



# **Constitutional Modernization Initiative Public Consultation Meeting**

**Held on**

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**Gun Bay Civic Centre**

**Grand Cayman  
Cayman Islands**

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**MRS. SUZANNE BOTHWELL:** I would like to start the meeting by, of course, introducing formally our panel tonight, although I know everybody knows who they are. For our listeners, I would just like to say that we do have Minister Arden McLean, who is part of the panel for the Gun Bay meeting; Minister Alden McLaughlin; and my colleague, Mr. Christen Suckoo; and I am Suzanne Bothwell, the Secretariat Director.

I would perhaps like one of the ministers to perhaps begin the meeting as they usually do with a short introduction.

**MINISTER McLEAN:** Thank you, Suzanne. Let me welcome you all to this, the second meeting in the district of East End. As Suzanne has said, Minister McLaughlin and I are here. We will answer any questions that is of the political nature. Suzanne and Christian will conduct the meeting per se, and then we will come in whenever it is necessary when you ask questions that are of the political side -- that a political answer is required.

The constitutional talks discussion is going well thus far. We are on the second round of meetings whereby we finish going through the first half and we have visited each constituency at least once. In some instances more than once because they are so spread out, for instance, in Georgetown I think we had three for the first round. Okay. I know in Bodden Town, we had one in Savannah and one up in the other area of Bodden Town as well. And in West Bay we have had two thus far as well.

Now, we are here as we have said at all of the meetings, this is not to impose the PPM's will or Kurt Tibbetts' will on anybody. These are mere proposals by us and they are subject to change depending on what the people of this country wants.

Contrary to the controversy that's going on right now, started by other parties that we are seeking independence, that's not so. There is no such thing. It is time that we modernize the Constitution and our proposals are in that vein, to keep the relationship

with England, however, it needs to be modernized.

I believe it is unfortunate that the opposition is spreading such fear, if I may be so bold, throughout this country and saying that we are promoting independence. No such thing. There is no such thing. And in the proposals we specifically point that out. This is not about independence, it's about modernizing the relationship that we have with England.

Other territories have gone through the same process. We started this process back in 1999 when England called for a modernized Constitution. And we got started in 2001. It was then derailed in 2003 by the then government, they decided not to go any further, and we made a pledge to this country that we would continue the modernization process. And thus the reason we're here tonight to continue that process.

There is much to talk about in this process. There's much to talk about tonight, but certainly we will be open to any particular section that you all would like to put some emphasis on because it has been talked about for so long. I'm sure there are areas that you all would like to specifically talk about as opposed to how Suzanne and Christian will conduct it, and we are very, very supportive of you bringing up your own positions and that's why we're here. We want to hear what you think, what you would like to see in a modernized Constitution.

And I look forward to the interaction here tonight and in the coming weeks and months throughout this district. One of the things that I am planning on doing is having little yard meetings so that we can go on it one-on-one, and I am in the process of planning those right now so that I can -- right in East End we can go at it one-on-one and it's more specific in order -- and I know how it's much better I have learned that once we do that, people get a better understanding of it as opposed to being here where there is limited time, not limited time in the sense of the night creeps up on us, the late part of the night creeps up on us. So you can look out for that in the not too distant future that I want to do these little yard meetings.

So with that, I will turn it back over to Miss Suzanne so that she can conduct --

she and Christian can conduct the meeting. You all know that Christian is from East End, right?

(Laughter)

**MINISTER McLEAN:** That's a cool boy. And Virginia's boy.

All right. Thank you all very much.

**MRS. SUZANNE BOTHWELL:** Thank you, Minister Mclean.

Well, I know --

(Inaudible speech from audience)

**MRS. SUZANNE BOTHWELL:** (Laughter)

That's right. Well, I just want to start by saying that the basis for, I guess, the beginning of the Constitution discussion that we are undergoing right now starts with the summary proposals. And I don't know how many of you here tonight have actually had a chance to read them, but I do know some persons have been listening on the radio and listened to different discussions, but it actually sets out a number of major headings for constitutional reform, beginning with, of course, the fact that we wish to remain overseas territory of the United Kingdom.

Secondly, that in the Constitution, that we have been asked to put in a Bill of Rights. And we have been having quite a bit of discussion with the members of the public on some of the things that they would like to see in the Bill of Rights, some of the things that they would like to see addressed in there in terms of preservation of our way of life in Cayman, to make sure that it doesn't change too much.

Thirdly, there is discussion about the Legislature, the Speaker, the type of Parliament we have, whether there should be official members in the Legislative Assembly. Then other major heading is looking at the executive, namely the role of the Governor and, you know, his accountability to the people of the Cayman Islands; the

role of the elected representatives and their accountability to the people of the Cayman Islands; the issue of one person, one vote and single member constituencies; how to change our Constitution in the future, whether we should have a national consensus if any future changes are made to it; and also eligibility to vote and stand for elections in Attorney General, which the government has indicated their position especially based on the feedback with respect to standing for election.

Now, we had -- how many of you heard our show today?

No? A few. A few.

Well today we were discussing accountability -- we began to discuss accountability in government and what that meant just in terms of our Constitution and stuff. We hadn't gotten very far in the discussion because we had quite a number of callers come in. But the two major things that we spoke about today was, number one, it must be a very simple issue, but allegiance. When there are elected representatives take up office, who is their allegiance to? And in the Constitution, anybody who takes up official office has to swear an oath of allegiance. And that oath of allegiance is to Her Majesty the Queen, Her Heirs and Successors.

And for those of you who are interested in looking at that later on, we actually compiled a little companion guide of our current Constitution and the Constitution is in there.

And one of the things that we discussed was, you know, -- and a caller called in and she said, you know, she has often times gone to the L.A. when her representative has been sworn in or has won his or her seat in the Legislature. And the fact that she often times felt this person is slighted that when they go and swear the oath, that there's nothing about Cayman in there, there's no indication that they swear to carry out their responsibilities of their office to the best interest of Cayman.

And we had that discussion today and I indicated to her, you know, well, we all know we are on this journey toward Constitution reform, we're not starting this journey. And one of the things that we know that we can accomplish and we had accomplished

in the past, say for putting it in, is that what we actually managed to -- in our 2003 draft Constitution, managed to accomplish getting an oath of allegiance when carrying out one's office to discuss the people of the Cayman Islands. And I just want to read it for our listeners for tonight and for my audience here.

It says: I, the person, do swear that I will well and truly serve Her Majesty the Queen II, Her Heirs and Successors, and the people of the Cayman Islands in the office, and then, and so help me God.

So we've seen that if we continue down this road, we finally get a Constitution that really is something we prepare, we draft, and we want, that we -- England has already agreed in principle and in writing that our oaths can change to include the people of the Cayman Islands. And of course this is our 2003 draft, not yet put into place, but we can take some good things from this, keep the good things.

And that brought us to discussion again today about how should government operate? How does it operate in our best interest? There are certain statements in the summary proposal saying that government should operate in the best interest of the people of the Cayman Islands, that the Governor should act as trustee. And we are speaking about the role of the reserved powers of the Governor. A lot of persons are saying, oh, this Constitution reform process is about taking away the Governor's powers. And that is not really correct. It's about increasing accountability. And we discussed reserved powers, what does that mean. We discussed the whole role of the Governor in terms of he's the person even though our Members of the Legislative sit and debate laws and pass laws, they're not passed until the Governor has assented to the law, has agreed to the law, he has to assent to it before it becomes law.

Also, if, for example, the United Kingdom is not happy with the law that has been passed, they can disallow, they can disallow a law, saying no, you can't have this.

Also, if, for example, in our Constitution it says that for good order, peace and government -- good government, if it's necessary to do so, or if for some strange reason, the Governor decides the U.K. has to take over the financial management of the

country that it can pass laws directly, he can pass laws directly to do so if the legislation doesn't agree to it.

And the very last provision of our Constitution, it says, that Her Majesty reserves the power to make laws for the Cayman Islands for the peace, order and good government and would allow her privy counsel to do that.

So when we talk about the Governor's powers or, you know, overriding powers of the Governor and the United Kingdom, those are the kind of things that we're talking about, not his responsibility over the police, that's not what we're talking about. We're talking about in the event of whatever, the Queen, U.K. government and the Governor reserve these particular powers.

And one of the issues that was discussed is okay, fine, we understand that if Cayman is going to continue to have a relationship with the United Kingdom, continue to be an overseas territory, that it must in certain cases, in emergencies, especially, be able to act directly.

But then there is the other side which has been discussed is that well, yes, that may be so, but right now the Constitution is very broad, it has very broad sweeping terms for the good order, peace and good government of the Island, what does that mean?

You know, we've had certain instances where orders and counsel have been handed down to Cayman and the community at times are not very pleased about it. Because at the end of the day, we have elected our local government to make laws in our land.

So one of the recommendations is, and we will look at page 4 of our summary proposals, the blue document, page 4 of there, we are looking at overriding powers of the governor and the United Kingdom, the recommendation or proposal has been made, but we should seek to limit the circumstances in which the United Kingdom may enact legislation applicable to the Cayman Islands and establish a procedure for doing so.

So what is being proposed here is that this broad sweeping statement in our Constitution which talks about the passing of laws or the creation of laws by her Majesty the Queen or the Governor for the peace, order and good government; but that's a little bit too broad, that could almost mean anything. So if it is meant to be an emergency power, then let's define it as such. And let's also have in our Constitution an agreement between the United Kingdom and Cayman which indicates that if they intend to exercise such power, that there should be a procedure for doing so. Part of that procedure would be to have prior discussion with our government. If they're going to bypass a legislature in Cayman, there should be at least some discussion with the government here on the issue because obviously the issue concerns the Cayman Islands, it will concern the people of the Cayman Islands and affect them.

And basically the final statement in that -- the final two statements in relation to that recommendation is that the overriding power of the Governor and of Her Majesty under our Constitution to make laws for the Cayman Islands without the assent or agreement of Parliament should be limited. These powers should be exercised only in situations of emergency and only after consultation with Cabinet unless consultation is impractical.

So really what is being asked for in this instance is that when there's going to be such an exercise of power, both parties are clear on the procedures that at least the courtesy should be extended to our local government to at least be able to dialogue with them before the United Kingdom hands down legislation that will apply to Cayman directly because that is not the norm, the norm is that our Parliament passes its laws.

And does anybody have any thoughts about this or ideas? Any major objections at this time or just want to sit down and think about it? The reason I ask this is because we also had a caller in today which said that, you know, really to be less focused on taking away the Governor's powers and be more focused on accountability of the premier. And that's true, we have to focus our minds on accountability of the elected government and the premier, but does that mean we must do that and not look at the

whole picture, because at the end of the day we are looking at a black-and-white document which makes certain statements.

And I just want to, again, not to be a lecture, but to go back to our Constitution, the document that we are talking about, and the reason why we are looking to have greater accountability ensuring that at the end of the day, the people of the Cayman Islands are put in the best possible position is because we are human beings, we live here on a day-to-day basis, we want to make sure that whoever is responsible for us is acting in our best interest. And I think that is what the government is posing is that we are -- have been asked by the United Kingdom to revisit our present Constitution. We have been asked to look at the current relationship and see what it is we want as a country while remaining an overseas territory.

And at the very least to carry to them our desires and discuss them. Because at the end of the day, it's going to be a negotiation, it's going to be a discussion. It is not going to be -- well, if you want this, you got to go independent, because the Cayman Islands government does not have the mandate from the people to go independent. It has to operate in the parameters of dependency status. So if there are difficult areas, they're going to have to work them out and may have to come to a compromise. But some of the things that they want us -- the government is asking that we look at, for example, and we are just dealing, as I said, with the provisions of our Constitution. It's not about bashing or diminishing the value of the role of the governor. It's really about looking at the individual provisions in our Constitution and see why it is we need to look at them, why it is we need to address the things that are said there to put Cayman in the best possible position.

One of the things that's in our Constitution, and I refer to anybody taking notes to section 1 of our first section of our Constitution found on page 8 of our companion guide.

And I just read you through the second provision there. It says: The Governor shall for the purpose of administering the government of the Islands have such powers

and duties as are conferred or imposed upon him by this Constitution or any other law and such other powers as Her Majesty may from time to time be pleased to assign to him and subject to the provisions of this Constitution and of any other law by which such powers or duties are conferred or imposed shall do and execute all things that belong to his office according to such instructions, if any, as Her Majesty may from time to time see fit to give him, but no Court shall inquire whether or not he has complied with any such instruction.

Now one of the proposals that has been made is that in the specific circumstances outlined in our Constitution, a court of law should be able to inquire into the powers and decision making process of the Governor. The reality is that it is not every decision of the Governor that is restricted. It is those that are outlined in here.

We have had a number of cases where private citizens based it on local laws have brought legal actions against the Governor in the name of the Governor because the law allows them to do that. The rule of law prevails.

So the question for us tonight is to consider why is it that there should be specific exclusions to a private citizen or to the country as a whole from inquiring into or examining whether or not a public official has made a decision correctly. And that is the question, why is it that we shouldn't be able to do that? Why is it that this Constitution restricts us -- restricts a court of law who we will have to go to to seek remedy or redress from doing that. If you can find an answer, that's great, but if you can't find a good answer for it, there probably isn't one.

And although I don't have the learned Mr. Steve McField with me tonight, in our discussions on the radio he has cited many cases which indicate that no administering power should have any authority over a Court, the rule of law, the law must prevail, righteousness must prevail. So at least the option should be left open and not restricted constitutionally.

So what this provision is saying, and I think Christian sort of hit the needle on the head today, was that the Governor in taking up his office, as we see in section 1, may

be given particular instructions by the Queen or Her Majesty or the government, (inaudible) common wealth office, when taking up his post. And of course those instructions will be in relation to administering the government here. The expectation is that he carries out those instructions because that's his job.

Now where the grey area comes in is that if he fails to carry out the instructions, it doesn't say here that the U.K. can't inquire or find out why or do something, it doesn't say that; but it says basically the Court here can't do that, the people here cannot do that. So Mr. Suckoo raised a question, well, if it is addressed by the U.K., that's fine. But suppose the decision was such that it had a very serious repercussion for Cayman, but nothing was done in the U.K. and we are not satisfied, what is our remedy? What can we do about it?

And that's the first, really, question for us looking about, allowing our courts to put into -- put up the decision of the Governor in terms of carrying out his instructions and really scrutinizing them. We do that all the time. We do it to every government body is subject to scrutiny if it makes a decision in this country. It is subject to it, it doesn't mean that the citizen takes every single decision to court to find out whether they made it correctly, reasonably. But that's allowed if the case came up.

And I would like to take you to the second part of the Constitution, which limits the country's ability to -- limits the Court's ability to look into the Governor's decision. It says here, it's on page 12 of the companion guide and it says -- that's on section 7. And it says: The question whether the Governor has exercised any power after consultation with or in accordance with the advice of (inaudible) shall not be inquired into by any court.

Now what does this mean? Basically this means that if the Governor, let's say Mr. Matinee (phon) today you are the Governor. And let us say the rest of you are Cabinet. If Mr. Matinee has to come to Cabinet and has to -- he discusses with you an issue, a policy issue about the country. Now you all had a whole day debate on it because it's a very important issue. And basically Cabinet, you the Members of Cabinet

have agreed well, look, this is how we want to deal with it. We think this is the best thing for the country. But it is not Cabinet's decision, what you are doing is you are discussing it and making recommendations to the Governor.

The question is whether or not the Governor should be able to disregard all that advice, all those discussions and make his own. And if something goes wrong, that there's no recourse to make it right. A Court can't challenge it, a Court can't quash it. A Court can't say you got to take it back to the Cabinet back again so that we can try and rectify the situation, that is what this provision is about. The provision prevents that. The provision says that the question whether the Governor has exercised any power after consultation with or in accordance with the advice of the executive council shall not be inquired into by any Court.

Now usually a Court's ability to look into the decision of government is to make sure -- it's the worst case scenario, it's not for every day decision making because that's what we call frivolous and vexatious in legal terms. That's just a waste of money or a waste of time. But it's a very, very serious thing.

And we had discussion today, well, some people feel that we ought not to have that afforded to us. Just keep the Constitution as it is. But I want to give us or put forward a real-life example. Please hold.

A couple of years ago, our government found that a certain policy or directive was being handed down or going to be handed down to Cayman that would affect our financial industry. That's in the world stage now. And our government was bold enough to try and protect Cayman's interests by seeking redress in a court in Europe. And they did that. And I believe if I'm correct and I stand to be corrected, were we successful?

(inaudible speech in audience)

**MRS. SUZANNE BOTHWELL:** Not ultimately successful, but at least the avenue was afforded to us to seek protection at the end of the day, to go to a Court that had the power to make a decision about it.

Now, if Cayman's government can challenge a decision of a body larger than the

United Kingdom, but the United Kingdom is a part of -- in a court far away from these lands, doesn't it make sense that at least the same sort of opportunity should be available here?

So that is something for us -- that's food for thought. That's food for thought. And this is why I say what we're talking about here, is really -- even though the nitty-gritty stuff, the little things in the Constitution, the overarching umbrella of this reform process is protecting Cayman's interest, protecting Caymanian people's interest because at the end of the day, we have to live here.

Now, what about accountability of elected representatives? As I said earlier on, there's a mention that we are not speaking enough about that. If we're going to hand over all this power to the elected representatives, then why don't we make them accountable. And I had a discussion today with my colleague about, what is accountability when it comes to our elected representatives? And I actually said we needed to split it in two categories.

The first category is accountability that they do their job. That's their first accountability. We vote them in for a reason. Why do you vote on your representative? To do his job. He made certain promises on the platform. He made certain proposals about how he will carry the country forward. So therefore, you vote that person in so that he can fulfill his promise, so that he can protect. He's there representing us. He's doing the day-to-day representation on our behalf. So that is the first thing.

So accountability of our elected representatives first and foremost is about them doing their job. And we have to look at, well, what are the barriers and the constitutional barriers for them doing their job?

And on the other side of things, we have to look at accountability in terms of keeping them on track, making them -- making sure they don't fall off the wagon or do wrong, but keeping them -- making sure they operate within the law, as a second but separate accountability. And how do we ensure that? We ensure that by putting in place certain measures in our Constitution, in our domestic law that would keep our

politicians honest.

So what do we have in our Constitution right now that would allow them to carry out their job? Well, the first thing is that as members of the L.A., they can put forward motions in the L.A. and discuss matters of national importance. And they can also debate and pass laws. That's the first thing in our Constitution which gives them the power to do their job. It actually helps them do their job.

Then we have those persons who are ministers of government. And they sit down on a weekly basis with the Governor and elect official members and they discuss, you know, what are the big projects, what is the direction this country is going to take in on various areas of government, whether it's education, whether it's infrastructure, tourism, health, you name it, the subject areas are there. And they got to do their job.

Now if they are not functioning properly in the L.A, in the Cabinet, their peers in the L.A. can remove them. That is a check and balance within our existing constitutional framework. They are put there by their peers so they could probably be removed by their peers through procedure.

For the citizen, if we're not happy with those in the L.A., well, I think right now we are restricted to, as they say, every four years, where you either vote them back in or you vote them out.

But additional proposals are now being made in terms of accountability. I remember I start off by saying accountability comes on the -- one hand allowing our government to do their job properly and on the other hand keeping them in check.

Helping them do their job properly, a couple of things have been suggested. One is that on the issue of getting -- -- making government policy, they believe that -- at the very least, there should be -- the elected government should have a say on what's discussed in government at Cabinet level. Right now, an agenda is set every Tuesday - - for every Tuesday and every Tuesday what's on that agenda is put forward and discussed.

That agenda is created by the Governor. In the Constitution, it says it's the

Governor. What is being suggested here -- proposed here is that that agenda should be set by Leader of Government of Business or the premier that if the elected government has been put in to do a job that there should be no hindrances, no administrative hindrances for them doing that. And they should be responsible for setting the agenda.

Now, this is something that has been raised in other overseas territories. It's something that some of them have actually gone as far as setting up a steering committee, which would be between the Governor and the premier. And it's for us now to decide, well, on this administrative function, how do we see it best working? What would we like to see?

The government in their summary proposal has recommended that the premier have this responsibility. Do you agree with this or do you think it should be somewhat varied between the Governor and him? You know, something else. What do you feel comfortable with? And it's also been suggested that in terms of Legislative Assembly that that body really is supposed to be housed or to be -- the members of that committee should be elected representatives only. That they don't feel that official members really have a place there. And that's a question now for Caymanian people to see well, is this correct or is it not?

Mr. Steve McField, I have to quote him again because he's such a wealth of knowledge, had come back and given the history. And I'm sure many of you remember how it is nominated members came into EXCO and when it was that official members came into the L.A. And the question, were they always there and why were they there? And one of the discussions that Mr. McField and I had was this whole issue of motion 390 that was discussed in the House many decades ago, in 1990, actually. And what was some of the discussion about that and the fact that, you know, how does the official -- how do they vote? Do they have independent votes or do they have to vote with government?

And I think if you read the Hansard notes, the statements in there indicate that a

few times they are allowed to vote their conscience, but most times you're supposed to vote with the government. So that's something for us to consider.

Also, if they are sitting in that body, how did they get there and why are they there? We see our elected representatives in the L.A. We know how they got there because you put them there. Also official members in Cabinet. As I said earlier on, there's a system if Ministers of Government are not performing, not carrying out the desire of the elected representatives that they can be removed. Is there -- do the same rules apply to elected -- to official members? Should they also in some kind of way be held accountable? Should they be removed or should they remain there but have certain accountabilities to the people of the Cayman Islands directly?

Now, in terms of the other accountabilities what has been suggested is that to try and tackle issues of corruption in the Island, corruption by elected representatives, but we should seek to establish an independent commission or an independent body to deal with corruption, one that will be there to look at issues of corruption, not only with elected representatives, but also other public officials, senior public officials, because at the end of the day -- well, senior public officials may include senior civil servants, they are there -- civil servants are there to serve the country. And should they be immune from scrutiny when it comes to corruption.

Now, I just want to pause. I know I've been talking for at the very least half an hour, but I just want to ask, you know, anybody sitting here, what are some of the things that you in particular are concerned about or want to talk about that may be outside of the subject area?

Any thoughts on one person, one vote? Yeah? Mr. Trevor do you want to say anything at this point in time? It's been a topic of interesting discussion in the other districts and honestly at this time, at this point in time, there's so many views out there, I don't think that our office can reach a consensus as yet. Do you want to say a few things about your views on single member constituencies and also one person, one vote?

Not yet. I see. Okay.

**MR. TREVOR:** I think it should be one person, one vote would be the democratic way to go about it. I see why some people should have three votes and others have one.

**MR. MATINEE:** Definitely it should be one person, one vote. For instance, in this electoral district of East End, if at the poles you mark two Xs, you should have -- definitely they'll stay at home. It's a spoiled ballot. It should go. Bodden Town, you mark two and you still could have marked another one, to make three. That's three, yes. If you go to Georgetown and you're in Georgetown like where I am, three could go four in. Yes, for four. So one person, one vote.

**MRS. SUZANNE BOTHWELL:** Thank you, Mr. Matinee.

Now, I want to ask the Gun Bay community, how familiar are you with the single member constituency concept? Because I know that (inaudible) in Cayman and listening to the 2001 Constitution review that was a major topic that we should have single member constituencies, one person, one vote. And it's come up again. And some of the feedback I'm getting is that some people actually don't understand single member constituencies, but they understand one person, one vote. Is that how some of you feel tonight, that you're not sure exactly how the single member constituency system would work?

Yeah? Oh, okay, good.

Well, I am not sure where the idea came from, but as I said, it was discussed at length in the -- in the 2001 Constitution. And I know our current Constitution actually made a provision for the creation of an Electoral Boundaries Commission. And I know that some of you know all know Mr. Edington Powell. He was a member, Miss Adrienne Webb was a member of that Electoral Boundaries Commission, and an expert called Mr. Carl Dundas was the chairman of that commission. And they went across all three islands.

And the reason they did that is because if Cayman was to move to single member

constituency system, and one person, one vote, then we would have to look at the physical boundaries of a constituency. It will no longer be Georgetown, which starts probably down by -- wherever Georgetown starts, and then it ends just before Spotts. It wouldn't be that. What it would be is that each district would be divided up into boundaries themselves. So let's say West Bay would have divided into four, and Georgetown will be divided into four, and then Bodden Town into about three or four. You know, they would divide up each district into boundaries. And those boundaries would be called constituencies, right? And those constituencies would basically form what we call natural boundaries.

So they may actually take into account -- they wouldn't necessarily split a natural community in half, they may keep preserved communities. So you may have, for example, Windsor Park, Walkers Road and South Sound being one constituency. And then you may have part of, maybe the Seven Mile stretch, Watlers Road and Spotts being one constituency. So they would keep the locale, the natural locale together. The numbers hopefully would be similar in each constituency as best as possible. So what that would do is that elected representative, instead of those in Georgetown, as Mr. Matinee said, instead of them being four representing the whole of Georgetown, because the community, the district itself would be divided up, you would have one person representing each constituency within that district. And the people who live in that constituency would cast one vote and that would be a vote for the best person in that particular constituency that you would like to see represent you. So that's how the single member constituencies would work because you would have one single member for the constituency, one candidate that we would turn to the L.A. for that constituency.

So as I said, in Georgetown, it would be... (TAPE #1, SIDE A ENDS)

(TAPE #1 - SIDE B)

**MRS. SUZANNE BOTHWELL:** As for East End was that East End remain because of your population. It didn't make sense to divide it up any further, so East End would remain one constituency, but that in a sense would put you in somewhat equal

footing to your neighbour in Georgetown, which you never had before. The value of your vote would be the same, which as you said Mr. Matinee, some had extra votes. That wouldn't happen. Everybody would be on the same footing, everybody would have one vote. So that is the concept behind, first and foremost, single member constituencies; and then secondly, one person, one vote because even though they're related, they are separate.

We've had very interesting discussions in Bodden Town and some people feel oh, yes, I want this, I want single member constituency, they want one person, one vote; but then some people feel, well, you know, I am not sure that I really want to be restricted. They're not saying they want to still exercise their three votes, but they're saying that they want to have selection of their candidates. They want to the same selection open to them. For example, if Bodden Town is developed into three constituencies and the president, let's say, lives down in Breakers, but they would be very like -- like to vote for the person who is running for Spotts (inaudible) constituency and they're not living there, so they can't vote for that person even though they would be able to only cast one vote. They're restricted to the people in their constituency.

So people have different views about what they want, what will work, in their minds. I mean, it's for all of us in the Cayman Islands to really say what system we want to work, what system we want best. Do we want to keep it as it is, do we want to run with the Constitution -- the member constituency, one person, one vote as a country or do we want some kind of hybrid? And this is really where we are right now.

So as I said, the ball is still out on this one because we've gotten back so many opinions that we do have a lot more work to do in terms of galvanizing people's views on -- overtly single member constituents. I've never heard with all fairness, I've never heard anybody say that they were not willing to give up their other votes and just vote for one. I've never heard that. I've heard people say they were quite happy to just have one vote, but they gave some caveats to that. But I've never heard anyone say, well, I've been voting for four, and I'm used to voting for four and I want to continue to vote for

four. I have not heard that. So...

(inaudible speech from audience)

**MRS. SUZANNE BOTHWELL:** Well, we have a person who runs in Cayman Brac, yes. And a few other persons in the Brac too, but I must say on Grand Cayman I really have not heard, at least to my face in the meetings that I've had, I don't recall hearing that they -- people here are not willing to have equality of the vote. And the thing is is that we have to have one electoral system. So even though the change may not affect you in Gun Bay in any way, it's as if you're going to operate the same way, but you still have to weigh in on the issue because it's an Island-wide issue.

Yeah? Okay.

**MEMBER OF THE PUBLIC:** I'm referring to -- I feel like Bodden Town, the three constituents, if -- as far as I am concerned appears to have a -- it's a better thing because there's no passing the buck. In other words, you -- your constituency, you must take care of that. You can't -- (inaudible) -- do that or are going to do that, if it's his constituency. To me, that's the (inaudible). It doesn't -- I mean like East End and North Side, it's a different thing; but when you get Gun Bay, you're dealing with in four figures. I mean, this electoral district, to me, it's a plus to have single, one man, one person, one vote.

**MRS. SUZANNE BOTHWELL:** Thank you.

**MINISTER McLEAN:** Certainly I think I have repeated this enough that when in 1992 when I ran and they had the forum, I said then that single member constituency, one man, one vote is true democracy. Everybody in East End need not have no reason to ask any question who the representative is. You have known it was Warren, they knew it was John McLean, and now they know it's me. And that has spanned 50 years.

In Bodden Town, you don't know who you're talking to or who is responsible for what. If you do not -- it is more accountability, it's more personal when a constituent in this community needs to talk to somebody politically, they call me. They find me. And I am not saying it happens in other constituencies, but there is the probability that if a

constituent wants to talk to somebody, they go to one of those representatives and they could very well say to them, well, you need to talk to that one. And it's passing the buck.

But if you carve out your little piece and your constituency and you run in that constituency, then you split up Georgetown, you feel like you are more comfortable in that one, you go and run. And if you are elected, then you are responsible for that area from a political standpoint.

It is unfair to have a mixture of multi-member and single-member constituency in one country. Now if you're going to do it, it is high time we go one man, one vote for everybody or we get multiple for everybody.

And it's highly unlikely that East End and North Side will ever get the size of -- the population to that size where we would get two representatives, where the people could then exercise the same right that everyone else in this country is exercising.

I think it's -- if that is the case then, you need to go to one man, one vote, single-member constituency throughout the country.

East Enders are disenfranchised and North Siders as well. If everybody else can get four votes and in their mind feel like they have more rights than someone in East End, that's not fair. East Enders and North Siders are owed, are entitled to an equal say and an equal right in this subject.

But everybody in Georgetown and Bodden Town, West Bay and Cayman Brac has two and three and four opportunities to elect people to the Legislative Assembly. It is totally out of line with anything.

And I said at North Side meeting, I believe, that Montserrat, for instance has one constituency and it has eight representatives. So you can vote for eight people, now that's a different matter altogether. I think they have 5-6,000 residents, but they only have one constituency and that's the whole country. You can't just have one representative, one member of parliament, you have eight. And so they all vote for eight.

Now, I don't support an entire national election. In BVI, it's a little different. BVI you have -- I don't remember, it must be like 9 or 10 constituencies, single constituencies, but then you have three at large where everybody can vote for those -- for those three in addition to voting in their constituency for a representative from their constituency.

Anywhere else, it's single-member constituency. Where in Jamaica, Jamaica -- Kingston alone must have 10-15 representatives because it's split up into Kingston East and West and Central and Central East and what have you. But each person is only entitled to vote for one representative.

And in those countries you have two parties. So in most instances, in most constituencies you will only have two people running. Or if there's another one independent maybe and another party that has formed that is not a dominant party. So you really have a choice, but you pick the best.

Now I know it has been said that in these multi-member constituencies people are thinking that they will be disenfranchised. Now if it was a single-member constituency, whereby if they have always been voting for -- for instance, in Georgetown for Minister McLaughlin and they are entitled to that right, they feel, to continue to vote for Minister McLaughlin. Minister McLaughlin and single-member constituency goes and -- he makes a choice of which constituency he's going to run in. And when he does that, those in the other three constituencies can't vote for him. So they are now -- people are now saying that they would be disenfranchised. These are the people who would not have the three votes. Unfortunately, that's the nature of it.

I mean, Bermuda had 40 representatives, I believe, but they had dual -- they had two representatives from each constituency. And they withdrew their alliance and their constituents' alliance and then single-member constituencies and it's now down to 36. So those are the things that happen when you go through that transitional period. And that somebody is going to feel left out, but at the end of the day, it is more -- it's much better for the individual, much much better.

**MRS. SUZANNE BOTHWELL:** Thank you, Minister McLean, for that.

Now, I had prepared a little slide show and everybody should have a copy of this document. And I prepared a slide show because you would have had a slide show, but unfortunately we don't have it tonight. But, you can take this for your reading at home, but it sort of goes through the major areas and explaining what it is that's being proposed.

But I wanted to perhaps just discuss a topic that we really haven't been discussing much in other districts because it really hasn't come up that much. And that's the idea of people-initiated referendums.

What is being proposed by the government is that we amend our existing provision in the Constitution dealing with referendums. And referendum is like a vote, a national vote. Those persons who are electors, like you and I, if there's an issue of national importance like what we're discussing now, the Constitution, that we as a country can go to the poles and we can vote our view on it, right.

And the current process in the Constitution says that if a referendum is to take place, that the Legislature needs to bring a question to the L.A., a question of national importance, they need to debate it, approve it, and make a referendum law to have the referendum. And the question should be in the referendum law. And then they can have the referendum on the issue.

What it's suggesting is that, well, first of all, this particular provision is not user-friendly even for the politicians. Needless to say, how is it user-friendly for the citizens because if we are operating in a democracy, should it only be the politicians who decide a question of national importance? Who should be able to raise a question of national importance? And there have been so weighing in on this and the government here feels that no, that we are -- we operate in a democracy.

In a lot of democracies around the world, when the citizens feel that there is an issue that the government needs to have brought to his attention by the citizen way that

they should have a mechanism for doing so. It shouldn't be -- only be that, you know, you sign a petition and you hope that they take it on board, but there should be processes that would require them to listen to the majority view of the people and address it. There should be a mechanism for doing that. And what they have suggested -- and if we go to the summary proposals. I think it's at the very back.

On page 11, it said that: The revised Constitution should provide for people-initiated referendum. This should require a petition signed by not less than 20 percent of the electorate. It would then be the duty of the Parliament to settle the wording of the referendum questions and cause a referendum to be held within a reasonable time.

So if it was that there was some particular issue that people here were talking about is on the talk shows, everybody is talking about it, the government isn't really dealing with it, but people feel the government needs to deal with it, and we've spoken to our representatives and they're saying we're going to deal with it, but they haven't, shouldn't there be a mechanism for us to trigger that? And what they're suggesting is that if a petition is put together and it has -- it requires 20 percent of those persons who were on the electoral register, then what that would do constitutionally would trigger the process for a referendum.

Once the 20 percent has been achieved, it will have to go to the Legislature, so somebody in the L.A. will have to take it on board, and bring it -- settle the question itself, liaise with the elections office or hand it over to the elections office so that the referendum can be prepared so the ballot can be prepared so to prepare people to vote on the issue.

And once the vote is in, then what they have indicated in the summary of proposal is that the decision of the referendum should be binding on the legislature, but it has provision caveats meaning that provided that there's no inconsistency with human rights, that it's not against human rights, or that it's not inconsistent with any other part of the Constitution. But if it is, that the majority of persons here, let us say 50 percent or more have voted in favour of the question on the referendum then that should be

binding on the government for them to act in accordance with what has been suggested.

Also, if a lower percentage agrees or has voted a particular way in favour of, then it is what they would say is advisory that the government would take on board the outcome of the referendum and decide what to do if it hadn't reached that 50 percent mark.

So the question for us to consider as part of the mandate that we want to give the government before the referendum, we vote in this upcoming referendum is whether or not we would like to have such a provision in our Constitution, whether we would like to have some level of participative democracy.

And I can say that this is an action issue that the United Kingdom is currently looking at in their own constitutional reform. Most people may not read this, but there is a document called Governance in Britain that was published and produced by the United Kingdom secretary of state last year setting out the areas of constitutional reform that their government would like to move forward on and have public feedback about.

And one of the things that they said in their own reform document or proposal document was that recognizing public petition as a historic and fundamental right because it has always been practice and that we as citizens, if we see there's something that needs to be dealt with, we usually petition our government or representatives to act upon it.

And the thing that they also identify that there was a need for up-to-date procedures for considering petitions. And that's the very same question we have here. When people make petitions here, what happens to them? You know, do we have -- should we have to rely on the benevolence of a representative?

It brings back the question of why are they there? They're there for us. So if the citizenry have said that this is something you need to deal with, there should be, as has been suggested in the U.K., up-to-date procedures for considering them. And the recommendation has now been made that we should have a procedure in our

Constitution for people-initiated referendums so that if a certain percentage of petitioners have been achieved, then it starts the ball rolling toward referendum.

And the observation that was made in the U.K., even there, presently there's no formal mechanism for considering petitions. So we see that Cayman is not the only place looking to improve our democratic model.

Is there any other issue that you all want to talk about that you've been thinking about in the last couple of days or weeks on this Constitutional reform that you would like to ask me or the representatives about or even comment on or want more information on?

I just wanted to find out if there's anything from the panel, whether you want to talk about anything else?

**MINISTER McLEAN:** I said earlier that this process started in 1999, which was when Britain invited the overseas territories through the white paper, that is the partnership for progress and prosperity, Britain overseas territories. They invited the overseas territories government to submit proposal for Constitutional reform.

Now, one of the overseas territories includes Gibraltar -- is Gibraltar. And they started their discussions at that time. And after -- I think it was -- they must have had a number of meetings in 2004, 5, and 6 -- 2002, 3, 4, 5 and 6.

And then in March 2006, Jack Straw, who was the foreign secretary at the time, made a statement in Parliament in England and then he and the Chief Minister after successfully concluding the talks of Gibraltar. But I would like to read for you some of the -- the main elements as Jack Straw said on the 28th of March 2006 in Parliament.

Jack Straw said: The main elements include limiting the responsibility of the Governor to the areas of external affairs, defense, internal security and the public service thereby reversing the previous practice and giving Gibraltar much greater control over its internal affairs. The House of Assembly will restyle the Gibraltar Parliament and may determine its own size. The Governor's powers to withhold assent on laws

passed by Gibraltar are streamlined. And my power, that is the Minister, the U.K., my power to disallow them is removed. Right now they can disallow laws in this country.

Although the power to make orders and counsel is retained, meaning England could always make a law and put it on our books. Well, if they are the sovereign power then they should be allowed to do that.

New commissions will be created to handle appointments in the judiciary and public service. Same thing we are proposing. The creation of a new police authority for Gibraltar will give Gibraltar a greater input in policing matters.

And then finally the human rights chapter has been updated to bring it in line with the E.C. H.R., that's the European convention on human rights.

Now what we are proposing is not new. What we are proposing is in line with what England has been giving to the other overseas territories.

And here is McKeeva, the opposition, saying that we want to go to independence. All we're doing is trying to get for this country the same amount that they gave for the other overseas territories.

Now, I understand limiting the authority of -- or the checks -- putting checks and balance in place to control ministers, whether it's Alden McLaughlin or whomever. But who in their right mind would not want their people to have the right and control to make laws for the people. It is us who do them anyway, but England has the right to stop them.

Now, they would still have the right to make a law in council, but it would give the country and the people that you elect a little more control over your destiny. That's basically what it is. And in their joint statement, that was in 2006, a number of things, and I will just read some of them.

It says: Accordingly the powers of the Governor are defined and the elected Gibraltar government will enjoy the remainder. The Governor's powers are limited to external relations, defense, internal security, including certain aspects of policing and certain aspects of public services appointments. The right of U.K. ministers to disallow

laws passed by the Gibraltar Legislature is removed from the Constitution. The Governor's power to withhold assent from laws passed by the Gibraltar Legislature are restricted to certain defined circumstances, if it's not in good governance and that kind of stuff.

The Governor's special legislative powers which are present extend to all matters are restricted to only matters which are his responsibilities.

So that's -- all that is what they are giving Gibraltar. But we're here saying that is going to put too much power in the hands of the people of the Cayman Islands. That's in essence what we are saying. And this country has -- forget about me, myself and Minister McLaughlin being in Cabinet five years from now or ten years from now, it could be anyone. It will be anyone. That is the probability that we have. That's the possibility we have. But we can't just stop the country because there is acrimony between the current government and the opposition. We cannot stop progress in this country. And we cannot stop us moving on because eventually somebody is going to be there. We're not going to be there forever.

But why should we wait -- amend the Constitution now and then five years later amend it again. We need to look for something that is going to give us some longevity. The older one gave us 33 years, I guess, or somewhere in that region. Why can't we look for something that is going to push us to where -- which is in line with the sophistication that this country has enjoyed and has reached.

(inaudible speech from audience)

**MINISTER McLEAN:** Those are the same former ministers who are now writing in the papers and saying the Constitution shouldn't be changed. They changed it all those times, 1992.

(inaudible speech from audience).

**MINISTER McLEAN:** 2004. That was the issue and the Leader of the Opposition -- Leader of Government.

(inaudible speech from audience)

**MINISTER McLEAN:** 2003. So I'm (inaudible) since 2002. I wasn't there before 2000. And it wasn't me who was part of changes in the Constitution without coming to the people, I think we should add. At least we are coming to the people and we are proposing a referendum so that the people can vote on it. Those will all change without coming to the people and that was before my time.

(inaudible speech from audience)

**MINISTER McLEAN:** And yes, I totally agree with you, Suzanne, that it has served us well, but it has enjoyed much amendments because -- and this one will probably require additional -- this one will probably require additional amendments too because nothing should be etched in stone, you make a decision today based on the information you have available to you. And maybe five years down the road, maybe we need to change it to adjust to the times.

So we cannot say that the Constitution is etched in stone. We need to remember that it -- so we need to make certain provisions in that Constitution to be able to change it whenever it's necessary to come up and make it more in line with the way the country is going and more workable, more practical for the times.

And another area that Jack Straw was saying that they were given to Gibraltar. And I read: Whereas currently all executive authority under the Constitution rest in the Governor. Under the new Constitution, it will rest as in the United Kingdom, directly in Her Majesty the Queen and except in the areas of the Governor's responsibility, it will be exercisable on Her behalf by the elected Gibraltar government, not by the Governor.

People are people, whether it's your elected representative and the ministers in Cabinet that you have elected to the Legislative Assembly or it's someone coming out of England, they're human beings. And people -- and I think Suzanne went through that a while ago about how they should have a right to review the decisions that the Governor makes. You have the right to review the decisions that Minister McLaughlin and I make, therefore you should have the right to get review of the divisions that a Governor makes. All governors are human beings, just like us. And we can make mistakes,

omissions, errors, whatever the case may be.

Another area that it says: The bulk of responsibility for policing in Gibraltar are transferred to a statutory Gibraltar police authority. They are giving them all that and taking it away from the Governor and Gibraltar, but that's because the people stood up and said this is what we want. We want to dictate our own destiny.

There's a lot of cry from the opposition about ordinary people will be appointing judges, that's what we are proposing. Now listen to what Gibraltar got. A new judicial service commission is constituted to advise on the appointment and other matters relating to members of the judiciary, save in very exceptional circumstances, the Governor acting on behalf of Her Majesty must act in accordance with the advice of this new commission. The commission would be chaired by the president of the Court of Appeal and would also comprise the Chief Justice, the stipendiary.

That's what they call it?

**MRS. SUZANNE BOTHWELL:** Yes, that's right.

**MINISTER McLEAN:** Magistrate and two members appointed each of the Governor -- by each of the Governor and the Chief Minister.

The only difference in what we're proposing is that those two members, one would be appointed by the Leader of the Opposition, one by the Chief Minister. That's all -- the only difference.

But all that Gibraltar got, but Caymanians -- Gibraltar is not independent. Gibraltar is just like us, same thing, the only difference is that Gibraltar -- there's a fight between Britain for the last 500 years with Spain about who has sovereignty over Gibraltar. And it also speaks of that about how they will not give up sovereignty to another nation. And if they do, Spain has the first right of refusal, I think, is how they say it.

But ladies and gentlemen, what we are saying is that what we are proposing is not something that is novel to these talks that are now going on with England and its overseas territories. Not only is it not novel, they have already given all that. But

because McKeeva is not taking the time to study, he's going out there placing fear in people's heart and in the people of this country. And it's disingenuous. And he's going to ruin these talks again and we are going to be with our hearts full and our hands empty. That's the only thing we're going to get out of his going out there with all his scare mongering. That's all we're going to get.

(inaudible speech from audience)

**MINISTER McLEAN:** And one of the things I'm good for, I was saying to Suzanne when I came here, is that I'm good at keeping paper. The PPM always depends on me to keep paper. And I have all these papers that -- from the last set of talks and all the letters between us and the UDP government. And one of the things was they wanted to put the last Constitution in place without a referendum because they didn't want to talk to the people of this country.

And I said that all that to say that they -- the referendum that we are proposing now, if it fails, if it fails, according to McKeeva saying to vote "no", if that happens and the majority of this country votes "no", I don't know when you will get a new Constitution, a modernized Constitution. I don't know. Because when we put that referendum out and it fails, we can't go to England and say this is what the people want because you have said "no". And if it fails, I don't know when you will get it.

We'll have another five, six years before we -- and then we'll have to go through this whole process again. And then we'll have to go back to the referendum. I'm not trying to scare people into -- you have to make up your own minds.

But my appeal is that we need to do it, we need to come out and we need to learn about what is available and how the systems work and the processes and what is going to be in that referendum. And you will have a choice as to whether or not you vote "yes" or "no" instead of McKeeva making all these big-time ads in the papers.

Now East Enders, I am going to be straight up. I have never lied to you all and I will not do it now. I ain't going to start it now, but I am going to say exactly where the responsibilities lye. And they lye right on the doorstep of McKeeva.

How Gibraltar got where they are today is because both sides of the Legislature came together and said, let's move this thing forward. We have invited McKeeva to do things and he invited us to go to a meeting in 2002, December the 1st, 2002. And then he replied on -- no, it was November the 29th, and then he replied on the -- December the 2nd thanking us for coming and laying out what had transpired in the meeting with the exception of some of the things that we had really talked about there and he wrote them on afterwards in his own handwriting on the bottom of it.

And I can read the first paragraph to you, to Kurt Tibbetts, Lead of the Opposition. On behalf of the United Democratic Party, I write to express our appreciation for your attendance and participation and that of the other members of the Peoples Progressive Movement at the meeting held on Friday the 29th of November at the Hyatt Regency Hotel.

Those are his words.

Our intention in arranging this meeting was to forego consensus on our differences prior to attending the meeting in London on the 9th to the 11th of December, which the Foreign and Common Wealth office has arranged and invited the UDP to bring five delegates and an equal number from the PPM to attend. The United Democratic Party is pleased at the very productive outcome of last Friday's meeting and at the progress that we have made in addressing those issues over which the public has expressed concern.

We went to the table. He don't want to come. He doesn't even want to put out his proposals. He want to be able to beat ours and then don't put anything out. But then he can sit and vote -- to vote "no" on the referendum. He don't even -- we don't even know what the questions are as yet, but he wants to vote "no" without a proposal.

Now if you're killing my proposals and you say our proposals, the PPM proposals, the government proposals is going to lead us to independence, well I invite McKeeva tonight and any other time to bring his proposals and show us what is now going to lead us to independence, that's all. That is fine. But he won't do that, ladies and gentlemen.

And we are going to derail this and if we do, you'll remember, he will be tried and found guilty. Both times in recent times he would be the one who derailed the whole process. He derailed it in 2004. And if the country follows him and vote "no" without making an informed decision, it will be on his doorstep again. But you know he likes that because it's to his benefit, or he thinks so.

But ladies and gentlemen, this is a serious matter. We have to modernize this Constitution. Everybody else has a modernized Constitution. It's incumbent upon us for future generations. Forget about Alden and I, we already work (inaudible). We're here (inaudible) down now. But we will hold on -- we got to hold on and make sure he don't get back in here to derail this again.

But right now, it's incumbent upon us. It's really upon us to ensure that we move forward. And it may not be with all the proposals, the suggestions that we make, I don't have a problem with that. We have already decided we are going to change some of those that we have proposed. And that's because of people like yourself who said, "no, we don't want that". That's fine. That's what we are going to do. We are going to change it.

**MRS. SUZANNE BOTHWELL:** Minister McLean, thank you so much for that. I would like to -- Minister McLaughlin, I know it's getting a bit late, but I would just perhaps like to end the meeting by asking you to explain to people, you know, why it is we're going through the public consultation process and about the referendum mandate document that will be prepared before the referendum itself and who that -- you know, whose reviews, really should be in that document.

**MINISTER McLAUGHLIN:** Thank you, Suzanne, I thought I was going to get off easy this evening.

**MRS. SUZANNE BOTHWELL:** Never.

**MINISTER McLAUGHLIN:** My colleague next to me, he was holding forth on just about all the issues.

Good evening, everyone. This won't be too long. Just try to wrap this up by

talking a little bit about the referendum process.

We committed way back when that any constitutional changes that we had would go to a referendum. That is, essentially, we had asked the country for approval for what it was we would go and negotiate with the United Kingdom for. Now that we have the reins of government, we are making good on that promise.

These two documents which have been out now since the 12th, I think, of January of this year and have been the subject of these meetings really form the basis of the government's proposals, but they are just that, proposals.

We are doing our very best... (TAPE #1, SIDE B ENDS)

(TAPE #2 BEGINS)

**MINISTER McLAUGHLIN:** ...of these meetings and going on the talk shows and on the TV shows, having these discussions to get people to understand what the issues are about.

But when this process is through, we will have, we hope, gathered from you, the people, what we believe to be your views, whether you agree with some proposals, whether you disagree -- we already know that you disagree with the other proposals.

And based on the feedback that we've gotten, we will change our position on those issues and produce another document which hopefully will reflect what the majority view is. And it will be this document that we would come to you with again as the basis for the referendum question or questions.

And the reason I say "question or questions", we've said before, there will be one question. That's what we have been advised. But increasingly we are hearing from people that they would like some of the -- the opportunity to vote "yes" or "no" on more than one issue rather than one single document. So we are exploring, thinking about whether that is possible or not. There are some issues which are a little controversial, if I should say. One of them we knew was this whole question of qualifications, the (inaudible) of election. We have gotten the clear message. We think that the majority of people who can vote in this country don't want those provisions broadened or

liberalized, whatever you want to say, to allow essentially first generation Caymanians the right to (inaudible) of election and we've taken that on board in our discussions.

But the other things like the question of single-member constituencies, we know in some places people have said to us, we would like the opportunity to say "yes" or "no" to that particular proposal.

So we are still keeping quite an open mind about these issues, although we are going to have to come to a view fairly shortly one way or the other.

The other question which is still out there is whether or not we as the people need a bit more time to consider, digest these matters. We have proposed to hold election toward the end of May -- the referendum toward the end of May. Again, we are keeping an open mind in relation to that. Also again, if we are to propose another date, we'll have to make that decision fairly shortly.

And I expect that we will be taking those decisions some time during the course of this month because this is March. We don't want to leave that sort of decision making too late in the process.

But I just want to finish by saying to you, the fact that we are going to referendum, the first this country has ever had or will have ever had is your best indication that this government is determined to do everything it can to get a Constitution which accords with the will of the majority of the electorate in this country.

If we had another intention, we would have done what others before us have done and every government since 1972 has amended some aspect of the Constitution, none have gone to referendum.

So we are not bound or determined as some would say, or some would claim, to arrive at a document regardless of the will of the people. To the contrary we are doing everything we can to get a Constitution which reflects we believe what the majority of the electorate in this country want.

What we are determined, equally determined not to do is to allow the process to stall for it to be dragged out unnecessarily and so that five years or seven years from

now, some of us or somebody sitting in these seats are going through this process and the country would still have no modern Constitution.

If we do that, not only do we run the risk of people suffering from constitutional discussion fatigue, if I can call it that. But we also run the risk that the United Kingdom is going to become fed up. This process has been ongoing since 1999 and every time we talk to the U.K. officials as recently as when the Minister Meg Munn was here, she gave the clearest indication, and she did so publicly as well, that the U.K. wants the process to come to a conclusion.

And so while we are not intent at all on rushing the process unnecessarily, we want to make sure the people understand and people are able to formulate views. We are not going to let the process drag over to next year.

And I will just deal with something there. The Leader of the Opposition has suggested that it would be cheaper, it would be better to hold the referendum at the same time as the general elections.

We take a completely different view on that matter. Election campaigns and everybody in this room has seen many of them in these Islands and elsewhere. Issues get clouded, issues get pushed to -- some get pushed to the forefront, which really depends on the particular dynamic or dynamics of a particular election campaign. People are not focused then on one specific issue unless it is something that is really, really worrying to them.

The danger of leaving the election -- the Constitution issue over to the elections is that it's going to become one of a whole range of different issues and no one is going to focus sufficiently on it. This is too important an issue. It is a complex issue in many ways and we need the country away from the excitement of election campaign, away from the controversy of an election campaign to focus on the Constitution so that we arrive at a document which is carefully thought of, carefully considered, and which accords with the view of the majority of people.

We should get this process out of the way in advance of the election. Whether

that is May or June or July is another matter. But we must conclude this process in time to give the elected government, assuming we get a mandate for me to go -- the opportunity to go to the U.K. or the U.K. to come to us for that matter, but to sit down, and the opposition would be at the table as well, and hammer out the best possible constitutional document we can for the people of this country.

That's what the exercise is about. I hope that little explanation helps you understand where we are and where we are trying to get to.

Thank you all for having us here tonight.

**MRS. SUZANNE BOTHWELL:** Thank you very much everybody. I think Minister McLean said he'll be holding yard meetings; is that correct? So I would like to perhaps encourage you to take a look at the proposals, each one, you know, weigh in on the issues, write down a list, get a list -- everybody has a notepad and I gave you all notepads for a reason because -- I don't want a grocery list of the notepads, you know, I want a constitutional list in the notepad because if you have any questions, I want you to write it down when you have the questions so you remember at the yard meeting to ask him.

If you have any concerns about any issue when you read a summative proposal, you see a lot of different issues, if you have any concerns about them, write the concern down so you don't got to keep it in your head and then you forget. You write it down and you go there. You go there and you give it to him. Give it to Minister McLean so I can get it. Because what Minister McLaughlin said is that, you know, we need to hear your views. It is good for you to sit down, digest the issues, obtain a greater understanding. But that's only half of the solution. The other half is voicing your opinion because as Minister McLaughlin said, at the end of the day, before the referendum, we will be putting together a mandate document, a referendum document, which is going to set out the feedback, the majority views on each issue.

So you want to make sure that your view is at least given to the Secretariat to see whether or not it's taken into account before that document is prepared, because at the

end of the day what we hope to achieve is that when Caymanians go to the poles, they are voting on the views of Caymanians. That is what it is supposed to be. They are voting on the mandate that Caymanian people have given the government and their expectation will be hopefully that they use that mandate and negotiate the best Constitution for us.

So I'd like to thank you, the members of the Gun Bay community, for coming out tonight. We do have a lot of groundwork to do, but I will encourage you to play your part, read the information, we're on the radio every Monday and Friday, 12:15 to 2 o'clock on Radio Cayman. Every Monday it's a different issue, every Friday it's a different issue. I think next week Wednesday we are on CITN, Wednesday night, next week, the 19th, we're on CITN. We're discussing some other constitutional issues.

In the papers we're preparing full-page advertisements with a column of information. And we're going to be doing -- each subject area we're starting off with the Bill of Rights and there you will see -- you will get some information about what are Bill of Rights, what are they meant to do, what has some of the feedback been so far from people in the various communities, and how the government proposes to, you know, to deal with these things. This is part of that crucial feedback and we're going to go through every subject area between now and the referendum, when the date is announced.

So I really encourage that members of Gun Bay, your families, your friends, you know, this is about us, this is really for us. This is your Constitution, or our Constitution, so it's time now for us to really get down to business, know the issues, weigh in on them and give our government the mandate.

Thank you so much for coming. If you need us to come back, we'll definitely come back before the referendum. Thank you so much.

**MEMBER OF THE PUBLIC:** Madam Chair, Miss Suzanne, and your panel, we would like to thank you all for coming, taking out time out to come to us and go through all these issues and explain it to us. We think that you have clarified and made clear all

the issues that you have gone through tonight and I think that as a -- as a modern community, I mean, we got a leading financial sector here. I think we have to update our Constitution and everything else. We can't go around with antiquated things, Constitution, we need to be upfront with not just the financial things, but everything else. We have to put forward and be able to be on top.

And I thank you all for coming and explaining to us all the things that you have done and you will -- you have certainly given us a clear insight and we can digest what you have explained to us and be able to make a decision.

And we wish you all a safe ride back to your respective homes and we look forward to hearing some more from you. Thank you very much.

**MRS. SUZANNE BOTHWELL:** Thank you so much. It's always a pleasure to go to the different districts and get to know the communities and their views.

I would also like to thank our panel and our staff at Radio Cayman for recording this meeting -- public meeting at the Gun Bay Civic Centre. And I hope that all the listeners out there are tuning in to all of our public meetings so that at the end of the day when we go to vote at the referendum that are you in the know.

Thank you, God bless, and good night.