support me?

MR. LINFORD A. PIERSON: Mr. President, I think the Member is correct. I would find it very difficult to support him as an individual, but I think I gave him a vote, maybe it was a mistake, but I did give him a vote for Executive Council. On hindsight Mr. President he is right, it was a mistake, but we all make mistakes, and apparently, we have to live with it for four years. But Mr. President, I think that will be corrected in 1988, if not before, because if our petition had received the support it should have from Sir Geoffrey Howe, we would be having an election right now. The Executive Council Members refused this, because they were afraid that they did not have the mandate of the people. This is why they refused an election, but the people are not fooled, the people have a long memory, and they will have to do a lot of work, $3.3 million surplus and $2.0 million transferred to reserves will not be enough when they found a Treasury that was buoyant when they took office in 1984. They will have to do a lot of work between now and 1988, and a lot of public relations.

Mr. President, now that I have dealt with the interruption from the Honourable First Elected Member of Executive Council, I would like to continue uninterrupted. The Member by not agreeing, by refusing to provide sufficient funds for such a needed facility, is denying the people, not only of George Town and West Bay, but of the Cayman Islands, their rightful due. Because when we have crimes perpetrated by young people; when we have the problem of drugs, and there is a problem of drugs in the Cayman Islands, let nobody fool you.

It is a growing problem, and it is no longer the poor people's drug, or ganja as it is called, but we are moving into the rich people's drug; the sophisticated drugs, cocaine, crack, call it what you may. This is what is happening and a lot of it Mr. President is out of frustration, because the young people do not have a proper outlet for their energies, and the Member knows this, yet because this Motion was brought to this House by a Member from this side, he is sitting on it and doing nothing. Mr. President, in the full appreciation of the need for more social programmes and facilities for this country, last year I brought another similar Private Member's Motion to this House, which called for the establishment of a Youth and Community Centre for George Town. But again Mr. President, the Member in his wisdom decided that he would kick this out. He decided not to do anything because <u>he did not</u> see the need for it, even though he had been advised by a number of people in a committee form, that they felt it was a useful project. The Member felt that it was not needed at this time, it was not a priority again. Mr. President, there are none so blind as he who refuses to see. And if the Member cannot see the need for a Youth and Community Centre in this country, especially with the social problems we have in George Town, then he is blind indeed. Mr. President, it should be obvious to the most insensitive individual amongst us that more and more needs to be done in this country, especially as far as the problems of our young people extend. We need to harness the energies of the youth of our country, and this is especially true Mr. President, if the Cayman Islands is to continue as the paradise of the Caribbean. You see a lot of countries trying to emulate the Cayman Islands, Bermuda, the Bahamas, Jamaica, Turks and Caicos, they all want to emulate the Cayman Islands. We are a leader in the Caribbean, and we are proud of that. We will be very happy to let the

Constitutional Commissioners see our Constitution. I would be a little ashamed because it is a little backward, but otherwise I am sure it is a sound Constitution. But I hope I will have the opportunity to have a private chat with the Constitutional Commissioners, to let them know especially some of my views. I will not attempt to meet in a group, because I am sure that this would be capitalised on, and I will have Members going on the political platform, shouting 'change in constitution'. But Mr. President, this is a subject that will require discussion at a more appropriate time.

Mr. President, we have heard a lot from the Honourable First Elected Member responsible for the Portfolio of Education, Health and Social Services, talking about programmes. He seems to have a fixation on programmes, and I think this is good, but Mr. President, it is as naive to talk about mere programmes in a Social Service environment, without the necessary buildings and other facilities, as it would be to talk about a curriculum for a school without a school building and the facilities. We are told that there is a Civic Centre, or a Youth Club in Prospect, but what we are not told is that this is basically for the United Church. We are told that their are Church Buildings available, but I would like to see the children of central George Town get access to that building. Mr. President, what we need in this country is properly organised staff facilities, and if the Member refuses to do this, then when he is taken off Executive Council in 1988, somebody will have it done. Make no ghost fool you Mr. President, they are moving towards that direction, but I hope that some of the Members that I am fairly close to on Executive Council will not be led down the precipice with them. Of course Mr. President, we will need programmes, but we will also need workers to implement those programmes. But above all, and I want to stress this, we will need physical facilities, such as the building called for in the Motion.

Mr. President, the Youth and Community Centre referred to, contemplated providing a facility which would have catered to various needs. It was proposed that this facility would provide for the social, the spiritual and the physical needs of the youngster. It was not just a place where they would go and play, it was a place where they would also be taught the social and cultural values of life. Under the archaic educational system that we have in this country, it is only about fifteen to twenty percent of the school population that will come out with five or more 'O' Levels. Yet Mr. President, the 80 percent that will come out with School Leaving Certificates, when they take them to an employer they are told that they cannot get a job on the basis of it. We have discussed here, over and over, the need for proper vocational and technical schools. Yes I know that the Community College is now filling a need, but Mr. President that is not enough. We need facilities where the dropouts from schools and the others who are invariably involved in the social problems, will feel contented to go, a bridging sort of an exercise which will prepare them for the Community College and further education. This is the type of insensitivity we have. We have a Grammar School system within our comprehensive system of education. What is being done about the 80 percent of the children in this country? Mr. President, there is a growing need for more foresight in that department. It is my understanding Mr. President, that recently, a directive was sent to the schools not to enter any child for GCE, unless he had a one hundred percent change of passing. It would be interesting to get the real facts behind this statement, because the attempts through Parliamentary Questions in this House did not have that effect. The Member was asked to let us see proof, and he refused to. But it is understood that the Academic Committee in their wisdom, found such a directive unacceptable, and refused it. I am sure, if this is incorrect, that the Honourable First Elected Member of Executive Council will have a chance to refute it. But then, I would like him to bear in mind that I have my stalwarts behind here, who will be waiting to hear him speak. So he will not be able to get up here and say a lot of things without being rebutted. I would like to know why he refused to let....

HON. BENSON O. EBANKS: It is not going to be difficult to rebut you.

MR. LINFORD A. PIERSON: ...Mr. President, if this Member is going to interrupt me, it must be on a Point of Order, otherwise ask him to be quiet or be removed from the House.

It would be interesting Mr.

President to see why he refused to let us see the Minutes of that Committee. Mr. President, he will have his chance as I have said, to rebut what I am saying, but let him act in a proper, parliamentary manner in this House. Mr. President, as I have said, the Member has done a very good job in destroying the affects of both Motions, which were intended to help the people of this country. It is known that under our archaic, backward Constitution, that the people on this side of the House have no say, unless they are extension cords of the Executive Council Members. Or unless they happen to be closely connected, they can expect to get nothing done, but the people of the country know it. My people know that I have been trying my best, but unless you bow and scrape to them, you are not one of their 'special few'. But Mr. President, I have never been able to do that, and now at 45 I am finding it even more difficult to bend.

Mr. President, Private Member's Motion No.10/86 came as a result of the need for such a facility. I am taking time on this point Mr. President, because I believe that the social problems facing this country are some of the most devastating to our future economic and social development. Mr. President, if we had received any action on the Youth and Community Centre for George Town it may not have been necessary to have asked for a Motion for the establishment of a Civic Centre, because the building could have been used for much the same purposes that the Civic Centre will be used for. But Mr. President, since there was already a precedent with Civic Centres in many of the smaller districts, it was felt that this would receive more acceptance from the Member, and that the Civic Centres could be utilised as alternative measures for the purposes for which the Youth and Community Centres were initially envisaged. Mr. President, I hope that the Member will consider not just the mover of the motion and the seconder, because there seems to be no love lost there these days, but Mr. President, I hope he will consider the people of this country, the needs of the country, walk around his own constituency and see the poor people, five, six and eight sleeping in a small house altogether, father, mother, sons and daughters, teenage children. Mr. President, that same situation can be found in George Town, and other districts of this country. I am sure that the Members for East End, Bodden Town and even Cayman Brac would find such areas there, but what is being done? Show me the tangible efforts. All we hear Mr. President are good intentions.

Mr. President, I will continue In this House to fight for the rights of my people, and I will do this without fear, but I will not bow and scrape to any Member of Executive Council to have this done, such action Mr. President, is below me. As I said yesterday Mr. President, I am only one of the three representatives of George Town, the other two fortunately, are on Executive Council, and I believe that they are doing a fairly good job. But Mr. President, it is also their responsibility, since they supported this Motion to see that something is done in George Town, and that the power is not left to the Honourable First Elected Member of Executive Council, he is only one Member, and the majority decision I believe still rules on Executive Council, even though I know that Section 9, I think, of the Constitution provides for collective responsibility. I would hope that 50 percent would have more affect on Executive Council than 25 percent. And I also hope Mr. President, that my friend the Second Elected Member for West Bay will keep fire under his colleague until he moves on this issue. I hope I have convinced him, because I still like him, he is a good guy.

I was told that I had opposed the 1986 tax measures, and this was the reason why no provision could be made for my Civic Centre. It was called my Civic Centre, even though Mr. President I volunteered to call, to name the Centre after the Honourable Benson O. Ebanks, but he refused to accept this, he said it might be a bribe.

HON. BENSON O. EBANKS: You see, I cannot be bought.

MR. LINFORD A. PIERSON: But it was no bribe Mr. President, it was said in sincerity. I felt that if I had I done this I may have had a better chance of getting the Civic Centre. But now he is acting so stubbornly, I have decided to change the name to the Honourable Norman Bodden, because I know that he will support it in Executive Council...(LAUGHTER). Mr. President, with the capital budget that we have before us this year, with the $14.0 million, $14.0 million, I think it is perhaps the biggest capital budget that we have had for a long time, that is safe to say is it not Honourable Mr. First Official Member? $18.0 million I think was the largest, but

this has to be the second largest. But with $14.0 million for capital expenditure, there is no reason why $50,000, $100,000, $200,000 could not have been allocated to such needed facilities. And there is still no reason why in Finance Committee and in the Committee of this House, in considering this Appropriation Bill, the Appropriation (1987) Bill, 1986 that those figures cannot still be inserted. And Mr. President, I hope that the two Members of Executive Council for George Town will assist me in trying to get a bigger provision than ten dollars. There is not very much you can do with ten dollars Mr. President, even though I think it is a token provision to say to the mover of the Motion that yes, we have not forgotten you. I would rather Mr. President, that nothing was provided there, than put ten dollars in. This is a joke; it is not only a joke on the Mover of this Motion but a practical joke on the people of George Town and West Bay, and indeed the Cayman Islands.

Mr. President, as I have said, the people of my constituency George Town, and I am sure the people of the Cayman Islands well know, that the most we can do here on this side of the House, and our only weapon is through Private Members' Motions, even Parliamentary Questions sometimes are not given proper answers. If we were in a position to have these needed facilities established, they would have been done. But Mr. President, the most we can do is ask and ask and beseech, and if we are lucky, our supplications will be attended to.

Mr. President, I feel that the time is coming when Members, backbenchers, should be given more responsibility in Government. Call them what you may, call them junior members, it does not matter to me, but it seems that they are hardly needed if they can accomplish nothing during their four years, and I believe that even the Members of Executive Council would agree with this statement, because they have served on this side of the House before, and unless you are closely connected with Members of Executive Council, or happen to be the fortunate few, you get nothing done. I hope that the Constitutional Commissioners are taking note of this, because this would be an area if they were called to the Cayman Islands, that would need attention. I am not here advocating any major advance in Constitution, far be it from me, but any Member of this House that would tell the people of this country that certain changes are not needed, would be lying to their people, because they know that certain changes are needed, but they will not say it because they are afraid of not being elected in 1988. But my people know that I am truthful, and I see the necessity for these changes. We do not want any independence, we are independent already, we are economically independent. This is why we were able to give the United Kingdom £500,000 in the Faukland crisis, it was the real stuff. We do not want political independence, we do not need it, but we certainly need more autonomy, we certainly need a bit more advancement that that which we have. The Turks and Caicos Government would be taking a backward step if they accepted our Constitution, they have a far better Constitution, it is more advanced. The Honourable Second Elected Member of Executive Council mentioned yesterday to me that he was at some conference when he was asked his position in Government, and he said Second Elected Member, they looked at him and laughed and said 'Member of what, was it a club?; Member of what? Perhaps it would have been more appropriate if he had said Minister of Tourism, Civil Aviation and Trade, but yet, if any of this was advocated, you would hear the opportunists going out there and jumping on their little bandwagons, telling the public that so and so is advocating independence for this country. Because any time the words 'any advancement in Constitution' is mentioned, it is invariably associated with independence, that is the mentality of some of the people we have to deal with. Mr. President, fortunately the people of this country are not blind, and they realise and know the problems that Members such as myself have. They know Mr. President that we would certainly be doing more if we had the authority and power to do it. Mr. President, they are aware of the situation that we are bounded by under our Constitution.

Mr.President, I trust Sir, that something will be done on Private Member's Motion No.10/86. I trust Sir, that the Member from West Bay will not only find the bitterness to reply, in his reply to what I have said about him and his Portfolio, but will take seriously what I have said about the social conditions in this country. I do not mind getting a bit of pounding from him, because I have received it before, but Mr. President, it would be futile if the only purpose of his reply to what I have said, is to contradict what I have said, and not to study

seriously the suggestions made. Mr. President, I will ease him up for a bit now, and move on to the General Reserves of the country.

At the 1st January, 1986 the General Reserves stood at $6.2 million. However, when the brought forward deficit of $1.1 million was taken, we had a net surplus position on the General Reserve of $5.1 million. The Government now, and wisely so, proposes to transfer $2.0 million to reserves, which will give the total balance at 31st December, 1987 at $7.1 million. Mr. President, I trust that this position will significantly improve during 1987, because we have heard in this House what a glorious year we are going to have. We have heard that 1987 and 1988 are going to be glorious years, and I am happy about this, because the Cayman Islands should continue to be the number one tourist destination in the world. Mr. President, while it is hoped and anticipated that we will have good years this year, and perhaps next, I trust that the Honourable First Official Member in his prudence, will continue, I say continue, because he is already doing it, will continue to put money aside for a rainy day. I think he is doing a wonderful job Mr. President. He has got a lot of odds, and he knows that I am the first to criticize anything I see, I have done this during the debate, but I hope it was all constructive, but he is building up a fine department, even though I still have some major questions on his Computer Department. Mr. President, it is good to see that our reserves, our surplus, we are operating still under a surplus budget, unlike many of the Caribbean Islands and the islands further north, we do not operate under a deficit budget, even though as I pointed out yesterday, in actual terms of presentation, the 1987 Budget was a deficit budget, it was cleared up by transferring certain surplus funds from the year before thus leaving a $72,000 surplus at the end of December 1987. Mr. President, this is a good situation. But I hope Mr. President, that no Members of Executive Council will fall back on their laurels and feel that nothing more needs to be done, because I would stress again in this House that this prosperity has come not because of, but inspite of the lack of, proper economic and fiscal guidelines for the Cayman Islands. We are just now introducing an Economic Development Plan. We have heard Members in this House Mr. President, boast that over the past years they were responsible for the financial, fiscal, economic development of the Cayman Islands. Mr. President, I am still waiting to see their fiscal and economic policies which resulted in their success. The truth of the matter is that we were at the right place at the right time in history. When a number of tourists and investors were pouring into the Bahamas, the independence of that country had the effect of transferring a lot of business to the Cayman Islands. The same was true Mr. President, with the situation in Cuba. And Mr. President, a similar situation existed in Jamaica. Mr. President, the fact of the matter is, that we were wise enough to not rock the boat, even though we were not farsighted enough to provide the proper fiscal and economic policies. We were good people; Caymanians are good people this is why so many people walk all over them. But Mr. President, that was the answer to our prosperity, which started back in the early 70's. I am happy with this situation, but I would have hoped that more would have been provided for the less fortunate people in this country, under this Budget. I see that the Civil Service is providing a five percent increase in salaries across the board, with no consideration for the poorer people in this country, their housing conditions, their living conditions, the fact that they are living below subsistence level; and that Mr. President, is also the direct responsibility of the Honourable First Elected Member responsible for Health, Education and Social Services. Mr. President, I would like to see the next Budget that comes to this House, providing more for these people. Mr. President I now move to the Prison Department.

Mr. President, this is another example of Parkinson's Law in action. Members of this Honourable House will time and time again hear me make reference to Parkinson's Law; the theory where, when a void is created, it will inevitably be filled, and this Mr. President, is true about our Prison. We continue Mr. President, in a retrograde step, we continue to build bigger and bigger cells at Northward Prison, at the same time providing smaller and smaller comparatively speaking, smaller and smaller provisions for our Social Services, where we should be trying to prevent the people of the Cayman Islands being sentenced to Prison, we are only providing for their comfort and their accommodation once they get there. Mr. President, the Prison at Northward is something similar to what we have with the Tower Building. Before the Tower Building was purchased, Government could adequately house their Civil Servants in

the accommodation then available, but since the Tower Building has been built it is my understanding that Government may soon be looking for more space. We are now at 1,400 and odd Civil Servants employed with Government, which cost this country 58 percent of its recurrent budget, some $32.5 million out of $55.0 million recurrent expenditure. Mr. President, going back to the Prison, it seems that the population of the Prison jumps by leaps and bounds. Mr. President, I submit today that one of the greatest needs that this country has, and in particular, the prison, is a fully equipped, fully staffed rehabilitation centre. This is needed Mr. President, in order that the prison inmates can be properly returned, and accepted into society. We have a lot of prisoners coming back into society, and as soon as it is heard that they have a prison record, backs are turned and they are given no attention. They then find themselves having to ask for handouts; a lot of men and women that would otherwise have wished to work. Mr. President, these are the areas that we need to be addressing, and this is the reason Mr. President, why I believe in preventative measures. This is the reason Mr. President, why I took the time to bring Private Member's Motion No.10/86 to this House. This is the reason Mr. President, why last year I also brought a motion to this House for a Youth and Community Centre. Yet, Mr. President, it seems to be like water falling on a ducks back. Yesterday I mentioned in this House, the need for Government to do more in agreeing a reciprocal arrangement for prisoners to be returned from Jamaica to Grand Cayman. We have a case right now of Robert Rafney McField, who has been in prison in Jamaica for a number of years, and yet, while I know that the Governor and other officials have written to the Jamaican Government on this matter, I feel that more could be done if a high-level Government Delegation went to Jamaica, and dealt with this matter on a Government to Government level. If you cannot get any action through the Minister for Justice and National Security, then perhaps we should try the Prime Minister himself. But Mr. President, under our present arrangement, prisoners, Jamaican nationals who are imprisoned in the Cayman Islands, can be sent back to Jamaica. Why is the reverse not the same? It is the responsibility Mr. President of our Government, to have something done, and I submit that if Robert Rafney McField had had a different surname, that more would have been done, but it is just because of who he is and where he comes from. Every time I meet his mother, Mrs. Mavis Morris, it makes me feel very sad; this lady spends almost all her money going to Jamaica to visit her son. Yet we have people smugly sitting by saying that they are doing all they can do. I heard a Member saying yesterday that a delegation to Jamaica would be a waste of time. I bet you if it had been his cousin, or a member of his family, it would not be a waste of time. He would find time to go, and he would support a delegation to Jamaica. This is perhaps one of the reasons too, why the Civic Centre was not supported, and the Youth and Community Centre, because it would cater only to a certain level of the society. Mr. President, I believe that the issue regarding prisoners in Jamaica is so important that you Sir, or maybe the Honourable First Official Member and the Honourable Second Official Member, or the Honourable Third Official Member should take a trip to Jamaica. I for one, would be very willing to go, because I believe I may have a little better contact with some of the Ministers in Jamaica, than most. For one, I went to school with Mr. Pernell Charles, and whenever I go to Jamaica I visit him, and I believe that he is quite influential in the Jamaican Government, and I also believe that he is a man who would try to help the Cayman Islands. I am not saying that because of my friendship that he will do it, but at least, we can try a little harder. I do not think that we are exerting enough pressure. It is like the Motion yesterday in this House Mr. President, concerning the repatriation of Caymanian Cubans. That Motion was defeated, and that was a backward step in this country. I have the greatest respect for the Member of the Government bench who replied to this Motion, he knows this. But then I also understand that he has to operate under the collective responsibility of Executive Council, he like any other Member, I know this. But Mr. President, this was a backward step, because I cannot see why it was so difficult for Government to support a Motion that would have the effect of bringing back Caymanian descendants who are desirous of leaving Cuba. If this is now being done, according to the reply we received, why would it have been so difficult to say to the Member who moved the Motion, 'we feel that this is perhaps redundant, we feel that this Motion was perhaps unnecessary, but in view of the fact that we are now doing this, we have no reason not to support it'.

MR. PRESIDENT: I think I will interrupt the Member now, if I may, partly so that we can take our customary morning break, but partly to stop him before he talks too long, debating again what we debated yesterday. I should not wish to have to stop him for doing so, but I do hope he will assist me by not continuing the....

MR. LINFORD A. PIERSON: Mr. President, with respect, I did not debate this in my Budget Debate yesterday, I spoke on....

MR. PRESIDENT: No, no.

MR. LINFORD A. PIERSON: ....this when the Motion was being read.

MR. PRESIDENT: That is quite right. It probably was not yesterday....no, it was yesterday. I did not say it was in your Budget Debate, I said we debated it yesterday, and that we did do, and I do not think really it should be debated again now.

So, I will suspend proceedings for approximately twenty minutes.

AT 11:10 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:41 A.M.

MR. PRESIDENT: Please be seated. Continuation of the Second Reading Debate on the Appropriation Bill. The Second Elected Member for George Town.

MR. LINFORD A. PIERSON: Mr. President, when we took the break I was dealing with the Prison Department. I wish to say here, that a lot of commendation and congratulations would be in order to Mr. Walsham Connolly and Mr Derek Ebanks in particular, for the job they are doing under the conditions that they have to work with. It is not an easy job Mr. President, but I know they have been trying their best. Unlike many of our Members here, I am perhaps called to visit the Prison more often than many, mainly also because of my position as a Justice of the Peace. Mr. President, I can assure you that much needs to be done, but that the Management of the Prison is trying its best to keep things together.

Mr. President, I wish to touch on the Housing Development Corporation. It is noted Sir, that at the end of June, 1986, the debenture stock issued, amounted to some CI$1.3 million. The total assets and liabilities of the Housing Corporation as at the middle of the year, amounted to $1,226,356. But Mr. President, it is noted that only a small part of the funds was approved for loans, because as at the 30th September, 1986, the loans approved totalled only $210,000. But the First Official Member the Honourable Financial Secretary has told us that there are still several applications in the pipeline. Mr. President, I hope that much more will be done through the Housing Development Corporation to help the people in this country. In the absence of a properly established Building Society, such a facility is badly needed by the people of this country, and I believe Sir, that that department of Government while they are trying their best, I feel that more should be done. I have been told by applicants that the application fee which is non-refundable is something like $200.00, that many of them have applied for assistance from the Housing Development Corporation without any success and that their deposit fee of $200.00 has not been refunded. Mr. President, I regard this as not right. I feel that while it is true to say that a fee for processing an application should be charged, I believe that because of the financial position of the people, or the majority of the people seeking aid through the Housing Development Corporation, they are not in a position to afford to give away $200.00. I feel that the processing fee should be less, perhaps $25.00 at the most, and if they are successful, then maybe arrangements could be made to charge them more. I would ask the Member responsible for this Cooperation, to have a very serious look into this matter.

I am also Mr. President, pleased to see that the draft Building Code which has been prepared by an advisor from the United Kingdom, working in consultation with the Building Code Committee here, has now been edited, returned to the Committee and will soon be in operation in the Caymen Islands. I

would have thought though Mr. President, that someone more intimately knowledgeable of the situation that exists in the tropical countries, where we have different natural disasters, such as hurricanes, flooding, etcetera, would have been in consultation with the advisor from the United Kingdom. This is the reason why when I was Chairman of the Central Planning Authority, it was felt that such an advisor should be brought from an area where he was well versed with the conditions that existed within the Cayman Islands. And this is why, also Mr. President, we have in the past, used the South Florida Building Code as a guide to building in the Cayman Islands. It is interesting, and I am happy to see that a Chief Building Code Officer is being recruited, but here again Mr. President, I hope that the Member responsible for this subject will take not of the available talent within his department, and send somebody off to train for such a position. We see more and more people recruited from abroad, and in a developing country such as ours, this is necessary, but Mr. President, I wish to see more and more of our people taken up the ladder in positions in the Cayman Islands. It is not enough Sir, to tell this House that 70 percent or more of the people working in the banking industry in the Cayman Islands are Caymanians. I would like to see more and more Caymanian Bank Managers in the Cayman Islands. I would like to see more and more Caymanians in Chief Executive positions. Mr. President, I for one, because of my past connection with the Planning Department, know the necessity for a Building Code, and I am happy to see that this matter is finally being brought to fruition, and I will certainly Mr. President, anxiously await the introduction of the draft Building Code in this House.

On the question Mr. President, of the Turtle Farm, I noticed that the Honourable First Official Member, the Honourable Financial Secretary mentioned in his Budget Address that the Cayman Turtle Farm continues to write history. I do not know whether this was meant to be a positive or negative statement, but I will leave this subject to my Honourable colleague from East End, since he is much more versed in the operations of the Turtle Farm than I am. The Honourable First Official Member went on to say that a major achievement in 1986 was the hatching of the world's most endangered sea turtle. But I would like to have heard something about the progress being made with CITIES. I would have liked to have heard whether the United States has give an indication as to when we can hope to see the ban lifted on these endangered species. I would like to know when the people of the West Bay district and other areas can expect to have their jobs back. Mr. President, unless we have something concrete to tell the people of the Cayman Islands on the Turtle Farm, I feel that we should leave this subject alone. Mr. President, I would like to know when something more will be done about the Turtle Farm negotiations.

Mr. President, I would like to touch now on the Fire Department. Before dealing with this subject, I wish to offer my very sincere congratulations to the Chief Fire Officer, Mr. Kirkland Nixon, for the wonderful job he is doing as head of that department, and indeed, I wish to extend my congratulations to the members of his staff. If every department of Government was as well run as the Fire Department, Mr. President, we could easily justify any increases in personnel in the Government Service. I am happy to see that provision has been made for a Fire Station, a properly equipped Fire Station near Owen Roberts Airport. And also Sir, that a Fire Station will be placed between West Bay and Seven Mile Beach. This is most appropriate Mr. President. I would have thought that it would have been further along towards George Town, but I can understand that there may have been reasons why it was found necessary to place the Fire Station right in West Bay when it is expected to service also the Seven Mile area. But, Mr. President, I am not opposing this, this is a part of politics, and maybe, in a similar situation, I may have done the same, I am happy to see this. But Mr. President, I could not let this opportunity pass without extending my sincere congratulations to the head of this department.

Mr. President, I was very pleased to see the Report of the Select Committee on the Elections Law. While I would not accept this as something that I have won, or something that I was successful in, I am happy that I was a part of the debate on this subject, and I am happy that the areas of the amendment which I opposed, were upheld by the Select Committee. I am therefore happy Mr. President, that for a while we will not see the ugly heads of single member constituencies being brought to this House by any Member, regardless of the motives behind it. I will not call any names of Members involved in this, but if the Member starts

speaking, I will have to let the public know who he is.

Mr. President, I have said in this House that I am happy that we have a very well run Broadcasting Station. Mr. President, while I supported a Motion brought to this House, I think by the Member from North Side, that the Broadcasting Station should be more privately run, perhaps as a Corporation, I am nonetheless happy to see the progress which it has made as a Government department. I am convinced, and I feel that more progress could be made if this was in private hands, or at least as a Corporation. As a Government Broadcasting Station, it is my feeling Mr. President, that there is too much interference by the Executive Council in matters broadcasted. I remember a situation where we had an interview with the Director of Broadcasting, and we were told by him that he saw no reason why the matter could not be broadcast, but I think he implied that the matter was not left with him. We waited and waited, but there was no sound of the information we gave to the radio. I am sure Mr. President, that the Second Elected Member for West Bay, the Member for East End and the two Members for Bodden Town will bare me out on this statement, because they were present when we gave the information to the Broadcasting Station. What we have here Mr. President, or what we would appear to have is a situation where the Broadcasting Station is controlled by Government. This is not a very wholesome situation. The Broadcasting Station should be left to act as independently as it sees fit, and not to be guided by the whims and fancies of any Government Member. It is also good to see that the department is now producing some 160 hours, including a separate FM service at prime time, and it is noted that it is resolved to upgrade the skills of Caymanians for the profession, and provide the best broadcasting service possible; I like to hear that, because I do not feel that the Cayman Islands is second to any country. We have some of the most progressive people in this country. We do not take a second place position to anybody, and this is one point which I am sure the Member for North Side would agree on. When it comes to seamanship and other areas, we have had some of the best people with minimum education, but with good common sense, that have excelled. Mr. President, I am happy for the people at Radio Cayman, but I feel that it would be much better if this Station had more autonomy, and that there was less guidance from any Government Member. I think guidance might be a better word than interference.

But Mr. President, I have noticed during the sitting of this House, the Budget Debate, that very little has been said by the Caymanian Compass about anything that any of us here on this side of the House, that is, what we four Members here have had to say. I brought ten questions, and perhaps, ten times the supplementaries on very important issues in this country, but I am yet to see them properly dealt with in the Caymanian Compass.

HON. BENSON O. EBANKS: Papers only report news.

MR. LINFORD A. PIERSON: ....But I notice that everything that the Government bench has said, including the Member for West Bay who is trying to interrupt me, they get front page coverage on it, with his picture on it, and I wonder Mr. President, whether we have a one-sided type of journalism in favour of the Government. I wonder whether they have been threatened not to be too soft on their opposition, or I wonder if there could be some other consideration, as regards status or otherwise. I am not afraid to say this Mr. President, because it does not matter to me whether the Caymanian Compass wants to show me in a good light or not. I will get my points across to my people, but I feel that as the only publication in this country, they should be very unbiased and impartial in their journalism. I see everything that is said by the Government bench and their supporters being printed, and this is not right. This is why I feel Mr. President, that the day should be quicker rather than later, when we have another paper in this country, and I will try my best to see that this happens, if some changes are not made in the editorials and in the journalism, in reporting the actions of this House. Mr. President, I do not mind the Compass leaning one way or the other, I have no shares in it, this is their business, but I feel that when the business of the Legislature of the Cayman Islands is being reported on, that it should be fair and impartial. You notice when substantive contributions are made here by Members from this side, it is taken on a back page, and you find that insubstantive contributions, they take the front page if they are made by other Members. Call my contribution on this what ever you want, this is the truth, and I am prepared to support this at any level. I am not going to the Compass

to beg them and beseech them to print anything I say in here. It is their duty to publish an impartial report on the workings of this House, or publish nothing at all. It is the only paper in the country, and if they are not going to publish the full proceedings of this House, or give a fair representation of what happens in this House, then they should not publish anything at all.

Mr. President, I now move to the Immigration Department. Mr. President, there is much improvement needed in that department. There seem to be a lot of actions taken that are not strictly in accordance with the written laws before us, a lot of discretionary powers, and I will explain what I mean. I know of a case Mr. President, where an expatriate, resident in this country, had a minor infraction of the Immigration Law. The matter has not yet been settled, but it is not before the court, so I do not think it is sub judice.

MR. PRESIDENT: You say it is not before the Court?

MR. LINFORD A. PIERSON: No Sir.

But, that individual, because she was accused wrongfully of working without a permit, a misunderstanding, that lady was told by her employer that her temporary permit had been agreed to, and this is the reason why she worked, why she was picked up. She explained her position, she was taken to Court and she paid her fee. But now she is put in a little black book by some Immigration Officers that state that she cannot come back to the Cayman Islands for six months to a year. I have looked throughout the Caymanian Protection Law, and other relevant legislation, I have checked on the policies issued through Executive Council, but I cannot see any authorities to substantiate that action. But is it because that lady happens to be a friend of an expatriate gentleman, now going through a divorce? Mr. President, there are too many discretionary powers in this country. I would like to see even the Immigration Department comply with the laws of this country. It is not right, the person was not deported, the person was not told by the Judge that she could not come back to this country. Yet, some Immigration Officer takes it on himself to refuse entry into this Island, without anything else against that lady. Yet you find that this is inconsistent, the practice is inconsistent, others having similar problems were allowed in before. When I questioned this I was told that it depended on the circumstances. My reply was 'I feel it depends on the individuals', because Mr. President, if they happen to be Jamaicans, they are given a very, very rough time in this country, and Mr. President this is a shame, because this country, and some of the most wealthy people in this country, obtained their wealth through Jamaica; obtained their wealth through the labour of Jamaicans. I am not suggesting that there are not some bad Jamaicans coming here, but there are good and bad the world over. We have some bad Caymanians too; there are bad Americans; there are good and bad wherever you go. Mr. President, the Immigration and The Caymanian Protection Board has taken a very negative attitude towards Jamaicans coming here. People are put back on the plane before they are even asked what their visit is about, is this right? I have facts on that. I never make a statement in here without the facts. You look at somebody, he is not dressed up the way he should be, he looks like a higgler and he is put back on the plane, that is not right Mr. President. You see somebody with their hair long and in plaits, and right away it is concluded that he is a Rastafarian, regardless of whether he is a musicians as that is the in thing to do. Yet Mr. President, if they come from the United Kingdom or America, with a different type of texture of hair, they can wear it down to their heels, and they are not put back on a plane. You can have all kinds of hippies coming in here, is this right? Mr. President, this is not right, and I feel that this matter should be given very urgent, urgent attention. Mr. President, I hope that the Member responsible for this subject will indeed reply to what I am saying, because I believe that a lot of the Jamaicans in this country would feel relieved if they knew the attitude of the Protection Board and Immigration Department towards them. It is interesting also Mr. President, to see the number of Jamaicans that these days receive any status in this country.

I have known of a person who have spent up to fifteen years, I remember before our Honourable First Official Member of Council, the Chief Secretary left here, this matter came up in a question, and he asked me to produce the person, and I did. But yet, as far as I am aware, he has not yet been considered

for status, yet he has filled all the qualifications for status. He has a very big home, he has property, he lives a good life, he goes to Church every Sunday, there are no infractions against the man, he has lived an exemplary life in this country. But yet you find some other nationalities come here and barely satisfy the minimum requirements, and they get status. It will be interesting to see who receives status this year and who are refused. What kind of Government are we developing in this country, what are we trying to do in the Cayman Islands? Are we trying to maintain the sort of unity that we should in the Cayman Islands, where are we headed Mr. President?

Mr. President, I move to the Legal Department. I wish the Honourable Second Official Member was present, because he would be happy to hear that I have good praises for the department; he would be relieved to hear that in view of my last debate in this House. Mr. President, it was good to see that there are presently four Caymanian lawyers qualified overseas, in the Government legal service with one more due to join in the new year. I offer my congratulations to them, particularly to the daughter of our Honourable Second Elected Member of Executive Council. I know that she has worked hard, and whether some of the Members want to say that this is politics or not, I think her father knows that from the time she first went to England, I have enquired about her progress. I think the first time she went to England I was coming back, and she mentioned to me how cold it was, and I remember even offering her one of my scarves, I think she probably still has it. Mr. President, this is very heartening to see more and more of our Caymanians qualifying; this is what I want to see in the Cayman Islands. I am very happy when I see my people building beautiful homes, I see them driving brand new cars, I see them walking around with their heads in the air. Why not? If the country is prospering, then they should join hands and participate in a share of that. Mr. President, I am also very pleased to see the progress of the Legal School. I am also pleased Mr. President, that a University in the United Kingdom, the Liverpool University, has seen fit to offer the graduates of that school the Ll.B. degree. But Mr. President, this was not handed out on a platter. Those students have to complete within the five years. If they carry their studies beyond that, it is my understanding, that they will not receive that Ll.B. degree. And, Mr. President, further, it is known that their study is the equivalent to that received in the United Kingdom, because the examinations are prepared in the United Kingdom. Mr. President, I trust that when these students come out, they will not be made second class citizens within any of the legal firms, or within Government, but that they will be treated with the respect their qualification deserves. Mr. President, I believe that the Honourable Member at the time, I think it was Mr. Truman Bodden, was responsible for establishing the Law School, but I am happy that the present Member who is now soliciting some praise for himself, has in his wisdom, continued what was established by the Member before him. This is one area I am happy he did not tear down. But Mr. President, I do believe....

HON. BENSON O. EBANKS: (INTERRUPTION)

MR. LINFORD A. PIERSON: ...that he added the University of Liverpool qualification, he was responsible for that, and I give credit where credit is due, he knows this. Of course, I will criticise what I see is wrong, but I hope that every Member will accept this as constructive criticism. I do not need to get up in this House and speak for the sake of speaking. I believe that the criticism that I make in this House would be regarded by any intelligent person, as constructive.

Mr. President, it was also good to see within the Education Department that the Workshop, the Sunrise Centre, has been completed and opened, and I give the Member credit for this. I notice that he made sure that everybody knew that he was responsible for it, because again, the Caymanian Compass made sure that they got him in the forefront. But I also know Mr. President that the Second Elected Member and perhaps the Third Elected Member for West Bay, are also doing their part in their small way. I know that the Second Elected Member for one is developing a Youth Club down there, and he has my full support, as any Member who would try to do something for the youth of this country. This is where I am coming from Mr. President; the youth of today will be the men and women of tomorrow, they will be the leaders. This is why the Member will recall, the Member for Education, Health and Social Services, my criticism as to the lack of proper technical and vocational schools on

these Islands.

Mr. President, it is good to see that the sports complex is already demonstrating that it is a great step forward, and I believe that it was a wise decision when Mr. Winston Skinner was brought back to this Island, he is a gentleman with a lot of knowledge and experience, and a very personable man. Mr. President, I know that Mr. Skinner will develop sports throughout the Island, but it would help him a lot Mr. President, if facilities such as the Youth and Community Centre, were established I the Cayman Islands, because he could go into these Centres and he could work with the youth. He has visited many areas, I think most districts in the Cayman Islands, trying to harness and develop the sporting capabilities and talents of the people in those areas. Mr. President, I trust that more and more will be done to try and help this gentleman in his endeavours to develop sporting activities, and related activities in this country.

Mr. President, on the question of Health, I am happy to see that at long last there is a 24-hour service from the doctors in that department, and I believe that congratulations would be in order to the Member for North Side, for pushing for this issue. I hope Mr. President, that the good service that we expect, will continue at the Hospital. But one of the area that continues to concern me Mr. President, is that the number of people owing the Hospital, keeps growing, even though we have suggested ways and means, not only through the Public Accounts Committee, but otherwise, to deal with that problem. Mr. President, with the only Hospital in this country, it is inevitable that there will be people going to that Hospital who cannot pay. This is the reason why a means test should be carried out at the source, and these people should not later be hounded to death, because if a means test was carried out initially, then there would be no need to threaten these people with law suites, when it is well known that they cannot afford to pay. But I feel that those who can afford to pay should pay. Mr. President, we need to use our social conscience when dealing with matters such as these. Mr. President it is not a good sign when we see the psychiatric services expanding in any country. One wonders whether this comes as a result of the pressures the people have to bear, and I trust Sir, that more attention will be given to this matter. I was talking to a well known psychiatrist, Dr.Frank Knight, who sometime back spoke at the Rotary Club, and he mentioned to me that he is also concerned with the situation, even though he would not call it serious, but he feels that proper facilities should be established in the Cayman Islands. Once upon a time we used to put our people with mental problems in strong rooms at the Hospital, with very little rehabilitation for these people. Mr. President, I had hoped that more would be done. I hope that one day someone in the position of Dr. Frank Knight, will be brought to Cayman in a more permanent position, to establish a proper system. I am happy also Mr. President that the alcoholic programme is working in the Cayman Islands. As I have said in this House, this is one of the most dangerous drugs that is facing our society today. I believe that statistics show that more and more people are dying from this drug, and from the harmful affects of this drug. This is why Mr. President, I was very pleased to support the Private Members's Motion brought by the Third Elected Member for West Bay. We need to rid this country of alcohol, we need to rid this country of smoking and all these bad habits. If you want to know the dangers of smoking, speak to the Honourable Third Elected Member of Executive Council, I have heard him speak in this House, and he will tell you that after he gave it up, how much better he felt.

Mr. President, in conclusion, I will be on time Sir, I think I have five minutes left.

MR. PRESIDENT: You have got a little more if you want it.

MR. LINFORD A. PIERSON: Exactly how much Sir?

MR. PRESIDENT: I think about 12, 13 minutes, something like that.

MR. LINFORD A. PIERSON: 12, 13, I will not use it all up, I will let somebody else speak.

I wish to make comment on what I see as the future economic development of the country. The economic activity in the United States and in many industrialised, developed

countries has met with some hard times, there is no question about this, and it is known that we are directly affected, especially by any slowdown in the economy of the United States. As the Honourable First Official Member rightly said, the world economic recovery continues to be of concern, not only to economists, but to financiers alike. This is why Mr. President, I feel that more and more thought should be given to expanding and diversifying the Cayman Islands' economy. This is why I welcome the post for a Trade Officer. This is why Mr. President, I welcome any promotions which can be made or allocated to promote the Cayman Islands. As I said here yesterday, I see more and more interest from a tourism point of view. But Mr. President, we will have to give value for money, here is no question about that. There are other tourist destinations, that are competing heavily for the dollar. When you consider the Cayman Islands, other than the sand, sea and the sun, there is not much else, except for the friendliness of the people. I would wish to see the Honourable Second Elected Member of Executive Council push for more funds to beautify this country, to build parks and areas where people could walk, where the tourists could go and visit; perhaps the property behind the public library should be used as a park, and big shady trees planted in there, and with benches where people could go and sit and enjoy the town, with flowers planted all over the place. This might sound somewhat as a joke to some people, but we have to take an interest in our country. I have done a lot of travelling, and in every country I have travelled to, those countries make a big point in beautifying their country. One of the most beautiful cities I have been to recently is Vancouver, and what makes that city stand out from many others that I have seen, is the cleanliness and the beauty and the care that the people take in the city. You go to London, you go to Kew Gardens and you go to other areas, you see the pride that people take in their city, and this was one of the reasons that caused me to plant the oilanders, the Hibiscus and other trees around the airport when the Queen was visiting here. There were over 500 of those plants put down there, and also Mr. President, the two islands in town, the one by the Post Office and the one by the Elizabethan Square were planted by myself and other members of the Committee, including the wife of the Governor, Mrs. Lloyd. But what the Government does not know at this stage, is that the Committee, even though reduced to just a few people, still find the money to keep those islands in order. I would hope that the Honourable Second Elected Member would contribute some money towards this, because we need to keep our Island looking beautiful. We cannot do too much, we have no hills, we have no waterfalls, we have no rivers. We do not have a lot of the natural beauties of many of the other countries, but what we have in the Cayman Islands is the beauty of the people, and we do not want to see this changed, this is what so many people say to me. I was so happy to hear a big businessman who arrived on the Island recently, he made a remark about Cayman Airways and he said that some of the best in-flight service that he had ever had was on that plane. Of course he made some derogatory remarks about some that are considering coming here, but I will not mention that. Mr President, we cannot do too much to try and develop this country, the beauty of this country, the scenic affects of this country. The Member for North Side told me that there is an area in North Side that they are trying to develop as a tourist attraction. I believe that Government should allocate funds to that project and other similar projects, so that there would be areas for the tourists to visit. We are fortunate Mr. President, that the Cayman Islands are experiencing a mild recovery, and I say a mild recovery.

I should also add Mr. President, that while this is not directly of our making, that we should make the best of it. We should put aside from this impending boom, funds for a rainy day. Mr. President, we seem to survive, inspite of the lack of any economic plans, as I have said. Let us not fool ourselves Mr. President, some of the upsurge in tourism, for example, is not also of our making, but is due in a major way, to the unsettled political and economic situation which exists now in other countries, such as in the Middle East areas, where there is a lot of violence. Mr. President, it would behove us as Members of this House, and in particular the Executive Council, to show good prudence and stewardship during this mild recovery. It would behove us Mr. President, to capitalise on this boom, and that we put aside something for a rainy day. Mr. President, I know that Government has ahead of it, a fairly big task. I know that provision of $14.0 million has been made in the Budget, but I also realise that if this is not wisely spent, we would have done nothing for our people.

In closing Mr. President, I would again, invite the Members of Executive Council and other Members of this House to take some time off, visit their constituents, get acquainted with their conditions. Some of them, yes, may be lazy, but all of them are not. Some of them are victims of circumstances, they are victims of their environmental conditions, they are victims of their surroundings, and it is difficult for them to pull themselves away. Mr. President, with those observations, I support the Appropriation (1987) Bill, 1986.

Thank you Sir.

MR. PRESIDENT: I think most Members will be aware, that my understanding was, that a majority yesterday felt it would be appropriate and desirable to adjourn proceedings at lunchtime today until Monday morning. I know there were differing views expressed, but I shall invite the Honourable First Official Member to move the adjournment, as my understanding is that that was what most Members preferred.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this House until ten o'clock on Monday morning, 24th November.

MR. PRESIDENT: The question is that this House do now adjourn until 10.00 a.m. on Monday morning.

QUESTION PROPOSED: DEBATE ENSUED:

MR. W. McKEEVA BUSH: Mr. President, I crave to speak on this Motion before the House, and I believe I am right, I can.

MR. PRESIDENT: I think you are probably entitled to argue that we should not adjourn, as proposed.

MR. W. McKEEVA BUSH: Do not anticipate my debate now, Sir.

MR. PRESIDENT: I am sorry?

MR. W. McKEEVA BUSH: I said, do not anticipate my debate now.

MR. PRESIDENT: Well, all I meant was that you had not given me an Adjournment Debate. Any sort of other matter may be raised...

MR. W. McKEEVA BUSH: That is the matter I am going to deal with Sir, yes.

MR. PRESIDENT: ....if I have been given notice, but I do not think you are intending to do that.

MR. W. McKEEVA BUSH: Mr. President, I know I am talking with futility here, but I am going to object to this adjournment on the basis that, for the purpose for which we are adjourning, we have time, we can make our own time to talk to these Commissioners. We have yet, the whole of the Government bench and three other Members from this side to speak. We have Bills to finish, we have Finance Committee to go into. I do not think that we should adjourn and waste a half a day to talk to these Commissioners. The people will be coming back, and Members can go across to talk to them as they see fit. I think that we are really doing the wrong thing here in adjourning for the rest of the day. The members as I understand it, are coming back, and those that want to go and talk to them can go. When I come to this Assembly I have my time set. I do not see why we have to adjourn to go and tell them about our constitution for the Turks and Caicos Islands. The Turks and Caicos Islands do not want our Constitution anyway. I really do not understand that part of it. But I think that we are really doing the wrong thing here because we have too much business left to do, rather than to waste half of the day. I mean, let us put on our thinking cap here, we are going to be here another two weeks by the looks of it. I cannot say any more Sir, but I object strenuously to this tremendous waste of time.

MR. PRESIDENT: Thank you. I am sure the Member knows that I was simply anxious to give the majority an opportunity....I am sorry I will let you speak. A majority to do as a majority wished, and we shall vote on the matter in a moment.

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I would like to support the Second Elected Member for West Bay. I too, cannot see why we should adjourn when there is so much work to be done, and I cannot see why we should adjourn to meet with the Constitutional Commissioners, because they probably are the same people who wrote our Constitution, and could tell us more about it than we can tell them. We have not been, in my opinion, properly briefed on the purpose of their visit, and I attach no importance to it at this time. So, I feel that the business of the House should continue as usual this afternoon, so that we may be getting nearer to the end of the business by Friday of next week, and I certainly will vote against the Motion to suspend the House until Monday morning, if that is made.

MR. PRESIDENT: The Elected Member for North Side.

MR. D. EZZARD MILLER: Mr. President, likewise, I cannot support the Motion to adjourn until Monday. If the Constitutional Committee is in the building, they are in the Committee Room as I understand it, I see no reason why the Budget Debate cannot continue this afternoon, and we all leave to go outside to drink coffee, to drink Pepsi, to smoke cigarettes, or go and do our banking business, or go to the shop or whatever we want to do, and come back. So I see no reason why the business of the House cannot continue, and we can still talk to the Members of the Constitutional Committee. I am not going to support the Motion Sir.

MR. PRESIDENT: If no other Member wishes to speak, I will put the question.

QUESTION PUT: AYES AND NOES

MR. D. EZZARD MILLER: May we have a division?

MR. PRESIDENT: I think the Ayes have it but I would be very happy to have a division.

DIVISION
NO.37/86

AYES: 2
Hon. Thomas C. Jefferson
Hon. J. Lemuel Hurlston

NOES: 6
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Mr. Linford A. Pierson
Mr. James M. Bodden
Mr. G. Haig Bodden
Mr. D. Ezzard Miller

ABSTENTIONS: 6
Mr. Benson O. Ebanks
Hon. W. Normal Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Capt. Mabry S. Kirkconnell
Mr. John B. McLean

MR. PRESIDENT: In that case I declare the motion lost, and the consequence is that I will simply, in the usual way, suspend proceedings for lunch until two fifteen, and it will be up to any Members who wish this afternoon, to slip out and see the Commissioners. I will try to explain to them meanwhile.

MOTION TO ADJOURN THE HOUSE DEFEATED BY MAJORITY

AT 12:44 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:25 P.M.

MR. PRESIDENT: Please be seated. Continuation of the Second Reading Debate on the Appropriation Bill. Does any other Member wish to speak? If no Member rises fairly soon, I shall be obliged to invite the mover to exercise his right of reply if he wishes. Is there any Member who wishes to speak?...15 seconds more...five...three...two. In that case, does the Mover wish to exercise his right of reply?

HON. THOMAS C. JEFFERSON: Yes Mr. President. Mr. President, I thank the Honourable Members for their kind comments on the Budget Address, and the delivery. Some said I needed a little bit more gusto. It could be Mr. President, that after working on a sixty-hour week for the past eight to nine weeks, that the gusto just was not there, but I take the point Mr. President. I think it was all done in jest.

Mr. President, my first Budget Address which was given in November of 1982 was 23 pages long, and that Budget Address Mr. President, was a change in style from previous Budget Addresses given by the former Financial Secretary. Mr. President, for the benefit of our listeners and Honourable Members, the contents of this Budget Address, perhaps you would be kind enough to allow me to read it, starts with an introduction, The Economy 1982, and the Financial Sector, broken down among Banking and Trust, Government Savings Bank, Agricultural and Industrial Development Board, Cayman Islands Currency Board, Company Registration, Accounting Firms, Legal Firms, Insurance, and goes on into the Tourism Sector, Construction Sector, Agriculture and Fishing Sector, Transport Sector and then Government Sectors.

Mr. President, as we went on over the years, this Budget Address, the pages of it, increased from 23 to 46, and I deliberately this year tried to reduce it, it was difficult Mr. President, but I decided that perhaps some sections did not need to be mentioned, because in some respects it would be repetitious. But we are all aware Mr. President, and the financial industry on this Island, the gentlemen who operate in this area realise that the financial sector and the Financial Secretary are operating hand in hand. There was no slight on my part Mr. President, to drop the Accounting Firms. Perhaps the Honourable Member should have gone on to say that I also did not comment on the Construction Industry, and on Cable and Wireless and on Caribbean Utilities, services so efficiently performed for the people of these Islands, but perhaps he had his reasons why he just mentioned the Accounting Firms! But Mr. President, I am fairly confident that the competent individuals who operate in the financial industry, and in particular in the Accounting Firms, know full well that the Financial Secretary of the day would make no attempt to slight them, but I believe Mr. President, that if the Honourable Member reads his comments in the Hansard, when he started to talk about Cayman Airways, and then he went on to say, and I hope I am not misquoting him Mr. President, he went on to say, that you know when you have Accounting Firms and you pay them the bill, you can get what you want, but that does not refer to Thorne Riddell. I would think they might accept that as a slight.

MR. LINFORD A. PIERSON: Correction Mr. President. I said 'certain Accountants'.

HON. THOMAS C. JEFFERSON: Well the Accountants Mr. President, work in Accounting Firms too, so I do not know how they will interpret it. I am not saying that that is what he meant, but that is what I heard.

Mr. President, the Honourable Member, and I am not particularly singling him out in any way, I am going from notes which I have kept along the way. We all realise that we are not prepared to wind up the Budget Address, it was left to me to do so this afternoon, because Members failed to respond to your request. Mr. President, the Member goes on and makes a comment about the particular section of the Budget Address which says that the $3.3 million in surplus, which is estimated at the end of December 1986, in the Budget Address, it goes on to say that this has resulted mainly from an increase in revenue above the estimated, and he asked me to clarify that I was talking about the approved Estimates. Mr. President, not to be harsh, but it is the only estimated figure that

could be talked about, the approved Estimates for 1986. And Mr. President the Member went on to quote that the figure, the total figure of revenue collected, as against the revised, the approved figure, was roughly $69.9 million, as against a revised figure of $63.9 million. And Mr. President, we will find that that reduction is because we did not borrow the $9.5 million on the $69.0 million of revenue, but it was revised to $4.4 million. But if he looks at it Mr. President in detail, I am sure he understands where it is. If he looks at it in detail he will see it for himself. As one example, Mr. President, we budgeted for revenue stamps of $5.0 million, and we have revised a figure to $6.1 million. That is the sort of increase in revenue that I eluded to in the Budget Address. Mr. President, I know that the Member needed to make certain comments, in order to find some way of debating, perhaps one of the best Budgets that we have seen presented to this House in recent times, and I understand, although I am an Official Member Mr. President, I understand the word 'politics'. We thank him, Mr. President, for his kind comments in other regards.

Mr. President, there were other Members who raised certain points that concerned them, regarding the size of the Civil Service, the Customs Department and what they are doing as regards to the Red Book. But Mr. President, I believe that if the Honourable Members, or the Member in particular, when dealing with Customs revenue and its collections and the use of the Red Book to determine what value duty you will be assessed on, the Member will also find that if he reads the Customs Law, that Customs Officers and the Collector of Customs included, have authority under that law to make assessments, even though you produce an invoice. But Mr. President, for his benefit and for the benefit of all concerned, we are looking at the system Mr. President, and hopefully in 1987 we will make some changes to it, subject to the agreement of Government, and when I say Government, it includes all the Honourable Members in this House.

Mr. President, the Civil Service is growing, there is no real need for anyone to try to rebut such a statement, but I believe too, that in recent times, more and more services have been requested, even by the Honourable Members of this House, from Government, and even though during this Budget Debate, we have heard of more requests to do more for the people of this country, we must remember that if we go forward and construct more buildings, together with that building, comes the need to find persons to look after it, also the need to pay for the maintenance cost of the building including electricity, telephones and what have you, so that with every capital expenditure, as Honourable Members know, comes recurrent expenditure in the years that follow, therefore your recurrent expenditure will continue to increase, and the Civil Service will be increased as the departments can justify the need to Government.

I believe Mr. President, that over the years, we have generally given statistics about the Company Registry, along the lines of new registrations, new annual....to say it in a different way Mr. President, the number of companies that are registered in each year, and I believe that that is a real statistic, to demonstrate any degree of consistency about whether there is a slowdown in the company registration, or there is not. I believe that by examining those statistics, we can all draw reasonable conclusions. One Member raised the point that he wanted to see a breakdown of the road programme that is going to be covered by the $900,000 provided in the 1987 Capital Expenditure. I am happy to say to him that it is our intention to provide this during Finance Committee's deliberations on the Budget.

Mr. President, the Computer Services has been raised as a section that concerns some Members. Mr. President, it is not quite right to compare the Government Computer System with the computer systems that are operable in the financial industry. We have, to the best of my knowledge, the largest computer system in this country. We started out in 1979 with a small Burroughs computer, with the view and the objective of trying to automate the production of trade statistics. But, like anything else in the Cayman Islands, Mr. President, computer can be related to a different style of a car, it usually catches on very quickly and then other people want to have the benefits of the facility. It was not very long before we realised that that computer was becoming grossly inadequate and we then had to purchase a computer from Digital Computer Corporation the PDP1170, which we presently have. It was about two years ago Mr. President, that that computer too, we could see the writing on the wall, that it was not many days in the future before it

too would be obsolete. Obsolete, in terms of the computer's ability to deal with the volume of work requested of it. As you move Mr. President, from a small system to a little larger system, to a yet larger system which we have at the moment the VAX Cluster, so too is the need to improve your staffing. For if you are going to operate your computer to the maximum use, you would operate almost 24 hours a day, so that you get the maximum benefit from it. Mr. President, over a period of time and I believe that time is drawing near, we will begin to see the full affect of the computer as regards the increasing number of persons on Government's payroll in the Civil Service. But we must also take into account, that there are departments that the computer will have no real affect on, other than the accounting or production of a bill. The services that are going to be required at the Hospital for example, is one. The Education Department is another, and we could name quite a few more, it needs people on the spot. As your number of children increase within your school system, there is the justified need to increase your teacher population in order to keep your ratio between teacher and pupil on a reasonable standard to enable those students to get full benefit of the instructions given.

I was pleased to hear Mr. President, although we did not go completely around the halls of the Legislature, that is, we did not have all Members speaking on the Budget, but I was very pleased to hear the Members' comments as regards the Shipping Register. I believe now, Mr. President, we can see a substantial increase in revenue being earned by the Shipping Register if we were to compare it over the last four or five years. Normally, it would run around the $100,000, this year the figure is revised to $250,000. It is going to require Mr. President, in my view and subject to discussion, because of the trend around the world, as Honourable Members have already said, the Cayman Islands to do it properly, to establish a Marine Section within the Registry of Companies, and hopefully to obtain from the United Kingdom the permission to extend the international conventions to cover ships on the Registry of the Cayman Islands.

Moving on, Mr. President, there are funds in the 1987 Budget to deal with some of the concerns raised by Members as regards the reception area and visitors area of the Prison. I think all of us would agree that something more needs to be done, and I think with a quick search of the Capital Estimates, you will find a sum in excess of $210,000. I believe the figure is $218,000 off the top of my head.

Mr. President, the fiscal policy of the Cayman Islands Government I believe, is well known to all of us. There is no trick Mr. President, and there is no magic wand that you can wave and produce over the last 24 years or 26 years a surplus at the end of every year, or sufficient surplus from previous years to carry forward a balanced Budget. That is in my view too, part of what we call 'fiscal policy'. We have not, and I agree with this, we have not put forward a fiscal policy in written form and put it across the front page of any particular magazine or newspaper, to say that this is a specific policy. But, Mr. President, I have been fortunate to have been in Government since 1971, and I am convinced that the philosophy being used by all of us during that period of time is right, and that is, the philosophy that we should not spend more than we can afford. That is fiscal policy too Mr. President. I was one of the most pleased persons to see and to hear the Honourable Member for North Side put forward a Private Member's Motion for an Economic Development Plan. It has been an item which has not received a great deal of acceptance in the minds of most of the people, until now, and unless there is acceptance Mr. President, the exercise can be a gross waste of time. There are so many pieces of paper in Government files which perhaps look good on paper and which have not been accepted. As a matter of fact, we can see or envisage the amount of work that has been taken and carried out to produce such a Draft Economic Development Plan. It has taken us since March of 1985 to produce a plan which is due to be laid on the Table of this House. Mr. President, I would add at this stage that all Members please take note, if you are going to do a document such as this one, and it has many hundreds of pages, it is going to mean that the chapters are going to be done at different times, with certain assumptions, and when you get to the end of the day, having had some acceptance by Government, then we can revise the plan and update it. That is the procedure which I hope Members will agree that we should follow. Mr. President, I saw my name featuring in this Budget Address more that it has ever featured before, there were in my view, several

reasons for this. The people of this country know that Tom Jefferson is not someone who goes around boasting about what he has done, or what he can do. In one case it was for information purposes, to say to the people of this country that upon the retirement of Mr. Foster, a change had taken place, and what the effects of it were. In another case, it was a new note being issued by the Currency Board to which my signature has been attached, and lastly Mr. President, it was mentioned in dealing with the unallocated stores at Public Works, which is and always has been, to the best of my knowledge, the responsibility of the Financial Secretary, and I wanted it to be absolutely clear who issued the instruction for the stores to run down. I want no one to guess who it was, for I take full responsibility for it. I believe in this day and age Mr. President, there is no need to run an unallocated stores of $300,000 or $400,000 or $700,000, when there are vessels that frequent the Cayman Islands on a weekly basis, and there are shops, or hardware stores which also have in most cases, ample supply that Public Works may need for construction purposes. The reason for the $100,000 Mr. President, is to run it down to such a level that we can manage it effectively, and also to keep on hand, items that are of an emergency type, in case of disasters of any sort, or items that are not easy to find in the Cayman Islands at any particular time, that we may experience a problem.

I believe Mr. President, that in the year ahead we will find some clarity about the way in which the Cayman Islands Insurance Industry will be affected. There are politics in the United States Senate and House of Representatives, as we all know. And I believe, that is one of the reasons why it was not clarified this year. Another election time, too close to make any quick decisions on a very complex matter. I have a hunch too Mr. President, that it is going to take all of them, working together, to produce, if ever, the answer to the United States insurance problem, it is not a simple matter. I am not going to try to say to the people of the Cayman Islands and Honourable Members that I know the way in which our industry is going to be affected, positively or negatively, until we see some piece of legislation on the statute books of the United States, no one really knows, perhaps not even the people in the executive arm of the United States Government. So why should we try to portray that we know.

I believe, Mr. President, that the Cayman Islands is going to be for many years to come, one of the most important areas of doing business. I believe too, that we are coming to grips slowly though it may be, with some of the problems within our society. Social programmes Mr. President, are coming into place, and I know we are all very eager for them. But I think that in dealing with them, we certainly need a little time to make sure that the programme that is put together is a comprehensive one, and we can see how the pieces tie together. If we had unlimited resources Mr. President, we could move very, very quickly and buy as much expertise as we need, but unfortunately, we are not in that position. In the Civil Service Mr. President, the quantum of the Civil Service bill as related to recurrent expenditure, I think the Honourable Member said, 58 percent, is not a thing that any of us is happy about, but I believe I recall in the last Budget Address given by the former Financial Secretary, he was raising the same point, and the percentage was about the same figure, perhaps it was 60 percent, not 58 percent, but I am subject to correction. So that, in five years we have not done too badly with it, we have held it, more or less, in line with the growth of the country. And it is always Mr. President, an easy exercise to sometimes think that you can chop Civil Servants in this department and the other department, and then when you really get down and analyses it and look at the functions they are performing, and the volume of work that they are dealing with, you find the answer is not so simple. On the heels of that, the public is asking for more and more services. It is difficult to cut on one hand Mr. President, the Civil Service, and give more service on the other hand, but this is a phrase used by economists, which I do not particularly care for.

I believe Mr. President, that any other point which I may have wanted to raise has been answered, either by the answers to questions which were put to me during this meeting, and hopefully, those answers were satisfactory to the Member who asked them, and I say again, thanks to Honourable Members for their support, and also for their criticism.

MR. PRESIDENT: The question is that the Appropriation (1987) Bill, 1986 be given a Second Reading.

QUESTION PUT: AGREED. THE APPROPRIATION (1987) BILL, 1986 GIVEN A SECOND READING.

MR. PRESIDENT: There being no other business on today's Order Paper, may I invite the First Official Member to move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, the business on the Order Paper having been exhausted, I move the adjournment of this Honourable House until ten o'clock on Monday morning, 24th November.

MR. PRESIDENT: The question is, that this House do now adjourn until ten o'clock on Monday the 24th November.

QUESTION PUT: AYES

MR. PRESIDENT: Before actually....

MR. D. EZZARD MILLER: Can we have a division Sir?

MR. PRESIDENT: Certainly. Will the Clerk call the division.

DIVISION NO.38/86

AYES: 8
Hon. Thomas C. Jefferson
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. D. Ezzard Miller

ABSTENTIONS: 1
Hon. Michael J. Bradley

MR. PRESIDENT: I declare the motion carried. Before we actually rise, perhaps I could just take the opportunity of reminding Members that so far as I know, the Commissioners are still here, and any Member who would care to see them now that our business is so unexpectedly finished, so early in the afternoon, should have an opportunity to do so. I think one or two Members are already with them, but some Members may care to have a coffee break now, and be able to see them afterwards.

AGREED: AT 3:05 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. MONDAY, 24TH NOVEMBER, 1986.

FOURTH (BUDGET) MEETING

OF THE

1986 SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

MONDAY, 24TH NOVEMBER, 1986

(SEVENTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

* ABSENT

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

FOURTH (BUDGET) MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

MONDAY, 24TH NOVEMBER, 1986

(SEVENTH DAY)

1. PRAYERS

   TO BE READ BY THE HONOURABLE FIRST OFFICIAL MEMBER.

2. PRESENTATION OF PAPERS AND REPORTS

   FIRST INTERIM REPORT OF THE SELECT COMMITTEE INVESTIGATING REGULATION PROCEDURES (RE: PRIVATE MEMBER'S MOTION NO.14/86) - TO BE LAID ON THE TABLE BY THE CHAIRMAN THE HONOURABLE FIRST OFFICIAL MEMBER.

3. OBITUARIES

4. GOVERNMENT BUSINESS

   BILLS:-

   FIRST & SECOND READINGS

   (1) THE CUSTOMS (AMENDMENT) BILL, 1986

   (2) THE PARTNERSHIP (AMENDMENT) BILL, 1986

   COMMITTEE THEREON

   (3) THE TRUSTS (AMENDMENT) BILL, 1986

   (4) THE FIREARMS (AMENDMENT) BILL, 1986

   (5) THE NOTARIES PUBLIC (AMENDMENT) BILL, 1986

   (6) THE TOBACCO PRODUCTS AND INTOXICATING LIQUOR ADVERTISING BILL, 1986

   (7) THE CUSTOMS (AMENDMENT) BILL, 1986

   (8) THE PARTNERSHIP (AMENDMENT) BILL, 1986

REPORTS THEREON

(9) *THE TRUSTS (AMENDMENT) BILL, 1986*

(10) *THE FIREARMS (AMENDMENT) BILL, 1986*

(11) *THE NOTARIES PUBLIC (AMENDMENT) BILL, 1986*

(12) *THE TOBACCO PRODUCTS AND INTOXICATING LIQUOR ADVERTISING BILL, 1986*

(13) *THE CUSTOMS (AMENDMENT) BILL, 1986*

(14) *THE PARTNERSHIP (AMENDMENT) BILL, 1986*

THIRD READINGS

(15) *THE TRUSTS (AMENDMENT) BILL, 1986*

(16) *THE FIREARMS (AMENDMENT) BILL, 1986*

(17) *THE NOTARIES PUBLIC (AMENDMENT) BILL, 1986*

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MONDAY

24TH NOVEMBER, 1986

10.05 A.M.

MR. PRESIDENT: Prayers. The Honourable First Official Member.

PRAYERS

HON. THOMAS C. JEFFERSON: 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 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.

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, 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.

OBITUARIES

MR. PRESIDENT: Before I invite Members to be seated, I will ask the House to stand for a moment in silence, in memory of the late Mr. Ernest Panton.

Please be seated.

Although I see that today's Order Paper does include, as Item 3, a piece of business headed 'Obituaries', perhaps I can anticipate, because the normal order of business as provided for, in Standing Order 14(1) does enable the President to make any announcements before any other business such as the Presentation of Papers and Reports, and I believe it would be the wish of the House that I should ask that our condolences be sent to the family of the late Mr. Ernest Panton, and that I should place on record how grateful all Members of the House and of the community here were for the many services both to this House and to the people of the Cayman Islands, Mr. Ernest contributed during his life. My understanding is that his funeral is to take place tomorrow afternoon, I believe at four o'clock, and my understanding also is that all Members of the House, certainly all whom I have had an opportunity to consult so far, will wish our proceedings to be adjourned if we are still meeting tomorrow afternoon, in time to enable Members to attend the funeral. So I think we can plan on that basis. I do not of course know, whether we shall be meeting, or whether Finance Committee may be meeting by tomorrow afternoon, but I think no matter what stage has been reached, Members will wish to be able to be free in time to attend the funeral.

Presentation of Papers and Reports. The Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

FIRST INTERIM REPORT OF THE SELECT COMMITTEE INVESTIGATING REGULATION PROCEDURES

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this House, in accordance with Standing Order 72(1), the First Interim Report of the Select Committee to Investigate Regulation Procedures.

Mr. President, we have spent a great deal of time attempting to obtain the procedures in other countries of the Commonwealth upon Regulations, and I am happy to say that we now have many pieces of paper which indicate what procedure is in most of the Commonwealth, and we will be studying these and will tender another Report in the near future.

MR. PRESIDENT: So ordered.

Item 3 as I have mentioned already is Obituaries, although there is no specific provision in Standing Orders for an item of this nature, it maybe that one or two Members will wish to pay tribute to Mr. Ernest. If so, I think it would be perfectly proper to enable them to. But since I have spoken already, perhaps the House may wish to take it that I have spoken on behalf of all Members.

In that case, we can pass to Item 4. Government Business. Bills. First Readings.

GOVERNMENT BUSINESS

BILLS

THE CUSTOMS (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1986

MR. PRESIDENT: A Bill for a Law to Amend the Customs Law (Second Revision) is deemed to have been read a First time, and is set down for Second Reading.

SECOND READING

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1986.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Customs Law (Second Revision).

Mr. President, the reason for this amendment is to make provisions for drawback not to be payable where a duty free bonded system is operated, either at the Port or at the Airport. At the present time Mr. President, we are operating the drawback system. It is a system that has been in place for many decades, and it is a cumbersome one. Firstly, the passenger goes to the counter at Owen Roberts Airport and a request is made to purchase spirits. He fills out a form, or signs a form with his name and signature. That form is then passed to the Customs Department who, when the passenger exits the departure lounge en route to the plane, the bottle of spirits is handed to him. That store from which those spirits were purchased has to retain its copy of that sale, and Mr. President, when you are dealing with 150,000 passengers, there are quite a number of these copies that are retained. Then they have to fill out the necessary form, attaching all their sales for a particular month and it has to reach the Customs Department by a specific period of time, as laid down in the Regulations. Customs administration then has to check the request for drawback as submitted by the store, and then from that department it is sent to the Treasury who again does a bit of checking before the cheque is actually issued to the shop.

It is our view Mr. President,

that these stores can operate on a much better system which can be scrutinised by the Customs Department, and fall within the Regulations as will be made to deal with the inbond shops; and a small amendment to Section 44 which deals with drawback, and specifically it reads:

> "Drawback shall be payable to Customs upon the following goods, provided the goods have not been used while in the Islands."

And under paragraph (c):

> "Spirits and wine sold to passengers actually embarking on a vessel departing from the Islands."

If we put a small amendment to it, which would read, following that paragraph (c):

> "Provided that this paragraph does not apply to spirits and wine sold at the Airport or Port where a bonded duty free shop system is operated."

And to put that properly into legal form, Mr. President, it is also required that we also have a small amendment which in addition to Section 44, subsections (1), (2) and (3), and this one would be (4), which would read:

> "In subsection (1) bonded duty free shop, means a retail outlet prescribed by the Governor at a departure lounge, or other place controlled by Customs, at a Port or Airport."

Mr. President, the system being proposed is not far different from the system presently in place for the huge wholesale in bond operations, for which Customs has access to check records, to make spot checks and to satisfy themselves that the operation is running on a footing with which they are happy. This system Mr. President, I believe, is the better one for all concerned both the Government, the shop owner and the passenger, and I think it is a system that we will find in most countries of the world, operates in this way as the amendment is seeking to establish in the Cayman Islands.

I recommend the amendment to the Customs Bill, Section 44, to Honourable Members.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to Amend the Customs Law (Second Revision) be read a Second time. The motion is now open for debate.

The Second Elected Member for Bodden Town.

DEBATE

MR. G. HAIG BODDEN: Mr. President, I support the Bill before the House. The Bill is seeking to change the old drawback system for the handling of liquor, which is sold to departing passengers. The old system has now become very cumbersome, mainly because of the large volume of sales. The system has been often criticised by the dealers. They complain of the length of time it takes them to get the drawbacks. They complain of the amount of time that is consumed in handling the goods, and I think it is only right that an attempt should be made to improve the system. As it is, I can see no point at all in the Government collecting the import tariff on the one hand, and passing it out through the other hand. Government is not retaining any part of this duty, and therefore, we have an exercise which costs a lot of money in administration and nobody really benefits. The merchant who has paid the duty in advance, will lose some money, particularly if his account happens to have been in overdraft at the time that he paid the duties, and the Government itself will have a pretty large administrative cost for no purpose at all.

Under the new system, the onus for compliance with the Law will be solely on the shoulders of the dealer, and he will have to make certain that the bonded liquor is sold only to departing passengers, and there will also be an onus on the purchaser to make certain that the goods are not relanded. I am not certain that the amendment before the House gives the amount of

protection we need in these areas, but I trust that the Law as it goes into effect, will be closely monitored so that any deficiencies can be corrected. The Bill before the House will probably entail new procedures at the Airport and at the Dock, for the sale of these commodities , and perhaps thought has already been given to the procedure which will be necessary to ensure the smooth operation of the system, and I trust Sir, that there will be an overall improvement which will benefit the Government and the dealer, and the purchaser as well.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to exercise his right of reply?

HON. THOMAS C. JEFFERSON: Yes Mr. President.

Mainly to thank Members for their support, although they have not spoken, we say silence gives consent, and also to make a small comment, in respect of the point which was made by the Second Elected Member for Bodden Town, as regards the protection, so that Government does not loose any Customs Duty as a result of the new system. Those protections will be spelled out in the Regulations, soon to be published, and I am saying this basically for information, for the benefit of the Member.

Thank you Mr. President.

MR. PRESIDENT: I will put the question that a Bill for a Law to Amend the Customs Law (Second Revision) be read a Second time.

QUESTION PUT: AGREED. THE CUSTOMS (AMENDMENT) BILL, 1986 GIVEN A SECOND READING.

MR. PRESIDENT: Bills, First Reading.

THE PARTNERSHIP (AMENDMENT) BILL, 1986

FIRST READING

CLERK: THE PARTNERSHIP (AMENDMENT) BILL, 1986

MR. PRESIDENT: The Bill entitled a Bill for a Law to Amend the Partnership Law, 1983 is deemed to have been read a First time, and is set down for Second Reading.

SECOND READING

CLERK: THE PARTNERSHIP (AMENDMENT) BILL, 1986

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Partnership Law (1983), Law 26 of 1983.

Mr. President, the Partnership Law which was passed in this Honourable House on 13th day of September, 1983 is a technical piece of legislation. We have over the years, as we even did with the Banking and Trust Law in the mid 60's, we did not put any fees to it, basically to attract Partnerships to be established in the Cayman Islands. We know that when something is free, and the legislation is acceptable to us, we take advantage of it.

We have been studying the Partnership Law Mr. President, for some time, with a view to making some amendments to the Limited Partnership section of that piece of legislation. Although we have been studying it for some time Mr. President, we are not yet ready to put it forward.

Earlier this year, 28th February, 1986, I think I have my date right Mr. President, there was a Private Member's Motion No.1/86 which was moved by the Second Elected Member for West Bay and seconded by the Elected Member for North Side, which read:

> "WHEREAS the Partnership Law has been in force since 1983,
>
> BE IT RESOLVED that Government make regulations providing for registration and annual fees to be paid under this Law."

The amendments that I am moving now Mr. President, seek really to answer the Private Member's Motion, earlier read. In order to do so, Section 50 of the principal Law is amended by inserting on payment to the Registrar a registration fee of $850.00. This figure was arrived at Mr. President, because it is similar to the fee paid by an exempted company for registration purposes. The further fee is the annual fee which is $475.00 each year.

If the Company or the Partnership, if in the case of default, in compliance with the requirements of Section 1. each of the Partners is guilty of an offence, and is liable on conviction to a fine not exceeding $200.00 and to a further fine of $20.00 each day during which the default continues.

I recommend this amendment Mr. President, to Honourable Members.

MR. PRESIDENT: The question is that a Bill for a Law to Amend the Partnership Law 1993 be read a Second time.

The motion is open for debate. The Second Elected Member for Bodden Town.

DEBATE

MR. G. HAIG BODDEN: Mr. President, we seem to have had some very strange legislation recently, regarding companies, whether they be partnerships or exempt companies, or whatever. One case that recently came to our attention, was the case where a certain law firm had been illegally forming companies with one shareholder, and the Government, instead of prosecuting the law firm, amended the law because the law firm is a staunch supporter of the Government. Here again we see another bit of strange legislation. We see the failure of a partnership to pay the fee, made a criminal offence against the individuals in the partnership. I am not sure that it is a criminal offence for a shareholder or a director of a company, if the company does not pay a fee. We know normally, if a company does not pay its fee, the company is struck from the Registry, but here we are making it a criminal offence where the Government can go against the individual partners, if the partnership fails to pay the fee, and this is strange, because of the unique position of most partnerships, where say, the partnership might be dissolved simply by the death of one of the individuals.

The Partnership Law did not make provision for the collection of fees, and I do not believe that this was intentional to attract partnerships. I think it was an oversight on the part of the Government, and probably, the matter was pointed out to the back benchers, so that they could get a little political mileage by bringing the resolution which has now resulted in the fees, because we know that everything put forward by Executive Council since 1984, has been only for political purposes, and unless they are told by the News Bureau or the Compass that it will make them look good, the matter is not dealt with. There are hundreds of examples, maybe.

I think the fees are excessive, since all along it had not been thought necessary to charge fees. I think the fees now put forward are excessive, however, as fees are charged to all types of companies, I would think that the time has come for the Government to put forward a Bill which would make provision for the collection of fees. I also think that provision should have been made for simple partnerships, where say, family members are involved. For example, you may have two brothers wanting to do a simple partnership company just to carry on the family business, and I see no provision here for very simple businesses to be charged nominal fees. So, I think the Bill while in one sense is necessary to some extent, has been ill conceived and ill directed and needs a lot more thought and a lot more consideration than simply making it a bill to collect fees with draconian measures meted out against the individuals in the partnership.

MR. PRESIDENT: Does any other Member wish to speak. The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I was very much satisfied that Government has done the right thing in bringing forward the amendment to the Partnership Law. Mr. President, I think that the fees are sufficient. I do not think there is anything draconian about

it. It is time that certain people started paying in this country for using the services of the country, and this is one way of doing it. It is not a tax or a fee on the ordinary man on the street, or else I would not have brought the resolution that the Second Elected Member for Bodden Town spoke about. The matter he raised Sir, concerning the non-collection of fees was pointed out to backbenchers so they could get a little political mileage by bringing the resolution. I do not think I should even answer that, but I will say this much to clear the matter, that on going through some of the Laws, and I am not a lawyer, I saw that anomaly and I went straight away and spoke to the man who is responsible for the Registrar of Companies, and he said, "Yes, he thought that there could be some fees charged", and gave me some advice on it. There are not many people in Government from whom I take advice, but he is one that I think I can talk to, and have some confidence in, and that is how the resolution came about. There was no plot by Government so that I could get any political mileage. I think that if there is anything Government is trying to do, it is trying to stop me from getting any political mileage, and so I think the Member for Bodden Town was talking rubbish, and I will not care to say any more on that matter. I am happy that the Bill is before the House, and that there is some revenue to be realised from it, and I trust that with the revenue realised, some work could be done in Bodden Town.

Thank you very much Mr. President.

Mr. G. HAIG BODDEN: That will never be done as long you have the present Executive Council Members, unless they do it for the Lawrences.

MR. PRESIDENT: Order! Order!.

MR. W. McKEEVA BUSH: I will help them get something up there.

MR. PRESIDENT: Does any other Member wish to speak? If not, I now call on the mover to exercise his right of reply if he wishes.

HON. THOMAS C. JEFFERSON: Mr. President, I rise to thank Members for their support.

The comment made by the Second Elected Member for Bodden Town in respect of companies which apparently were operating in breach of the law by having one shareholder, and Government then, as he says, to put that right, decided to amend the law to make what that hypothetical company was doing, because I have no knowledge of it Mr. President, maybe he does, right. But Mr. President, the Companies Law prior to amendment requires that three shareholders subscribe to the Articles of Association, and if there were not three Mr. President, I doubt that the Registrar of this day, would have registered the company at all. Secondly Mr. President, it was the Committee that we established some time ago to look at the Companies Law with a view to making amendments to it, it was that Committee that recommended I think, probably ten or twelve amendments, this being one of them, that as in the case of urgency, and to make our Companies Law more attractive, we should put forward such an amendment. The amendment was in this case, that there was no need to have three shareholders when one was indeed acceptable. I think in actual practice Mr. President, what was taking place was that a person comes forward wanting to establish a company, and he or she arranges for two other nominee shareholders to assign their names to the Articles of Association, together with his, and in some cases his name was not mentioned either. But there were three persons subscribing to the Articles of Association, and I would be the most surprised person in this Honourable House, if we find on the Register, a company that only has one shareholder, prior to the amendment of the Law, which made that registration possible.

The Partnership Law Mr. President, that is the amendment to it, and the amendment specifically speaks about a partnership which is guilty of an offence. It is in order to put teeth in the Law for the collection of the Fees due to Government Mr. President. At the present time under the Companies Law, all we can do is give notice, one month, and strike them off. I do not believe that that is an acceptable method for the future, and it is the reason why we have put the amendment in this way, so that failing payment, and failing chasing them up, if the Government

wishes, and it is at the discretion of the Honourable Attorney General whether to prosecute or not, it is not for me to say Mr. President, who gets prosecuted and who does not. So I think Mr. President, looking to the future, we have heard last week a lot about fees that are uncollectable, firstly the hospital fees and then there are the company fees, and now we have an amendment which deals with the collection of the partnership annual fees, and it does provide, or make a provision that the partnership can be sued for the annual fees, and I think that is right and proper. If a person is using the benefits of this Island, he should pay for them, and $475.00 is not much to pay Mr. President. It has been many years since exempted companies have been paying that or more, and I thank Members for the points which they raised, but also for their support.

MR. PRESIDENT: The question is that a Bill for a Law to Amend the Partnership Law (1983), be read a Second Time. I will now put that question.

QUESTION PUT: AYES

MR. W. McKEEVA BUSH: Can I have a Division Mr. President.

MR. PRESIDENT: Certainly.

DIVISION
NO.39/86

AYES: 11
Hon. Thomas C. Jefferson
Hon. Michael J. Bradley
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Mr. W. McKeeva Bush
Mr. Linford A. Pierson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mr. John B. McLean

AGREED: THE PARTNERSHIP (AMENDMENT) BILL, 1986 GIVEN A SECOND READING.

MR. PRESIDENT: That concludes First and Second Readings, and the House will now go into Committee to study a Bill entitled The Trusts (Amendment) Bill, and other Bills.

COMMITTEE ON BILLS

THE TRUSTS (AMENDMENT) BILL, 1986

COMMITTEE THEREON

MR CHAIRMAN: Please be seated.

Before we start these Committee Proceedings, perhaps I can just say that I assume that it will be the wish of the Committee that we should follow what has become our practice, which is to ignore typographical or similar minor printing errors, on the understanding that the Honourable Second Official Member shall be empowered to correct them as necessary in consultation with the Clerk. Unless any Member descents, I will assume that that is the wish of the Committee.

So, a Bill for a Law to Amend the Trusts Law (Revised).

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that the Short Title do stand part of the Bill. No one wishes to speak, so I will put that question.

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 82.

MR. CHAIRMAN: The question is that Clause 2. do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE TRUSTS LAW (REVISED)

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: AGREED. TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: The Second Bill for Committee is The Firearms (Amendment) Bill. In this case notice has been given firstly, by the mover of the Bill, the Honourable Third Official Member, that he proposes an amendment to Clause 16. and secondly, by the Second Elected Member for West Bay, that he proposes to move a series of amendments to Clauses 2, 3 to 10, 11, 12, 13...almost to every clause is renumbered I think. But the substance as I understand it, of his notice of amendment is really contained in a proposed new Clause 18., and what I propose to do, I think I mentioned this to him, I hope I remembered to do so, is when the time comes to take the proposed new Clause 18. not previously, having taken all the other minor consequential amendments, if the proposed new Clause 18. is accepted by the Committee, then to go back to make the various consequential amendments if it is not. I think that is the best because it is really Clause 18. that contains the matter of substance that the Committee will wish to discuss. It is really very difficult.

MR. G. HAIG BODDEN: Mr. Chairman, do we have copies of that?

MR. CHAIRMAN: Well I hope so. I beg your pardon, I should have asked. My understanding was that copies both of the amendment proposed by the Honourable Third Official Member and of the amendment proposed by the Second Elected Member had been circulated. Do Members have them, or not?

MR. W. McKEEVA BUSH: They were circulated, yes.

MR. CHAIRMAN: Does any Member not have....

MR. G. HAIG BODDEN: I do not remember ever seeing them Sir.

MR. CHAIRMAN: Has any other Member not got a copy of the Second Elected Member of West Bay's amendment?

MR. W. McKEEVA BUSH: They were circulated.

MR. CHAIRMAN: I think most Members have them, we will ask for a copy for the Second Elected Member for Bodden Town.

MR. CHAIRMAN: Certainly, I was given proper notice of them.

HON. MICHAEL J. BRADLEY: I am not certain Mr. Chairman, whether the Member for East End has got them, he has.

MR. CHAIRMAN: If I could just ask the Second Elected Member for West Bay, I hope that procedure will be agreeable to you? It means that we have a chance to discuss the substance of the amendments that you want to make....

MR. W. McKEEVA BUSH: Yes Sir, that will be fine with me.

MR. CHAIRMAN: ....on the actual Clause that deals with their substance.

MR. W. McKEEVA BUSH: ....I have yet to hear what Government is going to say, but...

MR. CHAIRMAN: Very well then.
In that case, a Bill for a Law

to Amend the Firearms Law (Revised).

THE FIREARMS (AMENDMENT) BILL, 1986

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE

MR. CHAIRMAN: The question is that Clause 1. do stand part of the Bill. No Member wishes to speak. I will put that 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. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 10.

MR. CHAIRMAN: The question is that Clause 3. do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3. PASSED

CLERK: CLAUSE 4. AMENDMENT OF SECTION 11.

MR. CHAIRMAN. The question is that Clause 4. do stand part of the Bill. No Member wishes to speak. I will put that question.

QUESTION PUT: AGREED. CLAUSE 4. PASSED.

CLERK: CLAUSE 5. AMENDMENT OF SECTION 12.

MR. CHAIRMAN: The question is that Clause 5. do stand part of the Bill. No Member wishes to speak. I will put that question.

QUESTION PUT: AGREED. CLAUSE 5. PASSED.

CLERK: CLAUSE 6. AMENDMENT OF SECTION 13.

MR. CHAIRMAN: The question is that Clause 6. do stand part of the Bill. If no Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 6. PASSED.

CLERK: CLAUSE 7. AMENDMENT OF SECTION 14.

MR. CHAIRMAN: The question is that Clause 7. do stand part of the Bill. Unless any Member wishes to speak I will put that question.

QUESTION PUT: AGREED. CLAUSE 7. PASSED.

CLERK: CLAUSE 8. AMENDMENT OF SECTION 16.

MR. CHAIRMAN: 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. AMENDMENT OF SECTION 18.

MR. CHAIRMAN: The question is that Clause 9. do stand part of the Bill. Unless any Member wishes to speak. I will put that question.

QUESTION PUT: AGREED. CLAUSE 9. PASSED.

CLERK: CLAUSE 10. AMENDMENT OF SECTION 19.

MR. CHAIRMAN: The question is that Clause 10. do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 10. PASSED.

CLERK: CLAUSE 11. AMENDMENT OF SECTION 27.

MR. CHAIRMAN: The question is that Clause 11. do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 11. PASSED.

CLERK: CLAUSE 12. AMENDMENT OF SECTION 28.

MR. CHAIRMAN: The question is that Clause 12. do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 12. PASSED.

CLERK: CLAUSE 13. AMENDMENT OF SECTION 32.

MR. CHAIRMAN: The question is that Clause 13. do stand part of the Bill. No Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 13. PASSED.

CLERK: CLAUSE 14. AMENDMENT OF SECTION 33.

MR. CHAIRMAN: The question is that Clause 14. do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED: CLAUSE 14. PASSED.

CLERK: CLAUSE 15. AMENDMENT OF SECTION 36.

MR. CHAIRMAN: The question is that Clause 15. do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. CLAUSE 15. PASSED.

CLERK: CLAUSE 16. AMENDMENT OF SECTION 40.

MR. CHAIRMAN: The question is that Clause 16. do stand part of the Bill and in respect of Clause 16, I did say earlier, that the Honourable Third Official Member gave notice of a proposed amendment to the clause, so I will invite him to move that amendment now.

HON. J. LEMUEL HURLSTON: Mr. Chairman, I would like to move an amendment to Clause 16. that the words "where that word appears for the last time", immediately before the word "in" be inserted in paragraph (b).

The effect of this Sir, would be to identify precisely which of the three words 'of' appearing in that line is being affected by the amendment. The word 'of' appears three times, and this is an attempt to make it clear that we are proposing the amendment to affect the word 'of' as it appears for the last time in the sentence.

MR. CHAIRMAN: The amendment proposed then is that Clause 16. of the Bill be amended by inserting the words "where that word appears for the last time", immediately before the word "in", in paragraph (b).

Does any Member wish to speak to the amendment? If not, I will put the question that Clause 16. be amended as proposed.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: In that case does any Member wish to speak to the Clause 16. as amended? If not, I will put the question that Clause 16. as amended, do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 16. AS AMENDED PASSED.

MR. CHAIRMAN: Now I mentioned earlier, that I would ask the Second Elected Member for West Bay to move one part of his amendment, of which he gave notice, after we had considered the 16 clauses in the Bill as printed, and the one part is a proposed Clause 18. If Members have now all got his Notice of Amendment, they will see that it does propose to include a new Clause 17. and a new Clause 18, as well as proposing a number of other amendments, but the New Clause 17. and all the other amendments are really consequential on the new Clause 18. They will be necessary if Clause 18. is passed. They will not be necessary otherwise. So what I would invite him to do with the agreement of the Committee, is to move the proposed Clause 18. and then we will go back to recommit the other clauses, if the new Clause 18. is accepted.

HON. MICHAEL J. BRADLEY: Before you do that Mr. Chairman, Sir, I wonder whether the members of the media have copies of the proposed Committee stage amendment, because unless it is read out, it is rather unintelligible to the effect and the intent of it.

MR. CHAIRMAN: I think the members of the media will have to get copies later, but I would expect the mover to read out the proposed Clause 18, and then speak to it, that is I think the way to do it. So, if the Second Elected Member for West Bay would care to read out his proposed Clause 18., and then speak to it.

MR. W. McKEEVA BUSH: Mr. Chairman, the notice having been given under the Standing Order, I will read Clause 18.:

"Substitution of s.30 — 18. Section 30 of the principal Law is substituted by the following -

"Appropriate authority. — 30.(1) There is hereby established the firearms Licensing Authority which is the appropriate private authority for the grant, amendment or revocation of any licence or permit.

(2) The appropriate authority shall consist of a chairman who shall be a public officer and five other members, two of whom shall be public officers and three of whom shall be persons who are not public officers, all of which members shall be appointed by the Governor to hold office, unless the appointment is sooner terminated, for a period of one year and shall be eligible for re-appointment.

(3) In the exercise of its functions and powers the appropriate authority shall comply with any general or special directions given to it by the Governor."."

Mr. Chairman, in the Second Reading Debate, I mentioned that I felt that we had come to a place and time that we should have such an authority, seeing that I had had several complaints concerning the licensing of guns, and I felt that if an authority was established, it would be more democratic. Since then, I have head that the amendment is not going to be accepted because we are straying from what is the usual in Colonies, that is that the Chief of Police usually in Colonies, and in England, license guns and is the proper licensing authority. Mr. Chairman, that may be so, I do not know, but I feel that we have come to a place and time where we can find citizens who are responsible enough to be on this board, and to carry out its functions, in a proper and democratic fashion. So I do not think that we would be going contrary to any democratic function. I think that we were doing the right thing, and

I ask the House to vote a 'Yes' on the amendment.

MR. CHAIRMAN: The Committee I think.

MR. W. McKEEVA BUSH: The Committee.

MR. CHAIRMAN:: Does any Member wish to speak to the proposed new clause?

DEBATE

HON. J. LEMUEL HURLSTON: Yes Mr. Chairman. I would like to speak against the amendment to the Bill being proposed, for three reasons Sir. Firstly, because the substantive legislation in Section 29. provides an acceptable form of recourse on the part of anyone who is dissatisfied or aggrieved by the decision made by the Commissioner of Police on any application for grant or amendment of the licence or permit, and that appeal Sir, is dealt with by the Governor in Council. Secondly, the proposed amendment does not make it abundantly clear what would happen in the case of applications made on the Lesser Islands. And thirdly, the proposed amendment does not, to my mind, satisfy the point of how would this new proposed authority deal with urgent on the spot cases, which may require urgent revocation of a licence. We could find an unfortunate situation where a licence was not revoked because the authority had not met in time, and something unfortunate may have resulted.

For those three reasons Sir, I cannot support the proposed amendment.

MR. W. McKEEVA BUSH: Mr. Chairman, that is a very flimsy excuse for not passing this amendment today. All those things that the Honourable Member spoke about can easily be taken into consideration, and amendments can be moved, and the proper function put in the right place. I do not think that what he is talking about makes any sense whatsoever. And here again, I feel it is politically directed, not by the Civil Servants, but by the other section of Government. Anyway, I know it is going to be defeated, but I thought I would put it forward anyway; and just to say that they have wasted the draftsman's time, some 450 words, three sheets of paper and Government comes talking this morning a lot of foolishness about Cayman Brac and about on the spot licensing, when that can easily be taken into consideration - bunch of rubbish!

MR. G. HAIG BODDEN: Mr. Chairman, I am not sure that this is not going to pass because I am supporting it.

There has been a lot of dissatisfaction amongst the public, with regard to the issuance of licences, and I agree with the Member that it is more democratic for a body of people to decide who can get a licence, than to have it in the hands of one person, no matter how responsible that one person might be. I agree with him, that the objections to this motion are flimsy, and the regulations for the Board, if the Board is set up, can be made to cover all of these, and the law can be amended to cover appeals, and make provisions for special cases to be dealt with. If the Board is a small board, there is no reason why it cannot be called together in a short time. I do not see any of these difficulties. I am a strong believer in democracy, and I believe that when a majority of a Board make a decision, it is far better than an individual. It is true that we have some Boards now that are not functioning at all. there is the case of the Protection Board. I understand one member has to find out what he will get out of it, before he agrees, but this is because the Government has erred in the selection of the Board members. But nevertheless, I still feel that the system should continue where matters like these are dealt with by Boards, and I fully support the Motion.

MR. D. EZZARD MILLER: Mr. Chairman, I too would like to support the Motion, because I have had two instances in particular in my district, where upstanding citizens were denied gun licenses. Neither of them had any criminal record whatsoever. There was really no acceptable reason that was given to these gentlemen by the present licensing authority, as to why they could not have their licences. In fact, one gentleman had had a licence for eighteen years, and never had any infringement with the law, and wanted to get another licence because he had let the old one lapse for a number of years, simply because he was not cultivating at the time, he was working on a job

that did not allow him to cultivate. He started to cultivate again, wanted a gun licence to keep rabbits out of his ground, and he was denied, and no reason was given really. I agree with the mover that the rationale on which Government has based their objection to this amendment are not very sound. I have heard nothing from the Government Member who spoke that cannot be resolved. True regulations, I do not know what the urgent cases would be, where a revocation of license would be necessary. I assume that if it was in the instance of someone committing a crime, the person would be put in Northward, and the gun would be confiscated anyway.

I fully support the Motion, I think it is a step in the right direction. There is a growing dissatisfaction in this country with the way firearms are licensed, and with the obvious preferential treatment given to people in the licensing of firearms, namely Gun Club members. It was reported at one time that you would have to be a Gun Club Member to get a licence, and although that is not one of the requirements of the law, it seems to be pretty near one in practice, and I would believe Sir, that a Board would be certainly more democratic in the process, and I would think we would be relieving the Commissioner of Police of an area of responsibility that he would be happy to relinquish, and one that might at present, and sometimes cause him some embarrassment.

I support the motion Sir, and I hope that Government will change its mind. At least, I would like to hear from the other Members of Government, the rationale why they are not supporting the Motion.

MR. W. McKEEVA BUSH: Instead of just voting no....

MR. LINFORD A. PIERSON: Mr. Chairman, I also support the Motion, on the basis of a Board being a much more democratic process and way of handling licences for guns. I think Mr. Chairman that this is a move in the right direction, and it is time that we move away from the old colonial system of the representatives of the Mother Country knowing what is best for her children. I believe Sir, that this Motion for a Board will put on parity this operation of Government, and let us give it the same sort of importance as we have in other boards. I cannot accept the rationale of the Honourable Third Official Member, for refusing this Motion, even though Sir I believe, and I know that he has a responsibility under the collective responsibility system of Government. I believe in a case like this Members of Executive Council should ask you to allow them to vote their conscience.

On the other question of appealing, I believe Sir, that as in the case of the Protection Board and other Boards, one would be appealing from Caesar to Caesar. I see this as a useless and fruitless exercise. Also Sir, it would seem that Members of the Gun Club have many more rights to gun licences in this country, than upstanding Caymanians. I would take a bet now, that perhaps more expatriates in this country have more gun licences than do the Caymanians who have approached the Police Department to have their guns licensed. In many cases, the reasons given to have the guns licensed is not to go up to the Gun Club on a Saturday to have fun shooting, skeet shooting, or even pistol shooting, but it is to protect their property from rabbits and other pests.

Now Mr. President, I think we need to look very seriously at this Motion. I believe Sir, that it has a lot of merit to it, and I think Sir, that we would be following the democratic process if licences were taken to a Board. I believe also Sir, that while the Commissioner of Police and perhaps his deputy should be Chairman and Deputy Chairman of the Board, that the Board should be comprised of upstanding Caymanians. The Caymanians in these positions are much better able to know the background and the integrity of Caymanians seeking gun licences, than would someone who is here on a contract for one or two years. I think it is a backward step Sir, for us to remain giving this power to one individual. And I think Sir, that a Board would move us ahead, and put us on a right democratic footing.

I support this Motion.

MR. CHAIRMAN: I was going to say we have already long past the time when we normally take our morning break, and I was going to suggest that we might take it now....

MR. W. McKEEVA BUSH: Good Sir.

MR. CHAIRMAN: ...I think it will.....

MR. JOHN B. McLEAN: That would give the...

MR. CHAIRMAN: .....be sometime still...

MR. JOHN B. McLEAN: That would give the Government bench time to change their mind.

MR. CHAIRMAN: Let us suspend.....

HON. BENSON O. EBANKS: Not much chance of that.

MR. CHAIRMAN: ....the Committee's proceedings for approximately fifteen minutes.

AT 11:30 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:57 A.M.

MR. CHAIRMAN: Please be seated. The House is still in Committee. We shall resume the discussion on the proposed new Clause 18. of the Firearms Bill. I think the Honourable First Elected Member of Executive Council was about to speak when we broke off.

HON. BENSON O. EBANKS: Thank you Mr. Chairman. I was about to say Mr. Chairman, that I cannot support the proposed amendment, for the reason that I certainly do not see the authority in particular functioning in respect of the provisions of the law, regarding the revocation of licences. It seems to me to be an important function within the law to have the power to revoke licences speedily when certain information comes to hand. That in my opinion, is a function that can very well be carried out by the Police, in a better manner than could a Licensing Authority, consisting of five or six people.

Mr. President, I think that the Second Elected Member for Bodden Town in his contribution, instead of supporting the amendment, really killed it, in that, he indicated that from what he had heard about the workings of the Protection Board, that most of these authorities would be likely to be politicized, and therefore it would not be in the best interests of the country to get more boards to become political, than we have at the moment.

I do not see anything in the law as it stands which says that the authority must be a representative of the Mother Country. There is nothing in our law or otherwise Mr. President, to indicate that one day we will not have our own Caymanian in the position that the individual who is now the authority, sits in. I would only like to say Mr. President, further, that I am not happy to hear, because I believe that when any board is axed in the way that the Second Elected Member for Bodden Town suggested, it is regrettable, but I am happy to know that he has heard that it is at the Protection Board level now, because I heard prior to 1984, that it was even at Executive Council level, that the consideration was what they would get out of it before decisions were made.

Thank you.

MR. G. HAIG BODDEN: Mr. Chairman, the matter of the Board being unable to deal with suspensions or with the revocation of licences is thought to be an obstacle to the licences being handled by a Board. Nothing could be more wrong, the Chairman of the Board could be given special authority to suspend a licence temporarily until the Board can meet and deal with it. I think this already exists in certain cases, and there was a provision in the Liquor Law where the Chairman could deal with certain matters, and then take it to the next meeting of the Board. The Member seems to have been confused by what I said about the Boards being political. What I said was, that although some of the present Boards are political, I support the Boards rather than an individual making all the decisions, because I feel that it is more democratic. The Member also said that the little matter of Boards being political is at the Protection Board level, but he knows that sometime ago it was at Executive Council level, and probably if it was, it was long ago in the time when he was there....(LAUGHTER)....and that is why he is so upset about it. But

what I said was.....

MR. CHAIRMAN: I think that is research into past history, you had better stop.

MR. G. HAIG BODDEN: I said that despite the fact that Boards are political and can be political, and can have individual members, I still prefer the Board system to the individual.

MR. JOHN B. McLEAN: Mr. Chairman, I support the amendment before us. I think it is a very good one, and my reason for supporting the Bill is that I have seen many times, when especially farmers in this country have experienced many problems trying to obtain a firearms licence. In most cases the persons are very reputable, and for some unforeseen reason they are turned down bluntly. I feel, that if such an authority is established, we could alleviate that problem, and my argument has always been, that it is not the person who is trying to be honest that we have problems with firearms, it is always the one who is going to be dishonest in any case, and if he is going to do a criminal act, he really does not want a gun to be licensed. So I cannot see why we should not try to make it much easier, especially for those who are trying to protect and improve in the area of farming.

To speak about appealing to Executive Council; while I was a member for the Portfolio of Agriculture, I have had many times, to deal with matters such as this one, and I must admit that it is just like a past speaker has said, if a recommendation is made by the Police it is normally upheld. So in truth and in fact it is like appealing Caesar to Caesar. I believe, if we have the authority in place, and as a previous speaker has said, we give some sort of discretion whereby the Chairman for example, could, if there is an urgent matter, he could deal with it until a meeting could be convened. It would be much more satisfactory to our people.

Thank you.

MR. LINFORD A. PIERSON: Mr. Chairman, I am still to see and appreciate the real grounds for the Government bench not accepting the Motion, because the Memorandum of Objects and Reasons for this Bill contemplate that revocation of a permit would only occur after there was sufficient grounds for the revocation. In other words, it is not contemplating an immediate revocation. It states that the principal clause in this Bill is Clause 12 which seeks to tighten up those parts of Section 28 of the Law, relating to the handing over of firearms after the relevant licence or permit has been revoked. That would suggest to me Sir, that there would have to be prima facie evidence or reasonable grounds for the revocation of the licence. But the impression we are getting from the Government side is that this revocation is immediate. If there is any reasons for the immediate suspension or withdrawal of a gun, that would be done in any case Mr. Chairman. So I really feel that that reason is very, very flimsy indeed. That is not sufficient reason to oppose this Motion before us.

MR. CHAIRMAN: The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. Chairman I am wondering if the Honourable Member moving the amendment would consider removing the revocation, because I really think that that should be done by the authority, not the Licensing Authority but the Police. If the Board could be established for the granting and amendment of a license, it would probably serve the purpose of what we all have heard here this morning is necessary. I think it is a legal matter when it is revoked, and certainly you need a legal brain to be dealing with that. Maybe the Honourable Member moving the amendment, would consider that.

MR. CHAIRMAN: Does anybody else wish to speak to the amendment?

MR. W. McKEEVA BUSH: Mr. Chairman, I am left in the hands of the House. I see a problem, I have had complaints as a representative of the people, and this was a solution, or one of the solutions that I thought would be available. Whatever Government is willing to accept, I am willing to meet them half way, but I do not know if even that is going to satisfy their thirst to throw everything out of the door. I have yet to be satisfied that what they are

talking about really makes any sense, because everything they have said we have rebutted it successfully. Every excuse they have made not to pass this amendment, we have shown them where it should be done, and I cannot say any more that would cause them to change their minds. I think they have already made up their minds, they have got seven votes, they six across here, so they know they are going to win the battle. But they are making a big mistake, they have not done their homework as is usual, with things that I bring across from the House, and they are making a big mistake, and they are going to be the ones to suffer for it.

MR. CHAIRMAN: Unless any other Member wishes to speak further....

MR. D. EZZARD MILLER: Mr. Chairman.

MR. CHAIRMAN:

Yes.

MR. D. EZZARD MILLER: I take it that other Members of the Government Bench have either no interest or no reason for supporting or not supporting the Bill, as I have not heard from them. The reason given by the Honourable First Elected Member of Executive Council, suggesting that if it is left in an individuals hands, he could be insensitive, non-political, non-moving, inhuman in making his decisions, and I believe it is the essence of the whole problem, being experienced by upstanding law abiding citizens in this country. I hope Mr. Chairman, that I am wrong in understanding from him, that the Commissioner of Police is a non-political, insensitive, imbecile at the moment, more like a robot who goes about performing his duties. I think what is needed is some understanding, some additional input into this thing, and without wanting to get personal in this whole thing Sir, but sometimes it is very difficult to understand the individual's reasoning. Unfortunately, one can only accurately deduct and learn from ones own experiences.

Now Mr. Chairman I have an unrestricted licence for 12-gauge shotgun. I have a restricted licence for a hand gun, and I applied for a licence for a pellet gun, to use in my family room with friends for target practice, and I was refused. I appealed to Executive Council and got back the form letter that said 'we uphold the decision of the Chief of Police in this matter'. When I enquired I was told that they could not give me a licence for a pellet gun because I might harm somebody with it. Now if I am going to harm somebody Sir, I am going to carry what I know can do most harm, and that is the shotgun. This is the kind of irrational reasoning that I have heard from other people who have applied for a licence, that bothers me, and I believe, that if we had three or four people on a Board, at least Sir, there would be some discussion as to the merit and demerit of the licence, and it would not appear to be an arbitrary decision by someone who knows nothing about the individual. So I still feel Sir, that Government should do a double take and I believe that there are at least three people over there, who have been silent so far, who would like to support this. I am wondering Sir, if it is proper in my place, though I know they normally have to ask for it, if you would waive collective responsibility and let them vote a conscience vote.

MR. CHAIRMAN: Does any other Member wish to speak?

HON. MICHAEL J. BRADLEY: Mr. Chairman Sir, I was listening to the suggestion from the First Elected Member for the Lesser Islands, regarding having the power of revocation in the hands of the Commissioner of Police but from a practical point of view, I see great difficulty in there being a situation whereby one body or one individual or one group has the power to issue licenses, and another separate individual or body has the power to revoke. I feel that really, it is all duck or no dinner, that the authority or person who issues licenses must be the same person as has the authority to take them away. I could see potentially great conflict if there were two different bodies trying to do the two different ends of the operation.

MR. D. EZZARD MILLER: Through you, Mr. Chairman, I wonder if the Honourable Second Official Member could tell me whether in the cases of criminal matters, for instance, where firearms may be

involved, whether it is necessary to have the licence for the firearm revoked before the firearm can be confiscated?

HON. J. LEMUEL HURLSTON: Mr. Chairman, I think I can answer that point Sir, because that was the substantive amendment contained in Clause 12. of the Bill before the Committee. In Section 28. of the principal law, a licence at the moment, can be suspended or revoked on written authority, but this amendment was to enable the authority to demand the immediate surrender of the firearm upon such revocation, so that there is provision for the licence to be revoked and for the firearm to be handed over immediately.

But Mr. Chairman, if I may be permitted Sir, reference continues to be made to allegations of favouritism, and unfamiliarity on the part of the existing present Licensing Authority, and if I could just crave the indulgence of Honourable Members to reiterate my earlier assurance given to the Honourable House, that firstly, the Commissioner of Police is an individual of utmost integrity, but secondly, and more importantly, because of his apparent unfamiliarity with a number of Caymanians, what happens in practice, and perhaps this will clarify for the benefit of those Members of the House who are not aware of it, is that the Commissioner does not sit unilaterally on these applications. There is an internal process that is handled primarily by Caymanian Officers in the Royal Cayman Islands Police Force. That process once completed, the matter is then placed before the Commissioner with a recommendation, so that the Commissioner does not act autocratically or unilaterally when dealing with such matters. The procedure is currently being yet further refined, and in fact, more Caymanian Officers are being involved in the process of examining applicant's homes to ensure that they have safe and proper facilities for the storage of firearms, and therefore the suggestion that, (a) there is any favouritism or, (b) that there is unfamiliarity, I think is quite irrelevant. The question of appeals going to the Executive Council, certainly in my opinion, presents quite a democratic opportunity in as much as the Executive Council is predominantly comprised of Caymanians, and these Caymanians sit on the appeals in Executive Council. And just for the benefit of those persons who may not be aware, there are occasions in which appeals are successful. So to suggest that appeals are Caesar unto Caesar, is not accurate whatsoever.

Thank you Sir.

MR. W. McKEEVA BUSH: I want....

MR. D. EZZARD MILLER: Mr. Chairman, I wonder if, and although I did not speak on the Bill, and it is late in the day to file an amendment, but I think the problem with an appeal Sir, is that you are never told for what reason you are being turned down. So it is very difficult to appeal a decision when you do not know what you are appealing against. You just get a letter saying your request for a firearms licence has been turned down, and you have the right to appeal within six, fourteen days, seven days to Executive Council. I wonder if the Honourable Member responsible, could give us an assurance that while he is improving the internal mechanism for granting the licence, and making sure of everything else, that it would be possible to inform the applicants why they are being refused a licence, so that they can make a sensible, and a reasonable appeal to Executive Council. Because they simply write a letter to Executive Council which is the appellant body saying that I wish to appeal the decision of the Commissioner of Police, which is an infutile exercise unless somehow you manage to find out why, and you can get the ear of one of the Members of Executive Council, and hope that you will get your case heard there. So I am wondering if it is possible to tell the applicants who are refused, why they are being refused.

HON. J. LEMUEL HURLSTON: Mr. Chairman, the Member for North Side perhaps is unaware that applications at the moment are made on a prescribed form that applicants are required to state the grounds and the reasons for which their applications are made. The Licensing Authority's refusal is simply to state that on the basis of the application submitted, it does not consider that the application has sufficient merit for its approval and the appeal would simply then have to state the grounds on which the original application was made, and to elaborate on the reasons why the applicant feels that the decision should be overturned. Because the onus is on the applicant to satisfy the authority, or in the case of an appeal, the Executive

Council, that there is sufficient merit in the application for it to be considered.

MR. D. EZZARD MILLER: Mr. Chairman I agree with that, but that is the problem you see, and I am fairly versed on what the application requires. If you give two reasons why you want a licence, and you are not told in the letter which of those two reasons you were refused on, then how are you going to expound your application to Executive Council.

MR. JOHN B. McLEAN: But Mr. Chairman, my argument is, that if what the Honourable Member has just said is correct, what else could a farmer indicate on an application, but the fact that he wants the gun to protect his farm? Now I have personally seen farmers apply. The only reason stated is to have something to protect their farm, and the same letter that is in question is returned. So what other reason could he put down? As the Member for North Side has said, had he indicated another reason, perhaps to protect his house or something like that, and it was turned down on the basis of that, I could understand it, but if he is a farmer and he wants to protect his farm, and is still turned down, there is just no reasoning there.

MR. LINFORD A. PIERSON: Mr. Chairman, on the question of the integrity of the Commissioner of Police, I do not think that this is in question, and I would like to make my position quite clear. I think he is a man of the highest integrity, and I believe that other Members speaking in favour of this Motion, feel the same way. But Mr. President, under our democratic process, justice must not only be done, but must always appear to be done, and regardless of the individual involved Sir, I believe that that process is bigger that any individual person. We are talking about the establishment of a Board which no doubt, the Commissioner of Police would chair. Some of us Mr. President, felt that the predecessor Commissioner of Police was an honourable man and of integrity, but time has proven that others feel otherwise. So it may be somewhat premature for us to start any judgements in that respect. And, Mr. President, it is not our intention, or so far I have not heard that trend, for us to start judging the character or integrity of an individual. We are here trying to uphold the democratic process, and it is felt Sir, that a Board would help us to do that. We are also saying that the Board would have better scope in dealing with applications, especially if this Board were comprised of upstanding Caymanians.

Mr. President, so far the arguments presented by the Government bench, really have not in any way, supported their objection to a Board. The question of revocation of the licence by one person, by the Commissioner of Police or his Deputy is insufficient ground for refusing this Motion, because that individual could still be given that power. In any case Mr. President, the Bill presented here does not contemplate that sort of a process, where an immediate revocation would have to be done in any event. If this was necessary, it could be done. We are talking about following the necessary process of law, Mr. Chairman, where if it were necessary to suspend a licence immediately, that suspension would be carried out. Revocation would follow in accordance with the Memorandum of Objects and Reasons of the Bill. Mr. President, I cannot see the reason why the Government Bench would not support this Motion, and I trust Sir, that as suggested by the Member for North Side, that the Government Bench would ask you to allow them to vote their consciences in this matter, and not be restricted to the constitution of collective responsibility.

MR. W. McKEEVA BUSH: Mr. Chairman, I had not intended to speak again, but seeing that there were certain things mentioned that I think that I ought to speak on them. I want to say Sir, that I, in Tabling this amendment, there was nothing in my mind concerning the Commissioner of Police. I see the man, but that is all I can say about him, I have seen him he has never yet spoken to me, and if he had, it was barely a nod of his head, so I do not know. But the day that I have cause to believe that there is a dereliction of his duties, he will get a tongue lashing from me, in the same way as the other one did. I think enough has been said on that Sir.

I wonder whether any of the Government Bench has had any complaints from those people whom they know to be honest citizens, who have had licences for years and who have been denied a renewal. I wonder if they had any complaints?

HON. J. LEMUEL HURLSTON: Mr. Chairman I do not think that this is the time or the place to go into any individual cases, Sir.

MR. W. McKEEVA BUSH: But, I think it would be fair to the House though Mr. Chairman, if they could tell us that they have not had any complaints, because I, as a representative of the people, have had quite a few, and have advised them to go to the relevant authority.

MR. CHAIRMAN: The Honourable Third Elected Member for Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, I think the amendment Sir, has merit to it, but on checking with the Honourable Second Official Member, he said to accept this amendment would mean that the entire law would have to be redrafted and rewritten, because this....

MR. W. McKEEVA BUSH: No. No.

HON. CAPT. CHARLES L. KIRKCONNELL: ....because this amendment, Mr. Chairman, would unbalance, or there would be subsequential amendments and this is the reason why...

MR. W. McKEEVA BUSH: You are getting mixed up.

MR. CHAIRMAN: Are you talking about an amendment to take...

MR. D. EZZARD MILLER: We are getting some division over there Sir.

MR. W. McKEEVA BUSH: Yes, I know that they are beat. conscience is opening up now Sir.

MR. CHAIRMAN: Please. Please just let me ask my one question, it is addressed to the Honourable Third Elected Member of Executive Council. Are you talking about an amendment to the clause proposed by the Second Elected Member for West Bay, to removed the power to deal with revocations?

HON. CAPT. CHARLES L. KIRKCONNELL: Correct, Sir.

MR. CHAIRMAN: Yes. I was not absolutely clear about that, and I am not sure that the Committee was clear about that. I think that that would be so, that if you were to take away from this proposed authority, power to deal with revocation, then you would need to examine the whole Bill and the whole present law again carefully, in order to make sense of the thing.

MR. W. McKEEVA BUSH Mr. Chairman, I would not agree to take out the word 'revocation' because it would damage the whole intent of this thing. First of all Sir, in the first instance as I have said, I had no trouble with the Commissioner of Police, as far as I am concerned he could be the Chairman. But I would like more people on the Board to make it a more democratic Board, that is all I am asking. I have no problems with him, as far as I am concerned. Like I have said, the day that I find out that he is not doing his duty, you will hear about it.

MR. CHAIRMAN: If there is no further Member wishing to speak, I think perhaps we can put this....

HON. BENSON O. EBANKS: Yes. Mr. Chairman, I think one thing should be made clear, Sir. The Second Elected Member for George Town keeps talking about the fact that there is no power for immediate revocation. I think if he refers to Section 28. of the Principal Law, not of the amending Bill, he will see that that provides for absolute discretion by the Authority at the moment, to revoke the licence, and it can be done immediately.

MR. LINFORD A. PIERSON: Mr. Chairman, I believe this is the point that the Member has so ably highlighted, that I have been making, and this is one of the weaknesses in the law. At present there is that power, but this is held by one individual, and this is

why we are seeking to have a Board that would be a more democratic way of doing it, so the Member is quite right, he is just highlighting what I have said. But Mr. President, what the Honourable Third Elected Member of Executive Council has said, I think also bears some noting. I mean, he has implied, that even the Honourable Second Official Member, feels that to accept this Motion we could not do it in its present form. Now, if it is so important that second thoughts are now being given to the Motion, perhaps we should ask that this Bill be delayed until it can be studies a little further. I do not see the immediate rush to push this through this Committee. If it requires further study, let us do that, but because the Government bench is supporting this, there is no reason why it needs to be pushed through at this time.

MR. CHAIRMAN: Unless any other Member wishes to speak.

MR. W. McKEEVA BUSH: Mr. Chairman, I would support the Second Elected Member for George Town on that, because , in opening the debate on the Bill, I said that I felt it time that the whole law should be reviewed, seeing that the law is some 22 years old now. It is time for a revision, and not just of these amendments. I would support that Sir, but I know again that that is not going to come to fruition, they have made up their minds.

MR. CHAIRMAN: Well, the actual question before the House at the moment is the question of whether a Clause 18. as proposed in your Notice of Amendment, should be approved or not.

MR. W. McKEEVA BUSH: Yes Sir.

MR. CHAIRMAN: There is not a question before the Committee of whether we.....

MR. W. McKEEVA BUSH: I could withdraw that Motion Sir, and put forward the one that the law be sent back to the drawing board to a Select Committee.

MR. CHAIRMAN: I do not think that such a Motion would be in order at this stage, quite honestly. We are in the middle of Committee and we are dealing with Clauses, clause by clause by clause.

MR. W. McKEEVA BUSH: We can do anything we want to do.

MR. CHAIRMAN: I can do anything that Standing Orders permit...(LAUGHTER).

So, I shall now put the question that the proposed Clause 18. moved by the Second Elected Member for West Bay, become part of the Bill.

QUESTION PUT: AYES & NOES THAT THE PROPOSED NEW CLAUSE 18. STAND PART OF THE BILL.

MR. W. McKEEVA BUSH: Can I have a division Mr. Chairman.

MR. CHAIRMAN: Certainly you can.

DIVISION
NO.40/86

AYES: 5	NOES: 7
Mr. W. McKeeva Bush	Hon. Thomas C. Jefferson
Mr. Linford A. Pierson	Hon. Michael J. Bradley
Mr. G. Haig Bodden	Hon. J. Lemuel Hurlston
Mr. D. Ezzard Miller	Hon. Benson O. Ebanks
Mr. John B. McLean	Hon. W. Norman Bodden
	Hon. Capt. Charles Kirkconnell
	Hon. Vassel G. Johnson

ABSTENTIONS: 1
Capt. Mabry S. Kirkconnell

MR. CHAIRMAN: I declare the Motion lost.

MR. W. McKEEVA BUSH: A great exercise in futility.

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

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: THE TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: The Notaries Public (Amendment) Bill.

THE NOTARIES PUBLIC (AMENDMENT) BILL, 1986

CLERK: CLAUSE 1. SHORT TITLE

MR. CHAIRMAN: The question is that Clause 1. do stand part of the Bill. No member wishes to speak, I will put that question.

QUESTION PUT: CLAUSE 1. PASSED.

CLERK: CLAUSE 2. INSERTION OF NEW SECTION 10(A)

MR. CHAIRMAN: The question is that Clause 2. do stand part of the Bill. Unless any Member wishes to speak I will put that question.

QUESTION PUT: CLAUSE 2. PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE NOTARIES PUBLIC LAW, 1982

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: THE TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: A Bill shortly entitled the Tobacco Products and Intoxicating Liquor Advertising Law, 1986.

THE TOBACCO PRODUCTS AND INTOXICATING LIQUOR ADVERTISING BILL, 1986

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: CLAUSE 1. PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

MR. CHAIRMAN: The question is that Clause 2. do stand part of the Bill.

MR. W. McKEEVA BUSH: Mr. Chairman, I supported the Bill in the Second Reading Debate, and I still support it now. Since we are dealing with the Interpretation of the Bill, I wonder if Members could explain to the House what they were doing smoking such stinking cigars on Saturday night, Government Members that is! The Member for Health he was puffing on one like Castro...(LAUGHTER).

MR. CHAIRMAN: I thought I saw the Second Elected Member for West Bay with a very large cigar wrapped in shiny black paper, not so....

MR. W. McKEEVA BUSH: You mean I was trying to be bribed, but I cannot be bribed.

MR. CHAIRMAN: I think that is perhaps enough debate on this particular...(LAUGHTER).

MR. W. McKEEVA BUSH: You would lose that one Sir.

MR. CHAIRMAN: The question is that Clause 2. do stand part of the Bill.

QUESTION PUT: CLAUSE 2. PASSED.

CLERK: CLAUSE 3. HEALTH WARNING IN ADVERTISEMENTS OF TOBACCO PRODUCTS.

MR. CHAIRMAN: The question is that Clause 3. do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: CLAUSE 3. PASSED.

CLERK: CLAUSE 4. RESTRICTIONS ON ADVERTISEMENTS.

MR. CHAIRMAN: The question is that Clause 4. do stand part of the Bill. Unless any Member wishes to speak I will put that question.

QUESTION PUT: CLAUSE 4. PASSED.

CLERK: CLAUSE 5. REGULATIONS.

MR. CHAIRMAN: The question is that Clause 5. do stand part of the Bill. Does any Member wish to speak? No.

QUESTION PUT: CLAUSE 5. PASSED.

CLERK: CLAUSE 6. OFFENCES.

MR. CHAIRMAN: The question is that Clause 6. do stand part of the Bill. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: CLAUSE 6. PASSED.

CLERK: A BILL FOR A LAW TO MAKE PROVISION FOR THE DISPLAY OF A HEALTH WARNING IN CONNECTION WITH THE ADVERTISEMENT OF TOBACCO PRODUCTS TO PROVIDE FOR THE CONTROL OF ADVERTISING OF TOBACCO PRODUCTS AND INTOXICATING LIQUOR AND FOR PURPOSES CONNECTED THEREWITH AND INCIDENTAL THERETO.

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: THE TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: A Bill for a Law to amend the Customs Law.

THE CUSTOMS (AMENDMENT) BILL, 1986

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1. do stand part of the Bill.

QUESTION PUT: CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 44.

MR. CHAIRMAN: The question is that Clause 2. do stand part of the Bill.

QUESTION PUT: CLAUSE 2. PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE CUSTOMS LAW (SECOND REVISION)

MR. CHAIRMAN: The question is that the title and enacting clause do stand part of the Bill.

QUESTION PUT: THE TITLE AND ENACTING CLAUSE PASSED.

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

Partnership Law, 1983.

THE PARTNERSHIP (AMENDMENT) BILL, 1986

CLERK: CLAUSE 1. SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1. do stand part of the Bill.

QUESTION PUT: CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 7.

MR. CHAIRMAN: The question is that Clause 2. do stand part of the Bill.

QUESTION PUT: CLAUSE 2. PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 50.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

QUESTION PUT: CLAUSE 3. PASSED.

CLERK: CLAUSE 4. INSERTION OF NEW SECTION 50(A).

MR. CHAIRMAN: The question is that Clause 4. do stand part of the Bill.

QUESTION PUT: CLAUSE 4. PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE PARTNERSHIP LAW, 1983. LAW 26 OF 1983.

MR. CHAIRMAN: The question is that the Title and Enacting Clause do stand part of the Bill.

QUESTION PUT: THE TITLE AND ENACTING CLAUSE PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee. The House will now resume.

HOUSE RESUMED

MR. CHAIRMAN: Please be seated. Reports. The Trusts (Amendment) Bill.

REPORTS ON BILLS

THE TRUSTS (AMENDMENT) BILL, 1986

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled The Trusts (Amendment) Bill, 1986 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.

THE FIREARMS (AMENDMENT) BILL, 1986

HON. J. LEMUEL HURLSTON: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend The Firearms Law (Revised) was considered by a Committee of the whole House and passed with the following amendment:

Clause 16. of the Bill was amended by inserting the words "where that word appears for the last time" immediately before the word "in" in paragraph (b).

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

The Notaries Public (Amendment)

Bill, 1986.

THE NOTARIES PUBLIC (AMENDMENT) BILL, 1986.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to report that a Bill shortly entitled The Notaries Public (Amendment) Bill, 1986 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 Tobacco Products and Intoxicating Liquor Advertising Bill, 1986.

THE TOBACCO PRODUCTS AND INTOXICATING LIQUOR ADVERTISING BILL, 1986

HON. BENSON O. EBANKS: Mr. President, I have to report that a Bill shortly entitled the Tobacco Products and Intoxicating Liquor Advertising Law, 1986 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 Customs (Amendment) Bill, 1986.

THE CUSTOMS (AMENDMENT) BILL, 1986

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled The Customs (Amendment) Bill, 1986 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 Partnership (Amendment) Bill, 1986.

THE PARTNERSHIP (AMENDMENT) BILL, 1986

HON. THOMAS C. JEFFERSON: Mr. President, I beg to report that a Bill shortly entitled The Partnership Amendment Bill, 1986 was considered by a Committee of the whole House and passed without amendment.

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

Bills. Third Readings.

THIRD READINGS

THE TRUSTS (AMENDMENT) BILL, 1986

CLERK: THE TRUSTS (AMENDMENT) BILL, 1986.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the Third Reading of a Bill, The Trust (Amendment) Bill, 1986.

MR. PRESIDENT: The question is that a Bill shortly entitled The Trusts (Amendment) Bill, 1986 be given a Third Reading and passed.

I will put the question.

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

THE FIREARMS (AMENDMENT) BILL, 1986

CLERK: THE FIREARMS (AMENDMENT) BILL, 1986.

MR. PRESIDENT: The Third Elected Member.

HON. J. LEMUEL HURLSTON: Mr. President, I move that a Bill shortly entitled The Firearms (Amendment) Bill, be given a Third

Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Firearms (Amendment) Bill, be given a Third Reading and passed.

I will put the question.

QUESTION PUT: AYES AND NOES

MR. W. McKEEVA BUSH: Can I have a division Mr. President?

MR. PRESIDENT: Of course.

DIVISION
NO.41/86

AYES: 10	NOES: 1
Hon. Thomas C. Jefferson	Mr. G. Haig Bodden
Hon. Michael J. Bradley	
Hon. J. Lemuel Hurlston	
Hon. Benson O. Ebanks	
Hon W. Norman Bodden	
Hon. Capt. Charles Kirkconnell	
Hon. Vassel G. Johnson	
Mr. W. McKeeva Bush	
Capt. Mabry S. Kirkconnell	
Mr. D. Ezzard Miller	

ABSTENTIONS: 2
Mr. Linford A. Pierson
Mr. John B. McLean

AGREED BY MAJORITY: BILL GIVEN A THIRD READING AND PASSED

MR. PRESIDENT: Third Readings. Notaries Public (Amendment) Bill. The Clerk will call it I think.

THE NOTARIES PUBLIC (AMENDMENT) BILL, 1986

CLERK: THE NOTARIES PUBLIC (AMENDMENT) BILL, 1986.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I beg to move that a Bill shortly entitled The Notaries Public (Amendment) Bill, 1986 be given a Third Reading and passed.

MR. PRESIDENT: The question is that the Notaries Public (Amendment) Bill, 1986 be given a Third Reading and passed.

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

THE TOBACCO PRODUCTS AND INTOXICATING LIQUOR ADVERTISING BILL, 1986

CLERK: THE TOBACCO PRODUCTS AND INTOXICATING LIQUOR ADVERTISING BILL, 1986.

HON. BENSON O. EBANKS: Mr. President, I beg to move Sir that a Bill shortly entitled The Tobacco Products and Intoxicating Liquor Advertising Law 1986 be given a Third Reading and Passed.

MR. PRESIDENT: The question now is that a Bill shortly entitled The Tobacco Products and Intoxicating Liquor Advertising Bill, 1986 be given a Third Reading and passed.

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

MR. PRESIDENT: That concludes the business that is set down on today's Order Paper.

My understanding is that the next likely Business will be Finance Committee.

HON. THOMAS C. JEFFERSON: That is correct Mr. President.

MR. PRESIDENT: I do not know. has the

Honourable First Official Member consulted Members of the House about the timing of starting Finance Committee Meetings, and are they to start this afternoon, or tomorrow morning, or?

HON. THOMAS C. JEFFERSON: I have consulted some Members, I have not consulted all Mr. President, but I am in their hands. I would propose that we meet this afternoon, after lunch for Finance Committee.

MR. PRESIDENT: Would I be right in thinking that in any case, as far as the House is concerned, we shall need to adjourn until a time and date to be arranged, because we do not know how long Finance Committee will continue, and we have no other business? It is going to be convenient to deal with all other business at the time when Finance Committee Reports, and the other business we have? There is a little, it is not very much, perhaps Third Readings of one or two Bills and there are one or two Government Minutes to be laid and one or two other minor things. But, perhaps if we adjourn now, or if you were kind enough to move the motion of adjournment now until a date and time to be arranged, and then you could consult informally with Members about whether they are all ready to meet in Finance Committee this afternoon, or tomorrow morning, or when.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the adjournment of the House until a date to be arranged with Members.

MR. PRESIDENT: The question is that this House do now adjourn till a date to be arranged. Unless any Member wishes to speak, I will put that question.

QUESTION PUT: AGREED. AT 12:50 P.M. THE HOUSE STOOD ADJOURNED UNTIL A DATE TO BE ARRANGED BY THE CLERK.

FOURTH (BUDGET) MEETING

OF THE

1986 SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

MONDAY, 2ND DECEMBER, 1986

(EIGHTH DAY)

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON THOMAS C JEFFERSON, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON MICHAEL J BRADLEY, QC, LL.B	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON J LEMUEL HURLSTON, JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON BENSON O EBANKS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON W NORMAN BODDEN, MBE	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON CAPT 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 E 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 MABRY S KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF 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

* ABSENT

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

ORDER PAPER

FOURTH (BUDGET) MEETING OF THE 1986 SESSION OF THE LEGISLATIVE ASSEMBLY

TUESDAY, 2ND DECEMBER, 1986

(EIGHTH DAY)

1. PRAYERS

   TO BE READ BY THE SECOND ELECTED MEMBER FOR BODDEN TOWN

2. PRESENTATION OF PAPERS AND REPORTS

   (i) THE CAYMAN ISLANDS FIVE YEAR ECONOMIC DEVELOPMENT PLAN 1986 - 1990

   TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, FINANCIAL SECRETARY.

   (ii) REPORT OF THE STANDING BUSINESS COMMITTEE

   TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS.

   (iii) GOVERNMENT MINUTE TO THE 1986 PAC REPORT ON THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1985

   TO BE LAID ON THE TABLE BY THE HONOURABLE FIRST OFFICIAL MEMBER, LEADER OF GOVERNMENT BUSINESS.

3. STATEMENTS BY MEMBERS OF THE GOVERNMENT

   STATEMENT BY THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL ON THE GEORGE TOWN PUBLIC WATER SYSTEM.

4. *GOVERNMENT BUSINESS*

BILLS:-

REPORTS

(1) *THE APPROPRIATION (1987) BILL, 1986*

THIRD READINGS

(2) *THE CUSTOMS (AMENDMENT) BILL, 1986*

(3) *THE PARTNERSHIP (AMENDMENT) BILL, 1986*

(4) *THE APPROPRIATION (1987) BILL, 1986*

MOTIONS:-

GOVERNMENT MOTION NO.3/86 - APPOINTMENT OF MEMBER TO THE ASSESSMENT COMMITTEE

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MONDAY

2ND DECEMBER, 1986

10:04 A.M.

MR. PRESIDENT: Prayers. The Second Elected Member for Bodden Town.

PRAYERS

MR. G. HAIG BODDEN: 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 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.

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, Amen.

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

MR. PRESIDENT: Please be seated. Presentation of Papers and Reports. The Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

THE CAYMAN ISLANDS FIVE YEAR ECONOMIC DEVELOPMENT PLAN 1986 - 1990

HON. THOMAS C. JEFFERSON: Mr. President, on the 14th March, 1985 a Private Members' Motion was moved to appoint an Economic Advisory Committee. This Motion was moved by the Elected Member for North Side and seconded by the Second Elected Member for West Bay. Mr. President, for the benefit of Members and listeners, I would like to read the Motion, as I believe it will cause us to recall what it is we sought to do. It reads:

> "WHEREAS we consider that a Plan should be formulated to establish the areas to which priority should be given with particular reference to the Social, Educational, Medical, Economic and all other needs of the inhabitants of the Cayman Islands;
>
> AND WHEREAS in formulating such a Plan it is incumbent to determine the sources and the amount of revenue that will be required to finance such needs;

BE IT RESOLVED that Government prepare a Five-Year Economic Development Plan to establish the Social, Educational, Medical, Economical and all other needs of the inhabitants of the Cayman Islands, the steps to be taken to fill such needs and the order of priority to be given thereto as well as the manner in which it is proposed to raise the necessary revenue to finance the said needs;

AND BE IT FURTHER RESOLVED that Government lay such a Plan on the Table of this Honourable House for consideration during 1986."

And Mr. President, I am happy this morning to lay on the Table the Cayman Islands Economic Development Plan 1986-1990.

MR. PRESIDENT: So ordered.

MR. D. EZZARD MILLER: Mr. President, could I move that the Plan be accepted.

MR. PRESIDENT: I need to look up Standing Orders, I would have doubted it because I do not think you have given me notice of that. You would be able to move that if notice were given of the motion. But I do not think it is the sort of motion that can be moved without notice.

MR. D. EZZARD MILLER: In that case Mr. President, can I move that the House resolve itself into a Committee, under Standing Order 24(9) or 10 in order to allow some debate on the Economic Plan, or discussion?

MR. G. HAIG BODDEN: Mr. President, I would like to second that Motion, and say that this is an important document, and debate cannot be denied on it.

MR. PRESIDENT: I quite agree that there has got to be at some time to debate on the document. It is a question of what procedure is followed to enable the document to be considered, and to enable the debate to take place. Could you tell me again what Motion you were proposing?

MR. D. EZZARD MILLER: (INAUDIBLE)

MR. PRESIDENT: I do not think that would solve your purpose. That is the motion that is moved without debate every time we go into Committee. You could move a motion.....

MR. D. EZZARD MILLER: And it is a Select Committee Sir.

MR. PRESIDENT: 24(9)(ii) if that is what you had in mind.

MR. D. EZZARD MILLER: What I am getting at Mr. President is that I do not think that we should just accept it, and if it is laid on the Table and it is voted, I think we have accepted it without debate, and I would like a chance to debate it because there are some things in it that concern me, and I brought the original Motion.

MR. PRESIDENT: I was wondering what procedure the Honourable First Official Member had in mind, as this may solve the matter.

HON. THOMAS C. JEFFERSON: Mr. President, I had hoped that once the Plan was allowed to be laid on the Table, I would have given a brief description of the contents of the Plan, and to recommend to Members that we consider the Plan sometime next year by meetings of Finance Committee, because the financing portion of the Plan is not completed. We wanted to lay it on the Table in order to allow all Members to have input on it before we finalize the document.

MR. G. HAIG BODDEN: Mr. President, may I mention that we went through this exercise earlier this year when we were

trying to deal with a petition, and it was clear, and I think you looked up the authorities yourself, that in Roberts Rules of Orders that once a plan or any document is laid on the Table and is accepted by the House, once you order it to be laid on the Table, there is an obligation upon the Government to adopt a plan to carry it out. You do not need a special motion that Government accepts it. The fact that it is laid on the Table is sufficient to prove that Government has accepted it in principle. So, once this is done I think the proper procedure for the Member would have been under 19(1) for the Government Member to move a motion that the House resolve itself into a Committee to consider the plan, or that it go to Finance Committee if that was thought to be more appropriate. But we cannot have the document laid on the Table and deny the Members the right to debate it.

MR. PRESIDENT: I think the question is that at what stage does it get debated. Because if there were a motion that the Plan should be referred to Finance Committee, or to some other Committee, I should not allow debate on the substance of the Plan, but merely on the procedure for enabling it to be considered. It certainly seems to me, that the Plan needs to be studies by Members and they have not yet had an opportunity to study it, before they can be expected to have a reasonable debate on its substance. A debate on its substance at some stage is plainly very necessary.

MR. G. HAIG BODDEN: Mr. President, under 19(1) it is clear that if the motion is made, the House will have the right to debate, but would confine themselves to the general principles of the Plan. Although you might not go into every detail, just like the Budget, you debate the principles, and as in a Bill, you debate the principles during the Second Reading, and in the Committee stage you go into it line by line. So, if the Member makes the motion that the plan be referred to a Committee, whether it is a Committee of the whole House, or Finance Committee, which might be more appropriate, I would think that there can then be debate on the general principles of the Plan.

MR. PRESIDENT: Well, let me first establish, now that the Honourable First Official Member has explained it is his intention to refer the Plan to Finance Committee, does the Elected Member for North Side wish to move a motion that it be referred to some other Committee, and if so, what Committee?

MR. D. EZZARD MILLER: No Sir. If that motion is moved by the Honourable First Official Member before the vote is taken, I will have no problem with that Sir. My concern is that we are all given an opportunity to debate it, it is a good Plan basically, but my concern is that we be given a chance to debate it. If the Member puts it to a Committee which has to make a report back to the House, I have no problem with that Sir.

MR. PRESIDENT: Well I think the Honourable First Official Member did say he was hoping to make a statement about it. Perhaps he will do that and then we will see where we go.

HON. THOMAS C. JEFFERSON: Thank you Mr. President. The document, the Economic Development Plan for 1986 to 1990 is quite a substantial document Mr. President. I believe it has somewhere in the range of 240 pages, but in order to try to summarize the contents of the document, I would say that it is divided into six parts, namely:

The Background Information - Part 1.
Infrastructural Development - Part 2.
The Economic Development - Part 3.
Social Development - Part 4.
Development Of Other Government Services - Part 5.
The Plan Implementation - Part 6.

In Part 1, the document covers the general, historical and economic development of the Cayman Islands, as a background to the present situation. It also covers the historical growth of population and manpower, estimates of current levels since the last census in 1979, and projections up to the end of the Plan period in 1990, and at the turn of the century in the year 2000. Finally, Part 1 summarizes National Development Strategy with

particular reference to employment, infrastructural needs and economic support.

In Part 2, it also covers the infrastructural development areas upon which the whole economy depends, including roads, ports, airports, communications, energy, water supply and sewerage disposal, housing and mosquito control. The major developments during the Plan period here will be the completion of the West Bay Sewerage and Sewerage Treatment Works; completion of the George Town water supply; continuation of the roads upgrading programme in all three Islands, and the upgrading of Gerrard Smith Airport, Cayman Brac to the same international standard as Owen Roberts at Grand Cayman. It is also planned to proceed with the construction of the new General Post Office in George Town.

In Part 3, we deal with economic development, this covering banking, insurance, tourism, industry, agriculture and aqua culture. The Government's main role here is supportive although aqua culture is directly controlled by this Government, that is, the Cayman Islands Turtle Farm. The largest contributor to the economy is either tourism or the financial industry, and hopefully statistics which we hope to gather in the near future, will tell us correctly which is the largest contributor to our economy. Tourism accounts for most of the Government's annual expenditure in this area as well. The main capital projects planned during the period are an abattoir and a farmers market complex, the farmers market to be completed in 1987. We believe that both will assist effective marketing and an incentive to local producers.

Part 4, of the Plan is concerned with social development, and covers education, health, social services, sports and recreation, in addition to culture and broadcasting. During the Plan period, considerable investment will be made in this area, second only to the infrastructural investment covered earlier in Part 2. The major developments planned, comprise a new hospital to replace George Town Hospital; a new complex to house the Community College for further education; a second Middle School and a second High School to meet the growing school population; and a residential remedial facility for children to meet all corrective needs.

Going on to Part 5, Mr. President, it covers the development of other Government services, primarily concerned with protecting people and property. These include the Police, the Judiciary, Legal Services, Legislative Assembly, Customs, Immigration, Fire Services, Prison Services, Financial Services, Audit and Government Information Services. The main capital projects in this area comprise further computer equipment and a new building for the computers; a new central station, training facilities and a new sub station in Grand Cayman for the domestic fire service; more than doubling the accommodation for inmates and adding vocational training facilities at Northward Prison and the addition of an additional Summary Court.

Part 6, tries to capture Mr. President, and is concerned primarily with the method of financing the plans implementation; in addition, a scheme for the regular monitoring and updating of the five-year plan is included. It is hoped Mr. President, that in the late summer or fall of 1987, another exercise would be conducted to update the present Plan, in order to fulfill what we believe is the need to have a Rolling Five-Year Plan, and when this exercise is completed we will have a plan that caters for 1988 to 1992.

Mr. President, it is my recommendation that the Economic Development Plan which is still in draft form, done deliberately to allow all Honourable Members to have input in the final document, and to allow all Members of Finance Committee to discuss it and to decide on what financing we will raise during that period, and also with assistance from the Finance Department in Government as to what amount needs to be financed by loan purposes. It is my intention Mr. President, to call meetings of Finance Committee during the coming year, for at the moment Christmas is upon us and we need some time to move away from the business, and as traditional, revive the spirit of Christmas within the Cayman Islands, the spiritual and family needs that we so badly deserve on all occasions. Once the plan has been looked at by Finance Committee and reported back to the House Mr. President, I believe it is at that stage that debate can be taken or allowed for each Member.

MR. G. HAIG BODDEN: Mr. President, I would just like to point out that if we accept what has been said this morning,

that when the Plan comes back from the Committee, we will not have a chance to debate it, because what we will be debating then will be the Committee's Report on it. If you look at Standing Order 19(3) it is clear that when this Paper comes back from the Committee, the House will not have a chance to debate it. They may debate the Report on it, but certainly they will not debate the original document. Something as important as this, my God, we would be communists indeed, if we denied the Members the right to debate what is going to be a most controversial document, this is worse than the 1975 Development Plan. It is touching every area.....

MR. PRESIDENT: Could the Member explain to me...sorry.

MR G. HAIG BODDEN: ....could wreck, could wreck this country, so we have to debate it Sir. You know what I am saying is the truth.

MR. PRESIDENT: What I am asking you to do is to say to me under which Standing Order it is that you think the Plan could not be debated, if the procedure contemplated was followed - Standing Order 19(3)?

MR. G. HAIG BODDEN: Yes Sir, it does not make any provision at all for the Plan to be debated. All it says is:

> "When such a paper contains proposals the Member of the Government who presented the paper may, following consideration in Committee, subsequently move that the House approve the proposals set out in the paper, without amendment or with such amendment as he may incorporate in the motion arising out of consideration in the Committee."

There is no specific provision to debate it. While I.....

MR. PRESIDENT: I do not think that the provisions of Standing Order 19(3) would be likely to apply, if the procedure which the Honourable First Official Member was contemplating were to be followed.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, my understanding is that the Honourable First Official Member has given notice of his intention at a future date to move that it be moved into Finance Committee. 19(1) and 19(3) refer to a Committee of the Whole House, which is an entirely different being.

MR. D. EZZARD MILLER: Mr. President, not to Finance Committee because Reports from Finance Committee are not debatable, they are deemed to be accepted, so it would have to be to a Committee of the Whole House.

MR. PRESIDENT: I was wondering whether that had been the Member for Bodden Town's point, but it did not seem to be, and I was wondering, well further, just let me have a look at my Standing Orders, whether all Reports from Finance Committee are not debatable, or whether sometimes they can be.

It is certainly true that Standing Order preclude debate on Finance Committee Reports about supplementary expenditure, but whether Finance Committee could consider something else, and the matter could then be debated, I do not know. Well I assume it was the intention, because he said so, of the Honourable First Official Member that after Finance Committee had considered the Report, the Report should be debated. Let us just make certain that Standing Orders will not lead us into any difficulty, and if you will give me a moment to read them, unless you can draw me to the...

MR. D. EZZARD MILLER: No Sir, I am not worried about the Honourable First Official Member Sir, but as I intend to move that a Speaker be appointed early next year, the Speaker might have a different interpretation, so we want it all technically worked out. I think we would have to go to a regular Committee whose Report can be debated.

MR. PRESIDENT: It would be perfectly possible

for a Committee that had the same composition as Finance Committee but was not actually Finance Committee, considering the Elected Members and the...

The Plan does not actually purport to appropriate funds in the same way that supplementary provision is appropriated. I do not therefore, myself, think that the fact that it had been considered by Finance Committee would preclude debate at the time at which Finance Committee reported, because it seems to me that the provisions of Standing Order 67, and indeed, all the provisions of Standing Order 63 to 67 and 68 relate to the appropriation of funds, and this is something rather different.

I think in any case it will be entirely clear from the records of Hansard that it is the firm intention both of the Member concerned, and of both sides of the House that this Plan should be debated, and I would certainly accept that it is right and proper that it should be debated. I cannot conceive that, even if in due course there were to be a Speaker, or there were to be a different President, he could take a different view.

So, my conclusion is that I do not think there is any danger in having Finance Committee rather than some special Committee consider the matter, and I do think that it is appropriate, subject obviously to the wishes of the House, that the Report should be considered by all the Elected Members with the Honourable First Official Member.

MR. G. HAIG BODDEN: Mr. President, can you set me clear on why it cannot be debated now? Every other matter that has gone to any Committee, whether it was a Motion, a Paper or whatever it was, has been debated in this House time after time. I have never known of a single instance where any document referred to any Committee has not been debated. We have a right to debate this Motion before the House. We have a right....

MR. PRESIDENT: With respect, there is not a Motion at the moment.

MR. G. HAIG BODDEN: Yes...

MR. PRESIDENT: No.

MR. G. HAIG BODDEN: The Member did say he wants it referred to a Committee, whether...

MR. PRESIDENT: He did not.

MR. G. HAIG BODDEN: ...whether it was done formally or not, he has indicated his desire....

MR. PRESIDENT: There is no Motion at the moment.

MR. G. HAIG BODDEN: What are we going to do with it, burn it?

MR. LINFORD A. PIERSON: Mr. President, on a Point of Order. If there is no Motion before the House, then Section 9(1) of Standing Order 24 should apply, because under that section the House may lay a Motion or a Report on the Table of the House, or it may be rejected. If it is rejected, then it can be debated. So if the Member wants to also have the Motion or the Report referred to a Select Committee, then that is indeed a motion, he has to make a motion.

MR. PRESIDENT: I am not sure that I have understood you. Firstly, Standing Order 24(9)(i) does not, in my view, apply because nobody has moved a motion that the Paper lie on the Table or be printed, or be rejected.....Please sit down while I am speaking. The Paper has simply been laid. It would be possible, you are quite right, for a Member to move a motion under Standing Order 24(9)(ii) but the Honourable First Official Member has not, in my view, yet moved such a motion. He has simply announced an intention of placing the Report before Finance Committee for consideration....Please, just wait until I have finished, you will be able to speak then....and it is not the normal practice when matters are being referred to Finance Committee for any motion to be moved in

the House referring them to the Committee. They are simply placed before the Committee by the Financial Secretary, so he has not moved a motion yet, he has said that he intends to follow what is quite a normal procedure of placing certain business before Finance Committee.

MR. LINFORD A. PIERSON: May I speak now Mr. President?

MR. PRESIDENT: Yes.

MR. LINFORD A. PIERSON: You went to great lengths to explain that. I believe most of us understand the Standing Orders Mr. President. I am saying that if the Member did not make a motion, then the Order Paper of the day is calling for this Report to be laid on the Table of the House, and if he has not made a motion, I would like to make a motion now, which I can do under 24(9)(i) without notice. If it is all right with you Sir, I would like to make that motion.

MR. G. HAIG BODDEN: Just before you put it Mr. President, there is a Motion from the Member for North Side, which was seconded by me that this go to a Committee, and that Motion has not been voted on.

MR. PRESIDENT: My understanding was that he did not want to pursue that. If he wanted to, then it does seem to me that it would be perfectly possible for him to do so.

STANDING ORDER 24(9)(ii)

MR. D. EZZARD MILLER: Mr. President, I did not mean to create such a beehive Sir. But I am concerned if we send this matter to Finance Committee. I do not believe that that is the correct place for it. I think we should either set up a Select Committee or a Committee of the Whole House to deal with this Plan. My concern lies in the fact that when it comes back, if there is disagreement etcetera, somebody will get up and say that on a Point of Order it is a Report from a Finance Committee, therefore it is deemed to be acceptable and it is not debatable. If it is not going to be moved to a Committee other than Finance Committee by the Honourable First Official Member of Government, I would like to move my Motion under Standing Order 24(9)(ii), that it be sent to a Select Committee of the Whole House.

MR. PRESIDENT: Of the Whole House or of all the Elected Members and the Financial Secretary?

MR. D. EZZARD MILLER: Of the Whole House Sir, because we are all up in here, I think of the Whole House. I think there are going to be matters in here that concern the structure of the Civil Service, the complement of the Civil Service, the Administrative Secretary should be there; there are going to be matters in here where we are going to need legal advice, the Attorney General should be there. I am moving that it should be sent to a Select Committee of the Whole House. I do not think they should be able to run and hide Sir.

MR. PRESIDENT: Very well. I think you are entitled to move a motion of that kind, and it is moveable without notice, and if you will confirm that I am correct, the Second Elected Member for Bodden Town did earlier say that he was seconding your motion, as long as that was the motion he thought he was seconding.

MR. G. HAIG BODDEN: Mr. President, I want to second it, but I want it clear that this Motion gives us the right to debate the document that is before the House, and technicalities cannot be used to prevent the democratic process, or to frustrate the democratic processes....

MR. PRESIDENT: If you have confirmed that you are seconding the motion....

MR. G. HAIG BODDEN: I second it, and I maintain my right to debate it as soon as you put the question Sir.

MR. PRESIDENT: So, the question is that the Cayman Islands Five-Year Economic Development Plan 1986-1990 be referred to a Select Committee of the Whole House. That has been

moved by the Elected Member for North Side and has been seconded by the Second Elected Member for Bodden Town.

If the Elected Member for North Side wishes to speak to his motion he may.

MR. D. EZZARD MILLER: Speak to the Motion or the Economic Plan Sir?

MR. PRESIDENT: The Member knows that he should always be relevant, and therefore he speaks to the Motion.

MR. D. EZZARD MILLER: Thank you Mr. President.

I will be very relevant, and I hope everybody else will be Sir.

The motion is moved Sir, because I think that the Economic Plan is a very comprehensive document. Government has done a lot of work on it, and I think the Assembly Members need time to study it in a Select Committee.

I move that the motion be sent to a Select Committee.

MR. G. HAIG BODDEN: Mr. President, I must admit that in 14 years here this is the first time I have really become frustrated. I have seen every democratic principle known throughout the British Commonwealth thwarted by technicalities to prevent the people of this country from knowing what is happening.

The Economic Plan which is the subject of this Motion is, and could be more disastrous to this country than the 1975 Development Plan which was put forward at that time by the two leaders of the Elected Membership of the Executive Council who are now here to day sitting in this Chamber and putting forward this nonsense.

MR. PRESIDENT: The Member must speak to the Motion, he knows that.

MR. G. HAIG BODDEN: I am speaking to the Motion Sir, because this Motion seeks to ram down the throats of the public and Economic Plan which is fashioned after the Five-Year Economic Plans which were started in Russia, and which today not even Russia accepts any more.

We understand from the Honourable First Official Member that this Five-Year as it is called, Financial Plan is already out dated since it covers the period from the 1st January 1986 to 1990, and this is the whole problem. This motion will seek to cover up what is in this Plan so that it will never be known outside.

MR. PRESIDENT: Is the Member seconding the motion or speaking against it...(LAUGHTER). My understanding had been that the Member seconded the Motion....

MR. G. HAIG BODDEN: You know the purpose for my seconding the Motion....

MR. PRESIDENT: Well I think I do.

MR. G. HAIG BODDEN: ....is to get this debate which you are trying to deny, and this is wrong. I do not care whether you are the Governor or the President of this Legislative Assembly, the people of this country have an inalienable right to democracy, and it is disappearing from this Chamber.

MR. LINFORD A. PIERSON: Here here!

MR. G. HAIG BODDEN: The concept of Economic Plans started in Russia. It started because the communists found out the one way to control the people, was to control the economy and to halt development through controlled growth, and this is why today this Plan has not been laid in the normal fashion. This is why the proper motion was not made. This is why the Honourable First Official Member of Government had his directions clearly marked in how he would handle this Plan, keep it off the floor of this House, and send it to a Committee behind closed doors, as they were doing in 1975 with the Development Plan until they got thrown out of office.

I question the good that can

come from this Plan, but my concern is with the overall picture of what has happened to this country since November 1984. We have gone from democracy to socialism into controlled Economic Plans, into controlled planning and management of every area of our lives. I must say that this anti-growth movement, which we have seen in the Government has collected along the way some strange bedfellows, ranging from the aristocratic conservationists worrying about the diving spots and their green parrots, to the extremists who have been eager to condemn the capitalist system which we had enjoyed. You see, these people believe that the economic growth of this country can be brought to a halt, or should be brought to a halt, or at least deliberately slowed down by controlled planning of which this Five-Year Economic Plan is only a small part, because there is more to come. We hear about the Tennessee Plan that is coming.

They believe that economic planning will be our salvation. All of a sudden, people who did not do well in their own fields, and I am talking about the experts, have now become our Messiah and our medicine man all in one. But instead of using voodoo dolls they are using digital computers. One half of them are saying that economic growth is bad for us, whether we can have it or not, and the other half is saying that continued growth is impossible, whether we like it or not. I have never seen so much negativism as I have seen in this document which is the subject of this Motion.

And Sir, I can assure you, that you will not have any trouble getting Members to their feet, as you did with the Budget Debate, because when I am finished tomorrow when my four hours are up, they will be quite anxious.

MR. PRESIDENT: The Member will have to finish I think before that. I have already twice drawn his attention to relevance. I do so a third time, if I have to do so again he will have to stop.

MR. PRESIDENT: You can try any technicalities Sir, that the Chair can use. You will not stop me until....you really show this country what you are after.

It has been proven over the last two years that the slower growth of the economy has made it almost impossible for the Government of the Cayman Islands to function. It has made it difficult, and we are making a mistake today in accepting the Plan, even in discussing it. That will be a curtailment of the economy of this country.

A mistake in a criminal trial might result in an innocent person being condemned, but a mistake in the economic affairs of this country, could well mean that thousands of future Caymanians would be facing the same type of livelihood in the future that some of our neighbours in the Caribbean and other countries who have adopted these socialist and these communist ideologies, are now suffering, and this is why I am alarmed.

The attempt to keep this Plan from being debated, is simply a continuation of Government's strategy over the last two years, of fooling the public, of deceiving the public into believing that they are the best money managers in the world, when the truth is, that they have not been managing, they simply have not been providing the services which this country needs, and it is brought out clearly in this Plan. If we look at the capital expenditure for 1985 and 1986 and see that it is one half of what it was in 1984, you can see how the public has been deceived by the Government information releases; by the propaganda which they put on the radio; by the propaganda which is spread in the newspaper, and the public has been deceived into believing that they are managing the country, when truth is they are strangling it to death.

There is no substance at all to this Report, I see no need for the secrecy in which it has been enveloped today, and I see no need for the attempts to cripple and to curtail the debate upon it, because this plan is entering into every phase of our human lives. We have just debated the Budget which was a document of nearly as many pages, certainly the pages were bigger, a document filled with complex figures, and that was handed to us the week before we debated it, just the same....

MR. D. EZZARD MILLER: Mr. President, on a Point of Order Sir. Can I draw your attention to Standing Order 36(1)....

MR. G. HAIG BODDEN: Yes Sir...

MR. D. EZZARD MILLER: ....because I have...

MR. G. HAIG BODDEN: ....another one of these...

MR. PRESIDENT: Please sit down.

MR. G. HAIG BODDEN: ....another one of these boys who is trained in controlling...

MR. PRESIDENT: Will you please sit down.

MR. G. HAIG BODDEN: ....freedom of speech.

MR. PRESIDENT: Thank you.
Now the Member for North Side can continue.

MR. D. EZZARD MILLER: Yes Sir.
Under 36(1) Sir, as the mover of the Motion I do not think that a debate on the Budget Address is appropriate to the Motion which I moved, and I would draw your attention to relevance Sir.

MR. PRESIDENT: Well, I think the Second Elected Member for Bodden Town, who failed to make his Budget Speech is trying to get it in now! I have already drawn his attention to the need for relevance. I do so again.

MR. G. HAIG BODDEN: Mr. President, they cannot upset me, they are not well trained enough for that, they have to go back to their communist school...

MR. D. EZZARD MILLER: Mr. President, this is no trained boy we are talking about. We are talking about a Point of Order and a procedure.

MR. G. HAIG BODDEN: ....and get some more lessons, they cannot upset me, I am very comfortable now, and I will not be upset.

Mr. President, to put the mind of the Member for North Side at rest, what I do not get in my four hours on this, I will get in on my four hours on the Government Minute, which will be debated, hopefully sometime this week. Since other Members do not want this debated, they should not speak.

MR. PRESIDENT: The Member knows very well, all we are asking him to do is to be relevant to the topic that is under debate. He may continue.

MR. G. HAIG BODDEN: This is a very serious day in this House, and the Motion to send this document to a Committee is a Motion which allows me and other Members in the minority, to say a few words, although we are interrupted, although we are often put down by you Sir, but I will let you know, my head may be bloody but it is unbowed. In the past I stood against the same problems that we have today, and I am prepared to do it again, and again, because this Motion may result in the total acceptance by the Select Committee of this document. For a person in a minority, it is always almost impossible to speak in the open House. What do you think these boys do to me behind closed doors? They move the closure motions, they ridicule us, they use their machinery vote and out here, I find it difficult to say a few words. But Sir, if you can tolerate me today, I shall be on until I have used the entire time allotted to me.

I am alarmed that the Motion which I am discussing had to be placed before this House. I had expected that when I arrived here this morning, I would have been able to debate this Economic Plan in an orderly fashion. I did not expect that my debate would have to be centered upon my democratic right to have my say in this Legislature, and we are drifting to where, if the breaks are not put on, we will soon be worse off than Cuba, Guyana, Poland or any of the other countries that initially accepted the philosophies of the Russians, until they became enveloped, until they became entangled and could no longer escape.

This Five-Year Plan should not be here. I did not speak against the Motion when it was put, because I had hoped that a sensible plan may have evolved. But what has the

Government done? Where did they get the plan from? They brought in a man who was an expert to write this Plan for the Cayman Islands. I do not know what he knows about the Cayman Islands, I do not know what he knows about our way of life. I do not know what he knows about the things that have built this country. I do not know that he knows where we came from, and I do not even know if he knows where he wants to carry us.

These Five-Year Plans, like the one before us, are outdated before they are written, because they have not taken into account the continuous development of new materials and technologies. They do not take into account increases in the worlds' food supply through improvements in agriculture. They do not take into account the reduction in birth rates, and it is just a simple exercise in statistics. He comes in here and the Department of Statistics, or maybe the Government Departments, feed some information into him, and he takes that and comes up with some magic figure that we will spend X amount of dollars over the next five years, and we will build X amount of products over the next five years - same old Russian philosophy.

I am against this Government drawing up what they call a Master Plan for the next five years, and I am most against it because this Plan has not been made public. If this debate goes on the air, it will be the first news the public will have, and perhaps, they will never know what is inside it, because as I am being effectively controlled today, so will it be when the Report comes back from the Select Committee. It will be an accomplished fact, rammed down the throats of the public like all the other things done by this Government since 1984.

This Plan reflects, not the priorities of Government, how could it when the Government never wrote it? It reflects the priorities that the expert they brought in agreed would be good after they had brainwashed him on how they want to look pretty over the next five years, and especially over the next two years. Perhaps, they told him what a bad image they now have, and he must try to dress it up. We are old that along with this Economic Plan will come the Financial Plan which I think means extra taxation. When the Government accepted in 1975 the Development Plan, they accepted a United Nations Document of which I still have a copy, that told them that they would need different kinds of taxation from the ones they had. And, if today this House accepts this Plan and allows it to go to Committee, they will find themselves saddled with a new taxation to pay for the capital projects to make the Government look good - there is no free ride. What alarms me about this Plan, is that it is not a singular item, if it were, I would not be so disturbed. Along with it comes the scales of pay, the same as the Russian Plans which will be set by Government in the Labour Law when it comes. The standard rates and the premium rates, and so it is all part of a whole package designed to frustrate and to humbug the economy. Do we need so much planning in a little two by four Island? Why do we not stop the planning and get on with the job? The most alarming part is that the Five-Year Plans of the Russians never worked, because the per capita income in Russia, and the per capita income in the United States and Canada are vastly different. The per capita income in Russia is much lower, and this is why I feel so strongly, and I trust that the House will agree when I reach my four hours, to allow the suspension of Standing Orders so that I can continue.

This Motion seeks to deal with a document which will provide us with a beautifully planned economy. Now the phrase 'planned economy' sounds well, but in practice it gives rise to endless problems, because we are not dealing with sardines or cans of condensed milk that you stack on a shelf in a supermarket. You stack these sardines on a shelf and they stay in neat little rows. You pack your condensed milk on the shelf and the can stays the way you put it, right side up. But this does not happen when you are dealing with people. This does not happen when you are dealing with a country's economy, this simply does not happen, because the forces which control our economies are sometimes outside the planners. The planners themselves admit that it is going to require a vast bureaucracy to have this plan perform under the rigid rules that have been set - the same problem that they have in Russia.

If I can dare to refer to one section of the Plan, you will see that the planners have set out the machinery to employ the many people who are going to be necessary to make this Plan work. For those Members who have been studying the Plan over the week, they will see that Section 6.4 deals with the Economic Planning Unit which is to be set up, and if a Member reads no

other part of this Plan, but 6.4, the Member would have to reject this Plan.

MR. PRESIDENT: I think I am going to interrupt the Member now to take our customary morning suspension, and I will suspend proceedings for approximately fifteen minutes.

AT 11:20 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:40 A.M.

MR. PRESIDENT: Please be seated. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, I had been dealing with the matter of the amount of staff and human resources that will be necessary to make this Plan work. This is one of the main reasons why I feel it is wrong to adopt such a Plan. I mentioned that the document itself makes this very clear, and I said that Members reading this section must realise that the Plan needs to be rejected on the grounds that it is going to cost a lot more than we now expect. Because, for the Plan to function they have to set up an Economic Planning Unit within the Administration Section of the Department of Finance and Development. This is alarming, and I think, is one of the reasons why this Plan needs to be considered chapter by chapter, by a Committee. We know that in the recent Budget with which we are dealing, the House accepted the new services put forward, and while I did not count the number of new people added to the Government Service, I know the number is far in excess of 100. So the Civil Service is growing very large, and if we are going to implement this Five-Year Economic Plan, we are going to need a lot more people to do it. The New Services I think, already take into account a part of the increase. So we are going to have a new department within an existing department, and for no real purpose at all. It has been mentioned that the key purpose of this unit, will be to develop a system for the continued evaluation of proposed or ongoing Government projects, so that decisions relevant to their implementation may be made. And what this is really saying is that this is not the end of our planning, this Five-Year Economic Plan is really only the beginning. "In order to facilitate the necessary preparations for proposed projects, and the effective control of current projects in the Economic Development Plan, it is necessary to introduce a monitoring procedure". Now that statement alone, should make Members aware that it is necessary to have a Committee examine this Plan in great detail, because this carries with it very serious implications moneywise. The purpose of such a procedure would be two fold, (1) to ensure the availability of appropriate funds in sufficient time for the planned start of each project; (2) to identify any constraints to projects due to start, and to the progress of ongoing projects. So we see that when the Committee considers this Plan, it will have to actually read between the lines and hopefully, understand what we are putting ourselves into. Because this plan apparently will absorb our entire lives, will absorb our entire economy and will lay waste....

HON. BENSON O. EBANKS: Mr. President, on a Point of Order Sir, 36(1). The Member is debating the Plan and not the Motion before the House, and the Member knows better than this.

MR. PRESIDENT: Yes. I have told the Member of that several times already. He is doing his best I think to tie what he is saying into the Motion, but he is labouring under some difficulty.

MR. G. HAIG BODDEN: Thank you Mr. President, I am glad you understand what I am doing, I did not expect that the Member would, he has difficulty in understanding simple things.

HON. BENSON O. EBANKS: Mr. President.....

MR. G. HAIG BODDEN: ....No you cannot interrupt me while I am speaking. You made your Point of Order and it was nonsense...

HON. BENSON O. EBANKS: The Point of Order....

MR. G. HAIG BODDEN: ....You will have your turn to speak you know, you will have your turn to speak. Why do you not wait, you could have risen before me if you had the courage.

MR. PRESIDENT: Please sit down. Thank you. Is the Member rising on a further Point of Order, and if so what is it.

HON. BENSON O. EBANKS: I am persisting with the Point of Order on relevance Sir.

MR. PRESIDENT: Well, I have already ruled on that the Second Elected Member for Bodden Town is continuing danger of being irrelevant, and I remind him once again not to expose himself to the point at which I am obliged in accordance with the provisions of Standing Order 41(1) I think it is, to ask him to desist and stop.

MR. G. HAIG BODDEN: Mr. President, you know I will accept any ruling from the Chair, provided that it does not seek to curtail my democratic right to speak, and as far as the interruptor is concerned, he finds it difficult to get up to speak before me, yet he continually interrupts me. If he has anything to contribute to the debate, why did he not get up and say it. We found him glued to the chair during the Budget Debate, unable to answer the many criticisms hurled at him just because I did not rise.

MR. PRESIDENT: I think perhaps the Member would get back to the Motion we are debating now.

MR. G. HAIG BODDEN: Yes Sir, but I am worried about the Haig Bodden complex from which the Honourable First Elected Member suffers.

MR. PRESIDENT: Well, just keep your worries to yourself for the moment.

MR. G. HAIG BODDEN: The need for this Plan to be studied by a Committee becomes more obvious as the Honourable First Elected Member rises to interrupt, because he is one of the architects of this Plan. He is a part of the Government which has laid this Plan on the Table, just as he was the architect of the 1975 Development Plan, and just as that Plan had to be destroyed, it is necessary to destroy this one, because every evil that existed in the 1975 Development Plan, is inherent in the Plan which the Government is now putting forward. And, these are the reasons why this House must approve the Motion which is before it, and send this Plan to a Committee where hopefully, it will never be heard of again. The Government has made a mistake in putting forward this Plan, and I can understand what must be going through the mind of the First Elected Member of West Bay, since he cannot keep quiet. He must be having misgivings, and is now frustrated by the Motion which is before the House, the Motion which I seconded to send this Plan to a Committee...

MR. PRESIDENT: I think his frustration is that you do not speak to your own Motion.

MR. G. HAIG BODDEN: Mr. President, the Motion which I support is the Motion to send this Plan to a Committee. I do not support the Plan itself, but since the Plan itself is not the subject of my discussion, I would like to say that I feel that the Committee needs to carefully scrutinise this Plan, or what purports to be a Plan. The Committee will have difficulty making recommendations. This is not a Plan, it is a shopping list, it is a capital projects list; the same type of list that the Public Works has been called upon over the years to prepare at Budget time. Throughout the year the Public Works Committee has evaluated capital projects, made recommendations and put forward those recommendations to Government with proper costings and Government has had to decide whether it could embark upon those items or not. So, the work of the Committee will be difficult, because perhaps it will search in vain for a Development Plan, an Economic Plan which will stimulate our economy, an Economic Plan which will show improvement in our life style. They will search in vain, and that is why this Motion which is before the House is an important one. Here we have the Government playing with fire, because whether they know it or not, when you tamper with the economy of a country, it is the most serious act a Government can commit. Karl

Mark and all the other people of his like found out that if you want to subjugate a country, the best way to do it, the surest way, was to destroy the economy. Do not leave the economy alone to work with the forces of supply and demand. Do not leave it alone to work with the resources available, but control it; have Five-Year Economic Plans. The concern that I have, is one which the Committee must examine, is whether this Plan, once it is implemented, will then move out into the private sector, and if we will not have Government coming back since they are the great planners to provide a Plan for the entire Islands. These are serious implications and we are treading upon dangerous ground when we enter the areas upon which this Motion is based.

The Committee must consider this Plan because it is monitoring will put excessive strains upon the computer programme of Government, this is borne out also by Chapter 6.4 of the Plan, and the Committee full well knows that over the last couple of years the Government has spent a lot of money on capital equipment for computers, for staff and for training of personnel, and this Plan is going to put a heavy burden upon the computer programme, and this is an area that the Committee must examine in great detail. It is planned to develop a computer programme to help achieve the aims of the Plan. This chapter outlines the computer reports to be produced, the input required and the timing requirements both for monthly progress and for these activities, and for the monthly progress and the annual updates of the rolling Economic Plan. The focal point of these activities will be the Economic Planning Unit. In turn the Unit will report regularly through the Financial Secretary to the Executive Council, where the necessary decisions arising from the monitoring procedure will be taken. This seems to be a serious departure from the system of Government we had enjoyed, because all major capital projects had always been under the thumb of the Finance Committee, and I believe if this plan is adopted and if the Committee when it examines it, accepts this portion of the plan, it will be ultra vires the Constitution. The ability to control Government funds will pass from the Finance Committee to the Executive Council. So, this Committee will have the biggest burden of its life, to examine this Plan in its miriad details, and perhaps hopefully to reject it. Perhaps this is why the Honourable First Elected Member of Executive Council did not want me to touch upon this particular reason for the Committee's examination of the Plan.

Another alarm the Committee must have in addition to the cost, the manpower, the computer programme and the exercise of the authority of the Executive Council, they must also consider the time that will be consumed on these projects, because they have to follow, like all the Russian plans, a very rigid system of monitoring and reporting, and even the smallest decisions will not be taken at the operational level of the projects. What I think we are going to find if this Plan is followed to the letter, is that there is going to be chaos.

The Director of Public Works will not be able to order his men to clean up a bit of paint that has spilled upon the ground without the sanction of the Executive Council. So, we are buying something here today which will certainly be a whip for our backs, a regimented, rigidly controlled Plan, passing through all the phases from the Economic Planning Unit down through the computer, up into Executive Council. The Committee must scrutinise this chapter 6.4 in all its many details, because it calls for monthly reports. "Two basic computer reports will be produced each month as follows:

* Review of Project Financing
* Ongoing Project Review"

Here the Committee will have to decide if it is worth all this. Who is going to do all of these Reports? Is it the carpenter, is it the bricklayer, is it the Director of Public Works, is it the contractor - who? Do we understand what this is going to do to the cost of Government projects?

"The Review of Project Financing will list all projects due to be started over the next 24 months, and all ongoing projects. The information will include where applicable, the following:

* project identification
* planned starting date
* estimated total cost

* external funds:-
  - source
  - total amount promised
  - amount received to date
* project funds:-
  - authorized to date
  - amount committed
  - committed funds not yet disbursed
  - balance uncommitted
  - amount still required."

And all I can say to the Committee is God help the taxpayer. He is the one who will ultimately pay. Where are we getting all of these bodies? I hope the Committee will consider this carefully and not allow this Economic Planning Unit to become a monstrosity. We have now in this Budget passed, the Building Inspectorate.

Under the Labour Law we will have to have a Labour Inspectorate, and the Committee must consider in dealing with this document all the many implications of this Plan. This is not a simple Plan, it is more complex than the Development Plan of 1975, which the public had the good graces to reject. I trust that when this Report goes to the Committee, that the public will be allowed to have input; that it will not be treated like the Mutual Legal Assistance Treaty, and the other matters which have been rammed down the throats of the public since November of 1984. I can understand the uncomfortable posture in which the Honourable First Elected Member of Executive Council sits when he hears all this.

> "The list will indicate those projects where there has been a change since the previous monthly review. Projects will be identified by a number in the following form: Funding Agency/Executive Agency/Project No./Phase; this will facilitate collation, analysis and special reports. The Funding Agency is that which supplies external funds, if any, and includes IDB, CDB, UNDP, PAHO, EEC etcetera. The Executing Agency is the Government department, Authority or enterprise responsible for promoting the project, even if the work is executed by the PWD."

What is really happening? Are we really serious about this Plan? Is the Member going to allow this Plan to be sent to a Committee or is he going to make a motion to have it withdrawn from the House?

The Committee in dealing with this Plan, will have to consider whether it can go out to borrow the funds necessary, but in so doing they must consider Government's loan figures, where the public debt since 1984 has gone to astronomical figures. With the red tape that will be involved, will the Government be able to handle more than a single capital project in one year? This Committee will have a lot of work in deciding not only what projects are to be accepted, but what procedure is to be accepted. In this planned economy of the Government, if any single link is missing, the whole project will die. There is no wonder that debate did not come easily on this Plan, because the Committee could never accept the rigid timetable which is laid down for the implementation of this Plan, and I do not want to go into the details on it, because it would be a subject in itself.

The most important question which the Committee will have to decide is whether this Plan is feasible; whether the plan is practical; whether the plan is realistic. First of all, we are dealing with a Plan which is certainly outdated. This Plan pretends to cover the period from the 1st January 1986 until the 31st December, 1990, a period of five years. 1986 is history, we are now in the month of December, and we are here considering a motion which will deal sometime next year, with the planning for 1986. This alone should awaken the Committee to the reality that this Plan is pure hogwash. 1987 is to be the subject of this Plan, but Government has already passed the Budget for 1987, that is, we have dealt with it, Finance Committee has completed its examination, and it is only left for the Third Reading of the Appropriation Bill. Government has already taken decisions on what it will spend in 1987. It has already taken decisions on what capital projects it will embark upon in 1987. So, of the five years to be covered by this Plan, one year has passed and the planning of the

second year has been completed, and yet we are saying that this is a Five-Year Economic Plan which will serve this country from 1986 to 1990. Of course, there are three more years left in the Plan, and perhaps we could amend the name to call it the Three-year Economic Plan, and then it would not swell as much like the Russians, as the Five-Year Economic Plan. But do you know why the Committee will be saddled with a Five-Year Economic Plan of which two years are already passed? And that is because the House accepted a motion that was brought by two backbenchers calling for that Plan, and setting timetables, and this has been the whole problem with Government, because for two years they have allowed the tail to wag the dog. Instead of saying to their backbenchers, 'we know you are our supporters and we will support whatever is reasonable, but we must vote against whatever is unreasonable.' No, they are so afraid of losing their support that they swallow anything they bring, and while they have brought some good motions, they made a mistake on this one, and thank God, they pulled the whole Executive Council down with them.

So, the Committee will have to consider all of these things. The Committee must consider whether it is reasonable to expect that the Government can spend in capital projects, $71.0 million over the five-year period. Now how can they do this when their performance has been so poor? They have spent in capital works over the last two years, 1985 and 1986, a total of $16,196,078. So, how can the Committee accept as reasonable, a Plan that pretends to spend $71.0 million over five years, or an average of $14.0 million per year, when the Government's actual performance to date has been an expenditure of capital projects totalling $16.0 million from January 1985 to December 1986? The Plan is not in keeping with the performance, it goes way beyond the wildest expectations of the Government, and the Committee must consider whether the Plan is rubbish or not. What the Plan highlights is that the two years which have passed are years that have been eaten by the locusts. The Committee will see that the planners erred, in that they probably looked at the previous performance of the Government over the eight years from 1976 to 1984, and I trust that these figures will be made available to the Committee, so that it can make a proper assessment as to whether the Government is able to do what it is hoped in the Plan to do.

The Revised Estimates of Capital Projects in the year 1984 was $18,129,575, roughly $2.0 million above the estimated capital expenditure at the beginning of the year. So the year 1984 for this Government was a year of splendid performance in capital projects. When the locusts started to eat in November 1984, we see a dramatic change and the estimates for 1985 on capital works was $9,840,611. But the actual performance was $7,770,461. $2.0 million below their own pessimistic estimates. And so the Committee must consider if a Government with this kind of dismal performance can find the money to fund this plan. The performance in 1986 was even more dismal. Although they spent a little higher figure, the approved estimates for 1986 showed that they would spend $13,036,418 and they actually only spent according to the revised figures for 1986, $8,425,617. $4.5 million below the approved figures. So, we have a Government with a two-year track record which has probably been the worst in the history of the Cayman Islands, because I cannot think of any other Government over the two-year period that has spent $6.5 million less on capital projects than they had estimated at the beginning of the year. How can this Government with this dismal performance hope to spend $71.0 million over the five-year period of the Plan? But what this shows is that the Government has done what it set out to do, to fool the public, to deceive the public into letting them believe that they were good money managers, when in fact they were not providing the services which the country demanded. And so we see that the 1984 capital works figure of $18 million was cut in half, and in fact, much less than half because the actual expenditure for 1985 was only $7.7 million. In 1986 the actual expenditure, the revised expenditure on capital projects, is only $8.0 million, not even half of what it was two years earlier. So how can a Government that has averaged $8.0 million a year now be talking about, because some little guy somewhere wrote some fancy plan, and put some voodoo dolls into a digital computer and came out with $14.0 million over the five-year period. We can put whatever we want into this Plan, and we can get our news releases, and our beloved newspaper to highlight the Government's planning. But when it comes right down to the nitty gritty, you will find out that the Committee will have to conclude that it is impossible, physically impossible, economically impossible, totally unrealistic to have a Plan which

seeks to spend $71.0 million in five years.

Now let us see if the planners really examined the performance of Government over the year that has been completed, because I think the Committee will want to look at these figures. In the projection for year one the Plan hopes that Government will have spent $10,320,210 on the capital works. Here I am dealing with the major capital works and not the little capital works that you have in each department. But, we see that this figure of $10.0 million is much higher than the Revised Estimates which were given to this House, and much lower than the Approved Estimates for 1986. So, what we have under Capital Expenditure, Summary of Capital as a revised figure for 1986, is only $8,425,617. Yet the Plan is showing an optimistic figure of $10,320,210. Now, if they are out on the year of the Plan that has been completed, how much further will they be out in 1990.

The point I would like the Committee to consider is that we live in an age where technology is advancing every day. We live in an age where equipment which was the in thing yesterday, is now obsolete, and certainly Government's acceptance of this document and its attempt this morning to wrap it in a holy robe have not been sufficient to convince me that a Five-Year Economic Plan is any good for this country. Why is the Government going to all the expense of providing this plan and putting it into operation, when for years this country has moved onward and upward just by sensible people sitting down and deciding what is good for the country? No matter what your planner may have learnt in some university, no matter what he may have read in some little book, there is nothing like being here on the spot, knowing not only what is going on, but what has gone on; things that have not been written in the history books. I believe the Government is doing with this plan as it has done with so many other things, just study, study, study, bring in expert so that they do not have to do anything. In other words planning, planning, planning and the planning process never stops, and the work process never begins, because there is no easier way to balance your budget at the end of the year than to do what they have done in 1986.

They have ended the year by saving $4.5 million on their capital projects, and will tell you that they have a surplus. If they had spent the projected money, there would have been a deficit, but all you need do is to instruct public works to slow down the work, and you end with a surplus. I wonder who they are kidding.

MR. PRESIDENT: I think perhaps before the Member strays further from the subject, I was going to stop him for doing so, we should take our lunch break, and maybe after we return from it he can get back to the motion, and away from his Budget speech.

MR. W. McKEEVA BUSH: Mr. President, I wonder if you could allow me to say that I think we should go on, we should get somebody else in the Chair, and we should carry on and let those who want to go for lunch go for lunch. But as I see it, we are going to be here until Christmas. There is still quite a bit of work left to be done, and either the three senior Members can take the chair and the Member can carry on his debate.

MR. PRESIDENT: I think there is specific provision in Standing Orders for what happens if I am out, but I will just look it up.....the Senior Member of the House, yes. We do not normally take votes on that, this kind of thing. I can see some good sense in what the Member says. If the House wished, I would be quite content for that arrangement, and perhaps I could ask the Honourable First Official Member if he could try to come back in three quarters of an hour or an hour.

HON. THOMAS C. JEFFERSON: I also quite content with that Mr. President.

HON. MICHAEL J. BRADLEY: And if the two of you are away, there is still the Honourable Third Official Member and myself, Sir.

MR. G. HAIG BODDEN: Mr. President, since I am speaking, I am in agreement with it. My next appointment is a funeral tomorrow at three o'clock.

MR. PRESIDENT: Well I am sure we should not wish to make you late for that. In that case perhaps I can just suspend proceedings for about two minutes so that I can confer with the Honourable First Official Member, literally about two minutes.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12:50

THE HONOURABLE FIRST OFFICIAL MEMBER THEN TOOK THE CHAIR UNTIL 2:00 P.M.

MR. PRESIDENT: Please be seated. Continuation of the debate on the Motion. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Mr. President, do you have any idea as to how much more time I have left?

MR. PRESIDENT: I understand that it is approximately an hour and a half, that you have gone so far.

MR. G. HAIG BODDEN: I have gone an hour and a half.

MR. PRESIDENT: Approximately.

MR. G. HAIG BODDEN: Mr. President, I had been dealing with the Committee's dilema in accepting the called for expenditure over the five years. The Committee must examine the historical record of Government's spending, and measure as closely as they can the provisions of this plan to suit the performance of the country. If this plan is accepted, the country will be faced with not only more taxation that it has had in the last two years, if that is possible, but we will have to go into new areas.

The United Nation's report that the Executive Council accepted in 1975, had made it clear that Government would have to look into property taxes to fund the 1975 Development Plan. Although it is my understanding that the planners have not completed the financial chapters of this exercise, that they will be bound to recommend to the Government that they go into property taxes, or into income taxes or whatever, because the type of expenditure that is shown here cannot be met in the short period of three years which are left, out of our existing resources. So the Committee will have work which will exceed the work of any Committee that ever examined any Government business in the past.

Even if we leave out 1986 and 1987, we are still looking at $40.0 million over the years 1988, 1989 and 1990. On to that, we will have to add any shortcomings of the Plan in 1986 and 1987. And, while the Committee will know that the Government did not perform in 1986 according to the Plan, they will also see that in 1987 we cannot perform either. When this Committee sits, it will have an impossible task if it endeavours to accept all of the recommendations in the Plan.

I believe that Government, like any businessman today, has to do his planning according to the circumstances that exist at the end of each financial year, because how can you sit here today and say what you are going to do in 1990, when that particular project might become so urgent that you might have to start it next month? Also, how can you sit down here and say that we are not going to build a Post Office because the plan says it must be built in the year 1990 or some other year? It is my hope that the Committee will see the futility of these Five-Year Plans. It took the Russians many years to see it. Finally they have seen it and I understand that in some of their countries, they no longer believe that the Five-year Economic Plan is the in-thing.

I agree that the Government needs some assistance in planning, because we have found that the present Government is very political in its plans. We heard the Honourable First Elected Member for West Bay during Question Time I believe it was, telling the George Town Member that if the Civic Centre was for West Bay, he would give it priority, and this has to be political. This is not the level at which a Member of Executive

Council should think. We also saw in Finance Committee that there was a long shopping list of thirty roads to be fixed in West Bay, one of them with only one house on it, and no priority given to a much more needed bypass from West Bay to George Town. Pure politics!

MR. PRESIDENT: The Member must remember to speak to the motion please.

MR. G. HAIG BODDEN: All right, thank you Mr. President.

I am trying to show that the Committee, in deciding on this Plan, must put this Plan above the level of politics, not to think about what I will get for my district, or who will vote for me if I do this. But a pure, honest, assessment of priorities above the level of politics.

Mr. President, I do not want to stretch your nerves too much, although I enjoy doing it with the other President, I would just like to say that the Committee will have to consider the many suggestions made, as it has gone into every area of the Government. I think all the major departments have been covered, and I would suggest that the Committee take this Plan back, send it back to the planners and say we want a Development Plan, we do not want a shopping list.

MR. PRESIDENT: The Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I rise to support the motion to move this Plan into a Committee of the Whole House, to study it. There was a little misgiving as to whether it should have gone this route, or whether it should have gone into Finance Committee. Which ever way it goes, I intend to take it to the people after I have had some time to study it. As it is, I have had very little or no time at all to study this document, as it was only given to me last week Thursday. The document which is now in our possession, is a very large document, a very comprehensive document I should say, containing some 240 pages. It covers a very, very wide spectrum, such as Part 1. The background to our Country, which covers a brief history, physical characteristics, early economy, present economy, population and manpower, and this Mr. President, population and manpower is something from which I have been longing to get some sort of an idea as to the true position in the country. And Sir, if we look at this document, this area... now Mr. President, I really do not want anybody to get me off the track, I am going to try and stick to the motion, but the first speaker has covered such a wide area that I as the second speaker, must go into some of the things which he raised.

MR. PRESIDENT: I will thank Honourable Members in assisting me with the decorum of the House, and to try and keep your debate in line with the motion. I know that other items were raised, but I would ask you to please try and keep your debate on the motion.

MR. W. McKEEVA BUSH: Mr. President, I will try to work closely with you on that matter, but under the Standing Orders I have privilege to speak to any matter that has been raised. I will not get into the voodoo part of it, but you can believe, I have a few areas myself to speak on which were raised. But Mr. President, to show the importance why the Committee needs to deal with this document, one only has to look into a very few areas in this document. And, as I was pointing out when I was interrupted, we only need to look at population and manpower, and this shows us that the indigenous citizens of this country is an endangered species, when you consider that we have an 8.8 percent increase of non-indigenous persons to our Caymanian population growth of 4.9 percent. It shows us Mr. President, that we are going to have by the end of the projected period for this Plan, we are going to have an annual increase of 6.5 percent of non Caymanians, to 1.5 percent of the Caymanian people. That is one of the reasons why I seconded the motion, it was no tail wagging the dog. Mr. President, it is time that we put away those foolish and dirty stinking remarks which I keep hearing from over here, and from the Government bench.

If some people consider

themselves a dog. I do not consider myself a tail. I have been elected to serve the people of this country, and the people in particular of West Bay, who hold me responsible for any matter that comes before this House, not only Executive Council, and then some Members of the so-called opposition, believe that they should be the only ones to raise these subjects. Well, they have another guess coming. When the people elected me, they knew that I would raise some hell, they knew that, and the Members that I got elected with knew that I would raise some hell, but I am not going to be a donkey for anyone to ride. So I consider that remark of the tail wagging the dog, as being very, very offensive. Of course, it was meant to be that way, but to show, Mr. President, why we need to go into a Committee, and may I tell you , not a Committee of two days, but a Committee which is going to work and to come here and to sit down and to study this thing, and not just to pass it over as a light subject. We need to come here to work, showing and seeing that we have such a wide spectrum to cover. It also covers development strategy.

And "Part 2- Infrastructural Development:

Roads and Road Transport
Ports and Shipping Services
Airports and Civil Aviation
Air transport
Telecommunications
Postal Services
Energy
Water Supply and Sewerage Disposal
Physical Planning
Survey and Land Registration
Housing
Mosquito Control
Environmental Protection
Sister Islands

And Part 3. Economic Development:
Banking
Insurance
Tourism
Industry
Agriculture
Aquaculture

And Part 4. Social Development
Education
Health
Social Services
Sport and Recreation
Culture
Broadcasting."

Mr. President, mention was also made of the Labour Law. You know, you sit in the Committee Room and you hear Member after Member discussing the problems of the country, discussing what they hear their constituents say, and yet they come on the floor of this House and decry something which is going to help stem the tide of trouble that is coming into this country. It was a wonder that you did not hear about the Social Security Scheme, or the retirement pension for the people of this country. All that is involved in the social development of the country. But we are going to get those two things, we are going to get them even if I have to lose my seat to get it. Why some people do not want the Labour Law, and why they do not want Social Security is because they continue to believe that the poor man, the downtrodden person in this country, must always be kept at a level where they can stamp on him, and they continue to do so. And yet, they get up and say look, I am protecting you, you know, do not worry, I am protecting you. But when it comes to the time to support the instruments that will bring about the social accord that is needed in this country, they get up in certain areas and say, "look, these things are socialist and we must do away with them," when it is time that those money changers understand that they will be driven from the Temple, and that is part of my job. Talk rubbish about socialists.

Some people believe that you can catch communism or socialism like you catch a cold. Some of them

will catch aids quicker than we are going to catch socialism, or communism. I am neither a socialist nor a communist, but I believe that it is time in this country that we understand, that we have to take care of the social aspect of this country, and stop talking rubbish for political propaganda, supporting the hypocrite who will sell their grandmother for a dollar, as long as it went to their credit, while holding the Bible in their hand. They are a bunch of hypocrites and they need to be driven from the Temple, and if we do not do it between now and 1988, come mid 1988 God's will, some of those money changers will have left. I support a Labour Law for this country, because I see the need for it. If we do not get it we are going to have unions, and then you will have some trouble, not that the present Law is all that I favour. There must be some changes by God, we need a Law to govern aspects of labour in this country; and those who had the slaves over the years are not going to be the masters forever. The poor people in this country now have a voice, and those who have ears let them hear. Those who have eyes to see, let them see, that is where I stand and that is where I shall continue to stand, even if it costs me this second seat come 1988. I am still young, I still have some political support, and I was told about their money. Mr. President, their money is no longer what they think it is in this country. The people are much stronger than those money grabbers, and they are not going to have their way all the time, their money is not going to help them all the time. We must have Labour Legislation that is suitable to all, and we must have a retirement pension scheme for the people of this country.

Mr. President, the Plan, and to show the need for this Committee to work on this Plan, it also covers development of other Government Services which covers:

Police
Judiciary
Legal
Legislative Assembly
Customs
Immigration
Fire Service
Prison Service
Financial Services
Audit
Government Information

And Part 6. which deals with the implementation of the Plan itself, covers:

Total Financial Requirements
Additional Finance Required
Method of Raising Additional Finance
Monitoring Procedure

When I seconded the motion, I did so out of concern to know and to have at my disposal, statistics, vital statistics which are contained in the document, which tells us that we are out-numbered, that we are an endangered species. It shows us that we have more crooks coming into this country, who have taken up residence and have said,"what a good boy am I". It shows us that we have had a period when certain people have been allowed to come in here, and have invested, have been allowed to start businesses, small businesses, which should be left to the Caymanians who could raise $4,000 or $5,000 and those same people are raking the cream off the top, and laughing all the way to the bank, somewhere outside this country. That is why we need to plan. We come here and talk rubbish about socialism.

The Committee will have to deal with the statistics given here, which I have known for years, and which tell us that we have let our social development lag so far behind our economic development, when the two should have gone hand in hand together. That today, we are facing social deterioration of the highest order, when drugs have damaged the best of homes, much less those homes which have no control over family life, and yet we talk about socialism and communism. There are none so blind as those who will not see.

Government, like any other business must plan. We have had democracies, those democracies in the

western hemisphere which we proclaim to emulate, or we try to emulate those who have had successful plans. Government over the years, and I am not dealing with any specific Government, but you go back down through the years as I did in the Budget Debate, and you will find out that Government down through the years has failed to plan, and when they try to plan, pressure was brought upon them. We, in the country over the years, have been moving in a grasshopper approach to thedevelopment in this country. We have seen the chaos which exists in the country today, because of the failure to plan over the years, that is nothing new to us. Again, Mr. President, we come out here and we ball about socialism, we sit in the Members' Room, drink coffee, pepsi and water and eat and talk about the little problems that our people face. Well, what else is one of the biggest contributors, but failure to plan, and they recognize it. But again, this Plan seems to me to be a good whipping horse to start a campaign on. I will not base my campaign on this, I will base my campaign on the failure, if Government fails to do the things we promised.

The infamous 1975 Development Plan was declared as the 1975 destruction plan. Contained in that Plan, were many things which I supported, as well as subject matter which I was very much opposed to. But contained in the Development Plan of 1975 was a road from West Bay to George Town, which the Second Elected Member for Bodden Town has spoken about. What happened to the Plan, it was kicked out, and he was one of the main opposition to it, and today, the West Bay Road has got more trouble than any other street in this country. But what happens to us? What happens to us? I am getting to the part now about the big shopping list, that is what is burning them Mr. President, because I work for my people. I am not elected just to go to cocktail parties. I am elected to see the needs in my constituency, and I have no shame because I went to Government with a shopping list. This was not the first one, this was just for the coming year 1987, but we gave them one for 1986. Many of the roads on this shopping list were left over, or are left over and which Government did not complete, and they have the nerve to come here and talk about hypocrisy and a long shopping list.

Let me tell you what they did to me in Finance Committee, I am glad he brought it up. When there was so much money in this country, that they did not know what to do, his Government failed to plan, and plan properly. The much needed bypass road was not put through. Why? Because of citizens who did not support his Government. He did, and said it many times, it would not go through as long as they were in power, and now he comes screaming here about socialism and planning. What they did to me, not only me, but the other two Members for West Bay as well will have to pay. But what they did to us was to take $595,000 to put into his constituency, and they threw aside the request that we made.

Now, Mr. President, to show you the unfairness of Finance Committee and the hypocrisy of some Members who come into my constituency and tell my constituents,'look I am happy, I am going to treat West Bay well, I am going to do this, I am going to do the next thing for West Bay'. But West Bay has one road leading to it and out of it, and I promised them we would be waiting the next time they come to West Bay, because this year West Bay will get very little road work in comparison to that which was requested. What we requested was some $232,000 Mr. President, and may I tell you something, these are not just little roads which lead to one house, but these are vital streets and vital roads linking people Mr. President, you would not know, but I know, that need a road to their home. They do not have a road, and if there ever arose a need for the fire truck or for the ambulance to get to those people, they would not be able to get there. They would either have to die or their house would have to burn down, because no vehicle can get to their home. These are needs that I request for my people, these are not wants these are needs, needs not wants! Mr. President, what they wanted they received.

MR. PRESIDENT: Perhaps I can just say to the Member as I said to the Second Elected Member for Bodden Town, I hope he will not stray too far, too long from the terms of the motion...

MR. W. McKEEVA BUSH: No Mr. President.

MR. PRESIDENT: ...I have only just come in, but the street down which he is leading us does not seem to me to lead

in the direction of the motion at all.

MR. W. McKEEVA BUSH: You heard it before all right. Well, I am only answering what was said about my constituency, and Mr. President I must tell you that you are to be blamed for what went on here this morning, because you allowed the Member to stray, you just let me make my point. I will be respectful to the Chair, but the Chair has to respect my right as under Standing Orders, and I know my rights. I am not as foolish as some people would like you to believe.

MR. PRESIDENT: I have not stopped you, you can continue...

MR. W. McKEEVA BUSH: Good.

MR. PRESIDENT: ....I am just cautioning you...

MR. W. McKEEVA BUSH: Yes Sir, I....

MR. PRESIDENT: ....not to stray too far too long, as I cautioned the other Member.

MR. W. McKEEVA BUSH: I take the caution Sir. They talked about a shopping list Mr. President, I have to answer it, because the Member who spoke about shopping list was being very, very hypocritical, when in comparison with West Bay, a small district like Breakers received a Civic Centre. West Bay did not get one. The Member's district received a Civic Centre, West Bay did not get anything.

MR. PRESIDENT: I am sure the Member knows he must not impute improper motives to other Members.

MR. W. McKEEVA BUSH: What are you talking about. Mr. President, I am not being improper, or imputing improper motives, I am only....

MR. PRESIDENT: I think hypocritical.

MR. W. McKEEVA BUSH: I am only...no, hypocritical! Well if that is a bad word in this House you had better send all the Members out.

You have successfully caused me to lose my notes Mr. President, which I am sure was your intention. Anyway Mr. President....

MR. PRESIDENT: You ascribe to me greater cunning than I possess.

MR. W. McKEEVA BUSH: Mr. President, you must not get into the debate Sir, you must only govern the debate. I think that I am still within my right to answer what has been said.

Mr. President, to give you exactly what the Member said, he said that we, the West Bay Members who brought the shopping list 'should have let that list read as a pure, honest priority list, which must be above the level of politics.' How some people can talk out of both sides of their mouths Mr. President. Did he not remember his two Civic Centres, did he not remember that he and other Members of this House have successfully taken away from the West Bay people the much needed roads in that large, large district. I will continue to answer him Mr. President, I think I have that right. I have the right to say...I know they are coming back to talk about what was done in West Bay. Mr. President, certainly we have had a few roads done, and I do not take credit for all of it, except they want to give me credit for those that they say should not be done, and they take the credit for those they say were done, or should have been done. But, we must remember that West Bay covers a very large land mass, and we have more roads in our district than I would venture to say George Town has. Roads which are in dire need of improvement, and Government must help those people who cannot pay. This was not established by this Government, this was established by the Member for Bodden Town...(INTERRUPTION).

You just behave yourself and listen. You helped to take away our road money though.

They have done it effectively.

What they have now done is to give us out of $232,984 they have given us $52,317. I want to find out where their priority lies. They talk on the one hand about the West Bay Road being such a mess, and on the other hand they take the money and use it on roads leading into the Eastern Districts.

Do not be so hypocritical Mr. President.

MR. PRESIDENT: Order! Order!, You must not accuse me of being hypocritical.

MR. W. McKEEVA BUSH: I am not accusing you Sir, not you.

MR. PRESIDENT: Well I thought you told me not to be so hypocritical.

MR. W. McKEEVA BUSH: Well Mr. President, we must address the Chair in everything we say. If I had said 'they', you would have said 'you are out of order'.

Mr. President, as far as I can determine, I have just browsed through the Plan, it has some things which I can support, it has some things which I will not support.

I cannot see that we are destroying the capitalist system with a Plan, and I believe that if all Members of this House do their bound duty, we will have a Plan that can help this country to move ahead successfully. Every successful country has had some sort of plan, and we must plan too. The trouble we face now is a direct cause of not planning. The trouble we face now is a direct cause of letting bad people into this country. The trouble we face now is a direct cause because we have let our social development lag far behind until it is ready to burst, and we still are here saying we cannot plan, we do not need a Plan.

Mr. President, I have said what I intended to say. What I would urge every Member to do is, once they have agreed to this motion, to come to the Committee and make their points known, take the Plan to the public and let the public have their say on it, that is our bound duty, and if we fail to do that we do not only fail the Caymanian public, but we fail ourselves and we fail our children, because in part, Caymanians will be outnumbered and social deterioration will continue, and continue and continue until not even we who try to keep our families in line, can no longer do it. These are severe matters to think about, and everyone of us have a duty to plan and to say yes to a Plan that is workable for this country.

Mr. President, I thank you, and I trust that you will not feel that I have been rude to your office, to the Chair, but what I have said comes from the heart, and I can do no less.

MR. PRESIDENT: Does any other Member wish to speak? The Honourable Fourth Elected Member of Executive Council.

HON. VASSEL G. JOHNSON: Mr. President, I rise to support the motion by the Honourable Member for North Side, that the Cayman Islands Five-Year Economic Plan 1986 - 1990 be sent to a Select Committee for debate and examination.

Mr. President, to me that was a very simple motion which erupted into something quite large, and I noticed that in the earlier debate a lot of irrelevancies were put into that debate, and strayed into all sorts of past events, some touching on the 1975 Development Plan.

Mr. President, it was said that the Economic Plan which is now coming forward, which has been laid on the Table of this Honourable House this morning, is worse than the 1975 Development Plan, which the public had good graces to reject, and Mr. President, I was the Member in Government responsible for that Plan. I take exception to those remarks about that Plan. In the first place, the 1975 proposed Development Plan was never put to the public. The Plan was being structured by the normal process of Government with adequate advisors, because Mr. President, when we are

dealing with a physical development plan, when we are dealing with an economic plan the substance of these plans are somewhat beyond the technical capacity of local experts, and local technicians. We do need people who are very well qualified in these subjects to guide us along. It was stated that we should not have foreigners here to tell us what the priorities are to go into this Economic Plan. Mr. President, the expert whom we have employed to guide us through the structure of an Economic Plan, is only here to advise this Government, to advise this Parliament of what is necessary to be included in such a Plan, to suggest priorities Mr. President, because you cannot prepare such a Plan unless you have given thought to your priorities. Otherwise you do not need a Plan, you do just as the past Government has done, coast along, tell Public Works to do this, do that, that is enough. If they had had sufficient interest in the country Mr. President, they would not have left an economic plan to be prepared by this Government, it would have been in place from long ago.

Mr. President, back in 1969 we tried too, to put together an Economic Plan which unfortunately was not completed, and as a result, we had to prepare an economic programme, a programme of works, and the first programme was to cover a five-year period, and after the first or second year, that programme was converted into a ten-year programme. Mr. President, that ten-year programme involved a capital expenditure of some $30.0 million. And back in 1969/1972 when this Government talked about $30.0 million, they were talking about a lot of money. Mr. President that programme included water, sewerage, and we have seen coming to fruition those projects. We have just heard of the contract awarded for sewerage on the Seven Mile Beach. We have just heard about a piped water system for George Town, the contract signed just a week ago. Mr. President, all the items of that ten-year economic programme were implemented, except the last two which we are now just doing, the market and the abattoir. Mr. President I am surely glad that we are tackling those two last items of that 1969 Economic Programme, because the Farmers Market and the abattoir are the only alternatives to the successful agricultural development of these islands, if that is to be a successful programme. Because Mr. President, small farmers have complained considerably, they have no outlet for their goods, they farm, they produce and yet there is no market for it. And, we feel sure, we feel confident that on the development of that market and that abattoir, the abattoir to take care of cattle and their products, that agricultural development will move well in these Islands.

Going back to the 1975 Physical Development Plan Mr. President, of which so much was said about in here, that 1975 Plan was never put to the public simply because the Government in its wisdom, decided that the Plan had not yet reached the stage for presentation to the public in 1976, the year of the Election. And so, the decision was taken, and I was the one that put the recommendation to Government which was accepted, that we shelve that 1975 Development Plan, and it was shelved in March of 1976, and the Election was in November of 1976, and so Mr. President, you can judge for yourself who is telling the truth here: the records are there to prove that. In 1977 the new Government went forward and said that they were going to produce a Physical Development Plan, instead, they ended up with a planning statement, far from being a development plan. Mr. President, it takes a good bit of technical ability to put a good plan together, this is what is being objected to. This is why the Economic Plan is going out to the public now as a political ploy, because the next election is not too far away. But let me say this Mr. President, they are not going to meet with the same luck in this one as they did in 1976. In 1976 the Government sat down and did not go to the public and defend their Development Plan. That was an error which they regretted afterwards, because the opposition took it and used it as a political football, a political ploy to overthrow and to unseat the Government in the 1976 Election. I doubt very much that that will happen in 1988, they will have to find something else. Anything that this Government is involved with Mr. President, we are going to be quite sure that the public have their input into it, and that the public's approval is given to it. This Economic Plan has not yet gone to the public as the Member for West Bay has just said. There is a programme by which these presentations are made to the public. We have not yet gone to the public.

When the Plan was laid on the Table this morning by the Honourable Financial Secretary, the First

Official Member of Executive Council, it was the first time that the Plan was being presented to the public, because the public can come here and read that Plan. The next step is to put it to a Select Committee, which I support, for the Committee to go into the details of that Plan, to examine what are really the priorities, and to see whether what the Government has put forward is in keeping with the thinking of this Honourable House, not in keeping with the thinking of individuals. We are not dealing with individualism Mr. President, we are dealing with this Honourable House and with the country, the Cayman Islands. What we are putting forward we put forward thinking it to be in the best interests of the people.

Mr. President, I did not want to belabour at any great length that 1975 Development Plan, but since so much was said about it this morning, I think it is no more that fair for me to defend some parts of it. That 1975 Physical Development Plan which was a draft, an early stage draft too Mr. President, which they made so much of, is today looked upon by any who may read it, I am not talking about the opposition of the 1975/1976, any who may read that plan today, as a well presented document. If their 1977 Planning Statement had had any resemblance to that 1975 Plan, they would have had something of substance.

Mr. President, a statement was made this morning that the Plan we are now putting forward, is pure 'hogwash'. I am afraid that some people might not know the meaning of 'hogwash'. They say it is no good for this country, so why go to the expense of importing an advisor to write something that is pure hogwash, of no good to the country. Mr. President, we must remember that that draft Economic Plan presented here this morning was not a sudden creation of this Government, it was the result of a motion put to this Honourable House, and accepted by a majority of the House. I cannot remember how the voting went, but I am sure it was accepted by a majority of Members here. The presentation here today is just the first attempt at putting such a plan together. How in the world can a Member rise and say that it is pure hogwash? It goes beyond me Mr. President, that is why I said earlier, I do not know if the Member knows the meaning of hogwash, when they relate it to an Economic Plan. Mr. President, neither do I think certain Members are quite aware of why it is necessary to have an Economic Plan, or even a proper Development Plan. No country Mr. President, can progress satisfactorily unless it has some firm guidelines to its physical and economic development, this is the reason why these plans are necessary. It is the reason Mr. President, why a Government must insist on setting these guidelines, to have these plans so that when investors are looking at the development of a country, the first thing they ask is, "Where is your development plan? Where is your physical plan? Where is your economic plan?" And if we say that we do not have one, then they gaze in space and wonder how a country can expect to develop without those plans. They go to the libraries, they start searching to see what they can find there to satisfy their curiosity that the country is not developing in an ad hoc manner.

Any country that is going to develop sensibly must seek a guideline to its development. Mr. President, this Economic Plan is certainly a guideline to that development from the economic improvement side of the country. It not only projects the priorities; and these priorities Mr. President, are not permanently standing priorities. You heard the Honourable Member presenting this document this morning, say this, that after two years this Plan will have to be reexamined, and it will almost automatically be extended into a Seven-Year Plan instead of a Five-Year Plan. It means that as time progresses, these priorities have to be reexamined, priority of today might not be priority of tomorrow, because time changes everything.

Mr. President, they spoke too about their Capital Expenditure of some $16.0 million. That is quite true, it is a matter of what you can do today to justify that large expenditure. They talked about the average expenditure, that is, Capital Expenditure of this Government over the past two years, as being $8.0 million per year. Mr. President, there has got to be discipline in all the things that we do. What we see of an Economic Plan is that it sets certain controls over the things that we do, because in that Plan we are dealing with our priorities. We are not saying to Public Works, go and do what you feel like doing. We are

saying to Public Works, here is a Plan, this is what we wish to do in 1987, 1988, 1989, 1990, 1991 it is laid out there. If these priorities have to be changed, it is change by policies of Government. The direction to Public Works is to do what the policies of Government are, not to do its own thing as they were talking about this morning.

Mr. President I think it is quite clear to the majority of Members of this Honourable House, that there is a dire need for an Economic Plan, otherwise it would not have come forward. We have been talking about an Economic Plan from twenty years ago. Thank goodness this has been the first time that a genuine attempt has been made in producing one, and I support it one hundred percent. It is a very acceptable document as a guideline to the future capital development of these Islands.

Mr. President, I might as well again say this, that the shopping lists contained in this Plan are not the subjects that have been recommended by the Economic Advisor. He can show you Mr. President, documents of proposals and recommendations made to him by all the departments of this Government, consisting of technical and administrative personnel of the departments of this Government. He is just here as a guide to show us how the Plan is to be presented, and in what form, but the shopping list is a shopping list produced by the Cayman Islands itself. He is not here to tell us what is priority and what is not priority. He is here to accept what Caymanians recommend to him to be priorities in that Plan, and I think Mr. President, that when this Honourable House has examined that document, they will see a lot of wisdom in the list of priorities that have been put forward. They might not all be acceptable. I mean, it is not a finished document Mr. President, it is the first draft of an Economic Plan. We do not all think alike, we have our likes and dislikes. The thing is Mr. President, that anything that is of national importance in this country, must be dealt with by all the representatives of the people as a body, to determine what is in the best interests of the people and the country, not what is in the best interest of individuals, or the opposition. The opposition consists of Members who are the peoples' representatives, and we wonder sometimes whether they are quite aware of their position.

MR. D. EZZARD MILLER: They have all gone for lunch now.

MR. VASSEL G. JOHNSON: (LAUGHTER)....Mr. President, I do not intend to monopolise the whole day, but I wanted to just defend that 1975 Plan. I will invite you to read it Mr. President, and if you think it is not a good Plan, do not let the opposition stay there and try to convince you otherwise.

Mr. President, the motion that is before us is quite a simple motion. I, as a Member of Government accept it, and I am sure that this Honourable House will accept it. We have to sit down and listen to the opposing team, because that is their job, whether they go too far in what they do, you warn them quite a lot of irrelevancies. Anyhow Mr. President, I just wanted to say a few things about the Economic Plan and I wish it every success. I hope that during the early part of next year, that it will come forward as a finished, polished and acceptable document to this Honourable House, and also to the country. Thank you Sir.

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

HON. BENSON O. EBANKS: Yes Mr. President.

I would like to offer my contribution to this debate Sir. The Second Elected Member for Bodden Town mentioned my discomfort at his speaking, and Mr. President, I admit that whenever the time of this House is being wasted, I am uncomfortable. And whenever the time of this House is being wasted, the people's money is being wasted. The procedure suggested by the Honourable First Official Member this morning could quite easily in my opinion have been followed. Standing Order 73 which constitutes the Finance Committee, states quite clearly that there shall be a Standing Select Committee to be styled a Finance Committee, for the consideration of the Estimates of Expenditure, financial bills and other business referred to it by the House or by the Governor. Mr. President, the Standing Orders that are enumerated, dealing with the Finance Committee, in my opinion, relate to when that Committee is

dealing with the Appropriation Bill or Supplementary Expenditure. It would have been no problem to have the Plan brought back from that Committee, acting on the Plan, and not on the estimates of expenditure. Further, Mr. President, I believe that the debate on the motion now before the House, has strayed too far from the subject, and we should have been out of here long ago. But Mr. President, it might be a little while now before we get out.

I can understand Mr. President, the confusion of the Second Elected Member for Bodden Town, with this Economic Development Plan. This Plan deals not with the private sector Mr. President, as is done in communist and socialist countries, but it deals with Governments' infrastructure, to enable the private sector to plan and move accordingly. But Mr. President, the problem with that Member is that for eight years, it was difficult to determine where the private and public sectors began and ended, the two were so closely intertwined. In fact, Mr. President, there was a period of several years when one of the Portfolios of Government had its Member sitting in private offices outside the Administration Building, and it is my understanding Mr. President, that you had to be clever to get any Government business done there. Mr. President, what has surprised me about the arguments of this Member, is the fact that he is in fact in the business of selling plans every day of his life. The purchase of insurance is economic planning by individuals, and that is how he makes his livelihood, and yet he comes here to say that when a country sets out to develop an Economic Plan, it is communistic strategy.

Mr. President, I believe, it is well known that all good businesses, all successful individuals and all successful Governments make economic plans. Without them one is doomed to failure, so is any country that goes on without an economic plan. Perhaps, Mr. President, if some planning had gone into education in the past, we might not now be so worried about where the labour force would come from for the two new hotels that are on stream. Had we been honest with our people and offered them an education in areas where there were employment opportunities, we would not be in as precarious a position as we are in today. For example, if instead of dressing up our youth in uniforms and sending them to a navigation school when the shipping fleets of the world have been put in mothballs, had we instead, been educating our people to handle the small boats to work in the dive industry, we might not have such a disproportionate number of expatriates working in that field today, with Caymanians basically nonexistent.

Mr. President, reference was made to the difference between what was spent and what was budgeted in 1985 and 1986. That, Mr. President, was a direct result of a lack of forward planning by the previous Government. They had the plans for infrastructure on the board, but there was no priority and no finance was in place. But, Mr. President, this year or in 1987, because we have now had time to put some plans and movements together, we estimate to spend $14.0 million in capital expenditure, and at the end of the day Mr. President, I hope we will have something to show for it. It was said that in 1984 $18.0 million was spent in capital development, and other than the airport Mr. President, there is not very much to see from it. There was quite a bit of land transaction going on, we all know about that. But Mr. President, that $18.0 did not save the Member in 1984, and all the ranting and raving that he is doing now, will not help him in 1988. The people of this country know that this Government is a stable Government, that it is not going to do anything rash, and that we are not afraid to put our cards on the table and let the public have a look at them. The Members' opposition to this Plan Mr. President, will get about as far as his petition on the Treaty that he talked about.

Mr. President, for the records, this Government has made steady progress as the estimates will disclose. There has been a steady increase in revenue from 1985 to that projected in 1987, and for the records Mr. President, the actual receipts excluding loans in 1985 were some $54.0 million, and it is projected next year at $64.0 million, having been revised this year at $61.0 million, so that is not a bad performance Mr. President, having taken over from a Government that was operating a stagnant economy, one that was going down.

Mr. President, planning is essential. If the Member had practised some planning Mr. President, of priorities, maybe the Civic Centres, the three that were built

during his time in office that have not been used, a total aggregate of ten times, they might have given priority Mr. President, to the road in his district which he is clammering to get 90 percent of our money for this year. Mr. President, while I am on Civic Centres, and it was brought in, I should make the record clear that I did not say to any answer in this House that if the Civic Centre was for West Bay it would be given priority. What I said was, that if a Civic Centre is to be built, the one in West Bay will have priority, because West Bay needs it the most, and that is a fact, and I do not run from that Mr. President, and that is the way it is going to be as long as I sit in this chair. Mr. President, on the question of Civic Centres, I should make it clear that contrary to what the Second Elected Member for George Town said in his Budget Debate, I did not accept his motion for a Civic Centre unreservedly. I have the Hansard of the meeting at which that motion was passed in my hand Mr. President, and it will prove that I named many needs which in my opinion, took priority over the Civic Centre. I named indigent housing, a residential home for mental cases and indigent persons who are either genetically afflicted or afflicted by drug and alcohol abuse. I mentioned the residential school, so that we did not have to send our children off to Approved Schools in Jamaica. I mentioned the Remand Centre, and last but not least, I mentioned the premises for the Community College and I summed up what I was saying in this way:

> "I would like to make it clear that in accepting the motion and in supporting it I am not saying categorically that this will find its way into the estimates for 1988. What I am saying is, that it will be considered amongst all the other needs, and together, hopefully, it will be allocated its rightful priority in the many demands which will be made in that Budget."

So Mr. President, I did not accept the motion categorically, and I do not consider that I have been in anyway less than honest with my undertaking, and as I have said, as long as I sit in this chair, this is the way it will go. I believe that we must put priorities right, and this is what I hope that plan is all about.

Mr. President, you know, it is amazing that into a debate such as this, people should try to upset and worry the population about the introduction of property taxes. There are other ways and means of financing projects Mr. President, and I am sure this is well known. I am sure the general public understand that, if there were any intention of introducing property tax, it would be said and not sprung on them out of the back pocket like some bills were during other administrations.

Mention was made Mr. President, of countries like Cuba, Guyana and Poland who had embraced the Russian philosophy. If my memory serves me correctly Mr. President, we were about to embrace the Russian philosophy via Cuba in the late 1970's, when Russian officials visited this country on one occasion and were slated to come back ostensibly to show us how to develop our diving industry. That was about the same time they moved into Grenada and Jamaica Mr. President, and it was only the vigilance of the public that prevented the second visit. I believe that some outspoken people made them know during their first visit that they were not welcome as well. So, the country need not worry about this Government embracing Russia or Cuba Mr. President. We believe in the capitalist system. This Government is made up entirely of capitalists. What we believe Mr. President, is, that Government must put in the infrastructure to enable the private sector to develop the country, but particularly in a service oriented economy as we have, it would be shortsighted if we did not plan for the future, to provide the services which any development in the country will need. It has been acknowledged Mr. President, that the Plan will have to be reviewed and changed from time to time, and so do all Plans. All plans are but plans, and they must be changed in the light of changing circumstances, but Mr. President, that does not say that you must not plan. At least we know where we want to go. If the tide and wind change, well then we might have to correct our course, but if we do not know from where we have come and where we want to go, and where we have reached, we will not be able to set a course nor will we be able to correct one.

Unfortunately Mr. President, that is how the country was run for eight years. Every light that

shone on the horizon, they would attack believing that that was the lighthouse they were steering for. Good navigators do not do that Mr. President, they know where they are, and they know the characteristics of the light that they are steering towards.

There has been mention made Mr. President, about an anti-growth attitude. Mr. President, I do not believe that to be the philosophy of this Government. What this Government believes in is growth at a pace that we can service, a rate of growth that will preserve development for Caymanians. Mr. President, anyone who does not believe that that is a philosophy that should be carefully adhered to, have a rude awakening coming.

The West Bay Road is a good example Mr. President, of growth without planning. From 1975 there were plans afoot to ease the traffic on that road, and what has happened, it has been built up and built up along it until it is now a death trap, and one wonders whether in fact anything substantial and significant can be done to improve it. The same thing is true of the for the Eastern District roads, they were not touched. I guess as the Member said, there were no votes in building those roads.

As I have said Mr. President, this motion to me as far as I am concerned, is unnecessary, and not only is it unnecessary, but I feel that even if it is passed it will be useless. The procedure suggested by the Honourable First Official Member was a sensible procedure, because if this Committee is established today Mr. President, the Committee will have to work and report by the 31st December, or the Committee dies with the House, and that is what I hope will happen to it, so that the Plan can in fact go to the Finance Committee and be brought back and debated intelligently after it has been completed and thoroughly examined in the Committee.

It is my view Mr. President, that all of these attempts at filibustering is but a ploy to prevent Members on this side of the House from getting on with their business, the business of running the Government, but that will go on Mr. President, regardless of how long we have to stay in here, and as I said before, I do not intend to make the mistake I made in 1975 and 1976. I intend to give as good as I get, and of course, I can always take it Mr. President. My record speaks for itself, and I am prepared to stand on that any day.

Mr. President, it is amazing how so many things could get into this debate. I think it was even said that we managed to end up in 1986 with a surplus by borrowing money to provide it. I would just like to point out Mr. President, that in the 1986 Estimates, the approved revenue figure was $69.8 million, it was revised at $65.8 million, roughly a $4.0 million difference Mr. President. The loan revenue included in that Mr. President, was $9,507,000 revised at $4,375,000 or a difference of $5,132,000 which, is an indication Mr. President, that other aspects of revenue performed better by $1.137 million than budgeted. So, I do not know where the mathematicians get their figures from Mr. President, but surplus certainly did not come from loans.

I support this motion Mr. President, if it is the only way of disposing of the business before the House, and I must still say that I think it is the wrong way to have gone at getting this plan before the House, but if this is the solution to a ticklish problem, I am always prepared to go along with it Mr. President.

MR. PRESIDENT: The Honourable Third Elected Member of Executive Council.

HON. CAPT. CHARLES L. KIRKCONNELL: Mr. President, it was not my intention to speak on this motion, but since so much has been said and so many misleading things have gone out over the air, particularly to the people who do not know any different, I will try to clear up a few of these areas.

After Sir, the motion was passed by this House, no time was lost to get a consultant from BESO. This gentleman is not a person who was taken at random, he is a consultant that we obtained through BESO. He is an experienced, well educated and a dedicated person to his job, and I personally have

every confidence in what he has done. I also believe Mr. President, that our Financial Secretary, the Honourable First Official Member, made it clear to Members of this House that it was not Government's intention to put the Plan before the House today and for them to accept it as it is. He made it abundantly clear that each Member of this House would have the opportunity to go through this Plan thoroughly, to criticise it, to add or subtract from it, and to take it to their people and discuss it, and to find out if they would get the approval of their people. I think this is something that has been overlooked, and it has been said that this Government's intention was to ram it down the throats of our people, nothing could be further from the truth Mr. President.

We have seen previous Governments operate from crisis to crisis, and the reason why they operated from crisis to crisis Mr. President, was because there was no Plan. We saw the need for a Plan, and although it was brought in by the backbenchers, we thought it was an excellent idea, we supported it and today I am thankful to say, we have the plan before us, maybe it is not one hundred percent, but each and every one of us will have the opportunity to reject or accept what portion of it that we think is appropriate.

A country without a Plan Mr. President, is like a ship on the ocean without a rudder, it just goes round and round and it has no destination. I think it is extremely important for us to have a Plan, and I am thankful that we now have a basis for a Five-Year Economic Development Plan. It is my intention Mr. President, to take this to my people, to photocopy the areas that will affect them, to discuss it thoroughly with them and get their input, and this I will be bringing back to the Committee. I do not believe Mr. President, that it is fair in any sense of the word, to compare the 1975 Development Plan with the current Economic Development Plan which has been placed on the Table of this Honourable House today.

The last Government, I believe Mr. President, they failed miserably because they could not tell or show the people the direction in which the country was heading. We have tried our utmost to correct this error, and to let the people of this country and the foreign investors know that we do have a Plan, and that the country has got a future. Mr. President, I can only sing the praises of the Plan. I have gone through the Plan section by section, I think it is well done, and I believe that when all Members of this House have had the opportunity to study this thoroughly, they will agree and support it.

Thank you Mr. President.

MR. PRESIDENT: The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, perhaps we can go back to the beginning of trying to lay this Economic Plan on the Table. In trying to decide on what procedure should be followed, and my recommendation to this Honourable House, I was mindful of Standing Order 77(1) which reads: "that the life of a Standing Select Committee shall end with the term of the House", and I was also mindful Mr. President of Standing Order 72(1) which requires that the Select Committee would report back to this Session before it ends. It was my view Mr. President, that under Standing Order 73(1),that although traditionally Finance Committee deals mainly with the Appropriation Law and the Supplementary Expenditure, that other business such as this one, as set out in Standing Order 73(1), could be referred to the Finance Committee, and certainly Mr. President, a document such as we have on the Table today, cannot really be examined by a Select Committee, and reported back to this House with a meaningful report. That is the reason Mr. President, why I suggested that the report be laid on the Table and be discussed, page by page, chapter by chapter in the coming year so as to enable Honourable Members to be more acquainted with its contents, in order for them to discuss it if they so wish, with their constituents. And Mr. President, I still believe that that is perhaps the better procedure to follow in this case, and I rise only to make that brief statement.

MR. PRESIDENT: The Honourable Second Official Member.

HON. MICHAEL J. BRADLEY: Mr. President Sir, I hope the

Chair will not rule me out of order if I speak actually to the terms of the motion, because it seems to be a sine qua non today, that anything but the motion in front of this Honourable House may be debated.

MR. D. EZZARD MILLER: As long as you do not mind me replying to all that has been said.

MR. PRESIDENT: Order! Order!.

HON. MICHAEL J. BRADLEY: Mr. President Sir, could I bring to the attention of Members of this Honourable House that under Standing Order 72(1) there is a specific requirement that "every Select Committee shall, before the end of the Session in which it was appointed, make a report to the House upon matters referred to it and where a Committee finds itself unable to conclude its investigation before the end of the Session, it shall so report to the House". This Session I understand Sir, is in its final items of business, and that shortly after this House rises from the present Meeting it will be prorogued and the next item will be the Speech from the Throne early in 1987. That, being so Sir, I think it would be wasteful of the House's time and Members' time if, with respect to the mover of the motion and the seconder, this motion to refer this matter to a Select Committee was passed today. The effect of that would be, that the Select Committee would meet, and I do not think, no matter how industrious it was, it would be able to conclude its investigations on so serious and lengthy a topic before the end of the Session, so therefore it would have to make a report to the House that it was unable to conclude its investigation, and this House could not recess until that report had been presented. I think on the practicalities of the matter Sir, that the timing of the motion, not withstanding its merits or demerits, are such that it would be serving no useful purpose at this present time, and I think with respect, that the procedure adopted and suggested by the Honourable First Official Member of, in due course, early in the year referring it to Finance Committee is perhaps the best and most appropriate way of dealing with it.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak? Would the mover like to exercise his right of reply?

MR. D. EZZARD MILLER: Yes Sir.

Mr. President, it is unfortunate that every time I move a motion we open a can of worms. You know what is said about a can of worms, any time you open a can you are going to need a bigger can to put them in, because Sir, earlier on this year on a motion that I moved, we went to Boston, but I believe today we went around the globe and way back into history. But, some of it was good discussion, because I now fully understand why the Second Elected Member for Bodden Town seconded the motion. He had me worried at first when he started to speak in opposition to the motion as his colleague from my constituency whom I replaced, used to do on most occasions, move it and speak against it, but it gave him the opportunity to deliver his Budget Address. Because you see Mr. President, unlike me, some Members in this Assembly, have to wait to hear what other people are going to say, in order to deliver their speech, so that they can argue rather than have open constructive debates.

But Mr. President, a lot was said about the dangers of planning, and all the pessimism in planning, but that again, is understandable coming from the Second Elected Member for Bodden Town.

I was reminded by the Honourable First Elected Member of Executive Council that the Second Elected Member for Bodden Town sells life insurance plans for a livelihood, and most of those life insurance plans you see Sir, talk about death, doom, destruction, loss of limb, loss of income, loss of family members, loss of your house, economic destruction, so you can well understand that the Member feels that with any form of sound economic plan by Government, you are going to have to deal with the same elements, it is not the case Sir. I would challenge that Member Sir, to show me any book, any managerial authority written by any author in the free world on the capitalist society that does not name planning as its most important aspect of management.

But we can understand their opposition to the plan, because we well can remember the ad hoc experiences of Government, the ad hoc awards of contracts, the ad hoc awards of developing areas of the country during the 1976 to 1984 administration. After all, I believe they whisked through a total of $300 million plus during those eight years, and all we really have are three civic centres, one Airport that has already just about outlived its usefulness, and a Trilander that is grounded. So, maybe when they get back in power they will have learnt their lesson about proper planning. And Mr. President, the Economic Plan which has been laid on the Table today, has revealed a lot of useful information. There are some very important statistics in it, some startling statistics which have already been mentioned by other Members. But, it is not as the main opposer of the Plan , the Second Elected Member for Bodden Town would have the public believe, it is not a stagnant Plan, it is a dynamic Plan, a Plan that can be changed if the needs change. It is not based on any Russian or communist concept, it is based on sound business principles, capitalist oriented. It is going to deal with a lot of the social needs of the country. It is going to deal with the projected infrastructural needs of the country, and Mr. President, the fact of the matter is that Government must have a Plan. Mr. President, people do not plan to fail, they simply fail to plan, and if we had had a Plan in this country from 1976 to 1984, the great years of feast in this country, we would have been in a much better position today.

This Economic Plan will in no way cripple or curtail development. I believe it will enhance it, and Mr. President, you know, as I sit here and listen to the irrelevancies in the debate, I ask myself a question, why did the United Nations Decolonisation Committee issue a statement on the Cayman Islands lately? Was it because the Unity Team delivered their petition to overthrow the Government, as some Members threatened in some public meetings? Was that what prompted them to believe that we needed.....I will give way if you want.

MR. G. HAIG BODDEN: They heard about your meetings.

MR. D. EZZARD MILLER: No, no. I have it on tape Sir, from that Member of the Unity Team who is sometimes in and sometimes out, the Second Elected Member for George Town, the only one who goes to North Side at night, and I can prove that. They were going to send it to the United Nations, because they did not believe they were going to get justice from Sir Geoffrey Howe. The timing is just too coincidental Sir, so I would just like the people of this country to bare that in mind, and also remember who was in power when that same Committee came here before, about forcing England to give us independence. But you know Mr. President, the greatest pity in all of this is that today is not Thursday, because if today was Thursday, the Second Elected Member for George Town would have been at Rotary, and we all would have been finished with the business and gone, because when we did this motion in March 1985, the Member did not debate it, he went to Rotary. So if this motion, this Plan was such an awful God forsaken thing for this country, if it was going to bring such destruction to this country, if it was going to cripple the economy, the Member could not miss one meeting of Rotary to tell the people so at the time, because there was a Division, and although there were no 'Noes' the Member's name is not recorded in the Division. The Member voting were, and I quote:

"AYES 9 NOES 0

Hon. Michael Bradley
Hon. Thomas Jefferson
Hon. Benson Ebanks
Hon. Norman Bodden
Hon. Capt. Charles Kirkconnell
Mr. McKeeva Bush
Capt. Mabry Kirkconnell
Mr. D. Ezzard Miller
Mr. John McLean"

The Member was not here Sir, he went to Rotary. It could not have been that bad Sir, because if it were that bad Sir, I believe that he has enough interest in the country, I do not believe he is that disinterested, he would have stayed here to have his piece on it, but he knows deep down you see Sir, in his Christian soul that this Economic Plan is a good thing for

this country, it is what it has needed for a long time, and he did not want to have to support it. So, I am glad that we moved the motion this morning, and he got his chance to get his little politicking in, and make the people out there say they will vote for him in 1988 again, because he is a good old fellow. I might not be here in 1988, but I hope he gets back, because he is definitely a career politician Sir.

But do you know why this country does not have a Five-Year Plan Sir, because once we have it, it is going to put discipline into the budgetary process of this country. It is going to identify the needs, it is going to identify the areas in which we have to make improvements, how we are going to fund those issues etcetera, etcetera.

But Mr. President, in listening to the debate, I may have erred in moving the motion to send it to a Select Committee for two reasons. Firstly, I will agree with the Honourable First Official Member of Government that it is going to be very difficult to deal with this document, and make a report before the 31st December, because unlike some Members you know Sir, I have read the complete document, and I am ready to deal with it, but it is a very comprehensive document; and secondly Sir, I also realise that if we send it to a Select Committee we are bound by secrecy, and we will not be able to discuss it as much as I would like to discuss it with the public, and I believe that it is a document which needs to be discussed extensively with the public. I would like to have public meetings on it.

So, Mr. President, after all of the exercise and all of the verboseness, I have had a change of heart Sir. I remember that there was one Member in here from the Lesser Islands who once said that there were only two people who could not change their minds, and they were a damn fool and a dead person. I do not consider myself either of those. So I have had a change in mind, Sir. I am going to withdraw my motion and accept the commitment from the Honourable First Official Member, that we are going to meet next year, discuss it, put it out for public discussion, and bring back the final document as a document to be accepted by the Legislative Assembly, and then we will get another chance, and my good friend the Second Elected Member for Bodden Town will have had two shots at the duck Sir, and in case he refuses to speak on the Throne Speech, he will get a chance to deliver that on the acceptance of the Economic Plan. So, I withdraw the motion to send it to Select Committee, and go along with the Honourable First Official Member's recommendation.

Thank you Sir.

HON. MICHAEL J. BRADLEY: 25(6) Sir. 25(6).

MR. PRESIDENT: Yes, oh, I have got 24(14)...25(6). No, that is an amendment 25(6). 24(14) I think, "a motion may be withdrawn with the leave of the House". Does that mean that the House has to vote on whether the motion may be withdrawn?

MR. D. EZZARD MILLER: Yes Sir.

STANDING ORDER 24(14)

MR. PRESIDENT: I think I probably have to put the question, may the motion be withdrawn, that would be my understanding of it, subject to what any Member says.

In that case I will put the question that the motion be withdrawn.

QUESTION PUT: AGREED BY MAJORITY.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN VOTED AGAINST.

I think the Ayes have it. In that case I declare that leave is granted for the motion to be withdrawn, and it is withdrawn, and we can pass on to the next item which is another Report to be laid. The Honourable First Official Member.

REPORT OF THE STANDING BUSINESS COMMITTEE

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on

the Table of this Honourable House the Report of the Standing Business Committee.

The Committee held two meetings during the Session on the 13th and the 26th November, and there was one recommendation which warrants repeating Mr. President, and that the Business Committee pursuant to a motion, agreed to unanimously recommend that it, the Business Committee, set down the order of speakers for debate for all future Throne and Budget Addresses upon consultation with the Members, prior to each Meeting. Thank you Mr. President.

Mr. President if I may, a correction to the Minute of 26th November, thanks to my Honourable learned Second Official Member. The Members present were:

Mr. W. McKeeva Bush
Mr. D. Ezzard Miller
Capt. Mabry S. Kirkconnell
and myself as Chairman.

MR. PRESIDENT: So ordered that the Report be laid. Perhaps, I should for the benefit of the House, make clear my own view in respect of the particular recommendation about setting down the order of speakers for debate. I am in entire sympathy with what I believe to be the objective of the Business Committee, because I do not think that it is good for the dignity of the House that there should be long pauses when I try in vainly to catch the eye of a Member, and to persuade somebody to speak, either in the debate on the Budget Address or in the debate on the Throne Speech. Yet, that said, unless the consultation which the Business Committee contemplated, resulted in general agreement amongst Members that an order of speaking be set down, I really do not think it would be proper for me to be bound by whatever order the Business Committee had set. That is to say, I do not think I could preclude a Member from speaking if he wished to speak, just because the Business Committee had, against his wishes, set him down to speak at a particular time, and I think if the Business Committee is going to be able to do it without agreement with Members, then there has got to be an amendment to Standing Orders. But provided all Members will agree on consultation, then I think it would be greatly to the advantage of the House.

MR. G. HAIG BODDEN: Mr. President, although this is not the proper time to say it, I would just like to say that I could never agree with such a wild suggestion. If Members want to volunteer to speak, well that is fine. They can let the Business Committee know, and.....

MR. PRESIDENT: Well, I have made my position...

MR. G. HAIG BODDEN: ....But I agree with you Sir.

MR. PRESIDENT: I mean, I have made my position plain that unless Standing Orders are amended to empower the Business Committee to give directions in something like that, although I would hope that agreement of Members could be reached to avoid the kind of passes from which we have suffered. I could not enforce a wish of the Business Committee against the wish of an individual Member.

Item 2(iii), the Honourable First Official Member.

GOVERNMENT MINUTE TO THE 1986 PAC REPORT ON THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1985.

HON. THOMAS C. JEFFERSON: Mr. President, in accordance with the requirements of Standing Order 74(7) the Government Minute is hereby submitted.

The Minute, as all Honourable Members are aware, forms the basis of the Government's response relative to the recommendations and comments contained in the Public Accounts Committee Report on the Auditor General's Report on the Accounts of the Government for the year ended 31st December, 1985. And with your permission Sir, I would like to read the response.

RECOMMENDATIONS

PUBLIC FINANCE AND AUDIT LAW
The recommendations for the implementation of the above Law and accompanying Regulations by the Government on 1st January, 1987 accords with the planned implementation date, and is therefore accepted. However, to be sure that the intended operational objectives are achieved, short training courses are presently being conducted by the Public Finance and Audit Advisor in order to ensure that all departmental accounting officers are conversant especially with the requirements of the Regulations. Therefore, although the Regulations will be introduced as of 1st January, it is to be noted that not all aspects of its provision will become effective before 1st January, 1988. It is projected that by this date all the required training will have been completed with provisions for the relevant changes to be made within the formating of the Estimates and other relevant accounting records.

TOTAL REVENUE BALANCE
The views of the Auditor General and the Public Accounts Committee are accepted with respect to the assets representation of Revenue balance of $5,063,682.86 as at 31st December, 1985. However, the misconception that this balance should at all times be represented by recoverable and realizable assets should be avoided. Although the Government Minute on the 1984 Accounts gave the assurance that only recoverable sums would be placed against Advances, a subsequent review of this undertaking has proved otherwise. Within the Government scheme of accounting, an advance account is always used as a holding account for aggregating short term and pending recoverable sums which are to await the occurrence of a decision to enable reclassification, or writing off in a subsequent accounting period. Therefore, to account for such items otherwise will require modification in the presentation of existing financial statements and in this regard the advice of the Accounts and Audit Advisor will be sought for effecting desired changes.

OVERDRAFT
The acceptance of this recommendation is reaffirmed. However, while efforts will be made to avoid exceeding the $4.5 million ceiling approved by Finance Committee for 1986, the same could not have been done for 1985. The Committee is aware that Government's fiscal policy demands that all departmental expenditure relevant to any year be brought to account within the accounting period of that year. The Treasury was therefore instructed to ensure such compliance to avoid a carry-over of 1985 committed expenditure into 1986. This resulted in the $3.5 million ceiling approved for 1985 being slightly exceeded.

TOWER BUILDING LOAN
While it is agreed that the deposits held as security are immobilized during the currency of this Loan, I would differ as to the marginal one percent excess interest cost being the prime consideration for the immediate paying-off of this Loan. The essential consideration to be examined in this regard is that at the expiration of the Loan the Government will still have these deposits and accumulated interest as part of its general reserves.

As stated earlier, while it would seem that the immediate expense should provide the reason for the offsetting of this Loan, there is no guarantee, even with the best financial management, that such reserves will be replaced at the end of the loan period.

It should be noted that the Public Debt balance, inclusive of the Tower Loan, amounted to $11,019,884.40 as at 31st December, 1985. The Tower Loan, like all other loans, could have been obtained on the basis of this Government's deserved reputation for its sound financial management. On this basis, with the loan being unsecured, this would have resulted in an excess over the existing interest cost, and therefore the tying of the Loan to the deposits

was intended to reduce such cost and achieve maximum benefits from the deposits.

STUDENT LOANS
The situation with regard to Student Loans continues to remain inconclusive. Although a list of all such loans made to date has been developed, the terms and conditions of repayment relative to these loans are yet to be agreed upon. Following a ruling by the Financial Secretary, the Chief Education Officer will be responsible for ensuring the commencing of repayments and the introduction of the required system for ensuring accountability and the monitoring of ongoing repayments.

PROPERTY VESTED IN THE PORT AUTHORITY
This recommendation is accepted and the assistance of the Chief Engineer, P.W.D., has been requested for carrying out the valuation. Following the appraisal, if the value derived proves in excess of the initial estimate of $1.25 million appearing in the accounts, such excess will be treated as an interest-free loan, and recoverable on the same terms as those which were prescribed in respect of the George Town Port."

MR. PRESIDENT: If I may interrupt you for a moment. I am told there is only about one minute left on the tape, which will need to be changed. I think that since we did not break for lunch, we perhaps deserve a few minutes break now. I do not know whether Members would be content lets say to take ten minutes suspension while the tape is closed, and it would give us a chance to...

AT 3:25 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:43 P.M.

MR. PRESIDENT: Please be seated.
The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, before we took the break I had reached the Treasury Department; Government's response to the Public Accounts Committee and Auditor General's Report on the Treasury Department:

"TREASURY
A complete restructuring of the Treasury is being planned for 1987 with the creation of four senior posts which will be titled 'Senior Treasury Accountants'. Two of these posts will be assigned the responsibilities of ensuring the efficient day to day running of the Treasury, with timely collection of revenue, expenditure accountability and prompt disbursements being prioritized.

Of the two remaining posts, one will provide for the appointment of a training officer who will provide on-the-job training of Treasury staff, firstly and finally to encompass the accounting staff in all other departments. The other post will provide for the establishment of an internal audit function for ensuring the continuous examination of all aspects of accounting activities within the Treasury.

Postings to subsidiary ledgers are now being done on a regular basis, with balances extracted at the end of each month. The Immigration Register is still in arrears due to the backlog and vast volumes of entries. However, an attempt is now being made to post and balance this Register so that it can be maintained on a daily basis.

Bank reconciliations are now being done on a regular basis. With the exception of the CI$ current account which has been reconciled to 30th June of this year, all outstanding items have been identified and incorporated as necessary within the Government accounts.

PERSONAL TAXES
The requirements of this recommendation were complied with, and at a meeting of Finance Committee held on 11th September of this year, the approval for a waiver of all personal tax arrears was granted.

COMPUTER SERVICES
The Department of Finance is in agreement with the Public Accounts Committee that the Computer Services have presented a lengthy time scale for the development of computer systems for Government. However, it should be noted that they are planning to cover all aspects of government's activities everywhere with one organisation. In many larger governments, each of the major departments or ministries would have their own computer services department with staff, computer centres, equipment and software. It is the belief of this Government that economies of scale can be achieved by providing the service through one centrally controlled group that is overseen by the Computer Steering Committee to ensure that the priorities are given to the most urgent or beneficial systems. Even though the volumes are less than with other governments, the complexities still remain.

Designing and implementing computer systems requires more than having the equipment installed and software written, whether in-house or from a third party source. Implementation is dependent upon the skill levels within the departments. These include the management skills to know what is required for a computer system and the ability of staff to use the systems effectively. Proper manual procedures must be developed in conjunction with the computer system and staff trained in following those procedures. Fortunately or unfortunately, depending upon one's point of view, computerisation requires disciplined users. No longer can one bypass the normal procedure to handle something in a one-off manner. Much time in designing and implementing a system is taken up with such matters and getting full agreement from all users of the system on the procedures to be followed.

In reference to computer expertise, both locally and overseas, it should be noted that the four managers within Computer Services have a combined total of 66 years of data processing experience in both the commercial and public sectors. From BESO, Government obtained the services of a computer advisor with over 20 years data processing experience, to assist in defining the role of Computer Services. In addition, on staff for two years, is an Accounts and Audit Advisor with over 40 years accounting experience, to assist while major computer systems are being developed for the financial areas of Government. At the time of this writing, a request has been made to UNDP to determine if they have someone versed in both VAX systems and Government accounts. The intent is that if they can locate someone with this combination of skills, they would review the programme and advise of any areas which could be improved upon.

It is difficult to compare Government's installation with any other in the Cayman Islands. There is a wide range of expertise in-house in both the software and operations areas which is normally available to local firms only through their headquarters and distributed to their branches locally. Much of the development that is done locally is at the microcomputer level which does not require the same type of expertise as higher volume, multiple user systems.

COMPANIES REGISTRY
The Committee's recommendation on this subject is accepted, but it should be pointed out that each year the Companies Registry experiences many problems in collecting the various annual fees on registered companies. The present legislation gives the Registrar no more power than to impose a late filing fee which is very ineffective if

the company is not paying its annual fees or, alternatively, the Registrar may strike the company from the Register after giving notice. Resorting to striking the company from the Register does not, however, solve the problem of outstanding fees.

Since placing the Companies Registry on the computer it has become possible to better monitor companies in arrears, and where companies which are in arrears have not been struck from the Register, this can be attributed to the Registrar's decision at various times and for various reasons not to resort to this action.

Where possible, however, commencing in January, 1987 the recommendation for the striking off of companies which have fallen into arrears by more than 12 months will be complied with.

CUSTOMS DUTIES
This recommendation is accepted. Procedures designed to expedite the collection of import duties have now been brought into operation and checks are being carried out to ensure the adequacy of deposits or bonds before goods are released.

It is also envisaged that these procedures will allow for a reasonable assessment of duties outstanding to be made as and when required.

CUSTOMS OVERTIME
the Department of Finance, like the Auditor General and The Public Accounts Committee, is very much concerned over the extent of the overtime which is being paid. In addressing this issue with the Collector of Customs, a partial two-shift system was introduced earlier this year in an attempt to obtain modifications in the amount of overtime being worked. In addition, proposals for increasing the existing staff complement are contained in the 1987 Budget which will provide for the implementation of a proper shift system and a substantial reduction in overtime payment.

POLICE - LICENSING DEPARTMENT
This recommendation is accepted. By way of additional information, at a meeting of the Computer Steering Committee, held on 9th October, a 'Feasibility Study' prepared by the Computer Section was tabled and accepted. The 'Study' concluded with the recommendations for the Police Licences application to be redeveloped for implementation on the Government's central computer, and that the project would be assigned priority to start in January, 1987.

POLICE WELFARE FUND
According to the Commissioner of Police, delays in providing the Honorary Auditor with information arose because the previous Welfare Fund Treasurer experienced difficulties in discharging of his duties. He has since been replaced with a more suitable treasurer and all necessary information has been provided to the Honorary Auditor. Because of this action, it is envisaged that the accounts will be maintained on an up-to-date basis.

PRISON SERVICE
In view of the Committee's recommendation, the Accounts and Audit Advisor was requested to visit the Prisons for reviewing the system, and in particular to address those issues raised by the Auditor General. His conclusions were that independent reviews, which were carried out subsequent to the Auditor General's visit by the Management Consultant and Assistant Financial Secretary, encompassed the entire system with relevant recommendations for correcting observed weaknesses. He also felt that such recommendations were sufficiently conclusive and needed only to be implemented rather than to be improved upon. The view was further taken that

efforts should be made to work with the existing system having regard to the procedures recommended for implementation. On the question of computerization, the Advisor felt that this would only exacerbate the problems encountered and should therefore be delayed.

In a recent discussion with the Director of Prisons, assurance was given that all recommendations as made have been implemented and weaknesses corrected.

During the course of this year an Executive Officer with the responsibilities of sharing the accounting duties was appointed to the Prisons. This action was intended to reduce the bookkeeping involvement of the Prison Officers who were being used for this purpose.

PRISON OFFICERS WELFARE ASSOCIATION
The Financial Statements (unaudited) for the period 7th January, 1982 to 30th June, 1986 are now completed and available for examination by the Auditor General.

OVERSEAS MEDICAL ADVANCE ACCOUNTS
In response to this recommendation, the Portfolio of Health, Education and Social Services has advised that, at the time of writing, a review was currently under way to identify those accounts where recovery seemed possible, those that appeared doubtful and where necessary, the obtaining of collateral security. Following this exercise, it is envisaged that a request will be made for the writing-off of all uncollectable accounts, and the conversion of those which are collectable to interest free loans.

The collection process is simultaneously being reviewed and the recommendation that future accounts should be treated as interest free loans will be implemented.

HOSPITAL FEES
Acting on this recommendation, emphasis is now being placed on the collection of current fees, and at a meeting of Finance Committee held on 16th September, a decision was taken to discontinue the collection of arrears relative to 1978 and 1979. This decision has been implemented with the exception of those debts which have been acknowledged with collection currently in process. As of October of this year, initiatives have been taken to commence court proceedings against selected difficult payees. It is anticipated that the publicity generated from such action will encourage other delinquent payees to arrange for the settlement of current and any outstanding amounts owing.

PHARMACY
This recommendation is accepted and instructions will be issued for its implementation.

HOSPITAL KITCHEN EQUIPMENT
The greater part of this equipment, for which concern is expressed, refers to the cafeteria which has not been activated due to lack of staff. Provision is being made in the 1987 Budget for the employment of a chef, which will make it possible to open this area of the kitchen activity.

SOCIAL SERVICES DEPARTMENT
As explained to the committee during its deliberations, the previous accounting officer assigned to this section proved incapable of coping with the accounting functions. With the assistance of Finance, the backlog of all unpaid invoices have been processed and operations are now being conducted on an up-to-date basis. The accounting officer has since been replaced and procedures for avoiding a recurrence of weaknesses reported on by the Auditor General are being considered for implementation.

STAMP DUTY

Acting upon the recommendation made, the matter of the deferred stamp duty payable by Paradise Manor was referred to Finance Committee on 16th September. Approval was obtained for the amount which was being carried in an 'Advance Account' to be converted to an interest free loan. This action has since been implemented.

PURCHASE OF LAND
At a meeting of Executive Council held on 28th October, 1986 the draft 'Land Purchase or Sale Procedures Guidelines' referred to by the Committee were approved for implementation subject to certain modifications which were to be made by the Legal Department. Therefore, at the time of writing, the Principal Secretary for Development and Natural Resources is vested with the responsibility and accountability for all land purchases (or sales) by the Government.

CIVIC CENTRES AND TOWN HALLS
The recommendations of the Committee on this subject have been passed to the Portfolio of Communications, Works and District Administration. According to a response received, it was stated that the Portfolio had no objections to the recommendation. The view should therefore be taken that the specific recommendations for effecting greater usage of the Civic Centres and Town Halls will be implemented.

POSTAL DEPARTMENT
In response to this recommendation, the Postal Department has advised that daily balancing of all cash and stamp holdings is now being carried out by the counter staff. Other aspects of recommendation by the Accounts and Audit Advisor are currently being addressed, and where necessary further follow-up discussion will be pursued between the Advisor and Postmaster with a view to obtaining agreement on differences of opinion which have been raised by the latter. At the time of writing, the Postmaster was off the Island and would not be returning to office before 12th November.

A Board of Survey report dated 30th June provides confirmation of the destruction of obsolete stamps referred to in paragraph 59 of the Auditor General's Report.

P.W.D. CAPITAL EXPENDITURE
The specific comments of the Committee on this subject have been accepted. The implementation of the Allgrove Report is ongoing with almost all the recommendations within P.W.D.'s control having been implemented. Following the introduction and acceptance of the Economic Development Plan, it is anticipated that a process will be introduced to facilitate liaising between Finance and P.W.D. with a view to achieving a greater degree of forward planning. Simultaneously, the recommendation for the establishment of a 'Capital Works Committee' will also be considered. It should also be noted that the introduction of the Financial and Stores Regulations will provide guidelines with respect to tendering, thus improving existing procedures.

P.W.D. UNALLOCATED STORES
Acting on the recommendations of a Board of Survey appointed by the Financial Secretary towards the latter part of last year, instructions were issued on 12th May for the destruction of obsolete items, sale of slow moving items and the progressive reduction of the unallocated stores balance to a value not to exceed $100,000. Approval was also given for effecting the required adjusting entries to obtain reconciliation between the Store's holdings and the Treasury records.

In consequence, the P.W.D.'s purchases of materials into its unallocated stores for the first nine months of 1986 amounted to $62,000 as compared to $367,000 and $709,000

over similar periods in 1985 and 1984 respectively. In addition, new building works are now being put to public tender, thus reducing purchases by P.W.D.

The issue of the fuel unallocated stores has been incorporated with recommendations in a review of the Central Funding Scheme operation recently carried out by a BESO Consultant. This issue will therefore be addressed in the process of Government's acceptance and follow-up initiatives with regard to the Consultant's findings and proposed recommendations for implementation.

UNALLOCATED STORES (CAYMAN BRAC)
On the instructions of the Financial Secretary, the balances as noted within paragraph 64 of the Auditor General's Report have since been adjusted within the Treasury's records.

CENTRAL FUNDING SCHEME
Between August and October of this year, a BESO specialist, Mr. B.J. Hill, C.Eng., M.I.R.T.E., M.Inst.T.A., M.I.M.T. was engaged on a short term basis to examine and report with recommendations on the operations of the Central Funding Scheme. His report, which gave detailed coverage and analysis of the present operations was tabled at a meeting of the Management Board held on 31st October. The report is presently being considered for is soundness and subject to agreement by the Management Board, it will then be presented by he Financial Secretary for Government's acceptance.

PORT AUTHORITY
As the Accounts of the Authority were found to be in a state of confusion and the situation seemed to be deteriorating rapidly, the Authority's Board took a decision in early 1986 to employ a firm of professional accountants to audit the accounts, evaluate the staff and carry out a review of the accounting system.

Early in the examination it became apparent that there was a complete breakdown of the original accounting system and that the staff of the accounting section was without any form of direction and guidance. This ultimately resulted in the dismissal of the Port Director.

The accounts of the Authority have now been audited up to the end of 1985 and unaudited accounts have been produced to the end of September, 1986.

The Authority has taken steps to ensure that the system recommended and implemented by the firm of Accountants is adhered to by the recruitment of a qualified person to be in charge of the Accounting Section. They have also retained the same firm of accountants to monitor the system for a short period of time.

OTHER PUBLIC AUTHORITIES
This recommendation is accepted and appropriate accounting arrangements will be put in place to facilitate the efficient functioning of both the Cayman Islands Corporation and the Water Authority prior to their commencement of full autonomous operations."

Thank you Mr. President.

MR. PRESIDENT:
Minute do lay on the Table.

So ordered that the Government Statements. The Honourable Fourth Elected Member.

STATEMENTS

HON. VASSEL O. JOHNSON: Mr. President, the following Statement in accordance with Standing Order 31 is prompted by Parliamentary Question No.89 of 17th November, 1986, asked by the Elected Member for North Side, and for administrative reasons it could

not be answered at the time.

On Thursday morning the 20th November, 1986 a contract was signed by this Government and Central Desal Limited an affiliate of Caribbean Utilities Company Limited, which contract requires Central Desal to produce and sell potable water to the Water Authority for distribution in George Town by a piped system and to truckers. The contract expires after 15 years, and while extension is possible, new conditions can be specified. Because the contract is not a franchise, negotiation with other firms, on perhaps more favourable terms is possible, when the demand for water exceeds the maximum quantities guaranteed by the contract, or when the contract expires.

The contract requires Central Desal to provide a low temperature distillation plant of good repute, approved by the Water Authority, to produce a maximum of 450,000 imperial gallons of water per day, using a system of waste heat from the generators of Caribbean Utilities Company. It is now confirmed that the equipment to be used by Central Desal which is highly recommended by leading world authorities, and accepted by the Water Authority is a product of Israeli Desalination Engineers.

The Water Authority will purchase from Central Desal fixed minimum quantities of water starting in the first year with 150,000 gallons per day, and rising annually by increments to 380,000 gallons per day in the fifth and subsequent years to the end of the 15-year contract. The price of water to the Water Authority is fixed in the first four years at CI$8.0 per thousand U.S. gallons, or US$12.50 per thousand imperial gallons. In the fifth year the price will be determined by using a rate based calculation similar to that used by Caribbean Utilities to allow a 15 percent return to Central Desal. There is a fixed minimum price of CI$7.84 per thousand U.S. gallons after the fourth year to the end of the contract based on present day costs of producing water using the most economical and reliable system. Central Desal will not pay a royalty to Government, as in the case of Cayman Water Company. A charge or royalty would inflate the price to the Water Authority, and this would be passed on to consumers. The Water Authority's price to consumers will cover overhead costs, loan servicing and leaving a surplus which can be applied to capital expansion or Government's revenue.

Water will be produced 14 months from the signing of the contract in early 1988. Central Desal's capital investment in the project is US$3.5 million, and the Water Authority is US$2.0 million. Central Desal will obtain their funds from equity contribution of their shareholders, and the Water Authority's fund will come from a loan by Caribbean Development Bank covering the cost of a reservoir and the pipe distribution. Water to the George Town consumers will be at an affordable price and likely to be in three categories: low consumers and truckers, approximately CI$12.50 per thousand U.S. gallons, high consumers CI$13.50; and commercial consumers CI$14.50.

Water for George Town has been the subject of many studies, including a Water Demand Survey by the Water Authority's technical staff, carried out in the latter part of 1985, and updated during 1986. The Water Demand Survey is quite a big volume, and any Honourable Member wishing to read it may borrow my copy at any time. Members may also wish to visit the office of the Water Authority and field sites where work is in progress. The Director would be very pleased to facilitate these visits.

There have been very strong grounds for supporting a public water system for George Town, as confirmed by the survey. Apart from the low rainfall and occasional drought to maintain adequate roof catchments supply, a worst fear is for the health hazard aspect as revealed by Environmental Health's sampling of wells used by many homes.

The tests indicate a serious fecal colourform contamination, and required urgent action by the Water Authority in 1985 to restrict heavy commercial extraction from wells in an attempt to partly resolve the problem. Because many homes depend on wells as the only source of water, the domestic use will increase and not lessen, and because of the present form of sewerage disposal effluent reaches the ground water lense and cause the fecal contamination. The George Town Water Demands Survey revealed that of 305 samples taken, 79 percent were positive. Estimates indicate that 575,000 gallons per day is the present demand. This volume is obtained from wells, 314,000 gallons, and cisterns 261,000 gallons. The latter is supplemented by 106,000 gallons from truckers. If

householders decide to replace some of the well water with good piped desal water running to their homes, which is very likely, then demand on the Water Authority in the first year could exceed the minimum 150,000 gallons per day contracted with Central Desal. In any case, the experience here for example telephones, is that a service is not enthusiastically welcomed until it becomes a reality and then everybody wants it. It is envisaged that water which is far more important to every person than any other service, will be welcomed with open arms in George Town. It is seen as another step forward in Cayman's history, in securing the services of another very important public utility, one that will also aid economic development.

The Water Authority Law 1982 established the Water Authority and gave it responsibility to provide a public water supply and public sewerage system in any part of the Islands. With our experience of high rates by other public utilities, there is no doubt in my mind, that the Water Authority can provide as reliable a service and less expensive than any other, and this should always be our aim in providing a public service.

The Water Authority was established in 1983 and administered by a Board of which I am presently the Chairman. The daily operation is conducted by a staff of 14 officers, eight of whom are Caymanians which include a senior Water Supply Officer. The six expatriate officers are technical persons and will eventually be replaced by Caymanians when this is possible. There are also in the office, two Dutch associate experts, provided by the United Nations free of charge. The staff of the Authority headed by a Director who is also Secretary to the Board, has undertaken all studies on water and sewerage, prepared all tender documents and managed all projects without the need for additional foreign experts to assist. The staff has done a superb job in all areas of performance. The head of the Unit, the Director, spends all his time, even weekends, working in the office and keeping an eye on field projects in order to ensure speed and a high standard of performance. His dedication to duty, and hard work, reflected also in his staff, can very well be confirmed by the Civil Service. I want to express to them and to members of the Board through this medium, my grateful thanks for their invaluable services.

Thank you Mr. President.

MR. PRESIDENT: Thank you.

STANDING ORDER 30(2)

MR. D. EZZARD MILLER: Mr. President, I wonder, with your permission Sir, under Standing Order 30(2), if we could be allowed to ask a few questions for clarification?

MR. PRESIDENT: You are entitled under that Standing Order 30(2). There cannot be a debate you understand, but you can ask for clarification, that is perfectly in order.

MR. D. EZZARD MILLER: Will the Member state whether Central Desal will be allowed to bring in their equipment duty free, as they have done with the engines which are going to produce the heat?

HON. VASSEL G. JOHNSON: Yes Mr. President, that was one of the conditions of the contract.

MR. D. EZZARD MILLER: Another supplementary Mr. President. Am I correct in assuming that if the present demand is 575,000 gallons per day and it is going to cost CI$2.0 million to put in the pipes and the reservoir, for Government to get its return, it would be approximately $3.3 per gallon plus the selling price of the water of $12.50?

HON. VASSEL G. JOHNSON: Mr. President, this costing has been gone into very carefully, and in detail, and in fact Caribbean Development Bank had to satisfy itself that the Water Authority selling at those prices could make a reasonable return on their investment, in order to meet overhead costs, loan repayments and with a surplus as I mentioned in the Statement.

MR. W. McKEEVA BUSH: Can the Member say whether any provision has been made to come into West Bay?

HON. VASSEL G. JOHNSON: Mr. President, it is my intention during the course of next year to make a proposal to Government of the extension of the public water system, and the next phase of it Mr. President, will be into West Bay, if Government so approves.

MR. W. McKEEVA BUSH: Can the Member say whether the present company which now provides the Seven Mile Beach area with water, is it not possible that they could do it, and probably do it more cheaper than Government?

HON. VASSEL G. JOHNSON: Mr. President.....

MR. PRESIDENT: I think we are straying a little bit. I allowed a question as to whether there might be a possibility of an extension to West Bay, but the mechanics and the preferred arrangement....I will allow you to answer this.

HON. VASSEL G. JOHNSON: It may be prejudicial Mr. President for me to really answer that question.

MR. PRESIDENT: If there is no other question, we can move on to Item 4. on today's Order Paper. Bills. Reports. The Honourable First Official Member to report on the Appropriation Bill.

GOVERNMENT BUSINESS

BILLS

REPORTS

THE APPROPRIATION (1987) BILL, 1986 AND DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1987

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Finance Committee Report for the 24th November, 25th November and 26th November.

In this Report Mr. President, there are a number of typographical errors, and I would seek to mention them as I go through the Report.

Persons in attendance at all Meetings were, in addition to Honourable Members, the Deputy Financial Secretary and the Acting Budget Officer, and the Committee called to the meeting on Tuesday, 25th November and Wednesday 26th, the Chief Engineer and the Roads Engineer of Public Works.

There were a number of recommendations which the Committee made, and which the Chairman undertook to look into.

In the Minutes of 24th November, there were a number of typographical errors which the Chairman drew Members' attention to:

On page 3. dealing with the Recurrent Revenue - Estimated Balance at 1st January, 1987 should have been CI$1,319,939 instead of CI$3,319,939; and the Estimated Total Revenue for 1987 should have read $65,158,295 instead of $72,860,727.

A further correction which was necessary was to delete 'Transfer to General Reserve.....$2,000,000, as page 3. was dealing with the Recurrent Expenditure for 1987 and it is Government's recommendation that the $2,000,000 be put aside in 1986. It should not have appeared in that statement.

The Committee agreed that the Chairman should make any other corrections to typographical errors.

HEADS 1 - 4 were passed without any amendment.

HEAD 5 - the Explanatory Note dealing with Sub-Head 03-036 Printing - Other, it was amended to read:

"Provision of $25,000 to cover cost of printing

of the Cayman Islands Law Reports."

HEAD 6 - PERSONNEL was passed.

HEAD 7 - POLICE DEPARTMENT - the Explanatory Note to Basic Salary was deleted, as it was not necessary, and perhaps in some cases may have been misleading.

HEADS 7 AND 8 were then passed.

HEAD 9 was passed.

HEAD 10 - FINANCE AND DEVELOPMENT - the Explanatory Note, Basic Salary includes a 5 percent wage increase, and there was a motion moved by the Second Elected Member for George Town that the Cayman Airways subsidy of $1,050,000 be reduced to $800,000, and that the sum of $250,000 be divided as follows:

$100,000 for West Bay
$100,000 for George Town Civic Centre
$ 50,000 for the Museum

with the understanding that Finance Committee will support a supplementary for Cayman Airways, if needed.

The Chairman explained that Cayman Airways had budgeted for the amount allocated - 50 percent being requested at the beginning of the year and the other 50 percent at the end of the year.

The motion was put Mr. President, to a vote and it was defeated by a majority vote.

The next item was a motion moved by the Elected Member for East End who moved that the subsidy for CAL., there is a typographical error there which says CLA, be reduced by $20,000 and placed to the Museum vote. That motion was put to a vote and defeated by a majority.

HEADS 11 - 15 were agreed.

HEAD 16 - PERSONAL HEALTH SERVICES - the Elected Member for East End proposed that an ambulance be provided for the Eastern district and stationed at the Frank Sound Fire Station.

The Chairman stated that this item would be considered under Capital Projects. The allocation for HEAD 16 was then passed.

SUSPENSION OF STANDING ORDER 10(2)

HON. MICHAEL J. BRADLEY: Mr. President Sir, as the Honourable First Official Member is otherwise engaged at the moment, I think it might perhaps be the wish of the House if I proposed under Standing Order 83, the suspension of Standing Order 10(2) for the purpose of enabling the remaining business on the Order Paper to be disposed of, and I so move Sir.

MR. PRESIDENT: The motion is that in accordance with the provisions of Standing Order 83, Standing Order 10(2) shall be suspended to enable the remaining business on today's Order Paper to be completed. I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 10(2) SUSPENDED.

MR. PRESIDENT: I think the ayes have it. You may continue.

HON. THOMAS C. JEFFERSON: Thank you Mr. President. The Committee then considered HEADS 17 through 19 and agreed to approve the allocations for the three HEADS, 17, 18 and 19. That meeting was adjourned at 4.30 for the next meeting to be convened at 9.00 a.m. on Tuesday, 25th.

On Tuesday 25th there was a motion moved by the First Elected Member for Bodden Town that the $2,000,000 not be

put into reserves, and that the loan of $7,702,432 be reduced. The motion was put to a vote and defeated by a majority.

HEADS 20 TO 23 the allocation for those HEADS 20, 21, 22 and 23 were approved.

HEAD 24 - CIVIL AVIATION DEPARTMENT - the Honourable Second Elected Member undertook to look into the matter of the installation of radios and transmitters at the Civil Aviation Authority.

HEAD 25 - DEPARTMENT OF TOURISM - the Honourable Second Elected Member undertook to look into the public relations and the return and one-way fares on the Los Angeles/Houston route. It is said that the one-way fare being more costly than the return fare.

The Honourable Second Elected member further undertook to look into providing additional funds for the Cayman Islands' Display at the Commonwealth Institute in London.

Funds were then approved for HEADS 24 and 25 and 26.

HEADS 27 TO 35 inclusive - the allocations were agreed.

The Committee considered the Capital Estimates, item by item under the following Heads, together with the documents supplied by the Chief Engineer on the construction of roads for 1987. Discussion ensued and the Chairman agreed that the sum of $63,000 allocated for the Police Department for cars be reduced by $10.00 to provide a token vote for an ambulance for the Eastern District which was moved earlier by the Elected Member for East End.

The Second Elected Member for West Bay wished it to be recorded that the Legislative Assembly's Library be included as an Explanatory Note to sub-head 19 of HEAD 41.

HEAD 41 - the Second Elected Member for West Bay moved that $25,000 be taken from the sum of $425,000 provided for Cayman Brac roads and to be utilised for the creation of park facilities in West Bay. The motion was put to a vote and defeated by a majority.

Still dealing with the road vote, the Elected Member for North Side moved that Priority Projects Nos. 103A (Spotts Road Realignment, Phase 1.), 103B (Spotts Road Realignment, Phase 2.) and 104 (Lower Valley Road Realignment) be undertaken in 1987. That motion was put to a vote and was passed by a majority.

The Meeting then adjourned at 3:05 P.M. to commence at 9.00 A.M. Wednesday morning the 26th.

Still dealing with the construction of roads Mr. President on the following day:

The Honourable Third Elected Member moved that the surplus funds of $72,267 be reduced by $40,000 and that the amount be placed to sub-head 41-006 - Construction of Roads to enable more funds to be available to be allocated for road construction. The motion was put to a vote and was passed by a majority.

This brought the remaining sum of $179,634 to be allocated for the construction of roads on Grand Cayman to be allocated as follows:

North Side	$ 25,000
East End	$ 25,000
Bodden Town	$ 25,000
George Town	$ 52,317
West Bay	$ 52,317

and it was agreed that priority road projects be undertaken as follows:-

NORTH SIDE
Old Savannah Road
Extension of Little Bluff Road
Diversion of Old Man Bay Road

EAST END
Feeder Roads off John McLean Drive
Extension of John McLean Drive to the West

BODDEN TOWN
Beach Bay Road
Agricultural Farm Road

GEORGE TOWN
Curve on Crewe Road by Ross Coe's
Breezy Castle Road
Windsor Park Subdivision Road
South Sound Road Reconstruction

WEST BAY
Project number and priority to be determined

CONTINUATION OF HEAD 41 - the Second Elected Member for Bodden Town moved that a sum of $40,000 provided under sub-head 19 for additional car parks at the Tower Building be deleted and placed under sub-head 23, Civic Centres and Parks for that sum to be placed for the Bodden Town playing fields. The motion was put to a vote and agreed by a majority.

The next item Mr. President was:-
MOTION VIII, and there is an amendment necessary to the Minutes. The Second Elected Member for West Bay moved, and it was agreed that the sum of $80,000 provided for air-conditioning replacement units be reduced by $20,000 and the amount be placed under sub-head 023 for Community Park and Playing Fields in West Bay. This motion was moved after information was supplied to the Committee by the Third Elected Member for Communication and Works and District Administration, that, based on information supplied to him, the $80,000 could be reduced due to a new system which had come to Government's information, and which would be examined by the Public Works Department's technical team. The HEAD 41 allocation was then passed.

HEADS 42 AND 43 being Heads dealing with Loan Funds, it was quickly agreed that no discussion should take place, because if the funds were not agreed by the bank, then there were no funds to be spent, therefore Finance Committee did not spend a great deal of time discussing HEADS 42 and 43.

Moving on to New Services Mr. President, the Committee considered New Services item by item under the following headings:

HEAD 2 - INTERNAL & EXTERNAL AFFAIRS - it was passed with the following amendment.

The Honourable Third Elected Member agreed to release the Clerical Officer's post from HEAD 27 - Communications Works and District Administration, and transfer the post to HEAD 2.

RECOMMITTAL OF HEAD 27 - Agreed that the Chairman make the necessary changes in the Estimates with respect to the deletion of the Clerical Officer Post under HEAD 27.

HEAD 4 - IMMIGRATION DEPARTMENT - there is a slight correction here too. It is the Second Elected Member for Bodden Town voted against the New Services requested.

HEAD 7 - POLICE DEPARTMENT - request was passed.

HEAD 8 - PRISON SERVICES - request was passed.

HEAD 9 - DISTRICT ADMINISTRATION - was passed with the following amendment:

That two Nursing Assistants - Basic Salary be added with a token vote of $10.00, as funds under the District Administration presently provided under Wages, be transferred to new items.

RECOMMITTAL OF HEAD 9 - agreed that sub-head 01-005 - Wages, be reduced by $16,338. Funds to be transferred to sub-head 01-001 Basic Salary, for two Nursing Assistants. The request by Finance Department was passed

HEAD 11 - CUSTOMS DEPARTMENT - was passed with the following amendment:

That the Post of Internal Auditor be upgraded to salary scale P.4 and that the sum of $1,000 be provided.

HEAD 12 - JUDICIAL DEPARTMENT - MOTION IX - the Second elected Member for West Bay moved the deletion of the post of Magistrate under sub-head 01-001, and that motion was put to a vote and defeated by a majority.

HEADS 13 AND 14 - both were passed.

HEAD 15 - EDUCATION DEPARTMENT - was passed. The Honourable Member for Health, Education and Social Services undertook to have the vacant Teacher's post at North Side Primary School filled, if a vacancy did in fact exist.

HEAD 16 - PERSONAL HEALTH SERVICES - was passed.

HEAD 17 - SOCIAL SERVICES - was passed.

HEAD 18 - D & NR ADMINISTRATION - was passed.

HEADS 19 AND 20 - both were passed.

HEAD 21 - INSERTION OF NEW SERVICES - MOTION X -
On a motion moved by the Elected Member for North Side, it was agreed that new services be amended by the addition of Head 21 - Mosquito Research and Control Unit - sub-head 01 Trainee Pilot - $10.00 token provision.

HEAD 22 - PLANNING DEPARTMENT - the request of the Planning Department was passed.

HEAD 23 - TOURISM AVIATION AND TRADE - was passed.

HEAD 24 - CIVIL AVIATION DEPARTMENT - was passed.

HEAD 25 - DEPARTMENT OF TOURISM - was passed.

HEAD 26 - FIRE SERVICE DEPARTMENT - was passed.

HEAD 27 - INSERTION OF NEW SERVICES - MOTION XI -
On a motion moved by the Elected Member for North Side, it was agreed that New Services be amended to include HEAD 27 - Communications Works and District Administration - 01-005 Wages - a $10.00 token vote to provide for a Maintenance Officer for the North Side Town Hall Clinic/ School complex.

HEAD 29 - PUBLIC WORKS DEPARTMENT - was passed.

HEAD 30 - AUDIT DEPARTMENT - WAS PASSED.

The total sum approved for New Services was $2,009,763.

RECOMMITTAL OF HEAD 41 SUB HEAD 41-020 - PURCHASE OF LANDS - MOTION X11 - the Honourable First Elected Member moved that HEAD 41-020 be reduced by $50,000 and transferred to HEAD 10 - sub-head 08-044 - Cayman National Museum. The motion was put to a vote and defeated by a majority.

Members agreed that the surplus in the Draft Estimates be further reduced by $20,000 and that the sum be transferred to HEAD 10 sub-head 08-044, Cayman National Museum.

THE APPROPRIATION (1987) BILL, 1986 - THE SCHEDULE-
A question was put on the schedule - it was agreed.
Questions were put on Clauses 1 and 2 and were agreed.
Question was put on the Title and was also agreed.
Thank you Mr. President.

MR. PRESIDENT: In accordance with the provisions of Standing Order 67(4), I declare that the motion has been deemed to have been agreed.

Bills. Third Readings.

STANDING ORDERS 55(1) AND 24(9)(IX)

MR. W. McKEEVA BUSH: Mr. President, I want to give notice, I do not know whether I can do it here, I crave your indulgence, in accordance with Standing Order 24(9)(ix) and Standing Order 55(1), that the Appropriation Bill be recommitted to a Committee of the Whole House, to reconsider HEAD 41-006 which deals with Road Works and HEAD 41-020 which deals with Purchase of Lands.

MR. PRESIDENT: 24(9)(ix) and what was the other Standing Order...50?

MR. W. McKEEVA BUSH: 55(1).

MR. PRESIDENT: My first impression would be that 55(1) does not refer to Financial Bills, which are specifically dealt with in the Section starting with Standing Order 63. And since that Section of Standing Orders as I said a moment ago, provides for it to be deemed that the Report of Finance Committee has been deemed to have been agreed to. I do not think we can go back to Finance Committee, otherwise every time any Member disagrees with something that Finance Committee has decided, he will seek to have it referred back.

MR. W. McKEEVA BUSH: With respect, Mr. President, I can understand the ruling, but we are dealing with a public Bill, and these two matters have given me much concern, and looking at this Standing Order 55(1) which talks about recommittal of Bills, I cannot agree that what I am trying to do is not keeping within the Standing Order. The motion can be put, and if Government want, they can reject it, but....

MR. PRESIDENT: With respect, it is for me to rule whether the motion can be but. I have taken your point that you are seeking to persuade me that under the provisions of Standing Orders, it would be proper to allow you to put your motion, I think that it what you are saying, which you are perfectly entitled to say. But, I am bound to say frankly, I would need time to consider this more carefully to be certain that I was giving a proper and correct decision, but since I have not had time, since I did not realise what you were intending to do, I can only tell you what my present view is, and say that I am sorry but you have for the moment to abide by that view. If when I.....No, you must let me finish speaking.....If when I have had an opportunity to investigate the matter and research it more carefully, I come eventually to the conclusion that the view I expressed now was wrong, I will let you know and will apologise to you....

MR. W. McKEEVA BUSH: Mr. President, I can see your dilemma Sir, but an apology would not help me once this Bill goes through. It is a serious matter Sir, and all I am asking is that the House do give me the chance to put my views forward.

MR. PRESIDENT: With respect, you have had the chance to put your views forward in Finance Committee, because it would have been recorded. I have now, I am afraid, given my decision. You will have, when the House meets again, a further opportunity no doubt, to urge the points that you wish to make, or when Finance Committee meets, you will have an opportunity. But for the moment I am afraid my ruling is that in view of the provisions of Standing Order 67(4), it is not permissible to invoke the provisions of

Standing Order 55(i) to refer the Appropriation Bill back to Finance Committee.

Now, I am afraid I have given my ruling now, and you cannot argue with it.

MR. W. McKEEVA BUSH: Well Mr. President, just to say Sir....

MR. PRESIDENT: Order! Order!
You cannot argue with it.

MR. W. McKEEVA BUSH: I am not arguing with you Sir.

MR. PRESIDENT: I see.

MR. W. McKEEVA BUSH: But you must give me a chance to reply to what you have said.

MR. PRESIDENT: No, No. You do not have a chance to, that is arguing with me. I am afraid you simply have to accept for the moment what I have said. I have undertaken to look at the matter more carefully.

MR. W. McKEEVA BUSH: Please do not send me an apology Sir, because that will not help the case, and I find it very....I cannot agree with it, you know that.

MR. PRESIDENT: I have taken your point.
And now we come to Bills. Third Readings.

BILLS

THIRD READINGS

THE CUSTOMS (AMENDMENT) BILL, 1986

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1986.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill shortly entitled The Customs (Amendment) Bill, 1986 be given a Third Reading and passed.

MR. PRESIDENT: The question is, that a Bill shortly entitled The Customs (Amendment) Bill, 1986 be given a Third Reading and passed.

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

THE PARTNERSHIP (AMENDMENT) BILL, 1986

CLERK: THE PARTNERSHIP (AMENDMENT) BILL, 1986.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill shortly entitled The Partnership (Amendment) Bill, 1986 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Partnership (Amendment) Bill, 1986 be given a Third Reading and passed.

QUESTION PUT: AYES.

MR. W. McKEEVA BUSH: Can I have a division Sir?

MR. PRESIDENT: Certainly.

DIVISION
NO.52/86

AYES: 11
Hon. Thomas C. Jefferson
Hon. Michael J. Bradley
Hon. J. Lemuel Hurlston

NOES: 0

Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel. G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

MR. PRESIDENT: I declare the motion carried. The Partnership (Amendment) Bill, 1986 is given a Third Reading and passed.

BILL GIVEN A THIRD READING AND PASSED.

THE APPROPRIATION (1987) BILL 1986

CLERK: THE APPROPRIATION (1987) BILL 1986

HON. THOMAS C. JEFFERSON: Mr. President: I move that a Bill shortly entitled The Appropriations (1987) Bill 1986 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Appropriation (1987) Bill, 1986 be given a Third Reading and passed.

QUESTION PUT: AYES

MR. W. McKEEVA BUSH: Can I have a division Mr. President?

MR. PRESIDENT: Certainly.

DIVISION
NO.53/86

AYES: 11 NOES: 0
Hon. Thomas C. Jefferson
Hon. Michael J. Bradley
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mr. W. McKeeva Bush
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

MR. PRESIDENT: I declare the motion carried.
Motions, Government Motion No.3/86.

BILL GIVEN A THIRD READING AND PASSED.

MOTIONS

GOVERNMENT MOTION NO. 3/86
APPOINTMENT OF MEMBER TO THE ASSESSMENT COMMITTEE

HON. VASSEL G. JOHNSON: Mr. President, I beg to move Government Motion No. 3/86 under the Roads Law 1974. Law 18 of 1974.

The Resolution Mr. President, deals with the nomination of one member to the Assessment Committee. This is necessary because of a resignation which has just been tendered to Government by one of the members.

Mr. President, this matter was discussed with all the Members of the Legislative Assembly, and as a result of that discussion, this motion is proposing the nomination of one of the Members of this Honourable House to that Assessment Committee.

The Resolve Section therefore reads Mr. President:

"BE IT RESOLVED this day by the Legislative Assembly, pursuant to the powers conferred on it by subsection (2) of section 7 of the Roads Law, 1974, that -

MRS. DAPHNE ORRETT

be nominated a member of the Assessment Committee to replace Mr. Ezzard Miller."

I so recommend this motion Mr. President.

MR. PRESIDENT: The motion before the House is Government Motion No.3/86, the terms of which have just been read out. Does any Member wish to speak? In that case I will put the question.

QUESTION PUT: AYES

HON. MICHAEL J. BRADLEY: Could we have a vote please.

MR. W. McKEEVA BUSH: Can I have a division Mr. President?

MR. PRESIDENT: Certainly.

DIVISION
No.54/86

AYES: 10
Hon. Thomas C. Jefferson
Hon. Michael J. Bradley
Hon. J. Lemuel Hurlston
Hon. Benson O. Ebanks
Hon. W. Norman Bodden
Hon. Capt. Charles L. Kirkconnell
Hon. Vassel G. Johnson
Mrs. Daphne L. Orrett
Capt. Mabry S. Kirkconnell
Mr. D. Ezzard Miller

NOES: 0

ABSTENTIONS: 1
Mr. W. McKeeva Bush

MR. PRESIDENT: I declare the motion carried.

GOVERNMENT MOTION NO.3/86 PASSED BY MAJORITY.

MESSAGES & ANNOUNCEMENTS BY THE PRESIDENT

MR. PRESIDENT: That concludes the business set down on our Order Paper, but before inviting the Honourable First Official Member to move the adjournment, perhaps I may remind Members that I did write round to all Members before this Meeting started I think, suggesting dates for the 1987 Meetings. I have not yet had any comments from any Member, and therefore propose to assume that those dates were generally convenient, and to confirm them.

Secondly, I would like to express on behalf of the House, our sorrow that the Clerk is absent today, unwell, and beyond that, our deep regret that she is being obliged to retire at the end of this year, and will leave her present appointment after only some two years as Clerk with us. I am sure that all of us would wish, not only to send her our warm good wishes for a speedy recovery now, but also our good wishes for happiness and better health in her retirement, coupled with gratitude for what she has done for us during her service in the House.

The only other thing that I would like to do before inviting the Honourable First Official Member to move the adjournment is to take the opportunity of wishing all Members a very happy Christmas and New Year, and thanking them for their assistance, most of the time, during the present Meeting when occasionally there have been points for my decision, and decisions

with which they did not always wholly agree.
Thank you.

MR. W. McKEEVA BUSH: Mr....

MR. PRESIDENT: I think on the adjournment you will get a chance of a word.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, the Business on the Order Paper having been completed, I move the adjournment of this House until 6th February, 1987.

MR. PRESIDENT: The question before the House is that this House do now adjourn until 6th February, 1987.
I am not sure....well, the Honourable First Elected Member. I was not sure whether they Second Elected Member for West Bay wanted to speak or not, he bobbed up and down like a yo-yo.

MR. W. McKEEVA BUSH: You know I wanted to speak Mr. President.

MR. PRESIDENT: I will give you a chance in a moment.

HON. BENSON O. EBANKS: Mr. President, on behalf of the Elected Members of Government, Sir, I would like to wish you, your wife and family, the Clerk and staff of the Assembly, and all other Members, a merry Christmas and a prosperous New Year.
Thank you Sir.

MR. PRESIDENT: Now, the Second Elected Member for West Bay.

MR. W. McKEEVA BUSH: Thank you Sir.
Mr. President, I would extend seasons greetings to all Members of this House; to you, your wife, your family, and to the staff of the House, and we trust that the New Year will be a fruitful one, and that we will not take into the New Year all the bitterness and the backbiting that has gone on this year.
Mr. President, these two years in Government have been the most trying time in my life. I have lost some good friends because of decisions, or at least those whom I thought were good friends, because of decisions that I have had to take. I trust that I have gained some, and I trust that as the New Year comes in that old familiar carol which we all love, will hold true that there is a thrill of hope in the future.
I would say that although we have had our differences, I still believe that we all want the same things for the country, that is, to see our people happy in all phases of life. I would also say that maybe the exchanges that some found so bitter have not been bitter at all, but it only serves to show what each Member has to go through in his or her way of representing their own people.
I would say publicly Sir, that I am sorry that the Clerk is retiring. I have only been in contact with her a short time. I had some contact with her during her busy years as part of the Probation and Welfare Department when I was a child.
Yes, Mr. President, I do not mind saying that I was a bad boy. But now I have become a man, I have put away all childish things. I have had now, two years in working with her, in her capacity as Clerk of this House, and I believe that her three years I think it is as Clerk of the House has been like my two years in Government - trying and a learning process. I am certain that my life will be that much better because I have had some contact with Mrs. Jackson. She took peoples' interests seriously. She worked hard with those who had problems, and she exhibited much humanism in her time in Government. I would say that she is a great humanist. I will greatly miss her.
I remember the first trip I went on, the Parliamentary trip to St. Kitts and Nevis, and she went along, and I can tell the world that she was an asset, as she had, I believe, been on a trip before. On the trip to London earlier this

year, and to Jersey with my colleague the Elected Member for North Side, she displayed the same interest and proved to be the same asset in her capacity as Secretary. I believe that this entire House will agree with me that she was a good Clerk, and I believe they, like myself, love her and will miss her greatly.

Let us all ask God's blessing on us and our families, and indeed the entire Cayman Islands in this coming New Year.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I too would like to wish for you, your wife and family, the Clerk, her staff, all Members of this Honourable House and the people of the Cayman Islands, a very merry Christmas and a happy and prosperous New Year.

On behalf of the Clerk, Mrs. Jackson, I deeply regret that she is retiring from us. This is the second Clerk that I have seen retire since I have been a Member here. You learn to respect them and appreciate them dearly for all they do for you while you are here, but I do hope that her health will improve, and I wish for her a long life and happiness.

And again, a very merry Christmas, and a prosperous 1987.

Thank you.

MR. PRESIDENT: The Member for North Side.

MR. D. EZZARD MILLER: Mr. President, I too would like to express the seasons greetings and best wishes to you, your wife and family and to all Members of the Assembly, and to wish the Clerk of this Assembly a long, happy and healthy retirement.

MR. PRESIDENT: The Third Elected Member for West Bay.

MRS. DAPHNE L. ORRETT: Thank you Sir.

I simply would like to express my good wishes, and to say that as the words of a familiar Christmas song says 'let there be peace on earth, and let it begin with me.' I trust that each Member of this House will not only while sitting here, but whereever we are, be an example of what peace is, and I would wish for each and every Member and their families, to you Mr. President, to Mrs. Jackson who is about to retire and whom we have loved and appreciated very much for her services here, and for each member of staff of the Legislative Department, I thank you all very much for all the help and assistance that I have received during the year, and I wish all the best to each Member and his family.

MR. PRESIDENT: Thank you.

The question is that this House do now adjourn until the 6th February, 1987.

QUESTION PUT: AGREED. AT 5:15 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY, 6TH FEBRUARY, 1987.