

COMMENTARY

Party system not a prerequisite for Chief Minister's appointment

By Franklin Smith
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I support the recommendation of the Constitutional Commissioners Sir Frederick Smith and Walter Wallace that an independent committee on the prerogative of mercy should be established for the purpose of consultation as the four elected members of Executive Council are political.



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I would strongly support the post of Chief Secretary berecreated. That was a good example of how the younger generation was looked after by the older ones. The post of Administrative Secretary was created because when the ex-Chief Secretary retired, his post was

awarded to a much younger person than any of the ExCo Members, and had he retained the title of Chief Secretary he would have been the key figure in a recognisable hierarchy and would normally have acted as Governor. This would have placed him above the ExCo Members. No hard feelings meant to the Financial Secretary, who I am proud of and happy to have as Acting Governor, but I cannot say that about the Attorney General.

ELECTED MEMBERS: I support an increase in Executive Council members from four to five (the Chief Minister additional). If, as the Commissioners claim, the appointment of Parliamentary Secretaries is to assist the overloaded portfolios then I feel that they should not have to be bound by collective responsibility. I also agree that the title of minister instead of member is more appropriate for those holding the high office.

I agree that the post of Chief Minister should be created and I can see the benefits that would follow if filled by a good candidate. But as stated before, this should be the Caymanian choice, not the Governor's.

The Commissioners' recommendation that the ExCo should comprise the Governor (in chair), Chief Minister, Chief Secretary, Financial Secretary, Attorney General and four ministers has my full support, but only after the next general elections. However, I do not support the Attorney General, the Chief Secretary and the Financial Secretary having a vote in the Finance Committee, but will support the continuation of the Speaker taking the chair.

CHIEF MINISTER: I do not feel that it is essential to have a party system as a prerequisite to having a Chief Minister, but agree that Official Members should not have to vote in the selection of such a post.

Since starting this article, I have noted that the Governor, in *The New Caymanian* (issue of 30 August-3 September), sought to clarify the issue of appointment of Chief Minister apparently based on the remarks of Mr. McKeever Bush when announcing the formation of his party. The Governor referred to the British Virgin Islands' Constitution: "the Governor shall appoint as Chief Minister, the elected member of the Legislative Council who are members of the political party gaining the majority of seats."

Nowhere in Commissioners Wallace and Smith's report under the heading of appointment of Chief Minister did they recommend that we refer to the Constitution of other Dependent Territories to be used as guidelines as they have so conveniently done under the following headings: Bill of Rights, Committee on Prerogative of Mercy, the Public Service Commission, Attorney General, Auditor General and Pensions. If it were meant for the people of the Cayman Islands to use another Dependent Territory's constitution as guidelines in choosing the Chief Minister, the Commissioners would have referred to it.

I believe that once the Chief Minister has been appointed, he should be free to appoint his own ministers. And I totally disagree with the views or recommendations of the commissioners that the appointment of Parliamentary Secretaries should come from the remaining 10 elected members. If this is done we will be setting up a dictatorship government which would be able to do as it pleases without any checks or balances. They would have 11 (three official members, five elected members and three parliamentary secretaries) out of a total of 18 in the Assembly.

How then could we expect to have any good constitu-

ency representation and of what good would the opposition be. If the Government is of any value at all they will get the support they need from the backbenchers.

For example, at times when the seven backbenchers have a good motion that would be good for the people and they are able to effectively put their arguments to the 8th backbencher who so often is the Government's "yes" man, Government has no one else to blame but themselves if they are out-voted. Let me say, though, that not because the government is out-voted on a certain motion should this be taken to mean it is a no confidence vote.

The placement of the heading "Finance Committee" after the "Parliamentary Secretaries" in the report was just done to brainwash the public in believing that Finance Committee could only function effectively if these posts were created and be allowed to vote. The Commissioners could not recommend that the Finance Committee (comprising the Financial Secretary and all elected members as it was before Motion 3/90 was passed) be enshrined in the Constitution because it would prove Government wrong.

The Commissioners used the excuse of the House not having a Speaker for 18 years and that is was necessary for the Governor to preside in the Assembly. To me this is another attempt to draw the attention of the people from the wrong that has been done by Motion 3/90. If, for the last 18 years, the Financial Secretary was allowed to take the Chair of the Finance Committee while the Governor presided over the Assembly, why must this be changed now that a Speaker has been elected to take his place in the Assembly?

No offence to the Honourable Lady Speaker of whom I am proud to have as the first Caymanian head of our Legislature. If it was not right for the Governor to sit in Finance Committee for the past 17 and a half years how could he do so after Motion 3/90 was passed when the Speaker only took office in early 1991?

Paragraph 36 of the Earl of Oxford & Asquith's report recommended there should be constitutional provision for a Finance Committee to be comprised of the Financial Secretary as Chairman, four elected members of ExCo and three other elected members of the Assembly; the then Backbenchers saw that Government would have had a majority in the Committee regardless of

who were the elected members at the time in the Assembly, and they saw fit to reject that recommendation and instead moved to have all 12 elected members on the Committee with the Financial Secretary in the chair.

So far that worked well until Government could not get what they wanted (e.g. Master Ground Transportation Plan and the hospital consultants' exorbitant fees) in the 1989/1990 Appropriation Bill so Motion 3/90 was subsequently introduced. This, of course, has given the Government a majority in the Committee (with the "yes man" on their side) and will be even more so if the recommendation for three Parliamentary Secretaries is accepted. It is hoped that elected members of the Assembly would act as wisely with this review as their predecessors did in rejecting the Earl of Oxford & Asquith's recommendation.

According to the Commissioners, the placement of the Speaker in the chair of Finance Committee "would not only provide an impartial Chairman of an important committee..." Are they referring to the Financial Secretary or to the second chairman as being partial? I can personally say that for the time that I have known the Financial Secretary and having had the privilege of being a Member under his chairmanship, I found him to be of an open mind, not biased.

They suggested that Finance Committee should only consider "matters as are referred to it by the Assembly and not, as seems to be the present practice, to consider almost any financial matter that may be referred to it by any member of the Assembly." I know for a fact that that is the only way the MLAs can get funds approved for their respective constituency's needs. As such I strongly oppose any such move to take away the fundamental rights of the electorate's representatives.

As has happened in the recent past, Government by majority moved to have Finance Committee taken behind closed doors but such a move only deprived the electorate of their rights to hear and know what their representative was doing on their behalf. We can only hope and pray that such a move does not recur. Everyone needs to know what is happening, whether good or bad.

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