



Constitutional Modernization Initiative Public Consultation Meeting

Held on

Monday, 5 May 2008

Webster United Church Hall

**Grand Cayman
Cayman Islands**

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MONDAY, 5 MAY 2008
CONSTITUTIONAL REVIEW SECRETARIAT MEETING
WEBSTER UNITED CHURCH HALL

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Good evening, ladies and gentlemen. Welcome to the last constitutional public meeting for the District of Bodden Town. Before we get started, we'd like to ask Reverend Menko to say the opening prayer for us.

PRAYER

Reverend Otto P. Menko: Let us bow our head and let us stand to the Lord in Prayer.

Our Lord and saviour, Jesus Christ: we thank You for a wonderful gift, a gift that we so many times take for granted, and that is that we can live in a society and in a nation where there is freedom, and we thank You for the many facets of this gift.

We thank You for all those who are in a leadership position, those who take at heart the welfare, the present and the future, of this country.

We thank You for the desire to create an even better society, and we ask You that, as they continue endeavour in this direction through trying to modernize the Constitution of this nation, may Your Holy Spirit guide them and strengthen them and give them wisdom. And we thank You for the opportunity that we as a public can have a say in it, in this process.

We thank You for their openness to hear the many voices and the views and sentiments. And we ask You, Lord, to bless this meeting and help us to continue to seek Your will, for Your glory and for the benefit of this nation, and all those who live and work here. This we ask through Your name. Amen.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Thank you.

As I said, this is the third meeting for Bodden Town. We've had one in Savannah, one in Lower Valley. So, we've changed the format of the meetings a little bit, and we prefer now to come directly to you as members of the public and ask you what specific areas it is that you want to talk about so that we know that we're covering what is important to you and we're not gonna miss anything.

So can I have somebody just — just call out the first area of interest to you?

[pause]

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): We've had some recent events that have caused us, in some ways, to revisit some of the topics that have been big topics at the beginning of this process. One of those is the role of the Governor and the role of the elected Members. So, if there's — there's no topic called out by the audience, I think we'll go there and we'll start at that and move through.

[pause]

ROLE OF THE GOVERNOR

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): One of the proposals that is being made is that the face of the Cabinet would change.

Currently the Governor presides over the Cabinet. There are five elected Members, and there are three *ex officio* Members being the Attorney General, the Financial Secretary and the Chief Secretary. The three *ex officio* Members are voting Members but they are not elected; they are serving because of their position as civil servants.

So the proposal is that those persons would actually not be Members of the Cabinet anymore. The Attorney General would remain in Cabinet, but in an advisory capacity. And the Premier — currently the Governor sets the agenda for Cabinet. The Premier would take over that position. And the Premier is basically another name for the Leader of Government Business. The Government is proposing that we change that title, Leader of Government Business, to Premier.

In the past others have — have proposed Chief Minister, but the three names basically mean the same thing. There's just a preference now to move to Premier because it is more recognizable in the Region. The other Overseas Territories in the Region don't use Leader of Government Business; we're actually the only Overseas Territory that uses that title. So to move to Premier it would put us on equal footing with the other leaders in the other countries.

Now, as I said, the Government sits as the head of Cabinet. Under the proposal, the Premier would sit as the head of Cabinet; he would set the agenda. What that would do is, it would take the responsibility for the Executive away from the Governor and put it into the hands of the elected Officials.

Now, some of you may be wondering why it is that you want to do that; and while the relationship between the elected Governor — the elected Members and this Governor that we have now is a good working relationship, some of you may remember in the past that we've had some Governors that we didn't necessarily agree with. So, this kind of a proposal is not — is not necessarily looking at what one person does,

what the relationship is with a particular Governor, it is looking at the possibilities that could happen.

What could happen if you go to your MLA and you have a particular issue that you want taken care of, and that issue is raised at the Cabinet level by one of your Ministers, and the Governor refuses to put it on the agenda? There's no way for you to actually have that — that go any further. So, this proposal, then would allow that — those kinds of issues to move forward. It would preclude the Governor from stopping them.

The other abilities or powers of the Governor are his — his special powers, the powers are emergency powers and reserve powers.

Emergency Powers

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): His emergency powers (I'll do those first), basically, if you were here after Hurricane Ivan you saw an exercise of the Governor's emergency powers. The Governor basically prevented the elected representatives of the country from being involved in post-Ivan activities in policy and planning. He took it over and he took advice from members in the private sector as to how to move forward.

The Government is not proposing that the Governor have to give up his emergency powers, but what they are proposing is that he exercise his emergency powers to the betterment of the Cayman Islands and that he make representation for the decisions that he makes. In other words, he would communicate the reasons for making decisions that he makes. And this would be to — to safeguard us in a situation where the Governor decides to act contrary to what the Cabinet is telling him to do.

Reserve Powers

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): The Governor's reserve powers are his powers to pass legislation without the assent of the elected officials in the Legislative Assembly, and it's also his powers to block legislation that they would like to see passed.

And, again, the Government is not — is not saying that he should be prevented from having this kind of power. But they are proposing that he use this kind of power responsibly and that he does not have a broad spectrum in which to apply it, but it be applied in specific circumstances of emergency.

Special Powers

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Finally we have the — the special powers of the Governor being Internal Security and the police, External Affairs, the appointment to positions within the civil service and defence.

The Government has recognized right away that the responsibility for defence must lie with the Governor because the Cayman Islands does not currently have the ability to defend ourselves from — from any kind of invasion or outside attack. So, the . . . what they are proposing is that the Governor have the ability to delegate these responsibilities. And the reason is, is because when we look at specific ones of these responsibilities, including Internal Security and the police and External Affairs, there are very good reasons for having those delegated to your elected Members.

We've all seen very recently happenings in the police force. In Bodden Town you have seen a house that was being stoned on a regular basis. Members of the community have had complaints for years about certain aspects of policing.

What the Government is saying is that — excuse me — in matters of Internal Security and the police, the elected Members need to have more of a say in what happens in the country, not that they would be in charge of the police force, but that they would be able to contribute to policy setting on policing and security matters.

That would mean that you would actually have the ability to have your voice heard on policing matters. Currently, that sits under the Governor, and if you go to your MLA and complain about a policing matter, your MLA really does not have the authority, the power to do anything about it, because it's — it falls under the Governor's mandate, it is not under the elected official's mandate. So they would then have to go to the Governor, petition the Governor to do something, and then the Governor would take action.

What is being proposed is that you're able to basically have — the Governor would have the ability to delegate that so the elected officials can deal with that directly, on your behalf. And what they're proposing specifically to do this is a National Security Council.

National Security Council

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): The Council will be made up of the Governor as Chairman; the Premier; two other Ministers; the Attorney General; and the Commissioner of Police. And, basically, the body would — would meet to

discuss matters of policing policy and the body would advise the Governor; the Governor would then have the ability to act on that advice.

[pause]

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): You want to say something?
Please interject.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Thanks. I just wanted to expand a bit on three issues: the composition of the Cabinet; the National Security Council; and — and the police.

And starting first with the composition of the Cabinet, it really goes right back to the heart of democracy and what democracy means, and the fact that democracy essentially is the system of government that involves and ensures and requires the participation of the people of the country. And so, if you have a Cabinet such as the one that we currently have where you have a mixture of elected representatives and civil servants who are appointed by the Governor, you, as a people, don't have an opportunity to hold those appointed Members responsible and to make them accountable for their actions.

So, if their issue is, as an example, in the Portfolio for the Internal and External Affairs, and there's some issue, perhaps a significant issue that you, as a people, don't agree with, there is no opportunity for you to hold that individual accountable for those particular actions, because he or she is not required to face the people of the country every four years and to say to the people of the country: You've seen me performing in my role, you've seen what I've done. Do you have confidence in me? I'm asking for your support. And you make the decision as to whether or not I should continue to be employed in this role.

In most other territories — in fact, in just about all of them — they have moved beyond this point where they have Cabinets that consist primarily, and in most cases, exclusively of elected members, and that's really how it should be in a democracy.

So, that's the real question for the people of the country to answer: is it that you want to continue the current system? The Government's proposal is that we should not because it doesn't truly reflect the way that a democracy should operate and that a democracy really ought to have a Cabinet consisting exclusively of elected Members so that you can hold each and every one of them accountable for their actions.

The second point is the National Security Council. And the moderator essentially used one example, and that was the issue of the

stoning of the houses in the Pease Pay area and some of the issues that came from that.

If we had a National Security Council established where your elected representatives could actively participate in the discussion, perhaps we could have addressed that issue in a different way much earlier on in the whole situation.

Because it is not about the elected Members getting involved in operational policing; that's not — that's not the idea at all, but we know from our own experiences that people tend to come to their elected representatives a lot quicker than they will go to a police officer. And I can tell you because I've been essentially on both sides of that fence. And so they will come to their elected representatives and confide in them a lot quicker than they will most of the police officers; and that is something that does cause us some concern because we — we would the country and the people of the country to have more confidence in the police and trust the police more. But that is something that as you know we are working on. But certainly having a National Security Council would allow elected Members to be more involved and to essentially use the information that we are given to help influence policy with respect to policing.

And another good demonstration of — of how a National Security Council could have more effectively assisted in the implementation of policies for law enforcement, this Government came into office with a mandate to properly establish a coast guard for the country, and we spoke about that extensively during the campaign. We voted funding, we've committed over \$50 million for the police in this term, and we wanted action on that coast guard and the marine base as a priority. But as we are not responsible for the police, and we don't have a National Security Council, and really don't have the ability that elected Members should have to influence the policy in that direction, there's been more of a delay than we would have liked on the establishment of the coast guard.

Now, don't get me wrong. We've made good progress on that and — and we have designed specifications for the vessels, the vessels have been ordered, and we now have Planning permission to establish the base for the vessels, but we would have liked for that to have happened a lot quicker than it did. And all we are saying is that if we had a National Security Council that would have been the platform that we could have used to better influence the policy in that direction.

Those are my initial comments on it.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Thank you, sir.

External Affairs

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): The last area under the Governor's special responsibilities is External Affairs.

Now, there are many departments within the UK government, just as there are many departments within our government, and those departments implement policy just as ours do. And just as ours do, they come up with good ideas for the UK and they want to see those ideas go forward, and those ideas are spoken about in the UK Parliament and they are passed.

And I draw that — that line out to say that when they are being passed they are not being passed along the lines of: okay, we want to do this, but what about the people in the Cayman Islands? Often times what happens is that it is viewed to be a good idea, so it's done, and if — if we're lucky, the Overseas Territories are an afterthought to it.

So, what is being proposed in External Affairs is that any — any treaty that is signed, any international treaty, any international obligation created for the UK that would affect us as an Overseas Territory, we should have the ability to know what it is prior, to be able to speak on it prior, to be able to let the UK know: this is how this is going to affect the Cayman Islands, this is our objection, our ascension to it, and this is what we think should be done. And the only way to do that is — is for the Constitution to recognize that before these things can be done we have this ability.

So, this again is one of the choices that is being put before you as the people of the country. Would you like to see your elected Members have the ability to speak on these international treaties and obligations before they become obligations to us?

And another aspect of this is that oftentimes we have a relationship with other countries outside the UK as well, and there may be treaties, there may be agreements that we may want to enter into that are not significant to the UK, they have no affect on the UK. So what the Government is saying here is that, well, we should also be able to have dialogue with these countries and to — and to become a part of these treaties and these agreements without having to go through the UK to do it. We should be able to do that directly.

For instance, if, you know, the members of CARICOM came up with something, we should be able to just discuss it with them if it's a Regional matter and it has no bearing on — on the UK's position.

You wanted to . . . go ahead.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): I just wanted to give an example of an issue like this.

A few weeks ago I was in meetings in Miami with representatives from the United Kingdom's Department of Transport, and it was in relation to air services agreements. And these are agreements that are quite technical in nature, but, essentially, what they do is they govern air transport between countries. So, as an example, you may have a regulation in place — pardon me — that says a foreign carrier can only operate 'X' number of flights into a particular country, if that country has a flag carrier. And if the flag carrier, as an example — let's just use Cayman Airways — is operating four frequencies per day to Miami or from Miami, the foreign carrier would not be allowed to exceed that number of frequencies.

Now, generally speaking, the US and the European Union (EU) have recently agreed on something they call an Open Skies agreement, which there are no restrictions on the number of flights from one country to the next. And the UK invited us to these meetings to discuss talks and to discuss strategy about how the Cayman Islands would approach air services agreements. And we used examples in our discussions with them about what Open Skies agreements had done in other regional countries and how they had brought about the demise of national flag carriers in other countries in the Region. And we gave examples. I mean, we named the carriers that had gone out of business because it is essentially — it essentially allows unfair competition.

Now, in this instance the United Kingdom was smart enough to invite us to the discussions and to offer that platform for us to have talks with them, and those talks are — are still very much active.

But I use this example to underscore the point that the United Kingdom chose to invite us to those meetings because, for whatever reason, they felt that was the best thing to do. They didn't have to do so, they could have simply allowed us to enter into — or to create a situation where we would have had what they call an Open Skies agreement with no restrictions in relation to the Cayman Islands.

But unless there's a constitutional provision that requires the United Kingdom to consult the Cayman Islands before entering into any treaties or arrangements or agreements, there would be no obligation and there is no obligation for them to consult.

And what we are saying as a government is we want a provision in our Constitution that says whenever there's a treaty, an agreement or whatever form of commitment they may want — or whatever they may want to call it, that the United Kingdom — where there's an interest relating to the Cayman Islands that the United Kingdom has an obligation to consult us before entering into any agreement.

We believe that is a straightforward proposal that is in the best interest of the country, and it is a proposal that we feel very strongly about as a government. And we wanted to get your feedback on that as well.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Before I move on from the Governor, let me just go back to that topic for a second.

Just to give some information by way of — of comparison, because you may be wondering, you know, in some of these things why it is that — that a change is needed. You may be wondering what the — you know, what the status quo is in other countries. And I'll give you an example of something that has come out recently, and I'm sure it'll spark a lot of conversation.

Currently in the Cayman Islands we pay the salary for the Governor. In Bermuda the UK pays for his salary, and he gets paid over £300,000 a year.

So, a lot of these constitutional movements that are being proposed are to create equality, is to — is to erase some of the discrepancies that exist between us and some of the other Overseas Territories.

Right now there are actually UK parliamentarians that believe that all of the Overseas Territories, especially the richer ones, should all pay for the Governors' salaries, but at the end of the day, who does the Governor actually work for?

The elected Members work for you, as the people of the country, and we regularly inform them that we're paying their salary. But the Governor is not there to work for us. He is a civil servant on behalf — who's placed here on behalf of the Queen. So he works, really, for the UK.

So that's a — as I said, that's a new one, hasn't really been discussed much before, but that's something for you to consider as well. Would you want the Governor's salary to be paid — continued to be paid here, or would you want for that to be paid by the UK Government?

[inaudible comment and laughter]

ROLE OF THE CABINET

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Again, on the role of the Cabinet, I had a person ask, you know, why — why make a change to the way that Cabinet operates? It seems to be working fine. And, in fact, we've had people make that statement in regards to the whole process. Why go through this process? Everything is working fine. And, of course, the answer to that question is, you know, if I don't service my car, it's working fine now, but how much longer is it going to be working fine?

You know, we live in a world that is much changed from the Cayman that we knew 50 — or, I didn't know it, 20 years ago. [laughter]

So, you know, things have changed. The world has become a different place, and we now have to adapt and to — and to make sure that we hold a modern position in this new world that we're a part of.

And Mr. Steve McField, I don't know if anybody saw his article in the paper last week, but he basically went through and gave a history of the creation of what is now called the Cabinet, how the body came to be, from the very beginning of being, you know, people in an advisory capacity to what we have now.

And, for instance, the term 'Leader of Government Business', as I said before, it's only used in the Cayman Islands, but that term was actually established to be the person who would take business to the [Legislative Assembly] LA. That is why that person was called Leader of Government Business.

Now, when we think about the Leader of Government Business we don't actually think about that position in that context, we think of it in line with a Chief Minister or in line with a Premier because that's what we've become accustomed to.

So now it's up to us to say, well, okay, if we think about it differently should we leave the name the same?

[pause]

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Are there any — I know we had some new people coming out. Are there any other areas that you all want to discuss, anything that you —

Yeah, go ahead. Go ahead.

Question #1 - Member of the public: Single-member constituency? Is the proposal for changing the constituencies, the boundaries? Can you elaborate on that, please?

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): The . . . you wanna go ahead? Okay.

Single — we're looking at two things: single-member constituency and one person, one vote.

Currently, as you know, the country is divided into six districts, and the proposal is to move to 16 single-member constituencies. This proposal was actually made in 2002, and a Boundaries Commission was set up in 2003. They basically went around the country and they divided the country up into these constituencies.

The stipulations were that they had to have areas of — of pretty much equal size and equal population, and I believe the members at that time was about 800 people per constituency.

So, what they did was they tried to preserve the natural boundaries that exist between the districts, so you wouldn't have had a

situation where part of Bodden Town now becomes a part of East End. Those boundaries would have been preserved but you would have these constituencies. And what is being proposed now is to maintain that with the difference that in 2003 it was proposed that Cayman Brac and Little Cayman would be split into two constituencies, but now it's being proposed that they remain as one.

Now, what would happen is — is that the system of one person, one vote would be implemented along with single-member constituencies.

Currently in Bodden Town you have elected three people to serve you. Once the constituencies are created you would only be able to elect one person in that constituency. Bodden Town as a whole would still have three representatives, I believe, depending on the . . . there are some population shifts that need to be taken into consideration like the — there's been a population explosion in Savannah, in Newlands, so the boundaries would have to be redrawn. So, you would still have all of these representatives for the district of Bodden Town, but each one would have his or her own constituency.

And, as I said, the system of one person, one vote would prevail. So, rather than going to the polls and having your three votes in the entire district, you would just vote in that constituency and you would have one vote.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Just to say that the . . . Bodden Town is the fastest growing district, we understand that, and when we look at the — at the voters' list even today, it is not hard to imagine that Bodden Town would have at least equal the number of voters in West Bay by the next election.

So, it is possible that when you look at the population shifts that the district of Bodden Town as we know it — which, by the way, the name — this is not about name changing, it will still be the District of Bodden Town, but it could very well have enough voters in it to justify four representatives. But the District of Bodden Town would essentially be split into four constituencies.

It simply makes the representatives more accountable to the people that they represent. There is greater opportunity for real representation where you can maintain almost constant contact with your constituents. It is difficult to do that when you have a constituency the size of Bodden Town or George Town, and so, it makes the whole issue of representation a lot easier.

So, you will still have the Bodden Town district, but you will have four constituencies that could be called whatever, it could be Bodden Town West, Bodden Town Central, Bodden Town East and something else. So those would be four constituencies within the District of Bodden Town.

So, I just use the one district as an example of how the Island would be split into single-member constituencies.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Are there any other areas?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Just before you go on, I wanted to just go back quickly — sorry — to the composition of the Cabinet because I don't think I made this point earlier. But the change — our proposed change in the composition of Cabinet where you would move from a Cabinet that has five elected Ministers and three appointed Official Members, essentially, we're not proposing that we do away with the Financial Secretary's position or the Chief Secretary's position, those positions or the Attorney General's for that matter. Those positions would remain, but they would not necessarily be Members of Cabinet.

So, the Financial Secretary would still be the technical person on the finance side, but he or she would be reporting to a Minister of Finance who would be . . . who would be the person that is accountable to the people.

So, you wouldn't lose the expertise, the technical expertise of the Financial Secretary. That person would simply assume the role of what we now call Chief Officers or something akin to that where that individual is the chief administrative officer in the ministry reporting up to a Minister who's accountable then to the people.

Question #2 - Member of the public: Hello? If you could indulge me just one more second.

So, with the single-member constituencies — and like you just said you may have to move from three to four people in a district based on the population growth — how would that change the face of the Cabinet?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Well, it would change the face of the Cabinet to the extent that what we proposed in our *Summary of Proposals* is to increase the membership in the Legislative Assembly to — by two individuals, so it would move from 15 elected to 17 elected. And then we would also increase the number of Ministers in Cabinet by two, so it would move from five elected Ministers to seven elected Ministers, and we would then be able to spread the responsibilities more equitably over those seven positions — seven elected positions in Cabinet.

And I should say just very, very quickly that — that if you compare the Cayman Islands to other Caribbean countries, the responsibilities that the Cayman Ministers face are tremendous compared to most other Caribbean Islands. You know, you have ministries like Minister Eden's Ministry of Health and Human Services, and my ministry, Ministry of

Tourism, Environment, Investment and Commerce. You don't usually find any other countries that have so many core subjects under one person. You would find a Minister of Tourism that might have one other core subject because that allows that person to focus on that subject. But our ministries are extremely large and it is becoming increasingly difficult for a Cabinet of five to effectively manage all of those core subjects.

So, again, in the interest of ensuring that — that we essentially deal with policy issues at the level that we should be dealing with them at, you really shouldn't have core subjects like tourism and commerce and environment in the same ministry, or health and other major subjects in the same ministry under one particular person. We really need to essentially 'spread the load', and that would certainly allow for much better operations of the Cabinet. And, as I said, that is the norm in most the other countries.

Powers of the Proposed Premier / Police and Law Enforcement

Member of the public: Thank you.

I've — I've listened to the need to improve democracy by changing the circumstances around the Cabinet, and you talked about the styling the Leader of Government Business to Premier. And I wonder if you could expand a little more on what the real powers of the proposed Premier would be if that styling was to be adopted, because certainly it couldn't remain as is and have any meaning at all because it's meaningless right now.

But the other thing — aspect that I would like to hear some expansion on is separation of powers, because I see the Westminster style of government to be one that is more incestuous, and that it doesn't really and truly lend itself to the proper separation of powers, and I wonder if you could expand on that.

And while I'm on the mike I'll just say that I am a bit concerned about the police and their view of how they will enforce the law. And I think that as I've seen in the newspapers — today's newspaper where this gentleman came down here and he basically is advocating that we change our laws in relation to homosexuality. I . . . I look at what I see in the papers, and if what's in the papers is correct, I'm a bit concerned about the police's attitude towards what the law says.

And when I think about my own complaint that I have with the Police Department on — I see essentially the same thing: the opinion of the police seem to be more important than what the law says, and that worries me. All I want the police to do is enforce the law as it is, nothing more, nothing less. I think it's dangerous for a police department to not only feel that way but apparently go about doing it.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Thanks very much, Dennie, for those questions. Let me deal with them in the order that you raised them.

First of all, the powers of the Premier, you're correct, under the proposals for changing the Constitution the Premier would have more authority; he would be in a position to set the agenda of Cabinet as an example. And earlier on when we were talking we were essentially making reference to the fact that the Premier, or the Leader of Government Business, doesn't currently have the ability to do that; the Cabinet's agenda is set by the Governor.

So if there's a real issue, as an example, coming from the community, people making representations to their Ministers or elected Members, we can ask for certain things to go on the Cabinet's agenda, but if the Governor decides not to put it on there's really nothing we can do about that. So, we believe it is right that in any democracy your elected Members should have the ability to influence and essentially establish the agenda for Cabinet.

Now, there is a myth that this person, whoever he or she is going to be — Premier, Chief Minister, or whatever — that this person has all the power in the world. That is simply not correct.

The person who sits in the seat of a Premier and holds that title can only do so for as long as he has the confidence of the majority of Members of the Legislative Assembly. So, the Premier will be in a position to recommend the appointment of Ministers to various ministries and portfolios; and if a Minister is acting inconsistent with the Constitution or acting inconsistent with any laws in the country, the Premier can have the ability to take that Minister out of Cabinet. But that's not something that can do — that can be done, sorry, without proper reason for doing so because if a Premier did that, clearly he or she would lose the confidence of the majority of elected Members and that would be the end of that individual's premiership and then someone else would take on the role.

So, there are checks and balances in the system, and I believe that the country has — has moved to the point now where the people in the country certainly has more confidence in the way that our democracy has developed, and by extension, they have more confidence in their elected leaders and their ability to make key decisions for the country.

And I believe that people in Cayman also understand that the Governor — and I'm not talking about this Governor in particular but any Governor — is human like all of us and human beings are subject to mistakes. So, it is not everything that the Governor does that is absolutely correct. There are bound to be mistakes made from time to time, and so it's important for the Governor himself to have checks and balances on him.

You mentioned the issue of separation of powers, and I was not sure exactly what you wanted answered in that respect. But I think that as far as separation of powers are concerned, the establishment of things like the Judiciary Commission, as an example, is something that I believe will allow us to further establish separation of powers because it gives the ability to demonstrate that the judiciary is — is truly separate and independent of the executive branch of government and the legislative branch of government.

Member of the public: Well, on the — on the issue of separation of powers, what was going through my mind was not only separation in terms of the judiciary, but between the legislative and the executive, and that's the complication with the Westminster style of government. But I under —

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Well, you know, the thing is that no form of government is perfect, but we try to get it as best as we can. And understanding the general principles of democracy, as an example, we often hold up the US Constitution as the ultimate model for democracy. And we love the United States, they're a good partner, that's where we get most of our tourists from, that's where we go shopping.

The truth of the matter is, if you look at the US system — and yes, it's a democracy, there's not question about that, but look at the US Cabinet and the composition of the US Cabinet. There's only one person in the US Cabinet that is elected and that is the President. The President appoints all of his secretaries or whatever, the equivalent of Ministers, they are appointed people that have never faced the public of the United States. So, he's the only person in that Cabinet that's elected.

And yes they have a Congress and a Senate who — that consists of elected representatives, but I only use that as an example, that not even the good United States has a perfect system. But we believe that the proposals that we have put on the table will enhance the system of democracy in this country.

[inaudible interjection]

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Sorry, the balance of power . . .

Member of the public: Well, in our form of government, in essence, the — our Governor (or I should say the UK's Governor) plays a similar role to that of the US President in that he has some — he's more of an executive role rather than a legislative one, although it's blended because of how they've chose to structure it.

That's what I'm getting at because what we're talking about, the rebalancing of these — of the roles, and I want to understand clearly how the balance, the new — the proposed balance would benefit us better in terms of dealing with separation of powers issues as well, not just democracy issues.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Well, I mean, again, it's — you know, the Cabinet sits as a Cabinet and we make policy decisions. A lot of times those decisions are — or result in legislation. And I think where you refer to the blurring of the lines, it is that that same Cabinet, or at least representatives from it, also then sit in the Legislative Assembly to consider and pass those laws.

But where the checks and balances come in is that once we get beyond Cabinet to the Legislative Assembly, yes, you have the same Ministers sitting there proposing and essentially spearheading the debate on the legislation; but you have additional checks and balances at the legislative level because you have government backbenchers sitting alongside the government Ministers. And it is not always that government backbenchers are going to support the proposals put forward by the government. Sometimes they are not supported.

And then you have the very important element in any democracy, and that's the opposition, who sits on the other side of the House and can challenge the government on any proposal it brings forward.

So, it is not a case of the exact same body deciding on policy and legislation, and the exact same body of individuals passing that legislation. It — that's not the case. Once it gets to the second stage, the legislative stage, there are many more people involved who can essentially stop some of those proposals if they wish to do so if there is sufficient opposition to it.

Question #3 – Member of the public: I just wanted to — good evening — ask about the single-member constituencies.

And you said that . . . well, Christen talked about the different areas and depending on their population size would be separated, but I'm wondering if that would cause a problem, perhaps in the District of Bodden Town, if we have a lot of people that are in masses, I would say, in the area of Newlands, and then you get a area like this on the strip of Bodden Town here and the oceanfront and we don't have that population size.

And could they — the larger numbers where they — whether it's east, west, north or south, could they not have more influence on their member that represents them to have things happen for their area over a area that doesn't have the same quantity of people?

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Well, the ideal and the idea behind it is that each area will end up having the — the same population size.

Member of the public: You could divide it like that?

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): It's —

[inaudible interjection]

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Yeah, it is rough, but that is — the idea is to get it to as close to a uniform population size as possible.

Member of the public: Okay.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): It's an important question you ask, but the — just so you know, when the boundaries are established they're established, as he said, to try to make sure that you have almost equal numbers in each constituency.

So, you're not necessarily drawing straight lines to divide the district up. The Boundaries Commission has to be very creative with respect to how those boundaries are drawn, so that you do have as far as possible equal numbers in each constituency so it wouldn't have the problem that you spoke about.

Question #4 - Member of the public: Normally I don't speak at these meetings, but I'd just like to provoke some thought. There are very few Overseas Territories now where you find that the selection to Cabinet is done through the legislature. In most jurisdictions you have a party system, normally a two-party system, and it usually means that the party coming to power the Premier or the Chief Minister will then make a recommendation in terms of the composition of his Cabinet.

Is it proposed that we would continue to have Cabinet Members elected through the legislature bearing in mind that we have now seen the emergence of two parties in the Cayman Islands? And I have no doubt that we will become, basically, a two-party state until another party emerges, but I believe that we have gone beyond the point now where it's going to be very, very difficult for any person running as an independent to be elected. So, I believe we've seen the blossoming of political parties in the Cayman Islands.

Would you propose, then that in addition to the other responsibilities that the Premier or the Chief Minister would have that he would be able to recommend his Cabinet to the Governor?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): It's a very important question you ask and it is something that I don't know that I can honestly sit and tell you that we've totally fleshed out the details as to how we would deal with that. But whoever — whichever party makes up the government would be the party that has the majority.

So, if we continued with the current system where you go into the Legislative Assembly and you do a formal vote to elect the Cabinet from among those individuals who have been elected in the various constituencies, then the party who has won the majority in the elections would be in a position, as we were at the last election, to sit down even before we got to the Legislative Assembly and have that debate among ourselves and say, well, here are the people that we think should serve in Cabinet and this is how we're going to nominate and vote in the Legislative Assembly.

That is the option I think that perhaps is still preferred; but I know that in some other countries, in many other Caribbean Territories — many of the Overseas Territories, I should say — once those elections are held, whichever party holds the majority of seats the party leader who is the Premier would essentially select, and again, this has to be done by consensus. This can't be done by the Premier alone, it has to be by consensus, and those who have been elected can then appoint various Ministers with responsibility for various subjects. That has to be formally sanctioned by the Governor.

But those are the two options, essentially, and I'm not quite sure which road we'll go down but, quite frankly, I don't think it makes a difference. If we continue with the current system, that's just really — under a party system of government that's really just a formality for getting members appointed to Cabinet because those decisions will have been made before we go into the Legislative Assembly.

So I don't think Cabinet Secretary that it really makes a difference one way or another because ultimately the same result is going to be achieved.

Question #5 – Member of the public: Hi. I have one more question with regard to the single-member constituency.

When are they going to do the polling or the counting of the persons that — how do you — I don't know what you call it, where you account for the number of people?

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): To determine the size of constituency?

Member of the public: Yeah, when are you going to do that because if you're gonna do the single-member constituency and you're gonna do the

division to make it equal, and the amount of development we've had in the last six months to a year, how would you decide or know how many people are in those areas if the — if the census hasn't yet been conducted?

[inaudible interjection]

Member of the public: But the elections are 2009. If it's during 2010, then . . .

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Just to clarify, the next elections are not going to be held under any revised constitution.

Member of the public: Okay, okay.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): They're going to be held under the current Constitution.

Member of the public: So there's no single-member constituency now —

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Not for the next election, no.

Member of the public: — [inaudible talkover] before that. Thank you. That's my question.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Whatever changes come about as a result of these discussions, the new constitution, the modernized constitution, would come into effect most likely immediately after the next General Elections.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Any other questions?

[pause]

CHECKS AND BALANCES

Premier's Term Limit

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): The Minister spoke earlier about checks and balances basically about, you know, concerns being raised in terms of this transfer of these abilities. And one of the checks and balances that is being proposed is that the Premier would not be able to hold that post indefinitely. The Premier would be — would hold the title of Premier for two successive terms at the most, and then he would have to sit down or — not sit down, but he would not be able to carry that title for a term. Somebody else would have to be designated as Premier.

Proposed Commissions and Committees

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): There are other checks and balances available. Basically, each of the proposed commissions and committees serves as a check and balance because they have the ability to . . . to react to what the politicians are doing. They have the ability to safeguard all of these processes.

Excuse me.

For instance, the — although the National Security Council will have politicians sitting on it, the politicians would not be in control of the National Security Council. As I said earlier, the Governor would serve as the — as the Chair of that Committee. So, that serves as a natural check and balance between the Governor's authority and the elected representatives authority.

The same thing can be said for the Judicial and Legal Services Committee and, of course, there's proposal for — I'm sorry— there's a proposal for establishing a Public Life Committee, which would be created — or Commission, sorry — which would be created specifically to look at ethics and corruption at the top tier of government, including the elected officials, the high-ranking civil servants, to ensure that — that they are doing their jobs properly, to ensure that there's no corruption present.

So, these — these — all of these things serve as checks in the system, natural checks that would exist. In case anything starts to go wrong these things would catch it.

If you have any kind of coercion, if you have any kind of pressure being exerted on the civil service, if — you know, if people are concerned about particular private individuals being able to exert their influence on government policy, these kinds of bodies would serve to protect the people of the country from these things happening.

Limits on Public Debt

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): There's actually a list of checks and balances — or specific checks and balances outside of the Commissions that has been proposed: as I said, the two-term limit for the Premier; limits on public debt. The Public Management and Finance Law actually has a ratio in it that determines how much debt the country can carry. I believe right now it is at 10 percent. So, basically, public borrowing cannot exceed 10 percent of revenue. Correct? Ten percent of revenues. That serves, again, as a check on what the elected officials can do, because once they hit that 10 percent they just cannot borrow anymore funds.

So, what the Government is proposing is that that actually be enshrined in the Constitution. Currently it sits as part of the Public Management and Finance Law. If we put it into the Constitution, then it can't just be changed by a sitting government, they would have to go through the process of changing the Constitution to get it changed.

Freedom of Information

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Another check that has been proposed and one that we've seen developing over the last year and a half is freedom of information. And under this law the public will be able to have access to government information. Obviously, there will be stipulations on that, you would not be able to just, you know, call up and find out what my salary is. But the information that is deemed to be of interest to the public, you will be able to call any government department to get that information.

If you have trouble in getting that information, each department will have an information officer so you'll be able to speak to that information officer. If you still can't get through there will be a . . .

Sorry, yes, let me make that correction.

You would actually have to make a submission in writing saying I am requesting this information under the Freedom of Information Act. And, as I said, you have the information officers and then there will be a chief information officer that you will be able to go through.

And, again, these just serve as ways for the public to be informed, for the public to have access to government information, and for the public to know what is going on and to be able to be well informed in order to make decisions that you will want to make.

People-Initiated Referendum

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): The last check and balance is people-initiated referendums. And that brings us to the topic of referendum, which this process has — has two endings to it.

The first ending is a referendum to be held in which the people of this country are going to vote on whether or not to modernize the Constitution basically.

Assuming, then that there is a yes vote, our elected officials will form a negotiating team and will negotiate the new constitutional provisions with the United Kingdom. Once that is done a new constitution will be drafted and will be brought back and put into use.

So, basically, at the appointed time we'll go to the referendum.

The referendum is basically a vote just like an election. You'll go to your polling station and you'll be able to go into a booth and cast your vote. At that time there will be . . . well, I don't information on the makeup of the ballot. But basically what we will be doing is we'll be saying to the negotiating team: we give you permission to negotiate a new constitution with the United Kingdom. Again, you'll be — you'll vote on that, you get a yes vote and it goes through.

Now, what is being proposed in terms of using referendum as a tool is that the people of the country should be able to bring items for, you know — bring items to public attention and have the government react to these items, and the way to do it is through the referendum.

So, a people-initiated referendum would be one in which you have a particular topic of interest to you. You will then go and get signatures of 20 percent of the electorate of this country and you will have them sign off on your petition to say we think that this issue was good enough that the country needs to have a say in it, the country would need to vote on it.

Once those 20 percent — once 20 percent of the electorate are represented in terms of signatures to that document, it would trigger a referendum. The government would then have to use the Elections Office to . . . to go through the process of holding referendum, they would have to draft what the referendum question would be, and again, the entire country would have — the entire electorate would have the ability to say to the elected officials this is something that we want to do going forward.

One of the — one of the suggestions that was made recently by a member of the public in addressing the issue of the Ironwood Forest is that if the Constitution was already passed they would have the ability to use that petition to create a referendum on where the road should go, or whether there should be a road going through the Ironwood Forest.

So, basically, to use that as an example, what would happen in that — at that point in time is that we would go to the polls and there would be a question, something along the lines of: Do you agree with having this new road go through the Ironwood Forest, yes or no, just to generalize it.

So, it is seen as a very good tool for including the people of the country to have their ability to make statements on — on the direction that the country should take.

Do we have any further questions?

[pause]

Question #6 - Member of the public: Is that the extent of referendum that's being proposed?

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): What in particular would you like described there?

Member of the public: [inaudible talkover] the process that you just described.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Well, my understanding is that any topic is fodder for a referendum.

Member of the public: Well, I'm not talking about a topic, I'm talking about the process that — must be followed in order to have a decision made, to arrive at a decision.

In other words, if the disagreement is between the Members of the House and the public over what should be done and you have the Members of the House wording it, you can — you can see how that would just end up in a stalemate constantly.

In other words, think of — think of how many situations there have been in the past where the public in general would like their government to do a particular thing, and you can — you can't come to agreement, so it just doesn't happen or it goes in the direction that the government wants it to go in. If the idea is to follow the wishes of the people, then the process would have to be slanted in such a way that where there's disagreement which is — which would probably be the reason why you would initiate a referendum because if the elected Members of the House agreed, they most likely would just go ahead and do what the public wants done.

So — so, in that state of affliction about direction, you need to have a process so that the people have more control over what is actually being put on the ballot. Otherwise if it's left purely up to the elected Members of the House, they can word it in such a way that when people read it they will go, well, um, this isn't exactly what we mean and frustrate the situation.

And I'm not going to get into it right now, but I think there are other elements of polling the public: initiative and recall that should be considered.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Dennie, just let me address the comments that you've made.

First of all, I don't know exactly what mechanism any government would be able to use that would allow the population of the country to draft a referendum. I mean, that's an impossible task. It's hard enough to get a smaller group of people to do that.

But let me just say this: any government — any government who understands the issues in the country and who have their ears to the ground would understand clearly what the public thinking is.

So, once you have a petition out there that has enough signatures to trigger a people-initiated referendum, it doesn't end at that point. What has to happen at that point is that a law would then have to be taken to the Legislative Assembly with the referendum question or questions and debated in the Legislative Assembly.

And, again, to my point earlier, the Legislative Assembly is going to essentially allow for debate of both sides of the argument. That's why you have a government and an opposition in a democracy.

And so that's the — that is the direction it would follow and that's the process it would follow. And any government who, for whatever reason — because you have suggested that perhaps you may have a government who may want to manipulate the process by essentially drafting the question in such a way that it can't go against the government's — the wishes of the government. Well, if the wishes of the government is inconsistent with the wishes of the people, that is not a government that is going to last very long, and the people will deal with them in the next election. So, government's got to be mindful of that issue as well.

[The following comments made by the member of the public were not picked up by the microphone]

Member of the public: That's not theoretically [inaudible] sometimes governments [inaudible] But the point I'm making is that [inaudible] and you're right [inaudible] could be something [inaudible] of significance. The point I'm making is that the spirit of the referendum is that the wishes of the people on the item prevails. What I'm saying is that [inaudible] you described a process that currently exists in our Constitution regarding how referendums take place. And what I'm saying is that when it comes to the wording of the document the petitioners would word the document with the intent [inaudible] to get professional help on that. And it's not being suggested that legislation would not be a debatable issue, but if the — if the idea, spirit, is to have it that the wishes of the people is to prevail, I would say the balance would be tilted towards the electorate to have the wording of —

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): I hear what you're saying, I'm just trying to understand how it would happen because you mentioned the petitioners would be responsible for essentially drafting the referendum questions.

Well, the petitioners have to be the — whatever the percentage is. I think it's 20 percent.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Twenty percent.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Twenty percent of the registered voters. That's quite a few people.

And the question then becomes, well, how do you get that number of individuals to draft the question? Is it that you're going to select representatives from amongst that group of — of that very large group? And if that is the case, how do you go about electing those people who are going to be responsible for drafting the questions?

But in any event, the responsibility for the referendum and the referendum questions remains with the Legislative Assembly.

So the requirement for a referendum law is not going to be dispensed since you still need to have a referendum law. So the questions as proposed must still come to the Legislative Assembly to be debated, and the law must be passed in order for that referendum to be held.

[The following comments made by the member of the public were not picked up by the microphone]

Member of the public: Right. The topic [inaudible] petitioners, let me just give a quick example of the Ironwood Forest. Let's just say that they wanted to [inaudible] petition and show that [inaudible] a lawyer or someone draft the petition for them. [inaudible] sign it and they move forward understanding that the wording of that document done by someone [inaudible] it would be — there only question would be in a situation like that is whether or not the government or the legislators agree with the content but the layout of the petition, it wouldn't be a question about the appropriateness because it would have been done properly, it would be a matter of do you agree with the sentiments expressed in that petition. And the process that you describe it is that in the existing situation are you saying that the process once the petitions reach the 20 percent that's proposed that the Government will have no choice but [inaudible] the petition to the legislation?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): That is what triggers it, yes, once you get to that level. That has to be verified, the 20 percent, and you have to make sure that they are not duplications, et cetera. But once that is satisfied it triggers the development of a referendum and a referendum law to make that happen.

[The following comments made by the member of the public were not picked up by the microphone]

Member of the public: So the — all I'm saying differently here is that the wording should not have to be settled by the legislature, because in times —

[inaudible interjection]

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): I just want to clarify something. There is an important reason why that needs to be so. A referendum is a very, very technical situation, and if the questions are not drafted properly, then sometimes you may be left asking yourself, well, what really is this result? What do we do with the result?

And, of course, the other very important question is: should it — in the case of a people-initiated referendum should it be binding or should it be advisory in nature only? In other words, whatever the result, should the Government be obligated to follow the result or should it just be treated as advisory so that the Government takes advice on the basis of what the people have said and decides from there what to do with it.

[The following comments made by the member of the public were not picked up by the microphone]

Member of the public: I agree with the proposal in terms of the appropriate amount [inaudible] and fall short [inaudible] majority. But in terms of technicalities and wording the question, I don't see no reason why the Government couldn't say to the petitioners that we have concerns with the aspect of the wording. Here's where we have the problems with it. I don't see why that exercise couldn't take place.

The only point I'm making is that there's a working of the question sits solely in the hands of the Government. I just [inaudible] a state of conflict [inaudible] conflict unless the petitioners have the power to — or more say on how to word it.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Yeah. I mean, I hear what you're saying but I

go back to my original point in that it's going to be difficult to do it the way that you're proposing.

And remember, I think — I might be wrong, but in your thoughts on — on the matter I think you're bearing in mind the type of referendum that we're going to be holding in relation to constitutional modernization where you have a series of questions that you have to answer in the referendum. Whereas —

Member of the public: I'm not talking about the particular referendum being the Constitution.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): No, no. I'm just saying — using that as an example of what a people-initiated referendum would look like. And what I'm saying to you is it's unlikely that a people-initiated referendum will be anything close to what — to the type of referendum that we would be holding here, because in most cases it's going to be on one single issue . . . in most cases. I mean, we use the Ironwood Forest as an example. That's a straightforward matter.

And so, in most cases, a people-initiated referendum is going to be just that: one question and a fairly straightforward question.

So I really don't think — I hear your concern, I understand and appreciate what you're saying, but it is going to be very cumbersome to do it the way that you're proposing. And in any event, as I said, it has to go through the legislative process anyway before it can be held.

Elected Government Must Be Given Leeway in Making Decisions

Member of the public: Just two observations. I think we need to recognize, number one, that if you have an elected form of government, people who are democratically elected by the populace, the population has reposed a certain amount of trust in electing those officials, so they must be given some element and some leeway in terms of making decisions, and if they make the wrong decisions then there is always reckoning the — when the next election comes along.

Referendum and people-initiated referendum are usually reserved for matters of extremely high national importance. So you really cannot get a situation, or you wouldn't want to have a situation whereby you're ruling by referendum. I think the Swiss are probably the only country in the world that has more referendum than any other country, so they're the experts in terms of referenda and referenda law.

But — and we also have to recognize how costly it would be to run a referendum, whereas, hence the reason for ensuring that it is reserved only for important national decisions.

Now, I'm saying this — and I don't want anyone to think that I'm not a proponent of "people power" and the fact that the people should have their say, but they have already given the elected representatives the opportunity to speak for them, and they also get an opportunity to speak when it is election time, again, in the event that they feel that they are not satisfied with the actions of their elected representatives. So that needs to be kept in mind.

Referenda Advisory, Not Binding

Member of the public: And I think Minister Clifford hit on the other issue which was, in most instances, the referenda is usually advisory as opposed to binding because you have to also take into account what additional expenses these referendum, or the decisions coming out of a referendum may have, what the implications are for the government and the budget of the country if you could do it nilly-willy [sic] on practically any issue.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Thank you very much, Mr. Connor.

Member of the public: I'd like to say something in relation to what Mr. Connor just said.

What — what is being — the difference between the Minister's argument and my argument is this, and I'll use the analogy of marriage: what he's talking about is what happens on the wedding day; what I'm talking about is what happens just before a divorce.

You don't — the referendum is a contingency mechanism. It's not when the government is listening to you and everything is okay. It's when there is — it's when there is deep division and the government isn't listening.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Mr. Warren raised a point earlier in reference to something that happened in Cayman a few days ago, and I'd like to use that to segue us into the topic of Human Rights.

And the particular instance that he referred to was a homosexual couple at one of the local establishments who were publicly displaying affection and were asked to desist, and subsequently, one of those persons was detained by a police officer, taken to the police station, not charged but given a warning and an explanation as to the laws of the Cayman Islands.

HUMAN RIGHTS

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Now, in discussing Human Rights two topics have come to the forefront: one is gay rights; and the other is the role of the church and in particular church-based schools in the country.

But just to begin, I think it's easily accepted by everyone in the country that Human Rights is a good thing to have. We all practice observance of Human Rights on a daily basis. We don't actually need a document to tell us to respect a person's dignity, to respect their right to be alive, to respect a person's property. All of these things fall under the title of Human Rights.

How these things came about in terms of being enshrined on document is because of a lot of the atrocities that were suffered through World War II. After that the world decided that, you know, maybe it was time to start to write some of these down — things down in a — in a . . . in a form that would be accepted by everyone.

And what came out of it was — was, you know, universal Human Rights. And these universal Human Rights are what we consider to be fundamental rights. As I said, you know, you have the right to life; the right to a fair trial; the right to property. And you also — those are the rights of your dignity. And you also have democratic integrity rights including the freedom of the press, the right to free speech.

Now, some of these rights are absolute rights. The right to not be enslaved is an absolute right; it can't be checked by another right. However, freedom of expression is not an absolute right because while I am free to express myself I am not free to slander anyone, I'm not free to make false statements about anyone to malign their character, et cetera.

So, first of all, the idea that some rights are absolute and some rights are not is something that we — that when we're going through this process we need to bear in mind.

Now, the idea behind Human Rights is that they are — they are vertical: they're applied vertically and not horizontally. Now what that means is that when we speak about these rights what we're actually speaking about is your ability to be protected from the government. So you're right to life, although there is a law that says you can't kill people, the first point is in the government. You have a protection from the government in terms of your human rights.

So, if rights were to be applied horizontally — and I'll go to the church example, not a church-school example.

Role of the Church/Church-Based Schools

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): The Ministers' Association (CMA) and others were concerned that there would be a horizontal application of Human Rights, and therefore, a church-based school in a Christian community that has a Christian curriculum would not be able to continue with that Christian curriculum.

And what we — what the answer to that is, is that — is that if rights are applicable horizontally there is potential for something like that to happen; but as long as rights are being applied vertically that — that potential does not exist because, again, that is a protection against the government, it is an exercise of your right against the government.

Church-based schools are not government owned or run, and therefore, churches would not have to alter their curriculums in any way in order to satisfy a complaint made by someone of another religion or someone who is an atheist or agnostic.

Gay Rights

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): The particular case that Mr. Warren spoke about, again, is coming back to gay rights. And the question has been asked several — in several formats: will the introduction of a Bill of Rights bring with it the introduction of gay rights?

Now, we've seen that the Government has taken it upon itself to not only to seek to answer the question, but to also get assurances from the United Kingdom on what their stance is.

Currently, gay rights, the right to be homosexual is not included as a universal right that can be applied because the European Convention on Human Rights has recognized that each country has its own unique culture and its own way of doing things.

So what they've said is, well, while we would like to see certain things happen, we leave these things up to the local legislation of each country. So it is up to the people of each country to decide whether they're willing to accept them or not.

In the Cayman Islands we have chosen — and people have spoken out on this topic on numerous occasions. We have chosen to not extend homosexual rights.

Now, in the case that happened these last few days, currently we have in the books that there can be no what are considered indecent public acts, homosexual acts in the country. And the gentleman that was at the establishment was . . . this was explained to the gentleman by members of the public and then by an off-duty police officer, and then once again by an on-duty police officer and the gentleman persisted. Basically what he did was to break the law of the country.

So, while the police — the police chose not to arrest him, but they chose to act in such a way that he understood . . . excuse me . . . that he understood that this is not something that is acceptable in the Cayman Islands.

Now, the reason that we are able to do this is because . . . I'm sorry . . . is because while we have an acceptance of human rights, and we have — we recognize the plight of the individual, there's also recognition of the public decency. And many countries have chosen to go this route. They've chosen to say, look, we have a public morality in the country and there are certain things that offend the public morality.

In another country there was — there was a movie made that basically drew certain conclusions about Jesus and Mary. And it was an independent film, the director of the film got his funding and he went and he created this movie, he was putting it out and the government came in and stopped him from displaying the film. So, of course, he — the first thing he did was say, look, this is against my human rights, you're infringing on my freedom of expression. And the government basically said no, we have the responsibility of protecting the public decency and the public morality of this country, so therefore we're not going to allow this film.

And there it ends. The director of that film could not go any further because it is acceptable that the public morality of a country is something that must and can be upheld.

Human Rights Commission

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Under the heading of Human Rights the Government has proposed a Human Rights Commission, and the purpose of this commission would be to deal with legitimate claims to human rights infringements.

While, as I said earlier, we do recognize and practice recognition, a respect of human rights in the Cayman Islands, we are now to the point where we would like to create a mechanism that would allow people who may fall between the cracks, may not have their human rights recognized, some avenue of getting those rights recognized.

And this — the job of the Human Rights Commission would be to — to hear this person's complaint and to assist them in getting remedy for their complaint. Even if it means that they would assist the person in moving through the judiciary process of having a case heard before a judge, the role of the judge then would be to look at the Constitution and to frame his or her response to the complaint in the context of the Constitution of the country.

Sorry . . .

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): I just wanted to address really quickly one of the comments you made in relation to the incident recently, and just to correct part of what you said because it is questionable whether this individual committed an offence or not.

In fact, it is something that is currently the subject of review by our Legal Department, so I'm not sure which way that's going to turn out. But it is certainly questionable as to whether an offence was committed which is why the inspector on duty at the time took the decision to — to release the person. So, we'll see — we'll see how that goes. But it certainly was an issue that is very topical today, most of the day.

Question #7 - Member of the public: Hi. Just two things I wanted to say quickly.

With regard to that incident, I was on the Internet reading the Batabanoo rules only because I wanted to find out what time it started on Saturday. One of the rules there that there should be no public display in that parade of any indecent type of dance or whatever; and if it's found to happen then they would disqualify or cause that team or that group to be not judged and so forth and it would be stopped. They would have somebody physically stop them from that kind of display.

So, if we're saying that a man and a woman can't have that particular dance without creating offence to young children and people in the community, then there's no reason that we would want to allow an act between two homosexuals, or gay or lesbian couples to do the same thing.

So, I can't see how we can make a rule for our parade, our normal Carnival dance and say we won't have lewd acts in there, and they won't have anymore mud dancing and so forth, and then not be able to confirm why we wouldn't want the behaviour that was being displayed at the establishment this last weekend.

The other thing I want to mention is the — you talk here in this . . . in the *Explanatory Notes* about Internal Security and the police and the delegation of special responsibilities. If what's being proposed, where the Governor would have to consult the Cabinet on these special affairs and internal policy and so forth, would the situation where the three top persons within the police force being removed from their duties and put on suspension with pay, or whatever — leave with pay but has now been extended, I think it's indefinitely until some other period — would that still have been conducted that way, or we would have looked at it differently having Cabinet been involved? Because I would think that this is going to have a dire effect on the community.

And the fact that these people have been out of a job for over a month — not out of a job but out of being able to do the responsibilities

they were hired and then it will have an effect in terms of the actual policing and so forth within the community and the way that the public's going to then look towards the police and whether they're capable of running themselves properly.

And now we're sitting without a properly run department, and we have one gentleman who's come in, but he's taking the place of three people. And I'm saying there has to be at some point — what — I think what we're trying to propose here may actually benefit us instead of just having the Cabinet being advised by the Governor of a decision. But then having no power to say how long we're going to allow him to continue to do this and how long is the community going to stand by and have a not properly run police force.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Just . . . well, let me address your last point first, and that is to say that the National Security Council would have certain responsibilities with respect to policy when it comes on policing. That is not to say that the National Security Council would decide on personnel and personnel changes within the police service. That would still very much remain the responsibility of the Governor.

The Governor would be expected to — to properly brief the National Security Council on the reasons for the officers being sent on suspension, and for that matter, the reasons for continuing their suspensions. And the National Security Council members could very well have advice for the Governor with respect to that issue, but ultimately, it's the Governor's responsibility.

I don't know that it's appropriate for me to comment on the current situation other than to say that we have every confidence that the leadership of the police service is in tact because what has essentially happened, when you consider that the Commissioner, one Deputy Commissioner and one Chief Inspector were removed from office, the Chief Inspector that was removed from office — or suspended I should say — is not part of what they call the Gold Command, so he wasn't on the management team so to speak.

So, two of the three managers were removed — two of the managers — sorry, two — yes, two of the three top managers were removed, and essentially what happened at that time was that an Acting Commissioner was brought in. But what also happened was that in the last couple of weeks you would have read that Deputy Commissioner [Anthony] Ennis has returned to office.

So, essentially, the end result up until this point is that there is one Senior Manager missing from the Royal Cayman Islands Police Service.

And we believe based on what we've been told that the overall management of policing, and operational policing in particular, is

unaffected, because what has happened in the interim is that some of the superintendants have taken on additional responsibility.

And we believe that it — that it is in the best interest of the police service for closure to be brought to this matter before we — we talk about whether — or before the Governor considers whether or not it is appropriate to reinstate anyone that's on suspension, or essentially cause them to — to take their permanent departure.

Those are questions that we don't have the answers to at this point, but while those investigations are ongoing, the Governor has determined that it's in the best interest of the — of the police service and the country for those individuals to remain suspended.

And just a quick point, Deidra, on your comments in relation to the incident a few days ago.

I think all of us in this room and most people in Cayman would agree that what happened in that incident at Royal Palms was offensive to most people in Cayman. But the — but the issue is being offensive to most people in Cayman is one thing. The issue for the Legal Department to determine is whether or not an offence was committed, and it seems that there are serious questions about that issue. That's all I'm saying.

Question #8 - Member of the public: Thanks. Good evening.

I have a question concerning the protection of our environment under the suggested sort of second generation Human Rights.

I'm interested to see whether the Government has considered what sort of proposals they would put under a Human Rights suggestion that would be environmental rights.

So, for example, the idea that the Government building a road through the Ironwood Forest is undermining our environment and our heritage, and our wildlife and the biodiversity of our land, for example, as you've suggested, also, the same with — concern for the dolphin facility. So things like that, what — can you perhaps go into detail of what you considered would be environmental rights without getting too complicated?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Well, I mean, there are a number of environmental rights that could be considered, but I think the important thing for us to consider is — and I'll use as an example, we have the National Conservation Bill that is in draft form, and the council that will essentially manage the implementation of the policies that come from that legislation, there is a legislative basis within the draft law for that council.

It could be that the Government might consider the operations of that council significant enough to give it some type of constitutional standing so that any actions taken by the council would have a constitutional basis as opposed to just a basis in domestic legislation.

As far as essentially prescribing the type of environmental rights that we would have in the Constitution, it could range from anything from the right to clean air, which is something that I'm sure all of us would want to continue to enjoy in Cayman. And if you had that type of environmental right prescribed in your Constitution, then the Government would not be allowed, or any private entity for that matter would not be allowed to do anything that would essentially usurp that right in the Constitution. So, that's just one example of some of the things that could be considered for environmental rights.

[inaudible comments]

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): We have not had a lot of discussion, but the whole issue of environment and environmental protection is something that is much higher on most people's agenda now than it used to be even two years ago. And there are other Territories in the Region that have already used similar provisions in their Human Rights chapter in their constitution. So we don't necessarily need to reinvent the wheel, we can look at some of those provisions and strengthen them and I suppose design them so that they are more unique to Cayman, if that is appropriate for us.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Sorry, are there any other questions?

[pause]

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): No?

I have one more topic that I want to discuss. And again, if you all want to go over any topics that have previously been discussed, please feel free to do so as well.

ROLE OF THE ATTORNEY GENERAL

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): I wanted to look briefly at the role of the Attorney General.

As was said, the three *ex officio* Members, the proposal is that the three Members would no longer have a vote in Cabinet. Those three Members are the Attorney General, the Financial Secretary, and the Chief Secretary. But it is not being proposed that the Attorney General be removed from Cabinet entirely, it is simply being suggested that he not

be a voting Member but that he remain in Cabinet in order to provide advice.

Now, the role of the Attorney General is something that has been discussed in other Overseas Territories, and in the UK itself, and it is one that — that is — it's a complicated issue, and it stems from the fact that the Attorney General plays a multiplicity of roles.

He serves in the Cabinet and he's a voting Member of the [Legislative Assembly] LA and he also provides advice. So, the Attorney General is put in a situation where he provides advice basically to a body that he — then puts on another hat and votes as part of that body.

Others have put forward suggestions that — that this is — this is an unacceptable situation. For one reason, if there's a change in government, the Attorney General may be asked to give advice coming from the other direction. He may be put in a situation where he would be tempted to vote in the opposite direction, so it provides a conflict of interest for him.

Another conflict is that, as I said, he sits in the Cabinet and in the Parliament and he's also the director for criminal prosecutions. So there's a widely held belief that — that — or we wouldn't want our politicians directly responsible for criminal prosecutions, so having someone in that quasi role responsible for criminal prosecutions is also a problem.

So, as I said, the proposal is that the Attorney General would be the Governor's advisor in Cabinet, but he would not vote, he would simply be there to advise.

His other functions and duties would then move to a position, most likely a director of public prosecutions, so he would no longer be responsible for those prosecutions.

And, finally, the other problem or conflict in the Attorney General's position is one that — that we have a real world example of recently. The Attorney General according the Constitution is there to provide advice to the government. But what happens when the elected government and the Governor both want that advice? The Attorney General cannot be in a situation where he would have to advise both parts. He would have to advise either the Governor or the elected Members.

Now, what is being proposed here is that the Attorney General would advise the elected Members. Now, the question that is — that — the question that we face is: do you want a situation where the number one legal advisor in the country is not available to the people that you elect to run the country on your behalf? And what we've found coming back, you know, 99 percent of the time is that that is not an acceptable situation for the people of the country. If we elect them, then we want to know that they have the best advice available.

And at one of the public meetings a gentleman spoke and he said, well, you know, the Governor is here at the bequest of the UK Parliament. He has the resources available to him of the United

Kingdom, so he should then have to use those resources to go out and get legal advice, let the Attorney General serve the Cabinet and let the Attorney General advise the Cabinet.

So, again, that is another aspect of this that you are being asked to consider.

CONSTITUTION AMENDMENTS

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): I've basically covered in brief all of the topics except one which is constitutional amendments, and that topic is pretty straightforward.

The proposal is that all future amendments, significant amendments to the Constitution of the Cayman Islands would be done through a referendum. The only — the only alternative to this is if the — the change is deemed to be minor and insignificant by both the Leader of Government Business, or the Premier, and the Leader of the Opposition.

And I'll give you an example.

If there is by some strange happening a spelling mistake in the Constitution, we wouldn't really want to go to a referendum to correct the spelling mistake. Now, there is — there has been some back and forth as to whether or not we should define what minor and insignificant is. It is a very difficult task to take on, to define because we will all have our examples of what to do. But, again, this is something that is before you to consider before the referendum.

And, Mr. Minister, I don't — I don't know where we are in terms of the referendum, but you did mention before multiple questions. I wonder if you could just close by just speaking about what led to the multiple questions and what people can expect.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): All right. Thanks.

Initially, the Government had proposed that there would be one question in relation to the referendum, but based again on the feedback that we have received as we've gone from district to district, the view of the majority of people is that we should have more than one question. So, what the Government is currently considering is that issue and how many questions we should have because we don't want it to be . . . we have this sort of challenge where we don't want it to be overbearing and we don't want to have too many questions on the referendum, but we want to have enough questions so that people have an opportunity to vote on the primary areas that we are proposing for change and so that we as a government have a better opportunity to evaluate the country's position on the individual proposals.

So, that's where we are right now at this point, and we believe that the interest of this process is going to be best served by — by multiple questions. And exactly how that will be framed we haven't decided, but the public will know as soon as we have reached a decision on that, and of course there will have to be a referendum law which will have to go to the Legislative Assembly. And the law itself will have to contain the actual questions that will be asked in the referendum.

So what is proposed is that once all of those decisions are made the actual ballot that would contain the questions would be well publicized well in advance of the referendum. So, when you go to vote in this referendum you're not going to be looking at a ballot for the first time. You would have seen — you would have seen it in the newspapers, you would have seen it in fliers, you will have had an opportunity to familiarize yourself with the — with the questions and an opportunity to carefully consider them and how we're going to vote on them before you actually go to the polls to vote on that day.

So that — that is the way that we are proceeding at this point, and as we develop it the public will get more information.

Question #9 - Member of the public: Is it going to be an all or nothing? If there's a question on there that asks if the public is comfortable with what you have put in place for Human Rights, for instance, if everyone disagrees with that and said no — because in the same large countries that you quoted about different things and having democracies in place, the Human Rights that they put in place way back when have been so maligned that they are destroying the actual societies that they develop.

They pulled prayer out of schools. The man going to work has no right to tell the bum to get out of his way that's doing nothing for society because he also human rights — he has more human rights than the man trying to get through the door to get to his job so he can pay for his free medical and whatnot.

So it is a all or nothing, or could this — could the Human Rights be disconnected and say maybe we're not ready for that, we haven't done the research, it's all or nothing?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Well, let me say this, right? We have an indication from the UK — in fact, they've sent us a letter to this effect — that any new constitution must contain a Human Rights chapter.

Now having said that, the UK also understands that we are putting this matter to a referendum in the Cayman Islands, and if the view of the majority is that they don't want it in their Constitution, that they perhaps would prefer for it to be in domestic legislation, then we will convey that view to the United Kingdom. Their response to us could very well be, well, our position is that you have to have it in your Constitution.

I would imagine that the UK, though, respecting democracy as they do, would be in a very difficult position if we held a referendum in this country and the result was that people do not want the Human Rights chapter enshrined in the Constitution. I mean, that is a challenge that we will have to meet when we get there, we just don't know what the result is going to be.

But I believe that we can craft a Bill of Human Rights or a Human Rights chapter that can be enshrined in our Constitution that will be acceptable to the people in Cayman and something that would be — because we have learned — we have learned and other parts of the world have learned from other countries and other examples of how sometimes in relation to some rights it can really go too far. We've even heard that sentiment expressed in the United Kingdom by some politicians.

So we understand that like everything else there must be checks and balances and there must be some opportunity to ensure that things are not abused. And our position — and I guess most people's position is that with any human right comes an equal amount of responsibility on the part of the individual who is demanding that right.

So, you know, it has to be a balance and that's really the objective.

Member of the public: Thank you.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Are there any further questions?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): We would certainly like to hear if you have any questions on anything that we've discussed or anything that we haven't discussed, for that matter.

And I also wanted to . . .

[inaudible interjection]

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Yeah, I just — I also failed to mention when I first started speaking tonight, because we were so anxious to get into the discussion, I just wanted to thank you all for taking the time to attend. But we do want to hear if you have any questions. We know that you all have busy schedules and you have a lot of home commitments, and so we do appreciate you taking the time to come out.

This is our third meeting in Bodden Town, and we would certainly welcome additional comments, questions or suggestions.

Human Rights Protection

Member of the public: Since . . . since the Human Rights that we're discussing in this particular exercise is only protection against the state, and it is not against another fellow member of society, I think putting those rights in a — in a law where the government can easily change that law is like taking your jewelry and putting it on top of your car and going inside and lay down and go to sleep. It has no protection whatsoever.

But what does concern me is that because we are an Overseas Territory of the United Kingdom, it means that the United Kingdom is the part (b) of the element we call "the State."

So the protection — the Human Right protections that we're seeking to have would also need to protect us against the UK which by extension would mean that the current powers of the UK to amend the document they currently refer to as our Constitution by Order in Council, they would have to agree to not do that in relation to the Human Rights elements, otherwise the protection from that part of the state would be void.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Well, Mr. Warren, as long as we remain as a British Overseas Territory, and our view is that that is what the majority of people in this country want. We are not talking about independence here and there are certain things that the United Kingdom are not going — or is not going to give up. They are going to want to have the ability, in case something goes drastically wrong, to make certain decisions whether that is respect to the Constitution or other things.

Now, we are trying to essentially narrow those opportunities so that we do have more autonomy in the country, but they're not going to let it go of all control. I mean, if — if they — if we suggest —

Member of the public: In relation to Human Rights.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): If we make those — sorry?

Member of the public: In relation to Human Rights.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Well, perhaps . . . *perhaps* . . . I'm just saying that —

Member of the public: Just Human Rights.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): That is a possibility, I don't know. I mean, it is something that we can certainly negotiate with them.

But they are only going to go so far before they say to us, well, this really is at the point of, as they would say, flirting with independence so you have to decide what you want to do. And we should perhaps say again because this — this whole propaganda exercise from the Opposition that this is all about independence is nonsense. I mean, we've said right upfront in our *Summary of Proposals* that that is not something that we are pursuing; it's on the first page of our *Summary of Proposals*.

And of course it is nonsensical anyway because the United Kingdom would never ever give us a constitution or the ability to become independent unless that question was — was clearly posed in a referendum, and they were clear that the majority of the people in the country wanted that. And the question is not even going to be on the referendum.

So, this whole issue of this being about independence is nonsense, but I just took the opportunity since you raised that issue to address the whole issue of independence and the fact that that is not . . . and I repeat *is not* . . . what this Government is proposing.

Member of the public: And what I am referring to has nothing to do with independence either, it has to do —

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): I wasn't suggesting that it was.

Member of the public: I understand you. I understand you but I just want to make that clear.

I think it's very important that when it comes to protecting us against the state that the state truly can't just manipulate our rights as they see fit which would be the case if the question I just raised wasn't addressed.

And in relation to the [Attorney General] AG and the numerous hats that he wear — currently wears is that if that's unacceptable, how can you have someone who is able to decide what the law in essence is going to say, and then also be the one to decide whether you should be prosecuted in regards to that law?

Personally the way I see it is that the current — the existing Constitution already provides for how it should be — it's just not recognized as such — that is, that the AG should be giving advice to the body we call the Cabinet. It doesn't give advice to individual Members for personal reasons, and that includes the Governor. The Governor gets his advice from the [Foreign and Commonwealth Office] (FCO). If he needs something outside of the body they call the Cabinet, and if Members — the elected Members need advice outside of the body we call the Cabinet, they get their own as well.

The role of the — I believe the current role of the AG is to advise the body as a whole, and if that was followed that aspect would be covered. But if you — if you want to change it so that it's clear that there's no dispute about whether that's the case, I completely support that.

But there was something else I was going to say in relation to the AG and can't remember.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): We have one more comment over here.

Question #10 - Member of the public: Good night.

In relationship, Mr. Minister, you mentioned that the referendum won't take place anytime soon now. Can you give us a timeline on that?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): I think that the Leader of Government Business, if I'm not mistaken, made — gave an indication during his Policy Statement after the Budget Address that the date would be announced soon. We had also indicated before that that it would be at some point in the second half of the year. So, the date will have to be announced shortly, but we are looking at from July onwards.

I can't give you any specifics at this point, but as I said, as soon as we have decided on that it will be announced. And once we have decided on how the referendum questions will be framed those too will be the subject of debate in the Legislative Assembly.

The questions ultimately have to go into the law itself, and then the ballot that people will be asked to vote on in the referendum would be publicized well in advance so you will see exactly what it looks like.

And just to repeat again, the whole issue of multiple questions is a result of feedback that we have received as we've gone from district to district. The initial proposal was for one question, but clearly that is not satisfactory to the majority of people, and so we have decided that it is best to do multiple questions.

Question #11 - Member of the public: Also, mention was made that the discussion here won't be part of the new election. Is there any particular reason why not?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Well, simply for the timeframe, because by the time we get through this process, negotiate a new constitution with the United Kingdom, and get that implemented, we will be so close to the next election that you're talking about at that point having to appoint a Boundaries Commission, having to draw up new boundaries or make adjustments to the existing ones, and then having to educate the public

about the division of the constituencies and how they're — how — how they're going to fit into that process, which constituency they vote in. It's a very complicated exercise in terms of the — just the educational process.

So, in fairness to the — to the electorate and the constituents, it is — it will be a difficult task to do that before the next election unless the next election is in November 2009. But it's currently proposed for May 2009.

Member of the public: Just for clarity, shouldn't some of this work had already been done from the previous constitutional discussion that was had in 2003 or thereabout, where a Commission Boundaries was established?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Yes, the boundaries has been proposed —

Member of the public: Right.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): — when that Boundaries Commission was established back then.

Member of the public: Right.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): But those boundaries would now have to be adjusted based on population shifts, et cetera.

Member of the public: Correct.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): And then you have to go into a whole education process about the new single-member constituency process of voting and division of the Island into 17 single-member constituencies.

Member of the public: My question is: suppose the next government then derails this process. What happened to the time that we put in here?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Well, the hope is, and our objective is, to get this new constitution in place before the next election, but it wouldn't come into effect until after election. So, once that happens it's a done deal. I mean, the UK is then not going to revisit this immediately after an election even if there's a change in government. I mean, a constitution is

not something that you — that you review and change ever year or every time there's a change in government.

Member of the public: That is true, too, but you must remember we're dealing with people, and people again can say that they want to review what you put into law and go through the same process again.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Yeah, but what I'm saying is we would have just come out of referendum that would have had a particular result, and the UK would have — we would have negotiated with the UK and they would have made decisions.

Remember, the ultimate decisions on the Constitution, because we are a British Overseas Territory, rest with the United Kingdom. So, irrespective of who forms the next government, whether it is the current government going back into office or someone else, the UK is not going to six months or 12 months or even two years down the road say, well, let's take another look at this Constitution again.

I mean, we've really not had a proper look at this Constitution since 1972. I mean, we had some changes since that but, you know, it's — it really has remained largely unchanged for all of those years. So it's not something that — that you change often which is why it is the supreme law of the land and the key legislative framework for the country. It is not something that you — that you would go and tweak often, which essentially speaks to the same point about the UK's desire to have the Human Rights chapter enshrined in the Constitution, because they too recognize and acknowledge that once it's in there it's in there for quite a long time before we look at it again.

Member of the public: So you're saying that whatever we intend to do in the next 20, 30 years, we should have it done now to have it included in our Constitution?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): I would say that this Constitution is probably going to be living with us for 10 – 15 years at least. I mean, you — there may be a reason as an example to have some — some minor changes. It could be changes such as based on population growth. You may need more elected Members in the Legislative Assembly, so you might then move from 17 to 20 or something like that in five years' time. Those are the types of changes that might come at interim points along the way, but in terms of any substantial change, I don't think that will happen for quite a long time once this process is completed.

Member of the public: Thank you.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): I believe we had one more question.

Question #12 - Member of the public: Good night.

I just wonder, a few years ago I was aware of a young lady here in Cayman who was suffering from a disability, namely blindness, and so far to the point where she went and a prominent local service club assisted her with a guard dog which would assist her to maintain her independence. And I remember she had to go through a lot of controversy, and wherever she went with the dog during the trial period — to restaurants, even having problems catching a public bus in her situation.

Going that we're going through a constitutional change and possibly a Bill of Rights, are any provisions going to be had for persons in such situations with disabilities such as those that they can, you know, maintain their independence? What would people like these have to go through to get amendments that will suit them? Can you say if anything is going to be provided for them, or will it come under a Bill of Rights?

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): Thank you, Ray.

I happen to know that case very well because I spearheaded that from the Lions Club of Grand Cayman.

And, yeah, that young lady was very frustrated with the situation and ended up with the quite unfortunate situation of the — of the dog having to be sent back to the Leader Dog Association, and she's still here working without a dog today.

I can't say if that would be something that would directly fall under the provisions of the Constitution, although there will be certain . . . excuse me, this thing must be catching.

[laughter]

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): I guess it's the first time I've opened my mouth.

And the — there will be certain fundamental rights. And an individual who would be someone who is impaired or handicapped as she is would have certain basic human rights.

But I would think that the provisions for that — where we failed with that unfortunately . . . and I think — I think the past Minister of Health, I think Mr. McLean was in office at that time. In fact, him and I had discussions on that, and he's here with us.

I don't think that we had the strength of legislation, if I'm — if I remember right on the books in our local laws to really make that work the way it should have worked.

So we — we sort of got the cart before the horse unfortunately, and it's something that we have to — in fact, I don't even know yet if it's been sorted out, and it's something that — I'm glad you brought it up because I think we need to be cognizant of that, that in the event of someone getting in that same situation that they're not frustrated by the system.

So, it's not really — like I said, the Constitution or the Bill of Rights and everything else will have certain basic Human Rights, but it won't go into detail as such to do with a handicapped dog or a sight dog or a hearing dog or whatever it is. But, certainly, local legislation should be drafted and crafted in such a way that those people are allowed and should be allowed to enjoy those facilities.

Member of the public: Will it also include, I mean like, say, establishments such as restaurants? I know you touched on this subject, but will they be — you know, whenever they're getting the business licence or whatever to set up a business, would these types of things — because I know some places now have to provide for parking for handicapped people, different things like that.

Will it eventually wind up where the person, if it becomes viable, that whenever these establishments or whatever applying for business licences, could it be put somewhere in the rules where they would definitely have to provide . . . extend, what I'm trying to say, extend their handicap provisions to include people in such situations?

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): That's exactly what I'm talking about. The law would make it clear that it will be illegal to forbid anyone with a seeing dog or a hearing dog, or whatever type of dog it is or animal, as long as that is authorized and properly sanctioned by, for instance, the Leader Dog Association of America or whatever, you would have to allow that dog into your premises.

I mean, Keisha Ramkissoon, who the individual is, I mean, she was — she was barred from entry in many, many places and she — you know, people were scorning the dog and — and — I mean, it was a lovely animal, but people in Cayman we're just not used to it. And it's unfortunate what happened, the dog had to be sent back.

I just travelled from San Diego a couple of weeks . . . it was last weekend or . . . yeah, last weekend, and I was in business class coming back and I was sitting there and across from me was a lady. And I didn't realize at first, I thought was a mat or something she had in her lap, and I realized sitting there in her lap was a little dog. And I said, oh my goodness, to myself now, I mean, a little Cayman boy like me, what in the world is this dog sitting on this plane with me for? And then I looked a little more closely at the dog and I realized it had on its vest, and on it, it was a proper — I don't remember, I think it was a hearing dog she had

or something, a small little animal. But the — the airline couldn't deny her access for that dog, and sitting in first class as well.

[laughter]

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): So, it just goes to show that, you know, provisions — and, I mean, we didn't have a problem getting the dog here. The dog was allowed to come on Cayman Airways with Keisha when I got her here with the dog. Thank God we didn't have a problem getting the dog here, but once it got here we had a major problem on Island with the dog. And I hope that we can correct that.

Member of the public: Thank you. I just have one more question. Could I ask it?

Question #13 – Member of the public: Another question I have, I just wanted to know, I know it's been a lot of mention about splitting up into 17 constituencies for the one man, one vote situation. What will happen in, say, a community like Bodden Town? Are we actually going to be split in different areas?

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): Yeah, well, in 2003, Ray, the Boundaries Commission — you can actually — you can find that probably if you don't have a physical copy you can get it off the Internet. But there is already proposals that were done by the Boundaries Commission; and the whole Island was split up into the 17 individual constituencies and you had . . . I don't remember the exact names but you had Bodden Town East, which — you had Bodden Town, I think, Central, Bodden Town West and Bodden Town . . . what was it? I think — I think actually one of them remained with the name of Savannah if I'm not mistaken. I think that's how it was.

[inaudible interjection]

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): Right. It — in fact, yeah, it was only broken up into three.

But as Mr. Clifford said earlier, those constituencies, at the time the Boundaries Commission did not exercise or base roughly on the population within each, so they may be — they would not be of equal size but what you would find is that you may have different densities. So a smaller area might have 800 people in it, whereas a really big area still has only 800 people in it.

So when you look at the map it's — it's out of proportion in terms of how it's divided slightly. But what they did they tried their best to follow the accepted demarcations which Bodden Town has within it. So in other words, you have the Savannah concentration, you have the coming up Northward, Bodden Town Central-type concentration and then you have the eastern side of Bodden Town.

So that was the way the Commission — I'm just using Bodden Town as an example, but they did that throughout the Islands and that is currently there as a footprint.

Now, as Minister Clifford said again just now and Mr. Berry when he was asking, that has to be revisited because of some population shifts because you want to make sure that you have — you don't want — when you go — move into single-member constituencies you don't want one member representing 1,500 people and another one only dealing with 600 here. You want to make sure that each member has an equal number or at least as close thereto. You'll never get it exactly equal, that's utopia, but you certainly will have between eight and nine hundred people, say, for instance, each Member representing. So that's where we're at, at the moment.

Question #14 - Member of the public: Because I was wondering when it came around to — to the budgetary provisions, would each area have a budget allowance or something in that area of planning, because if we have different areas and each MLA will be representing a different area of people, when we come around to, say, wanting projects done, would it be a case of that it's going to be any more efficient, or will we eventually get anything done more than what it is now because of, you know, you having different areas? Would it all come under the terms Bodden Town or would each area be put under a budget for a certain amount for each area that would be provided for in our national budget?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Thank you, Ray. That's an excellent question.

And let me just say this: those who — who oppose single-member constituencies have used the excuse that if you split the Island into 17 single-member constituencies each one is going to want their own school, their own hospital, their own clinic. That, quite simply, is nonsense, because we're not going to be losing the districts as we know them. We're going to still have West Bay, George Town, Bodden Town, East End, North Side and the Sister Islands. And so, it is the district that will have the school and the civic centre and the clinic, et cetera, but not each constituency.

What the single-member constituencies allow is for more effective representation. I think — I don't think you were in the room because this came up really early in the meeting and I talked about it. It allows for

much more effective representation when you split the Island into single-member constituencies where you have a — each representative have a smaller number of constituencies — constituents, sorry, that they servicing, so they can — there's more — much better and easier personalized contact with those constituents and you can more effectively represent their interests.

You also have a more equitable system because under the current system the voter in Bodden Town, as an example, has more say in the Legislative Assembly than the voter in East End or North Side because they get to — to have three representatives. East End and North Side only have one, George Town has four and West Bay has four.

So, from that point of view the — the way that the constituencies, the districts are currently represented is not necessarily the most equitable way, whereas under the single-member constituencies it would be a lot more equitable.

But, no, we wouldn't have those types of budgetary implications and no, we would not have schools and clinics and hospitals in every constituency. That's just not going to happen.

And so, I think once we take those considerations out of the equation, then you begin to see the value in having single-member constituencies.

Member of the public: Okay. Thank you.

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): Although, mind you, Ray, your idea of having your own little budget is a good one!

[laughter]

Member of the public: Yeah, because — because what I was thinking, you know, sometimes MLAs get blamed for a lot of things. They're not getting this done and that done.

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): You understand where I'm coming from.

Member of the public: So, if the budget was there for them and it was —

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): Uh, it's —

Member of the public: — allowed for, you know, there shouldn't be any excuses why the money or whatever wasn't available to them when it was needed for whatever projects we are —

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): Yes.

Member of the public: — carrying on in different areas. So —

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): More —

Member of the public: — that's why I say that.

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): The more developed and more sophisticated democracies have a form of local government is what you're referring to which is what that is.

But at the end of the day, what we're trying to get to at, first of all, is better representation, more accountability.

If you look at East End right now and North Side, the two are good examples of single-member constituencies. People — Arden [McLean] or Miss Edna [Moyle] can't say it's not my job. They can't say I didn't know. They are responsible for their district. So, that happens to be a district, but in this case now you'll have a district which would be broken up into more than one constituency, and you'd have a representative, and that representative has to be accountable.

Now sometimes you might say, well, it's gonna be a bit unfair on that — on that person because, as you say, if in a system of party politics, in particular, there is the disadvantage sometimes that someone who is not in the ruling government — because you could have a representative who is not in the ruling government and he could be almost blackballed as — to the extent that he can't get his project — although he has his needs and he puts it forward and he has difficulty getting it done. But, of course, the democracy will eventually . . . because if that was me, I certainly gonna scream as loud as I can till somebody gonna start giving me something. So, you know, democracy will work its way through.

Member of the public: Okay, thanks again.

Speaker of the House Outside of Parliament/Attorney General Not Having Power to Vote

Member of the public: Just quickly two things.

I support the notation here in the *Notes* again about having the Speaker of the House to be outside of the Parliament, because that was

one of the things I raised and stood up back at the Lighthouse Hall and talked about and was adamant that we have that outside of the legislative group itself, and also in terms of having the Attorney General not having the power to vote.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Thanks very much for those comments.

Question #15 - Member of the public: Hi. I just had a question about the 17 constituents [sic]. Will those be revisited before each election to ensure that the population is distributed equally throughout each of them?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Yes. The answer to that is yes.

Member of the public: Okay, thanks.

[inaudible comment]

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): And the idea is to — is to maintain an equal number of voters or as close as possible in each constituency. So, for that reason, yes, they have to be revisited at least once every four years.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Are there any further questions or comments?

[pause]

The Referendum Question

Member of the public: I have a comment on the referendum question, and that is I think that to set a referendum whereby 20 percent of the electorate could trigger a referendum and thereby force the Legislative Assembly or legislators to call a referendum is too close a margin to set down — or too close a — too low a marker for a referendum to be called.

I think in all fairness to any government that has been elected by the majority, one has to have certain faith and trust in that government. And in any given year or any given month something, let's say, unpopular might occur that people could muster 20 percent of the voting population and trigger an election. You could easily have a government of anarchy because all that would be happening, at least in every session of

the House, would be the government being forced to place a question on referendum before the House and actually call a referendum.

You know, to the best of my understanding right now — and I'm sure at the end of the day it's likely to be that way — in the effort that's underway with this Constitution the tally's gonna be in hundreds of thousands. I mean, that's just my guess, I'm not asking for even the Minister to give a quote because I doubt seriously he would be in a position to do so. But I just think it would be hundreds of thousands of dollars; that's just in the education process here now.

And in any — any process of a referendum it's a wide and national effort like an election. So, one has to seriously consider those things.

And a government should not constantly be under threat of having 20 percent of the population call a referendum. It could totally capsize or upset what is their national plan on which they have been elected.

The other point that I think is perhaps not wise for a government to do — any government — that is to take 51 percent of the population to really be representative of a hundred percent of it. Because if you take any corporation or any association and so on, the magic number that's taken before you can change a standing rule or policy or whatever, it's two-thirds majority, and at least I would have thought that their recommendation would more properly have said a two-thirds majority as — it's standard. I mean, most companies that we know, most corporations, whatever, it takes a two-thirds majority to change something and to make it binding.

And, again, if you can get 20 percent of the people calling a referendum, triggering it, and 51 percent voting for it, it's not going to be a very happy situation or a stable situation for a government.

So, I think those two areas there are rather . . . should I say unwise?

The other thing that really grabs my attention is that what is stated that no further amendments should be made without a referendum except for the amendments that the Premier and the Leader of Government — Leader of the Opposition declare to be minor or non-controversial.

I find that rather disturbing because if we take the principle that Parliament is supreme, however it's meant or intended here — and I know Chris gave the suggestion of changing a typographic error, or something in the Constitution. That is — to me is not a very good example of what it would be because they — in the legal process the Attorney General and the Legal Department can actually make that correction on a law before it goes to the Governor for signature.

I think it would be absolutely required to state clearly what is considered a minor or non-controversial thing, because you cannot forget that if the two people, the Opposition Leader and the Premier, that is, the Leader of the Government, if the two of them can decide to change the

Constitution because they both agree something is not controversial, you got a real problem on your hands.

So I think this really should be reworded or taken out or that everybody should understand the very deep and grave significances to what this is suggesting here.

Even if they thought something was insignificant, it does have the imputation that it mightn't even have to go to the House to be debated. And we really wouldn't want to suggest that, and I — it is my opinion that really the team that will go to the Foreign and Commonwealth Office (FCO) wouldn't want to go with that suggestion because unless it has changed drastically from 2003 when the negotiating team went there, it's very likely to be slapped down, I would think. But more too, the concept of the supremacy of Parliament, this is — this is a paragraph that I think raises serious questions.

I mean, just one last thing that's sort of off this but I think Mr. Kelly here, it would come up under some kind of Human Rights that the now mature young woman would have been denied some right to be able to see or be assisted to function in our society, that it is still necessary for laws to be amended in Cayman to allow the seeing eye dogs.

As I recall, at the time it was a question of sanitation or hygiene going into restaurants, but it does happen in other parts of the world. And we would need to look at the legislations like that to make sure that we could allow persons, those rights and privileges here.

Thank you.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Mr. McLean, thank you very much for those comments.

The comments that you made with respect to the proposal for the Leader of Government Business, or the Premier, and the Leader of the Opposition to make minor changes to the Constitution, those concerns are concerns that we've heard in several districts that we have been to in several meetings. So we've very much taken those on board and will take them into consideration with respect to any revised proposals that would come out of these series of district meetings.

I just wanted to be clear again on your suggestion with respect to the referendum and the percentages that would — or the percentage that would trigger it, and then the percentage that the government would use to decide whether or not it is advisory or otherwise.

I wasn't quite clear on that. Could you just go over that — that issue for me again? I thought you said 30 percent; is that correct?

Member of the public: No. I see here that it suggests that 20 percent of the —

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Yes.

Member of the public: — electorate could trigger it.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Right. You say that's too low. I understood that point.

Member of the public: Yeah, and that if it was 50 or more, which I say 51 percent, then it would be binding on the government.

What I'm saying is that in most constitutions, in corporations and everything else, it takes a two-third majority to really create a binding situation. And I don't think it's a wise situation for any government to have referendum triggered by 20 percent and 51 vote for it and . . . the people are not — the people who are there, elected in the majority represents more than 51 percent of the —

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): I do — I fully —

Member of the public: — country, you know?

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): — appreciate your point. I just wanted to be clear on the percentages, but I fully appreciate the point that you have made. I do.

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): Do you have a suggestion on the 20 percent, what that should be?

Member of the public: Quite honestly, I — I am not one given to the — to the . . . the triggering of the referendum.

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): Okay.

Member of the public: But it certainly should be — I think that it shouldn't take less than at least a third of the voting population to be able to trigger it. Higher perhaps, you know, but certainly not less.

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): Believe it or not, there are people who would like it less than 20 percent.

[laughter]

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): But —

Member of the public: Then we have chaos.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Your points are well taken and the initial point that you made with respect to the cost of a referendum is a real issue as well.

So, you know, you can't be having a situation where referendums can be triggered for just about any issue. It really has to be a serious issue and a issue of national importance before we — I mean, obviously this would have to, as you know, would have to go to the Legislative Assembly for debate as well. And so, if there is an issue that the petitioners believe is an issue of national importance, because they have a particular interest to serve but clearly it isn't a national important issue, that would come out in the debate in the Legislative Assembly.

And as I said, speaking directly to the concerns that Mr. Warren had, the Legislative Assembly is always going to be made up of government and opposition, so you're always going to have — or you're more than likely always going to have an opposition. There are very few countries I can think of other than communist countries that don't have oppositions. So — and that's an important part of democracy and, you know . . . you'll have opinions on both sides of the table.

But we certainly could not have a situation where every time someone disagrees with something that is of particular interest to them that they would then seek to initiate a referendum.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): We have one more.

Having a Referendum Outside of the Two-Year Marker

Member of the public: It's been recommended that for referendums which are not in relation to the Constitution that you could have, for example, a referendum that's held outside the two-year marker. And any petitions that people bring up with issues that they feel should be addressed that way and they meet the 20-percent mark, then they could be put on the ballot that's held at that time and they can vote on whichever one of the questions that they choose.

But in relation to the — in relation to a constitutional issue, if something comes up where it needs to be addressed, then it just simply needs to be addressed.

And keep in mind that the idea isn't to make every decision by a referendum. A referendum is a contingency, and if you think of it in terms of a contingency, then you — you want to be very mindful of how the friction between the population and the elected Members will be at the time.

Hon. Charles E. Clifford (Minister of Tourism, Environment, Investment and Income): Okay, thanks for those comments.

I mean, one thing that is clear to us — and, in fact, to anyone in government or that has been in government before — is that you simply — you can't run a government by referendum. I mean, that's the bottom line. You can't — every time there's a question you can't go to the country with a referendum. You would never get anything done.

That's why it's so important that — that if there's a referendum to be held, it really has to be on an issue of national importance. And the question of how you define that is something that we could perhaps sit here and debate for the next week, but I know it's getting late.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Any other questions or comments? If not, I believe we will wrap up for the night.

I'd like to thank you all for coming out to this meeting and bearing with all of the problems in the presentation. And I will let the elected Members have the last say.

Mr. Osbourne V. Bodden (Third Elected Member for the District of Bodden Town): Thank you, Chris. And I'd certainly like to thank everyone and the hour is late. You have been a good audience, small but very active. And we want to thank in particular the church for allowing us the use of the hall, Reverend Menko; and the media, Radio Cayman who has covered this for future broadcast; and all of the folks from the Secretariat who work extremely hard to continue to do these presentations. Even with his cold here, Christen has battled away, Ms. Lookloy is actually — Ms. Bothwell, she's actually under the weather as well, so . . .

A lot of effort and time has gone into getting the word out and spreading the word on this. I know there are further steps down the road for — to get the word out by households. And I think just this evening there was something on the news saying on May 15th there's going to be something at the Family Life Centre where people could come and get trained up into how to go — how to go and spread the word door to door on the Constitution.

This is a very important stage in our history, ladies and gentlemen, and something we shouldn't take for granted. It's not many countries that have the ability to participate and have their input taken and their voice heard. So, I ask you to encourage others. Thank you all once again for coming, and we look forward to continuing the process and getting through with it as promptly as possible.

A blessed good night and safe drive home.