



Constitutional Modernization Initiative

*Verbatim Transcript
of*

**Public Consultation Meeting
Held on**

02 APRIL 2008

Little Cayman Beach Resort

**Little Cayman
Cayman Islands**

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**WEDNESDAY
02 APRIL 2008
CONSTITUTIONAL MODERNIZATION MEETING
LITTLE CAYMAN BEACH RESORT
LITTLE CAYMAN**

WELCOME

Mr. Moses I. Kirkconnell: [recording starts here] and how we frame this constitution, take advantage of the opportunity of giving the next generations of the Cayman Islands everything they need as far as security and a way to go forward.

So I invite you tonight . . . it will be a very interactive meeting. It will be as interactive as you want, and we will stay here as long as you want to answer questions and make sure that you feel comfortable.

After that, if there are more questions that you need to ask, we will provide a way for you to do that and feel comfortable that you have had every opportunity to be involved in this process.

Thank you.

Mrs. Suzanne Bothwell: Thank you, Mr. Kirkconnell.

Hon. D. Kurt Tibbetts: Thank you very much Suzanne, and thank you Moses.

And a very good evening to all of you. It is good to see so many of you out to this meeting this evening. Suzanne is going to explain to you all how we arrived at the point where we are at now. But I just wanted to say a few words with regard to this initiative that is going on.

First of all, I have said it in several other forums, but I need to say it here this evening because I do not know how far the rumor has spread. And I am not bringing politics into it tonight, folks, because this is not about politics; this is about the future of this country—"this country" meaning the Cayman Islands.

But there are some people who have made a special effort to try and scare the public into believing that this initiative is all about the Cayman Islands going independent. I want to be very specific tonight. You will see on the chairs, I think everyone will have a copy of the *Summary of Proposals*. It's the blue book, it's not the big one. But even if you do not have a copy of that, you will see in it, on page 2, and I will simply quote under the heading "Continuing as an Overseas Territory of the United Kingdom" (here's the cover):

"We believe that there is no desire in the country to seek independence. Our aim is to improve the relationship with the United Kingdom, to make our internal government more democratic, efficient and

accountable and to prevent any recurrence of the unfortunate incidents that have in the past strained our relationship with the Mother Country.”

So that is very clear in the Summary of Proposals. I just want to say to you that there is absolutely no intention to even begin to think of independence. But I believe that some people have tried to use that tactic to turn people off from wanting to participate in this process.

The Government is quite aware, and we also had it in our Manifesto from the last election that with all of the discussions that we had with people when we were going through the process from 2002, there were very, very few individuals from the voting public in the Cayman Islands who hinted at any desire for us to be seeking independence from the United Kingdom. Not only do we understand that the public does not want this, but we happen to agree with it also. We don't want it. But I have to say to you that there are many issues that we need to discuss among ourselves with regard to constitutional modernization process simply because our last Constitution came into effect in 1972—almost 36 years ago. Many things have changed and even those of us who have not been here in the Cayman Islands all the time, if you look back on your life 36 years ago and you look at it today, it is still plenty different no matter where you are from. That is simply the case with our Constitution. It is not a question that we need to chuck our Constitution down the tubes and start all over again. We have a Constitution that needs updating. We need to bring it more in line with the times.

The Cayman Islands have grown tremendously over that period of time and the Mother Country herself, that is, the United Kingdom, from the year 1999 when the White Paper entitled “Partnership for Progress and Prosperity” was done and distributed throughout the Overseas Territories, the United Kingdom asked all of the Overseas Territories to revisit their constitutions with a view to modernizing that process.

The majority of the Overseas Territories have already completed that process. We would have completed that process by 2004 because we had gone to the public at that time. The now Government was the Opposition, but we participated in that process and we went so far as to negotiate a new Constitution with the United Kingdom and, indeed, the United Kingdom prepared a draft Constitution, and in 2003 had delivered a new draft Constitution to us but the Government of the day saw fit not to proceed so the whole process was just put on hold.

It is almost 10 years since the UK has asked for us to look at modernizing our Constitution. Certainly, that is more than enough time for us to go at the process to complete that modernization process. But the important thing is that while the UK is anxious for us to do that, they are not trying to tell us what to do. They understand very clearly that the Cayman Islands wish to remain a British Overseas Territory and all they are saying is that there are certain responsibilities which they will have

to continue to keep because if we are going to remain an Overseas Territory—as is our desire, and Britain is quite happy for us to do so—there are some conditions which we will have to live with especially when it comes to the international obligations of the UK and perhaps the possible contingent liability that the UK may face with her Overseas Territories.

So what we are doing as we speak, when we come to the public as we are with you tonight, we want to go through the various issues, look at the various options, and hear what you have to say. We want to make sure you understand what those options are and what the ramifications are, and hear from you what your thoughts are because it is not about what we believe; it is about what the voters believe. Our obligation is simply to facilitate the process and at the same time to make sure that the decisions that you make or the positions that you take that you are coming from an informed position and that you understand all of the various reasoning why you come to the conclusions that you come to.

One could say that it is a difficult process. But I don't think it is a very difficult process. Just looking back at the last two days (today is Wednesday), we were in Cayman Brac and we had a meeting on Monday. At lunchtime we met with some 50 or 60, maybe more. Maybe 60 or 70 people. And we met with pretty close to the same on Monday night. It was amazing as we talked things through. Some people had certain thoughts at the beginning but once the whole process was thrashed out and we talked about the various options and the ramifications, people understood a lot better why certain positions are what we are suggesting.

The book called the *Summary of Proposals* is our first effort at giving you all something to look at and to think about and to decide what you agree with and what you do not agree with. We are not subscribing to the belief that our *Summary of Proposals* that we have produced is what the end result should be. It is just giving you something to think about. If we did not produce something and we came and started talking to you and you had nothing to look at, then everybody would be sitting down twiddling their thumbs wondering where do we start. And the fact of the matter is that we had already gone through this process and completed it in 2003, so we are really not starting from scratch.

We also have the benefit of in recent times at least three other of the Overseas Territories, namely, Gibraltar, British Virgin Islands and Turks & Caicos Islands who have completed their modernization process. When we look at their new constitutions we have a very good idea of what the UK will accept and what the UK will not accept. So we have the benefit of looking at those constitutions and knowing what is what and how the Brits feel about certain issues and what they will accept as part of a governance model.

Once we apply ourselves and have enough dialogue amongst ourselves it is really not a difficult process for us to get to the point where we basically know what we should go to negotiate to London with. Unfortunately we have to realize at the same time that even when we agree on

what we are going to negotiate with, we can't guarantee because we are not 100 per cent sure what the UK will accept and what the UK will not accept. It is not a one-way street. But I can tell you from our own experience that they are not out to put a stranglehold on us or anything like that. They simply state their case clearly as to what they will . . . in our own language, what they will live with and what they can't live with, and we can take it from there and shape the constitution to be one that reflects as far as is possible the wishes and aspirations of the people.

So, just giving you that as a general beginning for the discussion. Suzanne is going to talk to you about some specific issues and we would like to hear from you. That is the whole purpose of the exercise. We want to know what you think. I even encountered on a couple of occasions while we were in the Brac, people a little bit shy to ask a question because they thought it didn't sound like such a very sensible question. Please don't think that. Because if you don't know, you don't know.

I can also tell you that every time we have met with a group of people there is some idea that comes out that is fresh, one that we hadn't thought of; one that we could put into the whole mix to try and shape it to make it better. So believe me when I say that your contributions to meetings such as this are always very valuable.

Suzanne, I have said enough. Thank you.

Mrs. Suzanne Bothwell: Thank you Mr. Tibbetts.

I am going to stand tonight because it is my first time here and I feel a little bit more comfortable standing.

Just to take care of some housekeeping matters, I want you to turn to page 7 . . . no, not page 7; page 10 of the blue booklet. If you have your pen in your hand, under the section "Eligibility to Vote or Stand for Election" you can put a line through that section.

The reason why I have said that is because during the course of all of the public meetings that we have had, we have probably had about 13 or 14 so far, this issue about who will be eligible to stand for election has been one that has been a subject of a lot of debate. I believe that the Government has received overwhelming feedback against widening the requirements to allow persons to stand for elections who are first generation Caymanian and overwhelming support to keep the existing rules which would allow second generation Caymanians to run as opposed to first generation.

That does not mean, however, that we do not want to hear from you. This is the first time we are in Little Cayman. I would just like to say that the numbers of people, I think, who have weighed in pretty much a signal that the majority of the population thus far are not in favor of opening the doors to those persons who can stand as elected members. So the Government has taken this on board. This is, I suppose, a very good indicator that this document is but a starting point. What will . . . the revised document before the referendum what you will see is that the

continuing rules regarding elections, standing and voting, will remain as they are, as we have them in the Constitution right now.

And the reason this was raised, for example, that a first generation Caymanian who had no Caymanian parentage should be able to run for elections came from the 2003 draft Constitution. That issue we did not as a country have an opportunity to debate at the time back in 2003, but we are doing it now. We have done it for the past few months, and I think that most of the population has weighed in on that. But if you feel like commenting further or giving us your feedback on this section please feel free to do so.

I think Mr. Tibbetts has gone through the reasons why we are having this discussion as a country on constitutional reform. I am glad that you are all here today simply because without your input the Government will not be able to indicate to the UK what the people of the Cayman Islands want. They would not have a reference point to begin their negotiations.

Part of the mandate and part of the requirements for us negotiating with the UK is that the people have signaled their support for whatever issues are going to be presented to the UK. The people have signaled their support in favour of those issues.

I just wanted to say that this whole Summary of Proposals covers three major issues: The major one is sharing responsibility between the Cayman Islands Government and the UK Government. The second issue is accountabilities in government, and the third area is how we can have a greater participative democracy in Cayman.

Right now, the extent to which you and I as individuals participate in our democratic system is that we vote every four years. In other democracies there are other things that citizens can participate in, such as, referendums that are initiated by the people themselves. And that is something that we will be talking about tonight.

I will probably start with that topic, the people initiated referendum.

PEOPLE-INITIATED REFERENDUM

Mrs. Suzanne Bothwell: Now, the Government has indicated, I believe, that they wanted to begin this process of participative democracy by us going to a referendum of this particular exercise. But in moving forward, they have also suggested that citizens should have an opportunity to be able to raise issues of national importance and cause the government to take action on it.

I do not know if Little Cayman has had a history of presenting petitions to the government on issues you have felt in the past were important. But, certainly in Grand Cayman, that has happened and I believe in Cayman Brac to a certain extent. I know Lucille is not here, but yester-

day she gave the example of when the last constitutional reform was taking place they had over 6,000 signatures in a petition.

I don't know if you want to clarify the facts for me . . .

[pause]

Mrs. Suzanne Bothwell: Right. It was 7,000 signatures calling for a referendum on the last constitutional reform process.

Now, the question is, what happens when the public petitions? What sort of formal process do we have that would require the elected government, the civil service, or the Governor to take on board the statements that are being made by citizens?

In the UK, they are currently going through constitutional reform at this point in time. They have their paper out. One of the statements they made in a document presented by the Secretary of State, was that even the UK recognized that the public petition was a historic and fundamental right, and that its own government needed up-to-date procedures for considering petitions and presently in the UK, like in Cayman, there is no formal mechanism for considering them. So, instead of us continuing as a country to have these petitions, we as citizens feel that by us signing a petition on a particular issue will cause a certain reaction, but that might not necessarily be so, the recommendation is that constitutionally in moving forward as a country we should have a constitutional provision which recognizes people initiated referendums which will allow citizens through a particular mechanism if they feel there is an issue of national importance that they would like to cause the Government to deal with that they can use the petition itself to trigger a people-initiated referendum.

The recommendation was that, of course only voters would vote in the referendum like you do in elections; but in order to trigger a referendum on an issue the persons organizing that would have to obtain 20 per cent of the voting public's signatures. So, if they can get 20 per cent of voters to sign a petition in favor of an issue deemed to be of national importance, they can then present that to the government. What that would do is trigger the process through the Legislative Assembly to have the issue debated, a referendum question formed, cause the Elections Office to prepare for a referendum on that issue so that the whole of the voting public can deal with it.

So this is certainly something for you to consider between now and the end of the public consultation period. If you have any strong views in support of or against people-initiated referendums please feel free to contact my office, or speak to us tonight, or raise your feelings tonight. But my details are on the back of the blue document and the red one.

The reason why I am saying if you have any strong feelings about the proposal because if you do not want it and you feel very strongly it is important that we know now so that when the government is assessing

all the feedback and all the information that will help us determine whether or not this will make it on the final list.

The second issue that I would like to deal with is that of External Affairs and the proposals the government has made in relation to that.

EXTERNAL AFFAIRS

Mrs. Suzanne Bothwell: Right now, under our current Constitution, we all know that Ministers are assigned responsibilities by the Governor. So we know that Mr. McLaughlin has been assigned responsibility of education, culture, sports, et cetera. Minister Tibbetts has been assigned the functions of minister of agriculture, district admin, et cetera.

But there are some special functions in government that are expressly reserved to the Governor himself. The Constitution states that they are reserved to him alone, therefore they cannot be delegated to any of the elected ministers. Those areas cover defence, external affairs, police, appointment of civil servants and internal security.

What the current proposal is, as you see on the screen is that this special responsibility under the Governor, namely, external affairs, ought not to only be vested in him alone because any issue regarding external affairs relating to Cayman will affect the Cayman Islands and it affects the people of the Cayman Islands. Therefore, there ought to be some constitutional mechanism which will allow the Governor to engage in dialogue with the local government on these issues for them to be involved as to what is extended to us, perhaps, as a treaty or a convention.

I see in coming to this lovely hotel there have been a number of signs regarding your organization being very environmentally conscious. And Cayman has, thankfully, signed on to a number of international conventions and treaties which enhance and promote our environment. But likewise we have had extended to us many, many, many other treaties and conventions which we most likely know nothing about. And some of these treaties and conventions cause Cayman to have to put infrastructure in place, cause them to pass local legislation, and basically states our international commitment to whatever the issue is.

Now, as an Overseas Territory, we are not members of these bodies that make these conventions. So we are not a member of the United Nations. The UK is a member. So, when the UK signs on to treaties, sometimes it extends, those treaty articles, to its Overseas Territories, including the Cayman Islands. I say this again, on any subject. I do not think we really have a say on which ones we would like extended to us.

Looking forward, what is being proposed is that before the Governor signs on to any agreement that would impact us internationally or cause us to do anything internationally; before the UK extends to us any international obligation, that both bodies ought to have dialogue with our local government. They should say to us (where we are members of this

convention), *We would like to extend these conventions to the Cayman Islands and other Overseas Territories can we meet to discuss this?* What that does is put our government on notice of the UK's desire, but it also gives our government the opportunity to look at the convention itself to see exactly what types of obligations it will place on the Cayman Islands, whether or not it is something that will enhance our society or have a potentially negative impact.

It is quite regular in terms of conventions that countries can have reservations to certain parts of these conventions, meaning that some sections of the convention will not apply to you. So what this proposal will do is give the government an opportunity to engage in dialogue and help share the responsibility of what is going to impact us internationally. What is our international face going to be? What are our commitments? We should know not after the fact but before it actually happens.

This is all, of course, to help put Cayman in good stead in the future.

Is this going too far?

Some people say, *Well we don't know about this. This is different, this is new, this is the Governor's special responsibility. Maybe we shouldn't touch it.*

Well, it's okay because we have been operating under a 1972 Constitution and part of this exercise is to help clarify our relationship over the 30 years. We are not where we were in 1972. And neither is the UK. The UK itself has recognized this in relation to its Overseas Territories.

Now, Mr. Tibbetts stated that other territories have undergone successfully constitutional reform. I would just like to draw for you the example of the British Virgin Islands. Now BVI, as you may know, quite a bit smaller than Cayman in terms of population. And they are also an Overseas Territory. However, this issue of protecting Cayman's interest involving local government in external affairs issues was raised by them. They were able to obtain with the agreement of the UK . . . yes. They were able to agree with the UK a specific constitutional provision to help protect their standing globally. And also to help protect the industries that they have in their country.

BVI is very similar to Cayman in terms of its product, industries—tourism and finance. And I just want to just probably highlight to you some of the main features of what they have been able to achieve, but constitutionally we can't do that yet. Their provision allows the Governor to delegate the responsibility of external affairs. So just like how you would delegate education, et cetera, he can delegate external affairs. But he will still have some level of influence and so will the Secretary of State in what happens at the end of the day.

But most importantly, what it can do is allow their country to participate directly, their elected representatives, to participate directly with other organizations and to enter a particular agreement on tourism and tourism related matters and n matters concerning taxation and the regu-

lation of finances, and financial services and the European Union matters directly affecting the interests of the BVI.

Now, what does that mean?

Right now, in order for Cayman, or the Cayman Islands, the elected government to approach another country on any international issue, it must first get permission to do so each and every time. And that permission would not necessarily be guaranteed. What this provision does is allow the BVI government if there are matters affecting industry, matters it feels will enhance its abilities to compete internationally with respect to the European Union, if there is a need to defend itself and put its position forward independently of the UK, because of potential conflicts of interest, then it can do so.

I don't know, Minister McLaughlin, if you wanted to add anything to what I had to say on this issue, but what that means is that moving forward the BVI, their elected government can have a say on the international forum. So it would no longer be . . . I think we had a situation here a European Union matter that adversely affected, negatively affected Cayman, and our government had to fight to protect Cayman's interests. I am not sure whether we were successful or not. I don't think we were in the end. But we had to go through layers and layers and layers. In moving forward if there are issues that will affect our industry, all the way in Europe we will be allowed to represent ourselves directly—not have to perhaps meet with the FCO and probably tell them what we feel. Then maybe, maybe, they might represent us or allow us to do that ourselves. So that is something for us to consider as to whether or not we the Caymanian people want to put our elected government in that sort of position to allow them to protect our interests if and when they need to do so.

Does anybody have any questions or comments?

Please feel free if you need clarification on any issue. Please just raise your hand and let me know.

[inaudible]

Mrs. Suzanne Bothwell: For me? Well, I am an agent of the government! So right now my opinion does not count.

I am sure that when I put it forward I will. But I will say that if I wear my citizen's hat as a person I think each and every one of us . . . do you not prefer to speak for yourself?

If you have a problem, or if there is something that you want to do, who would you rather do it for you? You, or someone else?

So that's probably the food for thought. And if the invitation is there, the option is there that will allow you to do that, then would you choose to take that option or say no?

Okay, the second major area that has been discussed in most of the meetings is the issue of national Security Council.

NATIONAL SECURITY COUNCIL

Mrs. Suzanne Bothwell: What is this?

Well, internal security and police are other areas which are within the sole function of the Governor. What does that mean? That means that they are not discussed at Cabinet level. Issues are not raised frequently at Cabinet level. Our elected Ministers are not continually briefed on what's happening in the country in terms of internal security police.

However, what we have seen in the last few months is that because of agitation or . . . agitation (right?) by the elected government last year April, I believe recently the Governor has changed his position and has now begun to have some sort of briefing between him and the Leader of Government Business and the Commissioner of Police on police matters every week. But this is not in our Constitution.

One of the things that we as a country have to look at is what is our Constitution meant to do? It is meant to put in place the rules of how government should function so that if you, sir, decided to run one day and you got in, you could look at your Constitution and know exactly what your role as an MLA and a Minister is. What your entitlements are, what your obligations are, and also how you fit in your whole government model.

We replace our governors every four to five years. How do they know the lines between what they should do alone, what they can share, how they should operate? The Constitution is supposed to help guide all parts of government so that we can function properly as a country. A child in school should be able to look at our Constitution and see exactly how our government functions.

It is clarifying the roles.

Right now, our Governor and the Leader of Government Business discuss police matters on a weekly basis. But that is not in our Constitution; that is because of an external force which has caused that event to happen. Should we have to as a country rely on personalities to achieve such results? If it is clearly set out in our Constitution, all parties going in understand exactly what should happen.

Last year, December . . . and if you look in your red book, not now, but look in your red book when you go home tonight, or tomorrow, and you will see an appendix of the UK Audit Office. Basically the office that reviewed the Foreign and Commonwealth Office in the UK looked at how it was performing its functions and how it manages risks in the Overseas Territories. They identified here, "the FCO and the local governors needed to strengthen local ownership and participation in police matters."

They also found separately that "there is a need for objective independent assessment of effectiveness and efficiency of territory police forces according to local circumstances."

Now, dealing with the first point here, the recommendation was that instead of internal security and police being vested solely within the governor, that the Governor and the Commissioner discuss these issues on a regular basis it must include your elected representatives. They must know what is happening in the country, how safe our borders are, how the money, the \$50 million that they are budgeted each year is spent, whether or not their issues are being dealt with because when bad things happen in our islands, who do we go to? Do we write a letter to the Governor?

[inaudible]

Mrs. Suzanne Bothwell: That's right. You write to your elected representative because, as far as you are concerned, when you vote them in, you vote them in to look after your needs. And if part of your need or concern may be that community policing in your district is not happening or there are certain areas that are not being dealt with or there are certain proactive things that you would like to see the police doing, at some stage you may have to have dialogue with your elected representatives. Or you feel that that is who you would like to speak to.

Anyway, what we have seen, because of this recommendation which has come out of the UK, we have seen that in Turks & Caicos and the BVI and to a similar extent in Gibraltar, each of whom . . . Turks & Caicos achieved their new constitution in July of 2006. Gibraltar got theirs in December 2006 and BVI got theirs in July 2007. All three of these territories have now established either a national security council or a police authority. This body, the national Security Council, would comprise of the Governor who chairs the meetings.

They also would consist of a Leader of Government Business, the Attorney General who is the legal advisor to the government, one or two Ministers, and from the meetings we had thus far persons have recommended in addition to those persons we should have two lay persons from the community to sit on the national Security Council. This is something the government I believe is seriously considering and would perhaps put forward at the negotiating process.

What the function of this national Security Council (and it would also include the Commissioner of Police. I apologize) is that that body would discuss policy. So if there are overarching issues they need to look at in terms of internal security and police that they can look at these issues and make a decision whether it is to agree funding, whether it is to pool a particular strategy that wanted to be employed by the RCIPS to deal with a particular area that is of concern, that is the level at which this body will function. Pretty much what the Governor and the Commissioner of Police do already, but they include the elected government, the legal advisor to the government and also potentially lay persons of the

community who will sit on that council representing the community directly.

This does not mean that all of a sudden your elected representative will be giving directions to a police officer on who to arrest. That is not the role of the council. And they can't do that anyway even in the civil service, whether it is under Minister McLaughlin's ministry, he really does not have that level of interaction with civil servants that work in departments. That is the role of a chief officer who represents the head of the civil service, who is the Chief Secretary, and the Commissioner of Police will continue to have the day to day functions.

So that is probably the second major proposal that has been made in relation to sharing responsibility in government.

Now, with these changes, what will remain the same in our Constitution? Well, the Governor will continue to have his overriding powers. In our Constitution because the Governor is Her Majesty's representative locally, he has to have certain overriding powers to protect the Islands' interest and the UK's interest. So he will continue to be able to disallow laws if they are felt to be laws we ought not to pass; and he will continue to be able to introduce bills for public order, public faith and good government. Right?

The other issue that has been dealt with is accountability, the second broad heading in terms of Constitutional reform.

CHECKS AND BALANCES ON EXECUTIVE POWER

Mrs. Suzanne Bothwell: What does that mean?

How do we improve or increase accountability in government?

Well, if you look at the blue book at page 6, you will see Checks and Balances on Executive Power. I will just read them to you. It says:

"The revised Constitution should provide:

(a) A clear rule that Ministers and Public Officials must exercise their powers in the interests of the country and not for their private interest or benefit;"

Now, this is probably an obvious statement, one that may not necessarily need to be put in writing. But that is for us to discuss. If we feel as a country that we would like something to state that in our constitution.

Also they suggest that there should be *"(b) term limits for the Premier: we feel that a person should not serve as Premier for more than two successive terms;"*

Now, this has been an issue of much debate at home. Some people feel, yes, that is the right thing. They approve it. But some people feel, no. They think that they should be able to see their Leader of Govern-

ment Business be able to continue for more than eight years at a time. So that is definitely something for you to digest and consider.

Why would someone make a suggestion limiting the term limits for the Premier? Well, I have here . . . some of the suggestions have been that the position could become too similar of that of a benevolent dictator. That's what some of the people say, what some of the written things have said.

The position can become too powerful and upset the separation of powers, meaning that [inaudible] really do not exist in a separation of powers such as in the US, where you have State and administrative government, the judiciary totally separated. What it can do, perhaps, is that there could be too much influence into these other areas. So you would not want to see, for example, your elected government having influence over your judiciary. You would not want to see your elected government having undue influence over those who administer government. Whilst you are there to carry out the job, there comes a line between doing your job and doing it lawfully and maybe crossing, blurring that line.

Then, of course, there is an example we had recently on the globe, the position is too powerful that the need for elections is dispensable. If someone is loved by his country, why have elections? Might want it for life. Of course we said there is an example in Venezuela's constitution reform and they held a referendum. I think some of you may have seen that on CNN. And what he wanted was to get an endorsement to inspire policies which would allow him to continue to be, I think he is the president (is he?) of Venezuela for on and on and on. And, of course, he lost by a very small margin. They rejected his proposals.

So, some countries have it; some countries don't. But I think that is definitely something for us to consider. It has been put on the table. It does not mean that your MLA cannot continue to run. An MLA, somebody who runs for elections as a candidate will always be able to continue to run and be in the Legislative Assembly. What it will do, if it is agreed, is that the person who holds the seat of what we now call the Leader of Government Business would be restricted for eight years, two consecutive terms.

Once he has done eight years successfully, then even if he runs again in a subsequent election, and gets into the LA, he will not be eligible to be the Leader of Government Business again. At least for that election term. After that four year gap, if he gets in, then he will be eligible to be the leader again, or Premier. But there will be a four year break after every eight years.

Definitely some food for thought.

Anybody have any thoughts on that?

No?

[inaudible]

Mrs. Suzanne Bothwell: Sure.

You need a microphone.

Member of the Public [Question #1]: There is some worry that the UK is not looking out always for the interest of the Cayman Islands people. Is it possible that the Overseas Territories could have a representative in the UK Parliament to guarantee that they are looking out for our interest?

And how many people actually in the UK are looking out for Cayman?

Mrs. Suzanne Bothwell: Thank you.

Hon. Alden M. McLaughlin, Jr.: Just so that everyone understands what I think he was saying, you are suggesting that perhaps we should consider essentially petitioning the UK so that members of the Overseas Territories, particularly Cayman, would become or at least some of us or one of us would become members of the UK Parliament? Is that what you are proposing?

That has been knocked around for a long time. We actually had that discussion recently when we had the Foreign Affairs Committee members here. We didn't raise it. They did. But they raised it to say that it seems very unlikely that the UK would be prepared to have members from the Overseas Territories actually sitting as Members of Parliament.

It was raised in the context of how we get issues which are of concern to us to the Floor of the UK Parliament so that they can . . . because many members of the . . . as a matter of fact I feel safe in saying that the majority of members of the UK Parliament have little idea about what occurs, what obtains in the various Overseas Territories. So what they were suggesting is that more visits such as those we had with the Foreign Affairs Committee coming here, members of what's called the All Party Group, that is, Members of the Parliament in UK who belong to . . . whether they belong to the Liberal Democrats or the Labour or the Conservative Party (in fact, some are coming in next month), they spend more time in the Overseas Territories to understand what our issues are so that we can build up relationships and contacts so that we can get our issues to the forefront when necessary in the UK Parliament.

But the indication from them was that there was very little appetite in the UK Parliament or in Government for actually having representatives from the Overseas Territories.

[inaudible]

Mrs. Suzanne Bothwell: Sorry, we are recording this. I apologize for not doing this earlier. We are recording the meeting for Radio Cayman because we usually record them and actually play them on Radio Cay-

man for the whole community to listen to. So if you would use the microphone each time so that we can pick up your voice.

Member of the Public [Question #2]: Okay.

What I am saying is if the person from the Cayman Islands was living in the UK for 30 or 40 years, they still would not be eligible to be a Member of the UK Parliament.

Hon. Alden M. McLaughlin, Jr.: I do not know what the specific rules are, but I suspect they would. But that is a different situation from what is being put forward by Mr. Boxall. What he is talking about is someone actually representing the Cayman Islands' interest there.

Obviously, if you have been living in another jurisdiction for 30 or 40 years, yes, you are bound to have the same affections for your homeland. But that is a very different thing from understanding what the issues are and being able to put them forward in a sensible way to further the interests of your homeland.

What he is talking about is actual representation; in other words, somebody who is elected here would actually serve as a Member of Parliament there.

That has been talked about for years and years. But, as I said, there appears to be little prospect of that happening.

Mrs. Suzanne Bothwell: Thank you.

I think just moving onto the . . . switch gears a bit . . . sorry.

[inaudible]

SINGLE MEMBER CONSTITUENCIES

Mrs. Suzanne Bothwell: I just wanted to switch gears a bit and probably highlight some issues that have been raised in the proposal that directly concern, that expressly concern Cayman Brac and Little Cayman. There are two major ones: One is dealing with single member constituencies, and changing our electoral system. The second one is if someone is in Cabinet . . . I just want to read it properly. If Cabinet does not have a representative from the Sister Islands then short of that what can we do to ensure that your interests are dealt with and protected or met with in Cabinet?

I am not the best one to explain the single member constituencies. Mr. Tibbetts did a fantastic job Monday night. [addressing Mr. Tibbetts] So I am going to ask you if you can discuss it or any one of the MLAs to see if you can discuss exactly what single member constituencies mean, how is it different from what we have, and what is proposed for the Sister Islands.

I really appreciate you to think about this and give us your opinion because it deals directly with Cayman Brac and Little Cayman.

Hon. D. Kurt Tibbetts: Thank you Miss Suzanne. Uh-huh.

When we speak to single member constituencies, let us look at what obtains as present. Presently we have six electoral districts in the Cayman Islands, namely: West Bay, George Town, Bodden Town, East End, North Side, Cayman Brac and Little Cayman.

What was proposed from 2003, and what we are looking at and what we need your views on is as follows. The proposal was originally for 17 single member constituencies, which means you would have between what exists now as the 6 districts divided up as equally as possible with the number of voters being as close to each other as possible and making 17 single member constituencies.

Which means, if we take West Bay, for instance, where you have 4 elected members returned now, you have in George Town 4 elected members returned; Bodden Town 3; North Side 1; East End 1; and Cayman Brac and Little Cayman 2. Those 6 districts would be all divided up to return 17 members as compared to the now 15 members. But instead of having any one district with more than 1, you would have 17 different constituencies which would simply return 1 person.

So, while you would have the district of George Town, the district of West Bay, you would not have each district in its entirety as one of the constituencies. When we look to Cayman Brac and Little Cayman you now return 2 representatives and each person who is eligible to vote in the Sister Islands can vote for 2 people. As it is, first and second to pass the post at the end of the elections are the 2 people who are returned as the elected representatives of Cayman Brac and Little Cayman.

If we were to follow the principle of single member constituencies which, in turn, means one man, one vote, then what would happen is that Cayman Brac and Little Cayman an electoral boundaries commission would look at the 2 islands and the number of voters and then that would be divided into 2 constituencies as close as it can be done with equal number of voters. I think we have about 900 eligible voters in Cayman Brac and Little Cayman presently.

So, you would look to try to divide up Cayman Brac and Little Cayman into 2 different constituencies with as close to 450 in each constituency (if you are looking at 900) so that it is a equal in number as possible. And then the persons who would be voting (that is the electors, the voters) they would be, depending on where they lived, in one of those constituencies and they would have to vote for one person, whoever standing for election within that constituency.

Now, from 2003, there were several voices in Cayman Brac and Little Cayman who were not so keen on that. When we consulted with our MLA for Cayman Brac, Mr. Moses Kirkconnell, and he spoke to some people, he did not get to speak to every voter. But he sought opinions.

What we have proposed is perhaps to look at is where you would leave Cayman Brac and Little Cayman as one constituency instead of dividing it into two. But in order to make it a level playing field that every voter in the Cayman Islands has the same right and no one has an advantage over the other, in order to keep it like that, you would need to retain the one man, one vote principle. So, Cayman Brac and Little Cayman would still return two elected representatives, you would have your 900 voters, but each voter could only vote for one person.

If we say let Cayman Brac and Little Cayman stay as it is and each voter votes for two persons then the difference is everybody else in Grand Cayman, the other 14,000 or 13,000 voters can only vote for one person, but you have 900 voters being able to vote for two, which is really not what we would term as true democracy because one of the fundamental tenets of democracy is a level playing field which means everybody has the same right. And that is when you come down to the base level of one man, one vote.

So, that is what we have proposed now. We have had some people saying one thing or the other, but I think what has been common and we have had . . . this is our first meeting in Little Cayman, but I think we have had two public meetings in Cayman Brac already and one with various NGOs (non-governmental organizations) and I think what has come out with the majority consensus in those meetings is one thing: they would prefer for Cayman Brac and Little Cayman to remain as one constituency rather than being divided up.

But as we have proposed that, we could not propose making it be one constituency and each person still be allowed to vote for two people because that means it would be totally different and straying from the principle of one man, one vote. So that's what has been proposed.

Now, what we need to hear from you all is (and forgive the term, but . . .) which concoction that you all prefer. If you understand what I am saying. But I just wanted to explain the rationale why we came to that conclusion and why we made that recommendation so that you would understand.

And Suzanne, unless you think I need to say anything more, you can take it back and find out what . . .

Mrs. Suzanne Bothwell: Okay, thank you Mr. Tibbetts.

So, the question is should Cayman Brac and Little Cayman be split into two constituencies? And I believe last Monday night we said the borderline would have been the Bluff Road.

Hon. D. Kurt Tibbetts: Suzanne that was—

Mrs. Suzanne Bothwell: The old—

Hon. D. Kurt Tibbetts: That was what obtained when the Boundaries Commission did it in 2003.

Mrs. Suzanne Bothwell: In 2003. That's right.

Hon. D. Kurt Tibbetts: I think it was 2003, but we are not so sure where the population has moved. I mean Little Cayman, where we are tonight, is probably just about the same as it was then. Not much difference. But I am not so sure where the boundary was in 2003 which was I think where the Bluff Road comes out now to Ashley Reid Drive.

I am not so sure if more people have moved west or more people have moved east so they would have to go through that process again to see where it would be best so we could have as equal number of voters as possible if that were what was decided upon.

Mrs. Suzanne Bothwell: So there's pretty much three options: Either we stay how we are now, but if the majority of the country says they want to move to single member constituency system then Cayman Brac and Little Cayman has two options. One is the old recommendation in 2003 that Cayman Brac be split into two. The east is one constituency and the west is one. Then Little Cayman would be joined onto one of those constituencies. Or what is being presented now, being that the whole of Cayman Brac and the whole of Little Cayman be one constituency, but you will still practice one man, one vote.

Any thoughts on that in terms of . . . at least in terms of single member constituencies, whether you prefer to see the split or just keeping the Sister Islands together as one.

You have a question or comment?

Member of the Public [Question #3]: I have a question, and I do have opinions but this is a question for you and maybe the others in the room. I am not a Caymanian. I own a business here, I have lived here for 13 years. To what degree is it appropriate for me to offer my opinion?

Hon. D. Kurt Tibbetts: Are you a voter?

Member of the Public: I am not.

Hon. D. Kurt Tibbetts: You own a business here?

Member of the Public: I do.

Hon. D. Kurt Tibbetts: And you've lived here for 13 years?

Member of the Public: That's correct.

Hon. D. Kurt Tibbetts: And you want to know how valid your opinion is.

Member of the Public: That is correct.

Hon. D. Kurt Tibbetts: Have you been allow to stay freely here?

Member of the Public: I have.

Hon. D. Kurt Tibbetts: Then please express your opinion sir.

Member of the Public: Okay.

Hon. D. Kurt Tibbetts: thank you.

Member of the Public: Uh.

Hon. D. Kurt Tibbetts: Forgive me. Just before you say it, maybe I was a little bit dry with that, but I want you to know that I am sure people in the room who can vote know you, and interact with you regularly. So there is absolutely no reason why you can't contribute and help with the sharing of ideas and the thought process. We welcome that sir.

Member of the Public: Thank you. I appreciate that respect.

I'll just share an experience as an American and problems that they have had especially with state issues and city issues that relate maybe to what you are dealing with here and why I would believe I would support keeping it the current system.

There is a good deal of controversy and political mongering when you are dealing with where the lines are for single representation. And this side of the street is going to be voting for one party member and this side is another and how it can be distorted by the people who are in power so that it doesn't become fair, which is why I would personally support keeping it in a broad base where that kind of corruption . . . I won't call it corruption. It's not corruption; it's playing with the system. Right. It can be prevented so it's not all of a sudden who's voting in this single member block and who's voting in that single member block. But you have the six or seven districts a representative of all the people of the Cayman Islands.

Anyway, my opinion.

Mrs. Suzanne Bothwell: Thank you.

Anyone else? Any thoughts on our electoral system and where we should be going or whether we should be staying the same?

I would just like to say that I know in Cayman Brac where we had a meeting . . . pardon?

Some persons had particularly strong opinions and one of the statements made quite plainly was that they did not want to see Cayman Brac and Little Cayman split. They felt very strongly that the two islands should remain together; the country should not be divided up. And that this would continue to keep those ties between the Islands and also I suppose give Cayman Brac and Little Cayman the continued choices in terms of their representatives as a whole. So that has pretty much been the statements that have been made.

Grand Cayman, some people are for it; some people are against it. But it is still very much an issue up in the air. And that is why we are talking to everyone because in a couple of months we are going to have to make an assessment and make a decision as to exactly what has been said and I think in terms of the Sister Islands the message has been clear. So.

Okay?

Okay, Mr. Kirkconnell.

Mr. Moses I. Kirkconnell: Thank you Suzanne.

When the question was asked, and I sought input on it, it was clear that the uniqueness of Cayman Brac and Little Cayman because of our geographical distance from Grand Cayman, we share a common bond of being away from the main Island.

The perfect world would be for Little Cayman to have its own representative and Cayman Brac to have based on population. But, unfortunately, when you look at the population base in the Cayman Islands each of the electoral districts are probably going to have around 1,000 people that each elected member will represent. Where in Cayman Brac and Little Cayman together we only have about 1,000 people.

[inaudible interjection]

Mr. Moses I. Kirkconnell: Well, that's fair because we are unique and we need two reps.

Hon. D. Kurt Tibbetts: I am not asking about that. I am just saying hear the whole story!

[laughter]

Mr. Moses I. Kirkconnell: I was just trying to stop you before you went too far!

[laughter]

Hon. D. Kurt Tibbetts: Don't worry.

Mr. Moses I. Kirkconnell: But it gives us the ability for unity. And I certainly advocate unity between the two representatives for Cayman Brac and Little Cayman when they go to Grand Cayman and represent these two Islands.

So I believe there is going to be a consensus that we should stay as one electoral district Cayman Brac and Little Cayman and that has been spoken quite clearly in Cayman Brac.

The second part of it is whether it is one man, one vote, or whether it stays exactly the same, is where the real question is coming. In the last days in the meetings in Cayman Brac and in the first meeting I believe it is fair to say that that is completely up in the air of who is in favour, what the larger number of people that are in favour?

So, the commitment that the Secretariat made was that when they leave, we leave, and we have not come to a conclusion that there will be some other mechanism that they have prepared and looking into putting in place in Cayman Brac and Little Cayman to try to get more input on this so they can make a real informed decision.

I don't want you to feel that when you leave here tonight this is the end of your input to this. You are going to have time to think about it and you are going to have time to make your representation to the Secretariat so a real informed decision can be made on it.

Member of the Public (Simon) [Question #4]: I think Mr. Kirkconnell actually answered a lot of my questions there. My concern was talking to the people in Little Cayman that they could get their opinions across on what mechanisms were in place. For instance, I met one person today that decided he had to move because he was concerned about the education of his children. Some people were concerned about access to health-care and I will say it is a different place and it has a different set of needs. But there is a general feeling that you, Mr. Kirkconnell, are certainly very receptive to the needs of Little Cayman and with Mr. Linton Tibbetts here I am sure that people are getting listened to in Little Cayman.

I am just wondering . . . the majority is always going to be in Cayman Brac. Is that a problem? Is that a problem for people in Little Cayman that the majority, whichever through methods you suggested is always going to be in Cayman Brac and are they going to be able to get their needs, which may be separate at times given that it is an island surrounded by water. Is that going to be able to get across?

Mr. Moses I. Kirkconnell: Simon, excellent question.

I will do my best to give you my personal opinion and then whatever factual information I can share with you.

In Cayman Brac the duty and responsibility of giving education and healthcare is something that is being provided and being improved all the time. In Cayman Brac the families and the community that are

there have been there for generations and were actually born there. And the services that government has provided has happened over a long period of time with a population base that has gone back and forth between 1,500 and probably 3,000 people, the maximum at one time.

Little Cayman at this point in time, when you come . . . it's a new society so to speak. You know what you are coming to and you are trying to manage in the best possible way and budget in the best way to give those services as people arrive. Because it is all going to be generated by the number of people you have here—an example being you now have a school. You couldn't have a school if it was one child; but as more came you had a school.

A daycare centre is obviously being looked at now because of the number of younger people. The medical facility has been improved and it has to continue to be improved. But when is the day the doctor actually stays here on a full time basis, how many more people do you need?

So it is a growing process that Little Cayman will continue to evolve. But I don't think . . . I think by keeping the islands together and the representation together you have a much stronger voice with two people speaking of the needs for Little Cayman than you do having one representative that would have the western district of Cayman Brac and Little Cayman.

Hon. D. Kurt Tibbetts: Simon, if I may . . . I just want to make sure because I am sure Moses satisfied your question most of the way. But what I would like to understand from you, I heard what you said and I think I understand what you are saying, but is it that as we are right now for Little Cayman is it that the expectations, and I don't mean utopian expectations. I mean realistic expectations. Is it that the people who live here have realistic expectations that you would have a primary school and a high school for instance, and a hospital?

Member of the Public (Simon): That's a very good question. And I talked to some people and they were, like you said, they were realistic that they realise the government was operating under a budget and it would be very nice to think that it was a very family-friendly place and like you said there was child care and things like that. It just did worry me that some people were having to go overseas to seek what would be generally accepted medical treatment to keep them in a good state of health. That they were forced to pursue treatment overseas, or checkups overseas—

Hon. D. Kurt Tibbetts: Overseas, meaning beyond Cayman Brac and Grand Cayman?

Member of the Public (Simon): No. I think Cayman Brac. But I guess it's realistic a lot of people—

Hon. D. Kurt Tibbetts: That's not really overseas.

Member of the Public (Simon): Well, over the sea.

Hon. D. Kurt Tibbetts: Okay. Over the sea, all right!

[laughter]

Mr. Moses I. Kirkconnell: Across the sea.

Member of the Public (Simon): Across the sea, you know.

Hon. D. Kurt Tibbetts: Across the bog.

[laughter]

Member of the Public (Simon): And a lot of people said it was a wonderful place and they wouldn't want to live anywhere else. And just about everybody I talked to said that it was just about the best place they had ever seen.

Hon. D. Kurt Tibbetts: Just to conclude, and Moses explained it very well, but I think in some way, the truth of the matter, the right word he used was evolution. It is something that as the demand grows so too will the services. But it is almost chicken and egg situation. It's kind of hard to make the kind of investment prior to the need and it's just as you get a few numbers being added it's just very difficult when you look at the entire national picture and all the demands for the services that the government has to provide to make the type of capital investment that would make Little Cayman really be the utopia that we all desire.

In fact, to do that might cause all of what's here to become totally different. So that's another thought. And I mean that sincerely. All we have to do is look a little bit to the east and a little bit further down to the west and you will understand exactly what I am saying.

Thank you.

Mrs. Suzanne Bothwell: I just wanted to open the floor to see if there are any other issues that you would like to raise tonight or discuss. Because this meeting is really for your information for us to provide you with information on the basics of the constitutional reform, but also if you have any questions that you have on your mind, it may very well be constitutional ones.

Miss Maxine, you have—

Member of the Public (Miss Maxine) [Question #5]: I would like to find out, not only for myself but for quite a lot of people who come and ask questions left, right and centre, as you are aware, when it comes to the voters with the one man, one vote, and two MLAs for the Sister Islands, if it is divided like for example from the Bluff Road and Little Cayman is considered a part of West End then, how would that reflect on them voting for only one person?

Hon. D. Kurt Tibbetts: Maxine, it would be the same meaning each person in each of the two constituencies would vote for one person. So, I mean that is the suggestion in other words. And even though we want to hear what people's thoughts are, it is important for people to understand that if we are going to be truly democratic and move to single member constituencies, even understanding the unique and peculiar circumstances that obtain with Cayman Brac and Little Cayman it is difficult to go that far to say that the people of Cayman Brac and Little Cayman can vote for two people when everyone else can only vote for one.

I am just saying that if we are realistic about it, while everybody would wish to have exactly what you want, there is a system that we speak to; there is a governance model that we will be looking at. So, that's really the difficulty why I explain it. And I am sure if people rationalize it and think it through and be objective about it they will understand that main ingredient within the democratic process that is a level playing field.

But I do not think it is as important . . . or, I shouldn't say as important. I don't think it's as difficult leaving Cayman Brac and Little Cayman in two, remaining as one constituency which seems like the majority of the people want. I think that's not difficult to get by. But personally I see a little bit of difficulty in Cayman Brac and Little Cayman allowing the voters to vote for two people when the vast majority of the electorate in the Cayman Islands is only allowed to vote for one. Okay?

Member of the Public (Miss Maxine): Okay, Mr. Linton, one second and I will pass the microphone to you.

Another issue that they were inquiring on and asking . . . I mean, I get a lot of questions, but this one was of importance that I think to the people.

Little Cayman is supposed to be a district of Cayman Brac. Correct?

Is supposed to be a district of Cayman Brac. Considered one district as you say, one constituency.

Hon. D. Kurt Tibbetts: Little Cayman is part of the district of Cayman Brac and Little Cayman.

Member of the Public (Miss Maxine): Okay.

Now that I can pass that on, what they want to understand is this: Why we have to pay the same fees as Grand Cayman does for inspecting our vehicles, renewing our licenses, anything to do with roads.

Hon. D. Kurt Tibbetts: Instead of what?

Member of the Public (Miss Maxine): We pay the same prices as Grand Cayman instead of paying the prices that are allocated in Cayman Brac. And we are only enjoying—

Hon. D. Kurt Tibbetts: I want to make sure that I get you. What you are saying is that when you go to license your vehicle here in Little Cayman you pay a rate that is the exact rate as in Grand Cayman?

Member of the Public (Miss Maxine): Correct.

Hon. D. Kurt Tibbetts: But is more—

Member of the Public (Miss Maxine): Cheaper in Cayman Brac.

Hon. D. Kurt Tibbetts: But more than is paid in Cayman Brac?

Member of the Public (Miss Maxine): Way more.

Hon. D. Kurt Tibbetts: Me never know!

Member of the Public (Miss Maxine): Well, I'm tellin' you! We're tellin' you!

Hon. D. Kurt Tibbetts: I did not know that.

[inaudible interjection]

Hon. D. Kurt Tibbetts: No. I didn't know that. Honest to God.

Member of the Public (Miss Maxine): Yes!
And the people also cannot understand—

Hon. D. Kurt Tibbetts: That doesn't have to be a constitutional issue but take advantage of the time tonight. No problem!

Member of the Public (Miss Maxine): I will.

Hon. D. Kurt Tibbetts: I hear you.
No, I wasn't honest.

Member of the Public (Miss Maxine): It's only on some issues that Cayman Brackers and Grand Caymanians living in Little Cayman enjoy. We enjoy half the price of immigration . . . that's the only thing that I know of. Everything else we pay the same price as Grand Cayman. We do not have the roads to warrant paying \$50 for a license plate when you can get it for \$10 on Cayman Brac.

It is better to live in Cayman Brac—

Hon. D. Kurt Tibbetts: Can I just give you one comment? Don't lose your train of thought.

Member of the Public (Miss Maxine): Okay.

Hon. D. Kurt Tibbetts: I want you to believe me that it is not about that the roads don't cost that much that's why you should not be paying that much less. Let's look that you should be doing the same thing as Cayman Brac because you are the same district. Don't go down that road. Because down that road you are going to lose the battle.

Member of the Public (Miss Maxine): I know that.

Hon. D. Kurt Tibbetts: Okay.

Member of the Public (Miss Maxine): But I am only just putting forward what they put forward to me.

Hon. D. Kurt Tibbetts: Yes, I understand.

Member of the Public (Miss Maxine): And the same thing goes for the school fees as far as I could understand.

So, what people are saying then is this. As you say they don't have that issue to deal with constitutional modernization. But it does have to deal with Caymanians and living and working in Little Cayman.

And we also do not enjoy the duty concessions that Cayman Brac has been enjoying for many, many, many years. So people feel that Little Cayman is actually a part of the district of Grand Cayman instead of Cayman Brac.

Hon. D. Kurt Tibbetts: yes, yes, I understand.

You said school fees?

Member of the Public (Miss Maxine): Yes.

Hon. D. Kurt Tibbetts: You meant full fees?

Member of the Public (Miss Maxine): For overseas students. That is why the school is not progressing more—

Hon. D. Kurt Tibbetts: Are you saying that it's different in the Brac also?

Member of the Public (Miss Maxine): Yes.

Hon. D. Kurt Tibbetts: For overseas students?

Member of the Public (Miss Maxine): That's what I was told.

Hon. D. Kurt Tibbetts: Meaning that not Caymanian because there is a fee for students who are overseas students, or expatriate students?

Member of the Public (Miss Maxine): Expatriate's children wanting to go to attend school.

Hon. D. Kurt Tibbetts: And Caymanians only pay book fees and stuff like that?

Member of the Public (Miss Maxine): Right.

Hon. D. Kurt Tibbetts: now, I want to tell you now I doubt that very much but we will find that out.

Member of the Public (Miss Maxine): The basic question is [inaudible] are we actually a part of the district of Cayman Brac or are we a part of the district of Grand Cayman?

Hon. D. Kurt Tibbetts: You are a part of the Cayman Islands, but you are part and parcel of the district of Cayman Brac and Little Cayman. That is the correct answer.

Member of the Public (Miss Maxine): Okay.

Hon. D. Kurt Tibbetts: Now, just so that we can tidy this one up and move on, I certainly will find out about what you have asked. There is one issue that I know about and I will tell you the thought process behind it. I don't think that . . . and I am going by memory here. I don't think Little Cayman enjoys the concession of building materials as Cayman Brac does.

But I am going to say this to you: I didn't do it, but I am responsible for it, because it was done a long time ago when that whole thing was thought of. Every time it has been reviewed the thought is still that the majority of homes being built in Little Cayman are homes that are being

built, not by the indigenous population, but by people who have come to take advantage of sea, sand, sun, pristine environment, tranquility and everything else.

The truth of the matter is the government continually provides the infrastructure and the services, and it wasn't thought that it was proper to leave that concession also with Little Cayman. I am just telling you that was the logic. In other words, for Cayman Brac it was an incentive to try to get the economy moving in the Brac and also at the same time to give those who live on Cayman Brac a little incentive to be able to look to build their own homes; to try to keep people there. Just part of the whole idea of trying to keep as many of the population there, because we know how that is.

I mean, we know what the continuing story has been with young people leaving to seek after they get a good education the jobs are not there and that sort of stuff. I am only telling you the logic behind that one.

When it comes to the vehicle business, I have to be honest with you. That one threw me. And we certainly will look into that. And also the school fees.

Member of the Public (Miss Maxine): Well, to boil it all down, I think the people would like to see more positive influence with not only just our MLAs visiting Little Cayman and doing things, I mean walking around—which we are very proud of, Mr. Kirkconnell, he comes at least every six weeks. But at the same time we really need to know where all these fees and things and blah, blah, blah, blah.

Hon. D. Kurt Tibbetts: I appreciate that, and we will look at that.

Member of the Public (Miss Maxine): You know?

Hon. D. Kurt Tibbetts: I didn't know that part of it. But I wanted to explain to you about the duty concession on the building materials, the logic behind that. I believe if we are objective, there is some rationale there.

Member of the Public (Miss Maxine): Well, people look at it in this manner, that should have been for Caymanians only and not for the foreign people coming into Cayman Brac and building up for the [inaudible] fund also just like Little Cayman.

Hon. D. Kurt Tibbetts: I hear what you are saying.

Member of the Public (Miss Maxine): So, the Cayman Brackers and Grand Caymanians living in Little Cayman are not as rich and famous as the foreigners who can come in here and build overnight, so—

Hon. D. Kurt Tibbetts: No. I understand.
But of course—

Member of the Public (Miss Maxine): Understandable.

Hon. D. Kurt Tibbetts: No, no, I know, but the irony in the whole affair is that what you are saying, it is easy to understand that thought process. But on the other hand, you still are . . . we. Let me not say . . . we still are anxiously looking for people to come to build their homes here to create more commerce. And even if they only stay three or four months out of the year, the more of that you have the more the businesses here can survive but at the same time, especially in Little Cayman, to growth rate is not one that turns everybody upside down because that can happen.

So, it's a matter of you can't have your cake and eat it type of thing, if you understand what I am saying.

Member of the Public (Miss Maxine): I understand what you are saying, sir. Thank you very much. I was just asking for some of the people who have been asking me a lot of questions.

I am going to pass the mic on to Mr. Linton. He can ask his question.

Mr. Moses I. Kirkconnell: Maxine, I would just like to finish up a couple comments because I think your points were well taken. I think they were excellent.

Any time you have an issue like that if you can call me, when I see you just mention it to me. I will be quite happy to follow that up for you.

I believe that the other point that you raised, everybody understands that as you continue to build Little Cayman there is going to be a need for what we hope will be Caymanians returning to Little Cayman and looking at how you provide a level playing field for them is something that I would like to continue a conversation with you about because there is obviously a two tier system here and if you are going to provide a way for our people to come back here and live, then they are going to be here as workers in the tourism industry and let us explore how we can make it easier for them to come back home. Okay?

Member of the Public (Mr. Linton) [Question/Comment #6]: Mose, I wanted to personally thank you for your remarks. As the oldest one here and probably the one with the most invested in these two islands, I really want it to stay as much as possible as they are now. If that is the best you think Caymanians come up here and criticize, this is what we had 40 years ago. We've lost it. And that's by many of them, not just one or two. Probably two guys conversing at one time. So everyone [inaudible]

here . . . you can't find . . . I have been all over the world and you can't find a better spot in the world than Little Cayman.

I told somebody this is only a quarter of an inch away from heaven. I have had a home [inaudible] for 37 years and I know it has added years to my life. And I just wanted to let you all know that I think what [inaudible] we have, I can't find . . . yes, you could find some problems, but, overall, you can't find a better place in the world than these two islands.

[applause]

Member of the Public: Thank you.

Mrs. Suzanne Bothwell: Thank you so much.

Does anyone have any other question or comment on any issue? I mean, as I said, these are all interesting topics while, Miss Maxine, you may not have realised that this may actually be a constitutional issue because in the *Summary of Proposals* one of the things that has been raised that the revised constitution also needs to enable suitable representation of the Sister Islands if no Sister Island Member of Parliament sits in Cabinet. I think the very thing you were discussing just now goes to representation, making sure that the Sister Islands are not overlooked, whether accidentally, deliberately or otherwise, that in dealing with, for example issues like licensing. That there is consistency and the correct rules apply, et cetera.

I don't want to keep you too long . . . oh, sorry. You have a question or comment? Sure.

Member of the Public [Question #7]: Sorry Miss Suzanne. One more question.

I am just wondering, in light of the recent situation in the Cayman Islands where the British Government has removed three senior officers without giving very clear reasons why—including a Caymanian who spent probably 30 years and was being groomed for the top position. I think he did was amounts to the commissioner's training exams. There is a sense that, um, this sort of power of the British Government is something that needs to be looked at particularly when it could potentially [inaudible] the Cayman Islands as might be the case in this situation.

Hon. D. Kurt Tibbetts: Anyone?

We know what the Constitutional arrangement is presently whereby the Internal and External Affairs, that is a portfolio which is headed by the Chief Secretary who reports directly to the Governor. And the specific subjects under that portfolio are subjects which the Governor is directly responsible for—not elected Members of Cabinet.

Police is one of those subjects.

If you have looked at some of our proposals or the *Summary of Proposals*, you will see that we have proposed for a national security council to be part of the Constitutional Modernization process. We are proposing that it is chaired by the Governor, but that it includes other Members. And that national security council would be looking at security issues and perhaps would have some oversight. It would also include some of the elected members of Cabinet on it. There have been suggestions that we may have one or two members of the public.

But the whole idea behind that is because what obtains now is that His Excellency the Governor—and this is nothing to do with the person, it is the Constitutional arrangement. The post of Governor has direct and total oversight over the police.

Now, with the greatest of respect to any individual, that person who is the Governor is a lay person like myself. So, there is no specific training as I know it to be appointed as a governor that you know everything about police work and all like that so that as the person responsible you will know when things are right from when things are wrong. And I am not suggesting that there is anything intentionally wrong with it.

What we are saying is that there should be some checks and balances because the elected government votes all of the funds to provide the resources for law and order to prevail in all three islands. But we don't have machinery at present which gives us the checks and balances to ensure how that money is spent and to be able to know for sure that you get value for the resources, or the financial resources that are given to them, that there is value to it. But I only lay that as the background, because I am coming to your specific question.

Now, I want to say to you that all I have said to you for the last couple of minutes is giving you what we believe should obtain by way of the constitutional arrangement so that we have those checks and balances. But I do not believe that with all that I have said that His Excellency the Governor's actions that you refer to were anything by appropriate. And I want to say this to you: I do not know as much as those who are directly involved now. Neither do my colleagues. Because we have to respect the fact that it is an ongoing investigation and we also respect the fact that people are innocent until proven guilty. So we don't want to make judgments that are unfair and because of lack of knowledge could be in some instances unfounded. I do not know what the end results are going to be.

But I am going to say to you what I do know is if I were him, I would have done the same thing.

Do you want me to tell you that again?

[inaudible]

Hon. D. Kurt Tibbetts: Okay. Thank you.

Mrs. Suzanne Bothwell: Okay, thank you.

I am cognizant of the fact that it is now going on 9.00. I am not sure when Little Cayman residents turn in . . .

[laughter]

Mrs. Suzanne Bothwell: So, what I will say is that at this juncture if no one has any other questions or comments, what I would encourage you to do over the next couple of weeks if you have not already read through the *Summary of Proposals* I am asking you to look through it. Look at each of the different proposals that are being made. There are quite a few, some of which we have not discussed. One being, full ministerial government, meaning removing the official members in the LA and Cabinet; creation of a judicial services commission so that judges can now be appointed by an independent body as opposed to the Governor alone. The creation of what we call a Standards in Public Life Commission, which is really an anti-corruption commission for elected representatives and high public officials. And there are a number of different areas, also looking at the role the constitutional role of the attorney generals.

So we encourage you to spend some time reading the documents. If you want to hear what is happening in the Island of Grand Cayman, Mike, here, is from Radio Cayman. He has been recording every single meeting we have had. Some of our meetings are actually played live on Radio Cayman some are recorded and played at a later date. So if you want to tune into Radio Cayman, and listen out for the remaining public meetings, you will be able to hear more about the dialogue of what is being discussed in the country.

Also, on Mondays and Fridays our office puts on a Radio show called "Constitutional Conversations" on Radio Cayman 12.15 to 2.00. So every Monday and Friday, except for this Monday we were in Cayman Brac, so they didn't have a show. But that's a call-in show. We invite many guests on. Actually I think this Friday is the Boundary Commission. We are talking about single member constituencies and the boundaries. If you want to learn more about that tune into Radio Cayman on Friday at 12.15.

Please take a look at it, study it. This is really an opportunity for us as a country to really give our government the parameters in which they can negotiate a new constitution. They need to know exactly what should be on that list. Prepare yourself for the referendum and please, if you need me to come back, I will be more than happy to do so. Our contact details are in the back of the blue book and the red book. You can actually call us if you have a comment or a question. Call us. We have a system that you can do that. You can email us your opinions. You can mail them in. We have had persons using all those forms of communication to give us feedback. We have a very lovely gentleman in the district of West Bay who calls us about every two weeks. So every two weeks he

calls us with something else that he's thought of. So, if you feel you want to call us, my name is Suzanne, Christian Suckoo is the deputy of my office. We have Jason at the back, Jason Webster.

Yvette Cacho, where are you? You're right here.

And Doralyn Stewart at the very back . . . these are all of our staff members. And we are here to serve you and to help facilitate this process. So, thank you very much.

Unless there is anything else you would like to add . . . thank you very much for coming. Thank you for your thoughts, your comments. I know that tonight I am not going to receive all of your opinions about everything because this is our first meeting here. But let this not be our last point of contact. If you really want me to come back, if you feel there are issues that you need clarification on we are happy to come down and go through these things with you. I am sure the Ministers and the MLAs will be able to join in a future date.

Thank you very much. Have a good night. Thank you for staying out this late!

[applause]

Hon. D. Kurt Tibbetts: I am going to tempt fate here. Are we sure you don't have any other questions you want to ask tonight?

I am not trying to keep you, but I just . . . because we don't get to come here as often as Maxine would like us to come.

[inaudible]

Hon. D. Kurt Tibbetts: However, however . . . however!

[laughter]

Hon. D. Kurt Tibbetts: But I am glad Mose gets here every six weeks anyway.

But I just want to say that Suzanne is exactly right. We know the numbers are small here, but we are keen to know if you have any other thoughts. Let us know please because we want to make sure that whatever is crafted at the end of the day once the referendum is held reflects what your wishes are. And the only how we can get to that point is to hear what you say.

I do trust that what Suzanne and the rest of us have discussed tonight with you all has helped with your understanding of what the proposals are. And please take the time to read the *Summary of Proposals* and you also have the accompanying document which is the explanatory notes.

Then the thicker document that you see is the Constitution that we have now. Correct?

Mrs. Suzanne Bothwell: Yes, this document here actually is a printed version, a booklet version of our current Constitution. So if you have never actually read our Constitution you know that you can have a chance to see it in there. And in the second half of it is actually a question and answer guide.

So if you find the first document a little too legalistic and technical, we tried to simplify it into a question and answer guide for those who want to just have an idea what our Constitution says.

Unless, Mr. Tibbetts, you have anything else, I will—

Hon. D. Kurt Tibbetts: No.

I just want to tell Maxine in front of everybody else so I give a commitment that I will look at what you spoke to tonight and whatever needs to be rectified we will do so.

Mrs. Suzanne Bothwell: And you got that on tape!

[laughter]

Mrs. Suzanne Bothwell: Before we close the meeting, we didn't have a chance to record the opening prayer, so I would like to invite Miss Maxine if she would please do a closing prayer, very short and sweet, so that when we do play the programme on the radio we will know that we closed it with the word of God.

CLOSING PRAYER

Miss Maxine: Let us pray.

Dear heavenly Father, we thank you for tonight, for elected members who are involved with the constitutional modernization initiative. Show them the future of our Islands that you have given to us.

We ask that you bless each and every one of us living and residing in the Cayman Islands, and that you lead the way when it comes to exactly what will be written and what will be decided on in the long run.

We thank you tonight for Mr. Linton's input since he is the oldest resident right now in Little Cayman, and we hope and pray that each and every one of us will be working together in peace and unity to shape the future of our beautiful paradise Island.

Thank you and have a good night.

Amen.

Mrs. Suzanne Bothwell: Good night and God bless.

Bye-bye.

[applause]

