

## Revised Proposals for Constitution Modernized

### **Proposal 1: the Constitution should be modernized**

#### **Quest:**

The constitution should be modernized to give the country more democratic, accountable and efficient Government, while continuing to be an Overseas Territory of the United Kingdom. The UK/Governor Should continue to have responsibility for defense and external affairs; internal security and the police; And civil service, but with some adjustments, as noted in other proposal.

Ans: yes

### **Proposal 2: No Independence.**

**Quest:** It should be made clear to the United Kingdom that:

This country does not want independence from the United Kingdom, and wants to remain an Overseas Territory of the United Kingdom;

This country does not want, and does not authorize, any agreement or understanding with the United Kingdom that would or might involve independence in the future or future Constitutional change; and

This country wants the United Kingdom to agree that, after the present modernization, no further Change to our Constitution would be made without the approval of voters at another referendum (except as permitted under Proposal 25 below)

Proposal 25) further changes to the constitution should require a referendum

- After the present modernization process has been completed, further changes to the Constitution should not be made without the authorization of a referendum, unless the change is declared by the Premier and the Leader of the Opposition to be minor or uncontroversial, in which case a resolution of Parliament would be sufficient.

The UK Government should be invited to agree that it would honour this referendum requirement.

Ans: After the present modernization process has been completed, further changes to the Constitution should not be made without the authorization of a referendum.

**Proposal 3: A suitable Preamble.**

The constitution should have a preamble proclaiming our historical context, fundamental values and Aspirations. This should be based on the Preamble in the 2003 draft Constitution

Ans: yes

**Proposal 4: Bill of Rights ( Fundamental rights and freedom of the Individual) (as proposed by the 2003 draft constitution)**

Ans: Yes

**Proposal 5: Upgrade the Legislative and restrict the overriding Legislative Powers of the UK/Governor.**

**Quest:** It should be clear that our Assembly of elected representatives is responsible for making Laws, with assent of the Governor or the UK Government.

**Ans: yes**

**Quest:** The overriding powers of the UK Government and the Governor to make Laws for the Cayman Islands, without the approval of our Assembly; to annul laws that have been duly passed; and to give directions to our Assembly, should be restricted or eliminated.

Ans: The overriding powers of the UK Government and the Governor to make Laws for the Cayman Islands, without the approval of our Assembly; to annul laws that have been duly passed; and to give directions to our Assembly, should be restricted.

**Quest:** Our Assembly should be renamed "the Parliament of the Cayman Islands". Members would then be known as "Members of Parliament" or "MP"

Ans: Yes

**Quest:** The Parliament should consist only of the elected representatives (MPs) and the Speakers. In other words, there should no unelected members. The Attorney General

should not be a Member of Parliament, but should attend to give legal advice if required.

**Quest:** The speaker should not be an MP. The deputy Speaker may be an MP

Ans: Yes

**Quest:** The Constitution provision for Standing Orders should require fair procedures, adequate notice of bills and motions, and a sufficient opportunity for all MPs to speak. It should also be provided that Standing Orders will not be suspended without good and sufficient reason.

Ans: Yes

But the part where you have (sufficient reason) you need to state some reason) it is left too open.

The Governor should prorogue Parliament annually, on the advice of the Premier.

Ans: What does this word mean?

**Quest:** The Governor should consult the Premier before dissolving Parliament.

Ans: yes

**Proposal 6: Continue with a Single Legislative Body, I.E., Not create a senate.**

**Quest:** There should continue to be a single legislative body, the Parliament (presently known as the Legislative Assembly) a senate should not be created.

Ans: Yes

**Proposal 7: Upgrade the Cabinet (Executive Council)**

**Quest:** Cabinet should have responsibility for formulating and directing the implementation of government policy in all areas of government, except those for which the Constitution gives responsibility to the Governor or some other public officer or body.

Ans: Yes

**Quest:** The cabinet should consist of the Premier, Deputy Premier and five other Ministers.

Ans: Yes

**Quest:** The Governor, and in his absence the Deputy Governor, should attend and advise Cabinet meetings.

Ans: Yes

**Quest:** There should be no unelected members of Cabinet. The Attorney General should attend Cabinet meetings to give legal advice.

Ans: Yes

**Quest:** The Premier and Deputy Premier should be the MP's chosen by a majority of the winning party, or if there is no winning party, a majority of all MP's

Ans: Yes

**Quest:** The other Ministers should be chosen from among the MP's by the Premier?

Ans: Yes

The Portfolios (areas of responsibility) of the Premier, Deputy Premier and other Ministers should be allocated by the Premier?

Ans: Yes

**Quest:** If the Ministers do not include a Sister Islands' MP, the Minister with responsibility for District Administration should ensure that the District commissioner liaises with the Sister Islands' MP's

The minister should also give the MP's regular opportunities to explain their districts' requirements to Cabinet ( Proposal 23 below)

(Proposal 23: The Constitution should require MPs to make proposals to the Cabinet concerning the requirements of their districts and Cabinet should be required to meet regularly with MPs, including Opposition MPs, to discuss the requirements of their districts.

Put an enabling provision in the Constitution, so that legislation can be adopted to establish District Councils to assist the Local MPs)

Ans: Yes : ( these district council should be independent council ) it can work with the Minister but

Not responsible to the Minister (if it is control by the Ministers) the council will not work

**Quest:** The Premier ( or Deputy Premier) should chair Cabinet meetings, rather than the Governor.

Ans: Yes (The Premier chair the meetings that is pertaining to local agenda if the meetings is focusing on overseas business than the Governor to chair ( I don't understand why the two parties can't work as one)

The Premier (or Deputy Premier) should set the agenda for Cabinet meetings, after consulting the Governor.

Ans: Yes ( again depending on what the Agenda is)

### Proposal 8: Modernise the Governor's Role

**Quest:** The Governor's overriding legislative powers should be restricted, as outlined in ( Proposal 5 below). Note that the Governor's assent would still be required for all legislation.

**It should be clear that our Assembly of elected representatives is responsible for making Laws, with assent of the Governor or the UK Government.**

Ans: Yes

**The overriding powers of the UK Government and the Governor to make Laws for the Cayman Islands, without the approval of our Assembly; to annul laws that have been duly passed; and to give directions to our Assembly, should be restricted or eliminated**

Ans: Yes ( It should be restricted)

**Our Assembly should be renamed "the Parliament of the Cayman Islands". Members would then be known as "Members of Parliament" or "MP"**

Ans Yes

**The Parliament should consist only of the elected representatives (MPs) and the Speakers. In other words, there should no unelected members. The Attorney General should not be a Member of Parliament, but should attend to give legal advice if required.**

**The speaker should not be an MP. The deputy Speaker may be an MP**

Ans: Yes

**The Constitution provision for Standing Orders should require fair procedures, adequate notice of bills and motions, and a sufficient opportunity for all MPs to speak. It should also be provided that Standing Orders will not be suspended without good and sufficient reason.**

Ans: Yes

The part where you have (sufficient reason) (you need to state some reason) it is left too open.

**The Governor should prorogue Parliament annually, on the advice of the Premier.**

Ans:

**Proposal 8: Modernize the Governor's Role.**

**Quest:** The Governor's overriding Legislative powers should be restricted, as outlined in Proposal 5.

Above) Note that the Governor's assent would still be required for all legislation.

Ans: Yes :

The Governor's policy-making and executive functions should be limited to his areas of special responsibilities: defense and external affairs ( Proposal 10) , internal security and the Police (Proposal 11), the civil service (Proposal 12),

(Proposal 10) THE UK GOVERNMENT AND THE GOVERNOR SHOULD CONTINUE TO BE RESPONSIBLE FOR DEFENSE AND EXTERNAL AFFAIRS, BUT THERE SHOULD BE RESTRICTIONS ON ENTERING INTO INTERNATIONAL AGREEMENTS, AND A PROVISION FOR SOME DELEGATION.

- The UK Government and the Governor shall continue to be responsible for the defense and external affairs of this country but:
- Cabinet should always be consulted in advance of any international agreement or commitment that would affect this country.

Ans: Yes

- If the international agreement or commitment would affect internal policy or require implementation by legislative, it should not be entered into without the approval of Cabinet

Ans: Yes

- The Governor should have power to delegate to members of Cabinet responsibility for external affairs, and should do so whatever the interest of the United Kingdom are not significantly affected.

Ans: Yes

**(Proposal 11) THE GOVERNOR SHOULD CONTINUE TO HAVE RESPONSIBILITY FOR INTERNAL SECURITY AND THE POLICE. A NATIONAL SECURITY COUNCIL SHOULD BE ESTABLISHED TO ADVISE THE GOVERNOR.**

- The National Security Council should comprise the governor, as Chairman; the Premier; the Attorney General; the Commissioner of Police; and two other Ministers appointed by the Governor on the advice of the Premier.

Ans: Yes

- The Commissioner of Police should provide the National Security Council with regular briefings. This requirement should be suitably qualified to maintain the security of current operations.

Ans: Yes

**(Proposal 12) NO CHANGE WITH REGARD TO THE GOVERNOR'S RESPONSIBILITY FOR THE CIVIL SERVICE.**

- **The Governor should continue to have Constitutional responsibility for appointing, disciplining and dismissing civic servants, subject to the applicable legislation, presently the Public Service Management Law.**

Ans: Yes

- The Constitution should express the overarching duty of the civil servants, namely to implement Government policy to the best of their abilities

Ans: Yes

- and in accordance with the directions of the Cabinet or other responsible person or body.

Ans: No ( if the Governor is in charge of the Civil Servants the Cabinet is not) (too Political)

**Proposal 9: More Check and Balances on Executive Power**

**Quest:** A clear rule that Ministers and public officials must exercise their powers and responsibilities in the interest of the country, not for their private interest or benefit.

Ans: Yes

**Proposal 12: No Change with regard to the Governor's Responsibility for the Civil Service.**

**Quest:** The Governor should continue to have Constitutional responsibility for appointing, disciplining and dismissing civil servants, subject to the applicable legislation, presently the Public Service Management Law.

Ans: Yes

**Quest:** The Constitution should express the overarching duty of civil servants, namely to implement Government policy to the best of their abilities

Ans: Yes

Ans: No: and in accordance with the directions of the Cabinet or other responsible person or body.

(If the Governor is in charge of the Civil Service why would the Cabinet have to give them directions?)

### **Proposal 13: Establish a Judicial and Legal Services commission**

**Quest:** The Judicial and legal Services Commission should comprise the Chief Justice; the President of the Courts of Appeal; one member nominated by the Law Society; one member nominated by the Bar Association; one non-lawyer member nominated by the Premier; and one-lawyer member nominated by the Leader of the Opposition.

Ans: Yes

**Quest:** The Commission should have responsibility for appointment of judges and magistrates, and for related matters including the creation of divisions of the Courts. The Commission should also have responsibility for appointing a Director of Public Prosecutions ( Proposal 15 below)

Ans: Yes

### **(Proposal 15: Create the Office of Director of Public Prosecutions.)**

**Quest:** Constitutional responsibility for criminal prosecutions should be given to a Director of Public Prosecutions.

Ans: Yes

**Quest:** The Director of Public Prosecutions should be appointed by the Judicial and Legal Services Commission (Proposal 13 above)

Ans: Yes

### **Proposal 14: Limit the Role of the Attorney General and Change the Rules for his appointment**

**Quest:** the Attorney General should no longer be a member of Cabinet or Parliament. He should be the principal legal adviser to the Cabinet. For that purpose he should be required to attend both Cabinet and the Parliament.

Ans: Yes

**Quest:** The Attorney General should be appointed by the Governor, on the advice of the Premier. His or her qualifications, independence and suitability for the office must, however, be endorsed by the Judicial and Legal Services Commission ( Proposal 13)

Ans: Yes

### **Proposal 16: Create the Office of Cabinet Secretary**

**Quest:** The Cabinet Secretary should be appointed by the Governor after consultation with Premier

Ans: Yes

Quest: The principal responsibilities of the Cabinet Secretary should be:

- To provide frank and politically neutral policy advice to the Cabinet and, where appropriate, the Premier;
- To coordinate the development and implementation of policy between ministries and portfolios and across the wider Government sector, to ensure that Government policy is developed coherently and implemented as directed; and
- To provide administrative and secretarial support to the Cabinet and the Premier, to allow high-quality and effective decision-making processes by the Government.

Ans: Yes

### **Proposal 17: Establish a Human Rights Commission.**

The Commission should consist of a chairman and four other members. All should be appointed by the Governor after consultation with both the Premier and the Leader of the Opposition. At least two members should be experienced lawyers.

Ans: Yes

The Commission's primary responsibilities would be to promote understanding of the Bills of Rights within Government and by the public; to give advice to person who thinks that Government has violated their rights under the Bills of Rights; and to mediate where possible.

Ans: Yes

The Commission should have no judicial functions

Ans: Yes

**Proposal 18: Establish a Commission for standards in Public Life**

The commission should consist of a chairman and four other members. All should be appointed by the Governor after consultation with both the Premier and the Leader of the Opposition. At least one member should be an experienced lawyer, and one an experienced chartered accountant.

Ans: Yes

The Commission's primary responsibility would be to assist in laying down standards for public life, in order to ensure the prevention of conflicts of interest and corruption, and to monitor standards of ethical conduct, particularly by Ministries, MP's Public Officers and senior civil servants.

Ans: Yes

The Commission should supervise registers of interest and investigate breaches of established standards.

Ans: Yes (and if corruption is found penalties should follow)

The Commission should review the procedures for awarding public contracts

Ans: Yes

The Commission should review the procedures for appointing members of public boards and other public officials, and also their terms of appointment.

Ans: Yes

The Commission should immediately assist in drawing up a law to impose sanctions on any Ministers or public obtaining who employs his or her powers, or seeks to influence any person to use their powers, for the purpose of obtaining or conferring any material benefit or advantage for any Minister or public official.

Ans: Yes

Quest: The Commission should report to Parliament.

Ans: and the Judicial Commission

**Proposal 19: Outline the responsibilities of the Auditor General**

Keep the present Constitutional provisions for the Auditor General, appointed by the Governor, but specify in outline the responsibilities of the Auditor General.

Ans: Yes

**Proposal 20: Harmonies the responsibilities of the various oversight bodies**

Harmonies the responsibilities of the Human Rights Commission, the Standards in Public Life Commission, the Auditor General, the Complaints Commissioner and the Anti-corruption Authority, to avoid duplication or the disruption of existing procedures for complaints and appeals, and to keep costs to a reasonable level.

Ans: Yes

**Proposal 21: Simply the rules on eligibility to vote.  
No change to the rules on eligibility to stand for election**

**Quest:** A person should be entitled to be registered as an elector if he is a Caymanian who has attained the age of 18 years, is resident in the Cayman Islands at the date of registration, and has been resident in the Cayman Islands for not less than two years out of the four years immediately preceding registration.

Ans: yes

**Quest:** There should be no change to the existing rules on eligibility to stand for election to Parliament.

Ans: Yes

**Proposal 22: Adopt the "one person, one vote" Principle, and single-member constituencies throughout Grand Cayman.**

**Quest:** Adopt the "one person, one vote" principle

Ans: Yes

**Quest:** Single-member constituencies through Grand Cayman

Cayman Brac and Little Cayman remain a single constituency, sending two members to the Parliament, but each voter should have only one vote.

Ans: Yes

**Proposal 24: Provide for people-initiated referendums.**

**Quest:** Provision should be made for people-initiated referendums

Ans: Yes: provision should be made in the Constitution for a referendum ( only when it applies to National Concerns in order to change something in the Constitution)

**Quest:** Initiation should be by a petition signed by not less than 20% of the electorate. It would then be the duty of the Parliament to settle the wording of the referendum question(s) and to cause the referendum to be held within a reasonable period.

Ans: Yes ( again reasonable period ) Need time frame

I think the 20% of the electorate (that amount is too small) if they take 20% of approx 10,000 people voting that is 2,000 people I would say 30% would be more of a balance

**Quest:** The decision of the referendum should be binding, provided that there is no inconsistency with the Bills of Rights or other parts of the Constitution, if passed by more than 50% of the electorate. If the referendum is passed, but by less than 50% of the electorate, it would be advisory, not binding.

Ans: Yes