



Constitutional Modernization Initiative Public Consultation Meeting

Held on

Thursday, 6 March 2008

North Side Civic Centre

**Grand Cayman
Cayman Islands**

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THURSDAY, 6 MARCH 2008
CONSTITUTIONAL REVIEW SECRETARIAT MEETING
NORTH SIDE CIVIC CENTRE

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Okay, it's still being recorded. They said it's still being picked up, I just have to speak in the microphone. All right?

I just want to welcome everyone.

Hon. D. Kurt Tibbetts (Leader of Government Business): We should open with a prayer, you know?

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yes, yes.

Hon. D. Kurt Tibbetts (Leader of Government Business): We should open with a prayer.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Okay, I just want to welcome the North Side Community tonight. [portion missing from recording] I've been asked to ask you if you can open the prayer for us.

Thank you.

PRAYER

Member of the public: Good evening, everyone. It's a pleasure to be here. We can thank the Lord again for his blessings and as for today:

Father, we come to You at this time, we want You to be in our midst. Lord, we want You to rule our lives; we want You to rule our government in every way that everything that is done and said will be done and said to Your honour, Your praise and glory.

We love You, Lord, and we want to be true and faithful to You. So direct all our lives in a way that our country will be lead and to the right way. Lord, we want to be lead in the right way so govern us, Lord, Jesus in your name, have Your sweet and precious way we pray. Amen.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Thank you very much, Miss Lucille.

Well, tonight's meeting is going to be very informal. I know I've seen some familiar faces like you, Mr. John, who came last time. We did a presentation but this time — this time round we're not going to be doing a long presentation again. It's really to discuss the issues that you feel are important, questions that you may have. We're very — we'll be

happy to answer them and to discuss them, and if you want to learn more about a particular topic, just let us know which one and we'll be happy to talk about them.

But before we begin, perhaps I'll ask Mr. Tibbetts to perhaps start with his thoughts on what's happening so far, especially with the reason why we're undergoing this process, and perhaps provide a comment or two about the whole independence question that has been floating around the Island.

INTRODUCTION BY THE LEADER OF GOVERNMENT BUSINESS

Hon. D. Kurt Tibbetts (Leader of Government Business): Thank you very much, Suzanne, and good evening to those of you who have come out from the district of North Side to the second meeting that we're having in North Side regarding the constitutional modernization process. I see some faces that I saw last time, but I think I see a few faces that I didn't see last time.

And I just wanted to say that this process is one that has started almost ten years back, when the United Kingdom government produced the White Paper on the Overseas Territories called The Partnership for Progress and Prosperity.

Now, in that document that they prepared and sent out to all the Territories they were very specific in that they were keen for the Overseas Territories to engage in constitutional modernization. They recognized that many of the Territories, including the Cayman Islands, had had some more than 30 years without any review of their constitution.

The Cayman Islands' last Constitution was produced in 1972. Of course there have been attempts since then, but nothing has really seen itself right through the whole process.

And I'm sure most of you folks, if not all of you — in fact, I would dare say all of you — easily recognize that what life used to be in 1972 is nowhere near what life is today. The country has grown; the government has grown; systems have changed. So, therefore, what is relevant today is certainly different from what was relevant in 1972. There is just a lot more that is happening.

I somehow have clung to this little example that I've used now two or three times, but I've not said it here in the district. My youngest child is my only son. He's 17 years old. And he walked into a meeting we were having in George Town a couple of weeks ago, and when he walked in it suddenly struck me, because I was talking about the same thing. He's 17 now, he has his driver's licence, he still lives with me, but I can very well remember when I used to change his Pampers. At 17, the discussions that I have with him are very different from what I used to discuss with him when he was a little boy running around in Pampers.

The way I have to deal with him now is a lot different. The way I give him advice is a lot different from when he was a small kid. When he was kid, I simply told him what he had to do. Now I have to appreciate the fact that I have to allow him to be able to talk to me and tell me what he thinks because he has grown. And that is a similar situation to the way the Cayman Islands are today. But he's still under my roof, so there are certain things that I will tell him that he can and cannot do. But, in most instances, we have a discussion and we kinda decide if this okay or if this is not okay. And that's exactly what this process is all about.

When we had our Constitution in 1972, everybody thought that was fine. In 2008 it is no longer working the way that it used to work, and London recognizes that, the United Kingdom government recognizes that. That is why from 1999 they put out this White Paper and they said: we want you to engage in constitutional modernization.

And they made it very clear to all of us: we are not suggesting for you to become independent countries. As long as you wish to remain British Overseas Territories we are quite happy. Once we have that arrangement and we agree on that, then, there will be some things that we would wish to retain control over. But, by and large, there are many things which we believe that the country has matured enough now that you all can handle many of your own affairs. And that's really all this whole process is all about.

You perhaps will have heard — you perhaps will have heard that there are some people who are saying that the proposals that we have made will lead us to independence. And I want to tell everybody again tonight that that is absolutely not the case; it is not the intention of the Government.

We have recognized for quite some time now that the vast majority of the people in the Cayman Islands have no desire to entertain the thought of independence and we agree with that. But, certainly, we must be willing to go through the process of modernizing our Constitution to making it more relevant to the way life is today. And I think, simply put, that's really all we're trying to do.

So, for those who have been trying to poison the minds of people, I can only say that it is — it is a real pity that they would act in such an irresponsible manner as to try to do that for their own political reasons.

I don't want to spend time talking about politics tonight because the whole intention of all of these meetings is to engage the public as far as we possibly can, and to hear their thoughts on the various issues, while at the same time, educating all of you who might not know about certain issues and want to know; and we will tell you all that we know about it so that you will be able to make up your minds with regards to each of the issues as to how you'd wish the new constitutional framework to be.

What is most important to us is that when the process is all over, whatever the new document contains, reflects the wishes and aspirations

of the vast majority of the people of the Cayman Islands and that's what it's all about. Nothing more, nothing less.

But what is most important for us, the fact that it has been going on for almost ten years now, we cannot simply just let it drift and go on and on and on and on. We need to get this thing out of the way, do it as best we can, get the best result we can so that we can have a modern framework and a governance model which we can operate with for years to come and generations to come can operate with so that we can get on with our lives. And that's basically what this whole attempt is all about.

Suzanne will take over now and she will go through some of the things that we wanted to discuss tonight.

Before I let *Suzanne* — I keep forgetting that — before I let Suzanne take over, I want to welcome those of you who have just come. Thank you all for coming out.

What we had said, because when we were just about to start there were just a few of us here, we had said we were just going to have a roundtable discussion. Now, should you choose to come forward, we're quite happy. If you're more comfortable where you are, we will still continue on. Just let it be known that nobody's better off than the other ones, even if they're sitting closer.

All right?

Thanks for coming again.

Single-Member Constituencies/One Man, One Vote

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Thank you. I'd just like to also welcome Minister McLean for joining us today.

Well, I said earlier on that tonight's meeting is really not about a lecture or a long presentation by the Secretariat. It is really to find out from you, the North Side members — you North Siders — when you think of constitution reform what things pop up to your mind, what questions do you have, what concerns you have.

We have the *Summary of Proposals* here which deal with specific topics which we will be more than happy to go through if you see them as being things that you would like to talk about.

Well, does anybody here — when you think of the constitutional reform, are there any sort of immediate things that jump out in your mind that you would like to talk about or ask us about?

No?

Well, I know that one of the things that was quite a lengthy discussion in Bodden Town was the proposal for a new electoral system, the whole single-member constituency system.

And it was interesting discussion because there were lots of different views there. Some people felt that moving to a single-member constituency system was a good thing, one man — one person, one vote would have been a good thing. Some persons felt that they were quite happy with the system we have now.

And I just wondered for North Siders, how do you feel about, you know, the direction? What direction do you feel the country should go into, whether you feel it should remain the same electoral system whereby George Town continues to have four candidates; Bodden Town three; West Bay four; I think Cayman Brac two; and North Side one? Or do you think that there should be at least constituencies where there's one per constituency?

Member of the public: I feel like anyhow we turn it, we only gonna have one. Anyhow we turn it, we only gonna have one North Side.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yes.

Question #1 – Member of the public: So, if you explain to us quickly what the — how the single member works?

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Okay. Well, single-member constituency is supposed to work in this particular way:

It was in the — 2001 when we had the first constitutional review, I think most people remember when Mr. Arthur Hunter and Mr. Benson and Mr. Leonard came around the Islands. Well, from their report there was a recommendation that the Islands move to a different electoral system which would create more equality, more fairness.

As you all from North Side know, you all have one representative in the House for your district whereas other communities — other districts have more representatives.

And there was a general consensus at the time that to kind of bring equality amongst the whole Islands that they should — the Islands should be split up into constituencies for the purposes of elections.

And what that meant — I think a number of 17 was chosen, and what that meant was that West Bay itself would be broken up into a number of constituencies, let us say three or four, and same thing with George Town, Bodden Town. East End and North Side remained the same thing. You all were — your population, size and so forth only warranted you being one constituency for North Side and one for East End. So you — your district really wouldn't have changed. And Cayman Brac it was proposed that there should be two constituencies for Little Cayman and Cayman Brac.

And what that meant was that instead of you having four candidates running for George Town as a group, and they're your representatives for George Town, you would have, for example, a candidate running for George Town East and that person was to represent that particular area in George Town. And then you may have another candidate running for George Town North, and that person would be representing that part of George Town. So they split up the larger districts into areas.

And when they were elected, you know, they couldn't say that they represented the other sections of George Town. Their representation was to that particular section of George Town.

And the Boundary Commission was established, I think, and in 2003 they issued a report as to how the Island would be divided up. And some of the things that they took into consideration was the population, trying to divide them up as equally as possible the different constituencies, taking into consideration the neighbourhoods and the natural boundary lines.

So they wouldn't necessarily — they wouldn't necessarily, for example, Spotts Newlands they wouldn't have made that part of — part of the constituency which we will find Windsor Park, because it's physically — it's so far removed and it's just closer to Newlands or Prospect. So they had to take — they had to be mindful of where these places fell.

So, in the end what would happen is that a George Towner would then be able to vote for a candidate, but instead of casting four votes they'll be able to cast one for that section depending on where you live. So wherever you fell in George Town or wherever you fell in West Bay or wherever you fell in Bodden Town, instead of you having your traditional four votes or three votes or two votes, you would have one vote because you know where your constituency is.

Let us say theoretically it's the constituency of Prospect and Red Bay, right? And the candidates run and Mr. Kurt, let's say he's running down in Central George Town. The person living in Prospect/Red Bay will have to vote for somebody who's running in their constituency. They wouldn't be able to vote for anybody outside of their constituency.

So they're almost like mini districts within a district, and you only cast one vote. And so that means in comparison to North Side, it's almost — it's pretty much the same, you know? You have one vote, one representative.

Okay? So do you understand — do you understand that a little clearer now, or do you need a further explanation?

No?

Okay. So that's pretty much the issue.

How Do North Siders Feel About Having One Vote In Their District?

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): One of the issues that some people are talking about, and I guess right now, it's a decision for the whole Island to make. Even though North Side will not be affected because of your numbers and because you only have one candidate, it is a decision that all of us as Caymanians have to weigh in on because it is about choosing an electoral system.

So I don't know if you have any thoughts later down the road. If you'd feel that you have a comment to make, you know, let me know because we all have to weigh in on where do we go from here as a country whether or not we should have single-member constituencies.

I mean, what does — what does the North Side community feel about you only having one representative and other places having more? Have you all ever felt that that was unfair or you were quite okay with it?

Mr. John B. Smith (Member of the public): I was okay with it. I was okay because we know we're small so we didn't expect to get two.

But, like, George Town now, let's say we share George Town up in four. So, to me it would — it would be a kind of competition and, well, we'd be — we saw what happened when we brought in competition for Cable and Wireless and something else. So I don't know. It might work. But I've never thought about it before in that sense.

Hon. D. Kurt Tibbetts (Leader of Government Business): One of the things that we also have to remember in the whole process is, a big part of democracy speaks to equality. You realize that what obtains today is that you, John B. Smith, can only vote for one person in North Side. Somebody in Bodden Town can vote for three people; somebody in George Town and West Bay can vote for four people; somebody in Cayman Brac and Little Cayman can vote for two people. And there really are only two districts including your district in North Side and Minister McLean's district where people can only vote for one person.

So, the question about that: as a matter of principle, is that fair? We're supposed to have a level playing field. Everybody's supposed to have the same opportunity. That's just one part of it. Now, some people look at it different, but that's something we always have to remember.

I know you said you haven't thought of it. That's just because of how it's been now for so long. North Side has always had one representative, so has East End. Whenever there was any growth in the number of Members to the Legislative Assembly it was always worked on the larger populated areas which we can understand in trying to create a

balance with that, too. But, then, in doing it like that, you keep leading people with the ability to more — to vote for more than other people and the question is: is that right?

I just wanna leave that thought with you.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): I don't think — well, I don't think one man, one vote is not new in this world. Every other country in this world — or, there are very few countries in this world that does not have one man, one vote, single-member constituencies. There are some exceptions in the Caribbean.

In Montserrat we have — I think they have about 5,000 residents there now, and they have 8 representatives and everybody can vote for 8 representatives, but because of the size of Montserrat and the population.

In BVI (British Virgin Islands) we have 8 single-member constituencies and 3 at large I think it is. Now, it's — it comes up to 13, so that would be 10 — 10, I think, and 3, 3 people at large.

Anywhere else there are — there is no other place in the Caribbean that I know has multi-member constituencies. And it operates on the first-past-the-post basis, meaning in a race. The first one get cross the line is the winner. All others behind are losers.

We may say that — there is some argument that that's not the right way, it doesn't represent — it's not proper representation of people, but because what would happen is you get 5, 6 people running.

For instance, when I won in East End in 2000, three of us was running — John McLean, Ken Ross and I — and I won with like 37 percent of the vote, so I didn't get the majority of the vote in East End.

Now, because there was — what was that? — 63 percent that didn't vote — that voted that didn't vote for me. So I could not say that I had a mandate, per se, from the people of East End, but I was the first past the post.

In 2005 it was only John McLean and I, and I had 70 percent of the vote. Now that speaks volumes.

That's what we will get in places like George Town because we'll have — when you go to single-member constituencies you'll get four constituencies in George Town, and they'll be demarcated by roads most likely in our — the middle of the road, that side is one, and then they make a block or whatever it is to ensure that they sort of get those as equal as possible the amounts of residents within each one.

And, then, two or three people could run in there and it would still be past — first past the post, and the one that has the most gets elected and is elected and goes on to represent the people.

But everybody will know within that constituency who their representative is. Whether they voted for he or her or not, they will know who that representative is the same way you know who the

representative is in North Side and the people in East End knows who the representative is — representative is in East End.

Right now in George Town no one can say who their specific representative is. They can tell you they voted for all four of the PPM, but they shouldn't be allowed to have four and East End, North Side only got one.

And it brings more accountability when you know. Who are you gonna blame in North Side for any political problems, or who are you going to applaud for political success? It's one person. It is one person. In George Town it's four. In West Bay it's four. So you go to one; that one will send you to the other one — I'm just saying these are the possibilities. I can't send nobody to anyone in East End. Neither can Ms. Edna [Moyle] send anyone to anyone in North Side.

So, single-member constituency is — if there is true democracy, that is true democracy. It creates equality in your enfranch — your enfranch — your . . . well, I shouldn't say that, but in your rights to vote. You — it creates equality, and someone in George Town will have no more right than us in East End and North Side.

I ran in '96 and when we did the Chamber forum, I said if we can't have single-member constituency in this country, one man, one vote, then we need two in North Side and we need two in East End and I stand by that up until today.

It's not fair for my people in East End and the people in North Side to only be able to send one representative to the Legislature, and then people in George Town and West Bay can claim that they got four, each individual, whether they voted for them or not.

There is absolutely no fairness in that. And I stood by it then and I stand by it today. It's first past the post, single-member constituency, one man, one vote.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Thank you, Minister McLean.

When you were discussing that I was thinking just now about, you know, your own — a person's representative, how would they look after your needs.

And I think you perhaps hit the nail on the head, is that especially in George Town yes, there are four representatives there, but that does not say, in particular, that they are able to meet the particular needs of my specific community in George Town.

I mean, for example, I've just driven on North Side's lovely road today, very well tarmacked and so forth. And, you know, roads is perhaps the most visible way of a community seeing what their representative is doing for them. If you have bad roads you're in trouble sometimes, right, when it comes to rainy season, all the potholes and everything. It's an annual complaint.

And, just theoretically, you know, whilst a George Towner will say okay, there are four representatives and they may say, you know, sir, this is the problem I'm having in Prospect Park. We need roads, we need a park because there's no park there, we need more lights, we need a community centre.

But those — those persons have nothing indicating to them exactly what they're responsible for and where they're responsible in George Town. And they may try their best but they probably have about six or seven or eight or nine other persons from different neighbourhoods complaining to them about the same thing and, you know, can they meet all those needs.

Whereas if a candidate knows exactly that he doesn't have to take care of, I suppose in the case of George Town, 20,000 people, because I think that's the population in George Town, — is it? — 20,000 people, he would — if we had a single-member constituency basis that may be broken down to 5,000 based on where that constituency's located and perhaps that is more manageable.

At least he knows that — he or she knows that, look, this is my constituency, these are the needs of my constituency, and I think that my responsibility is specifically to this constituency. Instead of what we have now whereas all four of the candidates, I suppose, would feel that their responsibility is not to particular areas in George Town but the whole of George Town.

So they have — all of them have all the same responsibilities, they're probably spread too thin, and therefore, the needs of that particular community may or may not be met to the, you know, the best ability it can be.

You had a question, sir?

Hold on. We'll just come to you with . . .

Member of the public: Good evening. Thanks.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Good evening.

Question #2 – Member of the public: My question is: what is the definition of “constituency” because, as far as I understand it, the elector is the person who elects the official who goes down to represent the people? Now, is it the elector that is the constituency or the entire people?

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): An elector is a constituent. The constituency is the area, the physical area.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Constituent —

Hon. D. Kurt Tibbetts (Leader of Government Business): An elector is a *constituent*.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): An elector is a constituent.

Hon. D. Kurt Tibbetts (Leader of Government Business): Constituency is the area that —

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): And a constituent is the people who live within a demarcated area.

Member of the public: Okay.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yeah.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Geographically.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yeah, the constituency is the geographic area.

Member of the public: Well, what I'm leaning to is, you said there's 20,000 people in George Town.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yes.

Member of the public: But there's only 13,500 voters.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yes.

Member of the public: So...

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): But the people in East End that up — that are visitors in East End, whether it's working on work permit and living there, I have to represent them, too. You can't just leave them out. [laughter]

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): You have to represent every resident in the Island. [laughter]

Member of the public: Okay, so that leads to my question. Why, then, when we only have 13,500 electors —

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yes.

Member of the public: — do we need to separate the entire Island? Why can't once we have elections, the entire 15 members represent the entire Island?

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): You're talking about national elections so everybody should be able to have — to vote for everybody?

Member of the public: Well, I would advocate that in every district there should be a town council that handles the affairs of the town.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Um-hmm.

Member of the public: And hence you could then have representatives in the Parliament that represent the entire nation and not just this particular constituency, because I don't know if I'm comfortable as a young Caymanian with having 15 Members in the Parliament, 5 Members in the Executive Council or Cabinet.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yes.

Member of the public: And having one single representative —

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Out of all of those.

Member of the public: —among those 15.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): That's right.

Member of the public: — and you're saying to me we're going to make it 17.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Um-hmm.

Member of the public: So in a sense, does it not then take away from my power as an individual?

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Well —

Member of the public: In achieving at something at the Parliament?

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): It is a legitimate point and I think that is something that the Government will have to listen to.

It has been raised before that some people feel that moving to a more parochial-style government may not necessarily be the way to go. Some people are not happy with the present style of government. Some feel that, you know, maybe we should go to national elections.

So, I think this is why we are having these discussions because we need to feel a sense of what people feel.

If you're happy with the current system, then, great, we keep it. If you want to move away from the current system, then, how do we do that?

Member of the public: Right.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): The Government has proposed the single member but, of course, I think we all agree that nothing in the proposal is etched in stone.

Member of the public: Absolutely.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): At the end of the day it's going to be what the majority of Caymanians feel is what they want and what can happen.

Member of the public: Okay, 'cause just in one scenario, you, as an elector, you vote for someone who doesn't get in.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yes.

Member of the public: But then you have a representative for your constituency, let's say, that's Mr. Tibbetts.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Um-hmm.

Member of the public: But I get along really well with Mr. McLean.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yes.

Member of the public: He then has no power to look after me because I'm not a constituent. And I don't personally — as a young Caymanian I don't think that's fair. I think that if you're in the Parliament and represent us, then, you should represent me whether I'm from your constituency or not.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Good question.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): I gonna draw a scenario for you, Joey.

Okay. Let's say we had an all-island vote for 15, 17, whatever. You remember now demographically George Town, West Bay got more of those 13,000.

Member of the public: Yes, sir. And, again, so that I can explain, I'm not saying we move away from having a district election.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Okay.

Member of the public: But once you've become a member, once you've been elected to the Parliament, the constituency falls away and you represent the Cayman Islands.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): But — yeah, I understand but here is — here is what is going to happen:

You will — people like East End, North Side will become disenfranchised. Here is why — what is going to happen:

If you got 6,000 or thereabouts registered voters in George Town —

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Five thousand.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Five thousand. So, there is 500 — just 560 or

something like that in North Side. Four hundred out of them in North Side vote for one person in North Side.

Clearly, the people in North Side prefer that person, the majority of the people do, but that person is gonna be voted for by everybody in the country. All of a sudden, the people in George Town all vote for the other person. Do you see how the people of North Side are gonna get disenfranchised? Because the other person is gonna get elected because it's first past the post.

I never did support a general election in that sense that it covers the entire country, because the smaller little districts are gonna get wiped out.

It may be — for instance, it may be — maybe Miss Edna [Moyle] is very popular in here, but people George Town mightn't like her. That's 6,000 votes against her, you know?

Member of the public: Yes, sir. And I think you misunderstand what I was saying.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Maybe we can get some clarification because I think I may have misunderstood it also.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Maybe I did, too. Maybe I did, too.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yeah.

Member of the public: At present we have an amicable situation providing we can divide up the Island properly into districts —

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Okay.

Member of the public: — that are reasonably sized constituencies. Correct? That's what we're asking for. Once you've been elected to Parliament from that constituency, the constituency should fall away and you, as the 15 representatives, should represent the entire Island and the towns should have a town council.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Oh. Oh, you're promoting town councils.

Member of the public: If you're going to be chairman of the town council or if someone else in the town is going to be chairman of the town

council, I think the directive today needs to come more from the people because we're going to a situation where it . . .

I hear more and more people saying Government doing this and the Government doing that, but every time the Government turns around and is saying we need you, the people, to advise us to tell us how, right?

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Um-hmm.

Member of the public: And I think that if we can we should come to a situation where the people is bringing it forward in a fashion that you, as a representative, can go down to the Parliament and state this is how the people of my town feel.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): So —

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Sorry, Suzanne, but in most independent countries that is the way it is. You have — you have the local elections —

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Local, yeah.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): — elections of councils, eh, and you get a — some places they call them the Mayor of the town or the constituency or whatever. I've never heard of it in Overseas Territories . . . in Overseas Territories, dependent territories, whichever you want to call it.

Now, I am not opposed to it because I believe you get more local involvement in that manner.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yeah.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): And what you also get is training grounds for good politicians.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yeah.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): And — but the thing is, we should not do that at the cost of losing that personal touch from that politician and — which is — 'cause once they have four years he gotta get elected, too.

[inaudible interjection]

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Four, five or whatever.

So, what I'm saying is, we don't want to create the two-tier — it's called the two-tier system. It would be a two tier if we put one there. The other side is promoting a two tier in the other way which is a bicameral house.

But this would — sure, I mean, I'm not adverse to that. I think it would be good. It —

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): It would —

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Nowadays we have it in the sense we have the churches having little committees or the — or the social groups get together — I think North Side got a social group as well — which, in essence, it's the same thing, it's just that it's voluntarily done now.

But in — then if we go with where you're talk — proposing, it would be election or appointment to this council, whichever and — we go I would prefer to see an election, but you don't have the election . . . no place has the election. The same time you elect the politician you have a mid-term so you get continuity, eh, and so one overlaps the other.

So, the election now would be 2009, two years from that you would have your local elections, and then the next two years so you have an overlap.

Member of the public: I feel that it would provide the outlet that our nation needs for people to have.

A district like North Side could have ten people that represent them, because when I say that in the council because you could probably find ten people that represent the majority of North Side. One person is tight in one circle, don't contact other people in the district for long periods of time. But at the other had there is someone who lives in that little clique, and when you get them all together a national question like do we want to advance our Constitution.

We could simplify this process when those ten people reported and said yes, the district said you ain't gonna have an argument, you ain't gonna have — you gonna have to go out there and convince the people.

Thank you.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): You're welcome.

I think a very interesting point raised. I think part of this entire process is about participative government, how the citizens can actually be involved in democracy, because at the end of the day, democracy is supposed to be about the larger nation.

We do have another comment or question raised over here. Sir?

Member of the public: Thank you. Good evening all.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Good evening.

National Election and National Management or District Election and District Management

Member of the public: If you don't mind, I'll just keep sitting.

I got a few comments, I suppose.

First of all, I want to congratulate you for taking this initiative. We have been managing this country, which is now supposedly the 21st Century, with a 19th Century old book for too long. Therefore, the rules must come up to the standard of what we say the country is.

In any society there are three main ways that you'll have control of your destiny or manage your affairs: one is through democracy, the political process; two is through financial commerce, control; and three is the barrel of a gun.

The Caymanians have lost financial control of this country many years ago. Economic power that we once held no longer in our hands.

We can't adopt the third option because that has ruined too many countries.

So, the only option left to us, in my opinion, is the political democratic option. Therefore it is crucial that the people of this country understand what's at stake. This is not a joke. This is my children and grandchildren's future.

This document is a start. I don't agree with everything that's in it, and I will submit to you in writing some comments, and I'm not going to dwell on every line in the document.

But, in principle, we have been managing this country based on a centralized philosophy which is like the old Soviet Union: directions come from the top down. It failed. With 82 years they tried it and didn't work. But yet we have local elections.

The inefficiencies that we have, the time, the energy, the lack of resources we wasted through this process has cost this country far too much for too long.

You either have to have one of two things. The two must be in tandem, in my opinion. You must have either a national election and

national management, or you must have district election and district management.

Teddy's point is well taken. He paid very good attention during the last election.

When you adopt the district management council idea, what you're doing is empowering people and that is exactly what democracy should be about, is to empower people, not to hire more bureaucrats to clean the beach or cut the cemetery grass, but to get people involved in the process.

If you check the number of members who have joined the both political parties in the country — and I'm not current like I was when I was in the campaign — I think you will find that the majority of Caymanians still adopt the neutral stance; they're not members of either party. But that tells me something. Either perhaps we, as a country, is not necessarily mature enough or willing to accept political parties wholeheartedly.

I remember when the first party was formed having a discussion with some of the people who were involved at the time, and I advised them to read a book called "John Adams". He was the man who kept the minutes during the American — the formation of the United States of America. And, basically, he said you cannot form a party around a person, and that's exactly what we did when we formed the first party. Instead it must be formed around a set of principles and beliefs and fundamental rights and so forth.

I believe there is much public support for the concept of a national ballot. I will even take it one step further and have that ballot divided in two sections and have the public pick your Cabinet.

We're thinking outside the box here. We don't have to conform to everything that the Westminster system has bestowed on us for 200 years, because the document that we now call the "Constitution" is a rule book, it is not a constitution. The British government, up until now, have not, in my opinion, managed this country, they've ruled it. And we have to make up our minds.

If you read what's going on with the European Union today and the changes that have taken place within the European Union and the power that they have accumulated over the last few years in consolidating their hold on Europe, we have to face some tough choices very soon. These people are not playing necessarily by the same set of rules that we're used to playing by.

And I listened to a few people, a former Minister on the radio the other day, and I believe there was an article in the newspaper where he said: why are we afraid to discuss independence? I'm not saying we're advocating it, but we should at least deal with it. It's like potential sickness, you know? You might get sick so prepare. Buy health insurance.

This country cannot afford to be unprepared when the stark choice may be presented to us in the not too distant future by people outside this country, namely, the British government and the European Union, whereby we may not have a choice if we are not prepared.

Preparation means partly some of this; it is a start. It also means the maturity of your institutions and your independence and your openness and transparency and the lack of corruption in your system and so on.

So the country needs to look at this thing with open eyes. These are fundamental repercussions. The long-term survivability of this country is at stake and you may not get a second chance, because the European Union is moving at a very rapid rate. They're consolidating power. Their constitution is over 1,800 pages long. There are not many rights in there, but there are a lot of conditions, and there are a lot of demands, and there a lot of rules.

There's a big issue in this country as to Human Rights. What kind of rights should we have versus our heritage? They don't see it necessarily that way. We are going to have some conflict.

The reason I'm throwing these out is simple: the people of this country needs to unite on this issue so that whoever we send to the United Kingdom to bat for us can bat with the whole team behind them, not just a handful. Because this issue may not be resolved by us if we are divided, it may be resolved by others and we may not appreciate the resolution.

So, while I can comment specifically on some of the conditions in the booklet, I will not waste the time to do so. There are one or two items in here that I do believe we will have tread cautiously with in terms of our relationship with the United Kingdom, and those involve the powers of the Governor, how do we handle it, whether they're willing to give us a break or not.

We talk about those eligible for election, having Caymanian status. Caymanian status is not a nationality. Those are some gray areas that we may have to do some serious fighting.

But, on the whole, I don't believe that this exercise can be delayed any longer.

There were some others who ran for office in the last election. I was one. It was the number-one item on the little proposed manifesto that I proposed with Cadian, Burke and Frank and Smiley and some others. It was a reformed constitution. It is the foundation on which everything else should be built. Without that we're lost.

We have the judicial, we have constitutional problems right now in this country. We've seen recent events where I've listened to the Leader of Government Business on the radio sometimes, listen to the conflict and certain areas of the Government, Commission of Enquiry, all these areas because we don't have a fundamental set of rules they're giving us some problems.

As we develop, become more complicated, allow more people from outside with their interests and their ideas and their ideals to come in, these issues become more complex.

So, the only control these people have left is the political control, political process, democracy. We can't afford to give it up. Otherwise you may as well pack your bags.

So, I want to thank the Government and I want to thank you for your hard work and I'll pass the mike to anyone else who has a comment.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Thank you, sir.

I just have a question for you, though. Don't give up the mike yet. [laughter]

We've been undergoing this public consultation period for just over a month and a half now, and whilst you've — I think everybody have been getting some feedback, those who attend the meeting I think appreciated their view, they put forward their views. But those who haven't attended I've been asking the question, you know: are you aware that the process is going on? And everybody's like yeah, we are actually aware what's going on.

But there seems to be some sort of personal apathy amongst our people to at least put themselves out there, to look at the information, to actually realize this is really about us moving forward in the future.

And I just probably want to have some thoughts about, you know, what we can do as communities to really, as you said, get the whole team to bat, because a lot of them, I think — a lot of people are like, well, I'll just leave that for somebody else. And do you think that is good enough when we're really looking at this type of issue?

Member of the public: No, I don't think that's good enough. You know what Henry Ford said when he started making cars?

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): No. [laughter]

Member of the public: He said if I told no one about them they would be of no use to me. So what you gotta do is market, promote, sell your ideas just like you're doing tonight. But maybe you might have to look at some other unique ways of doing it.

It's sad that, traditionally, what I find in Cayman is that a lot of people are reluctant to read as much as they should. You know, you get information from TV, you get education from books, and a lot of people don't spend as much time reading, you know? But I think that this — this process requires a grass-root effort. And don't rule out the concept of going to door-to-door.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): We are looking into that definitely, yes.

Member of the public: Because you may very well have to go knock on some doors and say good morning, how you doing?

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Oh, absolutely. [laughter] Yes.

Member of the public: And you may have to do some, you know . . . just to get some people's attention, because otherwise, they will just say, well, everything is fine in my life and I don't need to be bothered. But, you know . . .

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): If I may?

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yes, sir.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): All right. Bobo, thank you for your comments.

A couple I would like to touch on, and let me touch on the last one first about how the people's — people not getting involved and what we need to do. I believe the PPM, too, is now mobilizing to go door-to-door and have yard meetings and that kind of stuff to get this thing going.

But what is more important, you touched on this thing about people may not have the time to deal with it and that kind of stuff which I agree with you.

But what is very important is the fact that the UDP Government is doing a disservice to this country also — you hear what I tell you? — by spreading vicious, disingenuousness in this community. They're a part of the leadership of this country. They're the government-in-waiting but they're not behaving in that manner — you hear what I tell you? — because they have spread this thing about us wanting to take away the Governor's powers.

Now, if you look on page [9] of those *Explanatory Notes* you will see that we are not proposing any such thing. Page [9]: **We believe that such powers . . .**

Okay, let me start a little further up.

Delegation of Special Responsibilities. In particular, the Governor is given special responsibilities in the areas of defence, External Affairs, Internal Security, the police and police service — and public service appointments. Unlike some of the other British Overseas Territories with new constitution — constitutions, the

Governor cannot delegate any of these special responsibilities to our elected representatives and is not even required to consult the Premier or Cabinet on these questions. We believe that such powers are out of place today, and instead, we propose the Governor's discretion to delegate responsibilities to Members of Cabinet should be extended to all his responsibilities and powers.

What that says is, part — some of his responsibilities he can delegate. What we're saying is all of them he should have the right to delegate them if he so chooses. We're not saying we're taking them from him, you know? [laughter] All we're saying is, if he so choose, then he should be able to delegate those, too.

If you will remember during the last administration the Governor delegated prisons to Dr. Frank [McField].

[inaudible interjection]

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): I don't know . . .

[laughter]

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): We go on a little further and we say on Internal Security and police: **To help achieve this there should be a National Security Council chaired by the Governor and comprising the Premier, the Attorney General, the Commissioner of Police and two other Ministers appointed by the Governor on the advice of the Premier.**

Well, the only thing — we have been fighting for this ever since we got there, to advise on policy the Governor and the Commissioner on Internal Affairs. And you know what? Even though the Constitution doesn't allow for it, yesterday morning the Leader of Government Business went in to the very first meeting of that kind in this country because of our insistence. So it's not taking away his powers. If it's working now, I don't see why it can't work and it be enshrined in the Constitution.

Yesterday morning he attended one of those meetings after two years, the police briefing, which is basically the same thing, after two years of us insisting. So it works. It works.

On the issue of . . . Bobo, you said about us not — and maybe it's because we don't have sufficient maturity why we say not a lot of people join in on a lot of the stuff. That may be so, but I can say to you that rule of thumb for any party in the world is less than one percent of the population, and we see that right now going on in America. They have over 300 million people and you see how many people are in the

Democratic Party? Twenty thousand in this community, 10 in that and that kind of stuff. So I don't think that is really a measure why people don't come out. People, by and large, just are too, busy but they need to pay close attention to their country.

You talk about national election. I think it is something that if it gets enough traction we should look at it because nothing is etched in stone.

We need to be together on this. We need to not go to England divided. But the country also needs to impress upon — the same way the country's impressing upon us, we came out with the same position that — about equalification for election that was in the last draft constitution, and the people impressed upon us we do not want that. So, we're hearing a lot of people say that. We have had to take a step back on it. Nothing is etched in stone.

And the same way that the people are impressing upon us, not because we're the Government — the PPM is the Government, and you impress upon us the need and you advise us on things to do. We have to adhere to that because it's you we're working for, it's not ourselves.

But I would implore this country to also impress upon the Leader of the Opposition and his other Members that they have a responsibility, too. It is not us alone in this. They have not even brought their proposals out. And that is critical in moving forward.

If you're going to do to this together it's not only the people like Bobo said needs to get together and grassroots and do it. You need them to be a part of it, too, and they're not doing their job. They are not doing the job that you are paying them to do which is to lead you. Not because it's the government in power that is the only one gotta lead. The Opposition has to lead, too, and they're doing a poor job of it and they're trying to divide this country and derail this constitutional process.

District Councils

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Coming back to the question of district councils, and Joey, this is for you especially — Teddy, sorry, for you especially.

Would anyone like to comment on . . . this district council idea seems to be coming from one of — from a position of saying we need to vest more of the power in the hands of the people. How, then, are you going to safeguard that?

And what I'm getting towards is, you know, to me, I think a district council idea could work. But in practicality is there a chance that a district council would basically just become junior ministers and those people who would be elected to a district council be party affiliated?

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): No, boy, you —

[inaudible interjection]

Member of the public: That certainly wouldn't be my vision of it.

I don't — I don't see a district council being a branch of the government, the elected government, in any way, shape or form. It should be an independent body that operates within the district, elected — put forward and elected by the district, all right? So that for every area of . . . you go to West Bay, you go to North Side, you go to Man Bay, you go to North Side you go to . . . So, there are different individuals who end up in those different areas and know the people in those areas.

So, for instance, the problem we have tonight, what we're discussing right now, how do we — how do we get the consensus of our people? Well, we did this exercise for Vision 2008, and we had the same problem. We've reviewed the development plan three times in the last 12 years. We've had the same problem.

The way to solve that problem is to have representatives from this district — and I speak for this district — that can canvass our people, that can go to Mr. John, that can go up to Bullock (phonetic), that can go down the road to the people down the road and say to them: listen, how do you feel about this?

And when they — they'll tell me, they'll say *You, bam, bam, bam, bam. I don't like that guy* or . . . right? Then we need to be able to come back to the roundtable, bring all those opinions together, discuss it, come up with consensus, go back and say: how do you feel about this? Man, that's much better.

Then when we come and tell our representative this is how our people feel, you can go downtown and put it in the bank because that's how our people feel. You're not gonna — you know, you don't have to worry about that backlash of doing something and then people don't agree, right?

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): The question I'm asking is: how do you propose to filter out the political parties?

The reason I'm asking is because if you hold an election for district council, you're going to have people who are party affiliated run for those seats. You see? That's my question.

So, I'm not saying that it is a bad idea. I think it has a lot of merit. But we also need to start looking at the framework or how we will get that engine to run.

Member of the public: But we're in a democracy. I hear you. And again, there are many things that would absolutely have to be worked out for

district councils to work properly. But we live in a democracy, so whether you're party affiliated or not, the councils' mandate should be absolutely clear so that . . . the party exists because there are people in the country that support the party. So if you represent those people you should have your say at the table.

So I don't — I don't think that the council should be set up so that they can become political footballs or pawns of any particular government. I think they should represent the people and it should be set up to represent the people. Yeah?

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): You know, Teddy, I have — I have seen local government work in other countries; and I don't know where you get your experience from but you got quite a bit of it and knowledge of how it works, I can tell you that.

Yeah, you can't weed out — you wouldn't be able to weed out a party. In most countries, there are parties that set up their people to run for those local councils. And — but what you'll get is that it's a little more vulnerable than the person as the politician.

For instance, you will get . . . I know a friend of mine in St. Kitts who was Mayor of a community, and he was with the government, and the government had that eight out of nine seats in Parliament anyway, and he lost the local election but as the head of that council, as Mayor, but all of the — his other party won and it's like five members are elected. He lost the leadership of that as Mayor, but the other four [laughter] of his party members won. So you're very vulnerable at that stage.

When you're at the political stage, at the bigger stage, what people are looking for is a different class of person to send on to government, completely different, because you get a little — what you get is a little mini government running the constituencies and it's very personal. People take it on very personally because they know John, you know, and John is very active in the community. Arden may have been a businessman and they figure that I can go up to the other area. But then you get John who has been a businessman and he has been very helpful in the community, and that's how people look at it.

And I not — I not supporting Bobo on this national election, but we'll talk about that Bobo. [laughter] I'll show you how — I don't think it gonna work, but anyway . . .

Member of the public: Well, this concept of district management is something that I've seen work for 30 years. I mean —

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Oh, yeah. It works.

Member of the public: In the United States and Canada it's as common as can be. It's not rocket science.

And you want government to function from the roots up. It's like a plant; it grows from the ground up, not from the top down. And that's the reason we don't — can't get the beach cleaned up, and we don't have a plan for sports, and the police don't know when there's a game, and there's no cohesion, and there's no coordination right in this community because you have to start at the roots.

So, therefore, you get people to volunteer their services and then you elect them if they choose to go that route and it's a simple process. Each district could have a budget, there's an accountant set up, a treasury and a secretary and you publish your minutes.

A small little town in Florida where I hang out once in a while they have theirs on TV every Tuesday night. You can view the town council meeting on TV and it's open for the public.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): It's very expensive.

Member of the public: Now, you should take that one step further when it comes to your boards in the central government, Planning and all these other boards. Those boards should be elevated a notch. People should have to apply to sit on those boards. There should be a vetting process. There should be — just like you were interviewing for a job. Instead of appointing people or selecting them because they work for you or they're a friend or they belong to your group, that shouldn't happen. We have too many deadwoods sitting on these boards that are of no use and, quite frankly, they're affecting the policies of this country and making the Government look bad.

But if you were to ask for people to send in their resumes, if you're interested in environment, for example, and you're an expert in that field and you send your resume in and say I'd like to serve on the environmental board, you're getting someone who not only has the expertise but you're getting someone who has the desire to serve who cares. Those are — those are critical issues for somebody to serve in adversary capacity.

What we have now are people who sit on these boards and use it as an example to make a living or to contact their . . . whatever, and it's not a good process.

We have to become more efficient in this country. It's costing us far too much money per capita to run this thing called the "government", so therefore, we must streamline this thing. This is a machine that has to be well oiled, and if it means you gotta get rid of some people who are not performing and we privatize some things where you're not making money, you might have to do that.

I mean, we have — if you look at the tourism area, for example, which I know a thing or two about, the only thing that the government does not control are the bids. That's about it. They control the marketing money; they control the airline; they control the land based attractions; they control promotions. And yet, today we have two industries: one is the financial industry; one is tourism. We brag about our financial industry being one of the best in the world, profitable, successful. Has anybody ever stopped to think why?

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Because it's not run by government.

Member of the public: Because it's not run by government. Because it's a free-enterprise initiative based on competition, based on expertise, initiative, and that's why it's successful.

We have a tourism industry that we don't seem to have a clue what to do with. We can't make the Turtle Farm work, we can't make the Airline work, we can't — and the list goes on and on and on.

We cannot no longer afford to manage this country on those principles. Our children gonna be paying these debts and this is not good.

At the end of the day when we go in the hole financially, the British, the European Union, the American, everybody gonna cut and run. Nobody gonna write you a cheque. We can't afford to take that.

In countries where governments have controlled and tried to run businesses they have done so for one fundamental reason: because they had an abundance of people that needed work. We don't have that problem. We're lucky not to have it. The Chinese government has laid off 8 million civil servants in the last five years, and that's a communist country.

So, this reform process starts with the Constitution, but it must also be carried throughout all of the entities that serve the people of this country. And if we take a good hard look at how we've been managing this country in the last 25, 30 years, we're paying too high a price and it's not necessary.

So to get people involved in managing their day-to-day affairs, laying out visions and plans for the communities, that's what you want. We got young people drifting, getting killed every week, drugs, alcohol, no one paying attention. Why? You know, because there's nothing for them to do.

Burke can probably elaborate on the situation here in this district with the computers. Five years — four years ago there was a room full of computers out here that had never been turned on. Because why? Because we don't have a plan, we don't have a manager, we don't have a vision, and these computers could be used at night to teach the kids, to help them get on the Internet to learn, to research.

This is what community councils can do. It can take the load off of the central government so the central government takes care of the things that Abraham Lincoln said: do for the people the things the people cannot do for themselves. That is the fundamental role of government. Today we have confused it. We seem to think the government must do everything for us, and we've got to change that mindset in this country.

Mr. Stanley Panton (Member of the public): Good night. Stanley Panton, 363 Rum Point Drive.

[inaudible interjection]

Question #3 - Mr. Stanley Panton (Member of the public): Okay, sorry.

As well, I'd like to say good evening and thanks for giving us this opportunity to make our presentations.

I was asked to ask a question if the PPM Government would consider, or are you in a position to be able to amend the Elections Law now or in between now and the next general election to put the 17 Member constituencies in place?

Hon. D. Kurt Tibbetts (Leader of Government Business): Well, I'm not saying that couldn't happen, Stan, but that is not our proposal. Because of the timing of it, by the time we get through everything . . . the plan was to have the new Constitution enforced when a new government takes over.

What that means is, you would have this last election coming up in 2009 status quo, but from the next election on you would have your Boundary Commission set up, you would have your 17 single-member constituencies decided upon and agreed upon, and then all who would run in the next election after 2009, you would know each constituency, you would know who's running for each constituency, and it would give the whole situation a clean start and enough time for it to not have a whole pile of hiccups.

I'm just telling you now that that's the way that we envisaged the whole situation given all that obtains now and given the timeline.

Mr. Stanley Panton (Member of the public): Thanks.

I'm under the understanding that the Elections Office has been prepared for this, the boundaries were set up from the last election. They

Hon. D. Kurt Tibbetts (Leader of Government Business): Yeah, but — yeah, but you see — sorry — it's four years later, so you would — no matter what you do you couldn't use what obtained then. You would

have to go and revisit the situation and check your stats. That's where the difficulty lies.

You see, had we not — or let me not say had we not. Had the process not been stopped in 2003, we wouldn't be talking about this now, if you understand what I'm saying to you.

Mr. Stanley Panton (Member of the public): Yes, I understand what you're saying.

Hon. D. Kurt Tibbetts (Leader of Government Business): Okay.

Mr. Stanley Panton (Member of the public): However, I still would like to maintain my point that the process was done and the voters list hasn't been changed. Up until last Friday it was one less from the previous election. There — last Friday there was another 200 persons added.

So I really don't see what you're justifying to say that we need to revisit it to see if the groupings are still around 800 persons per constituency.

Hon. D. Kurt Tibbetts (Leader of Government Business): Yeah, but —

Mr. Stanley Panton (Member of the public): I think the constituencies haven't increased in any overbearing numbers that would cause it to change.

Hon. D. Kurt Tibbetts (Leader of Government Business): Stan, yeah, I hear you. Just look at Savannah. Just look at Savannah and you tell me in the last four years that hasn't changed.

Mr. Stanley Panton (Member of the public): I'm not saying the district hasn't changed, I'm —

Hon. D. Kurt Tibbetts (Leader of Government Business): Yeah, see, so that's my —

Mr. Stanley Panton (Member of the public): — saying the voters —

Hon. D. Kurt Tibbetts (Leader of Government Business): No, no.

Mr. Stanley Panton (Member of the public): The voters register hasn't changed by —

Hon. D. Kurt Tibbetts (Leader of Government Business): That's — I — it's not —

Mr. Stanley Panton (Member of the public): — any significant number.

Hon. D. Kurt Tibbetts (Leader of Government Business): It's not the voters register I'm talking about. I'm talking about the distribution of the population. So where you had the demarcations four years ago, that's what I mean when I say "revisit". You would have to go revisit that, census it out and know where your pockets are and the concentrations are so that you — because the attempt would always be to try to have as equal numbers as is physically possible, and that's what I mean would have to be revisited. That's what I'm saying.

And I'm saying to you by the time all of that happens — because don't forget now, while the Constitution they made those minor amendments to allow the formation of a Boundary Commission, they would have to be revisited again for the process to go over again.

And all I'm saying to you, when we looked at the entire situation we thought that it would be more seamless and a cleaner situation to prepare everything as part of a new draft constitution and have everything come into play right after the next election and work the whole show so that you don't have that great difficulty.

The other thing that I think is a real point, 'cause bear in mind with us with this discussion, I'm not giving you my personal views, because I don't have any problem, whatsoever, with single-member constituencies. It could have been from 20 years ago as far as I'm concerned.

But we want to make sure that — don't forget we gotta get something that reflects the wishes of the people, and we didn't want to push too many buttons. For instance, if we get bogged down into that very same point that we're talking about now, and you get a whole pile of people saying they don't want it now, it's gonna kill it.

But what this — and I will allow you to talk, but what this that we propose would allow for is quite ample enough time for everybody to be prepared and everybody to know exactly what's what by the next time around, and that's the way the whole system would run.

I'll listen to you, but I only wanted to tell you what the thoughts were behind it.

Mr. Stanley Panton (Member of the public): Fair enough. And maybe that's one of the reasons why we didn't have the bi-election in George Town, to add the two seats that was proposed after the last general election, so that we would have went ahead and done — 17-member constituency would have basically gone into place from then and the Cabinet would have been expanded to 7 Ministers.

Hon. D. Kurt Tibbetts (Leader of Government Business): And that has — all of that has to take place, too.

Mr. Stanley Panton (Member of the public): Okay, well, that was, like I said, really someone else is asking me to ask the question.

National Elections

Mr. Stanley Panton (Member of the public): My suggestion is there's been a lot of talk about democracy and giving the people more power, more rights and more, you know, more say in running the country. Your Government has done an extremely good job as far as trying to build consensus.

I maintain that what we have in place today is a system where we only have district elections, and I say for us, that is not giving us the power that we should have or could have.

What I am — what I wish to suggest, or I'm about to suggest is, as opposed to having just district elections — and I wish the Minister from East End was still here to hear this. I would like to suggest that as opposed to us just having a district elections, we go a little further and have national elections as well. My idea is a little different than Mr. Miller's.

I would like to suggest — because this process is about modernizing and giving more to the people is the way that I understand it, it's the reason I'm here.

I would like to see us have an election in May 2009 where we go and have a 17-member constituency and each man has one vote, and we elect 17 Members of the Legislative Assembly.

Somewhere between two weeks and 30 days later —

Hon. D. Kurt Tibbetts (Leader of Government Business): Somewhere between?

Mr. Stanley Panton (Member of the public): Somewhere between two weeks — 14 days and 30 days later my proposal would be that we have another election where we then vote for the seven Ministers of Cabinet, the entire —

Hon. D. Kurt Tibbetts (Leader of Government Business): So forget about the party system [inaudible]

Mr. Stanley Panton (Member of the public): I'm not going to say we're gonna forget about a party system. You don't necessarily need the party system. Mr. Miller has pointed out that the party system has not necessarily taken root here. That's one of the reasons why people aren't out to these meetings.

Hon. D. Kurt Tibbetts (Leader of Government Business): Yeah. I'm not saying no, Stan, I'm only saying what you're proposing let us accept. But it means forget about the party system. But go ahead with what you're saying. You're saying not necessarily.

Mr. Stanley Panton (Member of the public): Yes.

Hon. D. Kurt Tibbetts (Leader of Government Business): I won't interrupt you. You go ahead. You go ahead.

Mr. Stanley Panton (Member of the public): Well, if the party system falls by the wayside and it is a necessary — the attrition of the party systems is necessary in order for the people to get more say in our country, then, let the party system die.

Hon. D. Kurt Tibbetts (Leader of Government Business): I'm not saying —

Mr. Stanley Panton (Member of the public): We operated without it before, there's not a lot of people who signed on to it, and I think we could operate without it in the future.

What I'm suggesting is, if the party system, for example, continued to go forward, in May 2009 we elected 17 members on a district level, one man, one vote, each single-member constituency elects a member, those 17 members gets together and the horse trading starts.

Let's just say, for example, five Members of the UDP wins and five Members of the PPM wins, there's now five from either party. There's seven members who are independents. It would be up to the PPM to go, and as Bo said, let me see the seven of yours resumes and see which one of you could work with us based on our ideas, based on the principles of our party's, for example.

Hon. D. Kurt Tibbetts (Leader of Government Business): But the other seven would be the most powerful ones.

Mr. Stanley Panton (Member of the public): Well, the — I only use the example. It could be — it could be seven and seven and only three.

Hon. D. Kurt Tibbetts (Leader of Government Business): I know what you meant, I just couldn't resist that.

Mr. Stanley Panton (Member of the public): I did it purposely. I thought you might.

[laughter]

Mr. Stanley Panton (Member of the public): But that's okay. The point is, the people would still pick the best persons. As opposed to what is happened in the past, the people who we elected at the district level decided who was going to be the Ministers.

We didn't have any say ever in the history — up to this point we haven't had any say in who the Ministers are going to be. And what I'm suggesting is, if we are going to modernize and go forward, if you give us more — if you give us the opportunity to elect the Ministers, you will therefore be giving us more say in what happens in the formation of the government by giving us that.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): I think — and I ain't gonna try get into any confrontational thing, but I'm just voicing a response to what you said.

Your argument has some holes in it because you said if the government wins PPM some and UDP and then you got some other ones, so you're still upholding the principles of party system because you're running groups, which are parties, in the election.

Now, there is no place in this world that the people ever elect who the Ministers are other than within that grouping, whichever one the people elect in the majority.

In the scenario that you just made, you would then call that a coalition government. The people have spoken, and they did not send one grouping with a majority. And all those groupings must respect the wishes of the people, and they must now come together and form a coalition government. If they can't, then, whoever is head of state will dissolve it and call for another election. That's how it works.

If we go back — we could go back a million times to the people. You could go back again to the people and say we can't decide who's gonna go on Cabinet. Well, if the people do, you run the risk — you run a very serious risk of putting . . . you already got people that can't work together, so the people are trying — you are forcing — because you couldn't get the coalition out of it, you are forcing the people, then, to put people together that can't work together, who have already demonstrated that they can't work together because they couldn't form a coalition.

So what you have to do is really go back to another general election basically and see if you can get a mandate.

Mr. Stanley Panton (Member of the public): I think what you're describing is a worst-case scenario.

I used that example but we, the populace, when we voted at the national election might — let's use the example of ten PPM Members winning ten constituencies and six UDP Members winning a constituency and one independent winning. We, the people, may choose to vote seven of PPM Members, so your seven — but we would choose

which seven of the PPM became the Cabinet as opposed to the PPM deciding which seven should be the Cabinet. And what I'm suggesting is that gives us a — more power, it gives us the say to say, Mr. McLean, we have — love the fantastic job, my drive — the road just passed my house today I'm very grateful for that.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): You're lying.

[laughter]

Mr. Stanley Panton (Member of the public): I would be able to say I would like to see Mr. McLean return to — as a Minister. I can't say that today under our current situation.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Well — well, Panton, you could — I'm sorry, Mr. Leader — you could because what happened is, theoretically, under the Westminster party system usually you know who's going to be ministers. I mean, there's no maybe or perhaps.

When we — when we was campaigning last, the Leader said it many nights that Arden gonna be Minister for Roads and we got Anthony and he gonna take Health and Alden will take Education. You know, basically, it is said. It wasn't written out per se. Under . . . and like you said, we're in our infancy in the party system. But, theoretically, we should really come to you, each party should come to you and say, you know, if we . . . but most people will know if this party win these are who the Ministers will be.

It's up to the people then to put some trust in those people and decide whether they want them or not or if they want to go over there. And I understand what you're saying. It could be somebody over on that side that the country likes to do a particular thing and don't get the opportunity.

But then you're putting upon that person unrealistic expectations for him to work along with those other people. He may not particularly like their style of government, you understand, so — or management. And it could break down. We saw it break down in 2001 from that same coalition thing.

Mr. Stanley Panton (Member of the public): Well, I would suggest that the person should resign because we, as the people, should not — should not elect that person again. If that person that we vote for could become a Cabinet Minister can't work along with the other six Cabinet Ministers, then he should resign and we either have another bi-election or we take whoever was number eight and appoint that person up.

But I don't think that we, the people, want a situation where a person is going to put their personality above the principle of representing us. We are electing them to represent us.

And what I'm saying is, as a result of us electing district representatives, we have no choice in the matter as to who is really representing us.

We're only representing one person in North Side, and that person goes down to town and changes the — it happened in many elections where the seat in North Side decided the government that sat, that ruled the country. And we should be able to make that decision ourselves, who should — who do we feel is best qualified to hold the seven seats. They should be able to come to us in that two-week period.

I heard what you said. I went to every campaign meeting in North Side, every one for every — all three persons who ran in this district. I went to every one. At no time did I hear what you suggested was said many times.

The night —the last UDP's meeting up here, the Leader of the Opposition was making fun of the PPM. Who is going to be education? It can't be Arden and it can't be Kurt and it can't be Lucille, it can't be nobody. He was tearing your party apart that night. Obviously, he hadn't heard what you suggested that you said a lot either as to who the Ministers were going to be.

There was a lot of people talking about Mrs. Moyle, if elected, becoming a Member of the Cabinet. That hasn't happened today.

So what I'm suggesting is, if we're modernizing our Constitution, please give us more power. And the way that I'm suggesting we can get it is by giving us the right to not only having districts elections but having national elections as well.

Hon. D. Kurt Tibbetts (Leader of Government Business): Your point has been taken and your stance has been recorded, sir, and I understand exactly what you're saying.

Question #4 - Member of the public: Just a quick question on the proposed National Security Council.

Given what we know about the workload of Ministers, is there any thought as to other Members of that — that are not Ministers?

Hon. D. Kurt Tibbetts (Leader of Government Business): You mean the constitution of that —

Member of the public: Of that Committee, yes.

Hon. D. Kurt Tibbetts (Leader of Government Business): Of that National Security Council? It has been mooted before, and it is not something that we are averse to other appointees being on that. That was

just our first take of who we thought would be the relevant bodies to be part and parcel of that National Security Council.

But it could well be extended, the membership that is. I think that's what you're asking me. It could very well be extended and we don't have a problem with that. So there's no fixation there.

Again, just like the entire document, that's the starting point.

All right?

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): But what we cannot have, Peter, is what the UDP is proposing, which is that civilians run — manage the police force. That's what they proposed today in the papers. I saw that in the papers, that you get civilians.

We . . . I said in East End at my last public meeting last Wednesday night, you really can't get into the operations of police. Can you imagine I give 'em my say on how they should operate, the Leader having his, everybody having theirs? You can't do that because that's our only means of security, our only means of defence, our only means of protection. We can't do that.

Hon. D. Kurt Tibbetts (Leader of Government Business): We can't compromise that.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Pardon me?

Hon. D. Kurt Tibbetts (Leader of Government Business): I said we can't compromise that.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): No, we can't. I mean — and I liken it to America, not necessarily the same thing but similar.

Congress can say that America is going to war, but they can't tell the President of America how many men to put in there or how they operate once they get on the ground. That's between him and his joint Chief of Staff.

You can't have the 300 people in Congress, or whatever it is, 100 and then 300 representatives or whatever, telling him that no, you're go to that place first so you go to that place first or what have you. One person needs to do that.

And we certainly do not want to get into operation. It's about policy. It's merely policy.

But McKeeva [Bush] has said today in the papers that there should be a council made up of civilians to direct policy and operations.

Hon. D. Kurt Tibbetts (Leader of Government Business): Five minutes after he called me an ass.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): And you cannot do that. Absolutely not.

[inaudible interjection]

Taking the Constitutional Talks to the Prisons

Member of the public: I just wanted to share a little insight. I shared it earlier outside, but I feel this is very important.

These meetings are very, very important, very educational, very good for the Island. And I want to know if this sort of educational meeting has been taken to the prison. I don't know if you've had the opportunity to do so, and I would really like to encourage the Secretariat, Miss Suzanne, to take this into the prison so as to encourage them to feel a part of this process, too.

I don't know if they could vote on it, but I think — I know they probably can't, but some of them might be coming out, and this would affect them. It will kind of make them realize that they are part of the community, and I listened to Mr. Arden say he has to represent everybody.

Hon. D. Kurt Tibbetts (Leader of Government Business): Um-hmm.

Member of the public: And this has to go to everybody and I think it is important for us to take it to them.

Hon. D. Kurt Tibbetts (Leader of Government Business): Your point is taken.

Member of the public: It is for information. Thank you.

Power Consolidated in the Hands of the People

Member of the public: Just quickly on Stanley's point which I support.

The country of Israel is a really good example of how that would work. It's the only democracy in the Middle East, and if you notice the Prime Minister of Israel right now is from one party and the Minister of Defence is from the Opposition. Because what they've done is put the national interest of the country above everything else, and that's the

point that Mr. McLean was talking about just now with the Opposition not stepping up to the plate.

And I think once you have the power consolidated in the hands of the people, with no compromise, you get a whole different attitude from the people that you elect.

And Cayman is unique. Therefore, I think we should try some unique things and be bold and creative and think outside the box. And I think Stanley's point is well taken, but it can work. It can work.

I would say today there are more Caymanians cautious of what can happen when political parties go astray than they are about independence, because they've seen what happens when political parties go astray in other countries. And I'm not advocating that's gonna happen to us, God forbid. But I think there is that reluctance, you know, of things getting off the rail and becoming personal and divisive.

And we see some of that in this country today in some of the speeches being made by the Leader of Opposition and others. You sense that divisiveness, and that's because the national interest is secondary to the next election, you know?

And I once told that to the Leader of Opposition when he was leading the country. I said the difference between you and I is this: you are more concerned about the next election and I'm concerned about the next generation. And until we can eliminate that short term thinking and attitude, then, we're not gonna ever solve our problems. And the way to do that is to consolidate as much power as you can in the hands of the people.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Thank you, sir.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): You know, Bobo, I support much of your views all the time, but it is — it is unfortunate that we are where we are.

And we are where we are tonight because of people like you and Pantan and Teddy talking about consolidating the power in the hands of the people because of people like the Leader of Opposition who would go out there and try to derail this process. It's his responsibility for all of us to work together.

We're not gonna agree on everything. God knows, you know, we wouldn't be here if we were perfect. We certainly wouldn't be politicians, you know?

But we need to rise above it. You hear what I'm telling you? We need to rise above it.

Yeah, but that's not to say now that I'm ridiculing politicians in the sense of that way, but, you know — or adding fuel to that fire, but we need to rise above it and we need to look at the goal.

And if we're not looking at the goal and it's personal and we're talking about — or thinking about being re-elected, we should stop thinking about being re-elected and just get on with the job and make the people decide who they want in the next general election and start thinking about getting our job somewhere out there in the private sector if we fail at the post. That's what we need to start thinking about and stop wondering who the next road gotta be named after and who gonna get the next [Order of the British Empire] (OBE).

Checks and Balances on Executive Power – Corruption among Ministers and Elected Members

Member of the public: On section D, Checks and Balances on Executive Power.

Hon. D. Kurt Tibbetts (Leader of Government Business): Which document? Is it the *Summary of Proposals*?

Member of the public: Yes. I don't have a different document outside of the . . .

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): You got that blue one. Yeah.

Member of the public: Seventy-two Constitution.

Hon. D. Kurt Tibbetts (Leader of Government Business): Which pages?

Member of the public: Okay, page number [5], D, Executive Powers. One thing I didn't see that I believe we should enshrine in our Constitution . . . because, I mean, we may not always have a good set of people — I said because we may not always have a good set of people, I believe that enshrined in our Constitution should be some rules about Ministers or elected Members, and they should be subject to charges if there are — if there's corruption that can be proven.

Now, it's my personal belief that if corruption can be proven, then . . .

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): You should go to jail.

Member of the public: Under the Constitution that particular person should be forced to resign permanently from public office period.

Hon. D. Kurt Tibbetts (Leader of Government Business): Yeah, I hear what you're — can I or —

Member of the public: Yes, sir.

Hon. D. Kurt Tibbetts (Leader of Government Business): Yeah, Teddy, there is no problem with the principle you apply. We just need to accept this:

You have the Constitution, which is the governance framework under which the country operates; that sits here. Then below that you have all of your domestic legislation and your regulations, meaning your laws and your regulations. And your laws and your regulations specify what actions are allowed, what are not allowed. The Constitution will speak to principles.

So, what you're saying should be there is fine. But what you wouldn't want to put in the Constitution is that if a Minister did such and such this is what his punishment is. So what I'm saying to you is that what we agree could well be in the Constitution is you saying . . . for instance, you say something like there shall be a law which ascribes that type of punishment if there is official corruption or anything like that.

And we are presently as we speak in the process now of bringing back to the Legislative Assembly the Anti-Corruption Bill which speaks to all of those things that you're talking about. But what — what that Bill when it becomes law will do is specify all the various issues.

So, your principle is correct, all I'm saying to you is that let us make sure that we understand that with the Constitution you won't get the specific things in the Constitution, that will be in your legislation. The Constitution will speak to the principles.

So, we're fine with that, I just wanted that — so that you could get a clear understanding.

Member of the public: As long as we have the principle there that if we do 10, 20 years — who knows? — down the line in that were the situation where we have corrupt officials, somewhere in the rules we should be able to ban them from political

Hon. D. Kurt Tibbetts (Leader of Government Business): In the other document, which is the *Explanatory Notes*, Teddy, if you look on page [13] of that you will — when it speaks to Oversight Bodies, if you have the — for those of you who want to look.

If you look down the middle of the page you see where it says Commission for Standards in Public Life and the explanation is: **This Commission would lay down standards for public life to ensure the prevention of conflict of interest or corruption.** Okay?

Limits in the Public Management and Finance Law

Member of the public: I would like a little more explanation, please, again in section D, and maybe I can find it in this new document you've given me.

Limits in the Public Management and Finance Law, when you talk about that there, if someone could explain a little more to me, please.

Hon. D. Kurt Tibbetts (Leader of Government Business): Is that under D?

Member of the public: Yes, sir. As far as election expenditure. When you say to review that.

Hon. D. Kurt Tibbetts (Leader of Government Business): Page [6]?

Member of the public: Yes, sir.

Hon. D. Kurt Tibbetts (Leader of Government Business): Which one are you speaking now, Limits on Public Debt?

Member of the public: Yes, sir.

Hon. D. Kurt Tibbetts (Leader of Government Business): All right.

Limits on Public Debt. There should be constitutional backing for the limits in the Public Management and Finance Law so that they cannot simply be changed by the government of the day.

We have the Public Management and Finance Law now. For instance, there's a section in the Public Management and Finance Law which states that your debt — the debt-service ratio of the country for the national debt shall not exceed 10 percent of your general revenue.

What we're suggesting is that it doesn't just remain in the legislation, but it is enshrined in the Constitution so that if a new government wishes to change that ratio they gotta go get the Constitution changed, not just go to Legislative Assembly and change the ratio. Okay?

Are there any other questions?

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Come on, Teddy. More now. More. You gotta young mind, boy. You gotta young brain.

Hon. D. Kurt Tibbetts (Leader of Government Business): Miss Suzanne, I caught your attention then when I didn't say Suzanne. I'm not cutting you off from Stan, but I'm not so sure now whereas we go from here.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): I think we had another person who wanted to say something.

Question #5 - Member of the public: Hello, good night. Burke Connolly.

I want to thank two of the Government again for coming out. I didn't have any voice last time, so I'm able to have a little voice that they can understand me better.

I would just like to ask the panel up there since they've been doing the modern constitution review in the different districts if they could let us know regarding . . . I had mentioned this, the eligibility to stand for elections in order to be eligible to stand for office.

What is the general consensus we've been getting from the other districts on that when we had — because I was saying something along the lines — I can understand what the Minister for Works, Mr. Arden, was saying about having — if you've been here for 20 years, then your first sibling and you were saying about three generations or so. What's been the consensus on that, I'd just like to know.

Hon. D. Kurt Tibbetts (Leader of Government Business): Just to say quickly to you, Burke, what has been happening is everywhere we have gone there has been the opinion — I said that before you came tonight, but it's fine, it's not a problem.

The opinion has been expressed that status quo should remain which means that first-generation Caymanians could be allowed to vote as an *elector* but would not be able to stand for office to be *elected* which is the position you were espousing that other night.

And we have said before now in public forum that from all indications during the course of the meetings, it seems like the majority of people would not wish for what was contained in the 2003 Draft Constitution to be the case which is the position that this document tells you. That is taken from the 2003 Draft Constitution.

So, we are quite happy that when we go through all the meetings and we produce the new document which has the variations because of the public input, that will be expressed in the new document so the new document will not say what you see here.

Okay?

Support for District Councils

Member of the public: And the other point I'd just like to make is I, too, support district councils for — and one main objective is in — our people, getting to the core of our people.

I believe in that, I've lived in a system in the States for a long time, I know it works. Checks and balances are definitely there when you're dealing with district council, so I, too, support that.

Hon. D. Kurt Tibbetts (Leader of Government Business): And just to say to you —

Member of the public: I don't know what everybody else was saying, I came late. I apologize.

Hon. D. Kurt Tibbetts (Leader of Government Business): No, no. Not a problem. Not a problem.

But just to say to you, Burke, as a matter of principle that is certainly something that we are quite happy to be part and parcel of whatever governance model we take on. We don't have any problems with that, whatsoever.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): And it don't necessarily have to be enshrined in the Constitution other than to say that there shall be local government, and then the operations of it can be — can be defined by law really.

And, you know, even if I was — I think I was speaking to one of the young men outside awhile ago when I went out to make a call. You wouldn't have to have — say we get 17 constituencies. You wouldn't have to have one for every constituency because you still would have just East End, North Side, *George Town*, the district of *George Town*.

For instance, in Jamaica you got one for Kingston but Kingston got like, it must be, 15, 20 representatives of the different constituencies. So, you just have one for *George Town*, one for *West Bay*, and they would be voted on at large within all those constituencies, you see? That's how it really works.

I personally don't have a problem with it. It keeps the politician accountable; it brings more clarity to the constituencies. The council would make up their own budget, send it up to the — through the representative to the central government, they decide what is priority — the Senate through Finance Committee — and give them that money.

So, in effect, they would be operating like what we call — and I'm not saying that's how it would be, but like now, government gives [non-government organizations] NGOs money to do a particular thing in the society, but it's specific, like the Pines [Retirement Home], and they have to sign an (SLA), service level agreement, with government that that's what they're going to use that money for.

So, the council will do the same thing and then they would — they could identify things in the community they want done.

Of course it's going to cost government more money to run that because you would have to have some administrative staff, probably one or two people, but then the council probably would meet once a month, once every two weeks depending on, you know . . . and make decisions on what is needed for that community, and then route it up through the representative.

And, you know, you get more cohesiveness within the community from a political perspective. You get the grassroots that Bobo talked about and get their involvement, and it furthers good governance really.

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): Are there any other areas that people want to go on to? I mean, we're proposing to go on to Human Rights, but if there's any other area that you want to discuss, we can do that. It's really you that's leading the meeting.

HUMAN RIGHTS

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): There is a proposal to localize Human Rights, and the term used in the proposal document is to "Caymanise" the Bill of Rights.

Now, the UK has said to us that we need to have a Bill of Rights in the Constitution, but in creating that Bill of Rights there is leeway for us to Caymanise it, to tailor it to our culture, to our heritage needs, to the fact that we are a Christian society, and everyone has spoken very strongly on that.

And it has met with considerable discussion. There are those in the community who feel that once you are signed on to Human Rights treaties, it doesn't matter whether or not you localize these things, you're going to be taken to task for breaches regardless of what you do. And there's varying arguments on both sides.

But the reason for attempting to localize your Bill of Rights is that currently the laws do not give certain protections to persons. So, if I feel that my human rights have been abridged, what that means is that I have to go to a Court of Appeal outside of the country in order to get remedy.

By localizing it, putting it in the Bill of Rights, put that in the Constitution, write laws based on it, what that means is that I don't have to leave Cayman to get a remedy. I can go straight to the local court, I can make my case and have it heard by a judge, and whatever the outcome is the outcome is.

Now, as I touched on before, I said we have this option, this ability to preserve our culture. And the main concern that has come up is the erosion of our Christian heritage.

There are many people that feel strongly that we are a Christian nation, and in so being, we must find a way to ensure that even under the Bill of Rights our Christianity is seen as paramount in the country.

And there are ways to do it. There are checks and balances on your Bill of Rights. You don't have to give a right outright. You can — you can decide that a right stops at a certain place. Now, that doesn't apply to all rights, there are fundamental Human Rights that every citizen in a country must have. However, when it comes to second and third generation rights, you can decide where one right ends and where the other begins.

A good example of that is the right to the environment, which we saw a flare up this week on certain things that are happening in South Sound. And it has been discussed, you know, can I make a case that somebody doing a project in South Sound is an attack on my right to a clean environment? How successful would that be in the face of a businessman doing a business venture that has been given approval?

Christianity – Freedom of Conscience

Mr. Christen Suckoo (Member of the Constitutional Review Secretariat): And, again, it comes back to —coming back to Christianity.

In the preamble of the 2003 Draft Constitution there's actually wording that talks about our Christian heritage and I'll read it to you. It says:

Whereas the people of the Cayman Islands recalling the events that have shaped their history and made them what they are, and acknowledging their distinct history, culture and Christian heritage and its enduring influence and contribution in shaping the spiritual, moral and social values that have guided their development and brought peace, prosperity and stability to those Islands through the vision, forbearance and leadership of the people.

And then it goes on to say: **We affirm the intention to be a God-fearing country based on traditional Christian values.** And it lists out a bunch of other things that we aspire to.

So, there is a way to create the Bill of Rights to ensure that what we want to be in it is in it.

Another concern that people have had is competing religions. Can we say no other religion can be allowed to be practiced in Cayman? Is that something that we want to say?

Under the rules of Bill of Rights you cannot say that because what we're looking at is freedom of religion, freedom of conscience. And if I am

to be free to have my own conscience, to practice my own religion, then, I must give that same right to anyone else.

So, while we have the ability to say that direction that this country takes is a Christian direction, we have to respect the right of other people to practice their religion in their way, unless, of course, their way is breaking a local law.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): I just wanted to add to what Christen said, is that even though there is a provision for freedom of conscience, it doesn't mean that like, for example, in private schools and so forth — let's say one of the big concerns people have that all of a sudden private schools will not be able to teach their faith. That is not the case.

They will be able to continue to practice their faith because they are a Christian school. And, as a matter of fact, that is part of their Human Right, is that if you have a particular belief that you should be free to practice it in any way you feel like, including setting up academic institutions or educational institutions so that your children can receive those types of instructions.

Where the limitations may come into play is if, for example, the school has students who are not members of that faith and their parents do not want them to receive that kind of instruction. Then the schools may have to look at, for example, particular conscience clauses which would allow them to continue to have prayer, prayer at assembly and readings from the scriptures. But if there are one or two or three students whose parents don't subscribe to that, though, you will find another activity for them to do.

I think culturally in Cayman that happens at quite a few private schools. But what we have found at the same time, too, is a lot of kids who are even not of that faith their parents carry their children to the schools because they know of the strong teachings that are there, and most times they do allow them to participate because they know it's positive. But at least they have the option.

But I think that one of the things we have to look at in terms of Human Rights is really taking a very careful look at some of the rights and seeing if there are those that, in their substance, offend us, and if they do, to see whether or not anything can be done to, as I say, reduce the offending nature of it, to probably make it so that it's palatable to us so that we are okay with it.

As I said — as Christen said, some rights, however, are fundamental. We really can't take away those rights, one of them being a fundamental freedom of conscience, right?

This does not mean you allow Satanism to — that would be allowed in Cayman. That is not what it means. It means that anybody who practices a religion should be able to freely do so.

And I think Minister McLaughlin made the example, or the reference that this is not only for other religions, it's also for Christianity because we are that — one of those religions.

As a matter of fact, when I first came in to work in this office and, you know, this was something weighing very heavily on my mind. And I did quite a bit of research on Human Rights and freedom of conscience, and I was surprised — I was really shocked and surprised to see how many persons of the Christian Faith were such fervent advocates for freedom of conscience, because they happen to be in a part of the world where they were the minority and they were not allowed to practice their religion freely or they were under constant persecution.

So, I found that, I suppose, an interesting perspective because whilst the major, I suppose, faith in this jurisdiction in this part of the world is Christianity, it is not in other parts of the world. And it just brings home to us the whole idea that, you know, the freedom of conscience provision is really there to protect everyone, especially the minority, so that if you ever find yourself in the minority, at least you know you have that protection.

And, I mean, right now Cayman does operate following the principles of Human Rights for the most part when it comes to freedom of conscience, and I don't think that there are going to be drastic changes to that.

Secretariat Will Be Available for All Districts

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yes, now it is about 10 o'clock, five past ten. We did start at 7.30. So unless you have any other issues you'd like to talk about or questions . . . I mean I don't want to keep everyone here for the entire night because I really do thank you for coming out in the middle of the week. But if there are any more questions or comments, we would be happy to receive them. If not, we can wrap up and —

And, you know, we have a while to go and although this is the last scheduled meeting in North Side, I think that, you know, the Secretariat will continue to come to all of the districts whenever the need arises. Whenever the community calls us to come we will be here for you so that we can encourage community discussions, grass-root discussions on what people want to talk about.

I think Mr. Bo Miller put it the best way, that, you know, this is like a cricket team. You know, the team has to be behind the leaders and the only way we can do that is if everybody in Cayman comes out, meets together, discusses the issues and at least have their say. Put — present their opinions so that the Government can put forward our views and bat for us when the time comes.

I know there's one more comment or question — two actually — and thank you very much. Three! Wow! Great.

Okay, hold on. We need to have the microphone. I think Teddy . . . No?

Member of the public: I just want to ask a quick question. Sorry.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Sure. [laughter]

Question #6 – Member of the public: If we need to push the referendum or the modernization constitution back, would we be able to do that so we could go and outreach — more or less reach some of our young people like what we were talking about earlier, Suzanne, or some of our older folks to make them know how important this process is? I mean, if we don't get that done in the next month or two, would we be able to push it back a little bit or . . . I mean, not to stop the process but . . . Thanks.

Hon. D. Kurt Tibbetts (Leader of Government Business): No. We have said on more than one occasion that if there is a need to do so to ensure that we reach as many people as possible, we don't have a difficulty with that.

What we don't think that should be done and what we frankly are not prepared to do is simply to allow the process to drift because that suits somebody's personal agenda.

But when we go through the rounds of meetings, and as we've gone through the meetings other ideas keep coming up and we were talking about it tonight; getting into the house-to-house. I think it was Bo who . . . was it? Yeah, it was Bo who suggested that.

Before you came here, Suzanne and I were sitting down and we were talking about that specific thing, trying to frame it out how to be as effective as we possibly could with doing just that.

So along the lines we are saying we just need to see what the timeframe is for us to go every extra mile we think we need to go and then we'll just let it happen accordingly.

But we're going through the process. I don't want — sorry — I don't want, Burke, at this point in time for us to commit ourselves to any specific to say we'll delay it for a month or we'll delay it for 45 days or we'll delay it for 60 days. We will see how that works.

But, you see, it is in everyone's interest to get to the point of referendum with pretty good confidence that you'll have enough people coming out to participate in the referendum and enough people voting to allow a negotiating team with certain general parameters to go to London to negotiate, knowing that we can't be 100 percent sure of what that result will be until we go through the exercise.

It's not like we will be able to say, well, this is what we're going to get because it's actually a negotiation. And we have to understand how far London will go, or should I say, how far they will come — not go but come with regards our new proposals, and they will state their position.

But, of course, just to quickly mention again, we now have the benefit of at least three of the other Overseas Territories having gone through the process and acquiring new constitutions, so we have a very good idea of exactly what is easy to accomplish with them and what else we might try to push the envelope for that we're not quite sure what that end result will be.

Thanks.

Teddy?

Sorry. No, no, no, no, no. Forgive me. I didn't know who had it. I'm sorry, my friend.

Question #7 - Member of the public: Okay, good night.

I just had a question. We were talking earlier about looking for MLAs — to elect MLAs that have the best interest of Cayman at heart. So, what is there — I can't think of anything that can be put in place, but what is there stopping someone running for their best interests instead of the best interests of Cayman?

And then there's an attractive salary giving them incentive to run for the money instead of Cayman. And then once they're in — let's say they went in for the money and they're in not doing anything constructive for the Island. What do we, as the electors, have in place to do something about it?

Hon. D. Kurt Tibbetts (Leader of Government Business): You mean before the next time around?

Member of the public: Yeah.

Hon. D. Kurt Tibbetts (Leader of Government Business): Well, the truth of the matter is, there are those who are subscribers to the position of a recall. And you do have that in certain jurisdictions, most of them being federal systems.

But let me say this: it is physically impossible to cover every angle by way of a constitution. And what has always worked is the fact — if we can look to reality more so than being hypothetical, if somebody gets elected and that person really does not perform, it is not very long before the process takes care of that person and the people do, too.

Now, you might say that between every four years there should be something that allows for you not to have to wait for those four years.

We are proposing, for instance, a people-initiated referendum system within the Constitution. Now, that is not geared specifically for the point that you are speaking to. But if there are enough people in the

country who recognize that that person is unfit for the job for one reason or the other, either the ones you've said or any other one; if there are enough people who would like to see that person replaced before the next election, what we are proposing by way of a people-initiated referendum, once you have enough signatures for that, that triggers it and that referendum will simply be about replacing that person, and it happens. You understand what I'm saying?

You see . . .

[inaudible interjection]

Hon. D. Kurt Tibbetts (Leader of Government Business): Right. And that would happen via the process of a referendum law coming into place specific for that and being initiated by the people, but it would go through the process of the Legislative Assembly. But it would have to be binding because enough signatures have subscribed to it, if you understand what I mean. So, that could do what you're speaking about.

Member of the public: When you say "enough signatures".

Hon. D. Kurt Tibbetts (Leader of Government Business): Well . . . I hear you.

Member of the public: Yeah.

Hon. D. Kurt Tibbetts (Leader of Government Business): In other words, a people-driven referendum will have a trigger whereby whether it's 15 percent of the electorate, 10 percent of the electorate or whatever that figure is, some figure in and around that region, if that — in other words, if you have 14,000 voters and you get — and you needed 15 percent which means, let's say you're talking about 2,100, 2,100 people — 2,100 people sign up for that, that's the trigger for it to happen.

Then when the referendum happens, whatever the amount that is needed for it to be binding, once there are enough people who are wanting for that to happen, then, when they — the referendum will happen and the people will have the ability to vote and then . . .

But if it ever went to that, if we are real about it, anybody who had any good sense would resign before it got to that point. So — but you see what I'm saying.

Now, if you speak to recall, it's very — it's tantamount to the same process because you'd have to vote on it anyhow. You take my point?

Member of the public: Okay. Would this be done on a district level or a national level?

Hon. D. Kurt Tibbetts (Leader of Government Business): It will have to be on a national level. It will have to be on a national level.

Member of the public: But how would voters from West Bay know what's going on in North Side?

Hon. D. Kurt Tibbetts (Leader of Government Business): Well, I can't answer you to say how they would know. I'm saying to you that I am pretty certain if enough people felt that strongly about it they would make sure everybody else knew about it.

But, as I said, if we're being real, it's impossible to cover every single circumstance. But if I were an elected Member and I had people going as far as to threaten a referendum on me, I would really examine myself and my stewardship one way or the other. That's a hard pill to swallow for anybody. But I certainly take your point.

And I was just telling — I was just telling Minister McLean, you couldn't hide if you tried. [laughter]

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Yeah. Yeah.

Question #8 - Member of the public: Just one last question. How have we addressed population growth in the Constitution? Are we going to? Is there a place for it?

Hon. D. Kurt Tibbetts (Leader of Government Business): Teddy —

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): You mean we gonna turn China now or what?

Member of the public: No, no.

Hon. D. Kurt Tibbetts (Leader of Government Business): Teddy —

Member of the public: I don't mean.

[laughter]

Hon. D. Kurt Tibbetts (Leader of Government Business): Teddy and I have had this conversation before, and I understand exactly what you're asking —

[inaudible interjection]

Hon. D. Kurt Tibbetts (Leader of Government Business): What I would like to ask you — and I'm serious 'cause I know that you are serious 'cause I know it is one of your pet peeves — how would you like to see it addressed in the Constitution?

Member of the public: Well, I would like to see it addressed in a percentage ratio.

If our natural population is growing by 'X' amount, then, we should not allow more than a certain percentage of that as outsiders to become Caymanians, simple as that.

Hon. D. Kurt Tibbetts (Leader of Government Business): Okay, in that regard you're talking about?

Member of the public: Yes, sir.

Hon. D. Kurt Tibbetts (Leader of Government Business): Not — when you say the population growth you're not just speaking about transient population, you're talking about the permanent population?

Member of the public: Correct.

Hon. D. Kurt Tibbetts (Leader of Government Business): Okay, I'm with you. Your point is taken.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Tell 'em make more babies and try and keep that up.

[laughter]

Hon. D. Kurt Tibbetts (Leader of Government Business): Well, we've tried that and that really hasn't worked.

Member of the public: That's my point.

Hon. D. Kurt Tibbetts (Leader of Government Business): No, your point is taken.

Member of the public: So we — at some point the scales tip and if we get too many —

Hon. D. Kurt Tibbetts (Leader of Government Business): We watched it happen already and we're trying to balance it back now.

Member of the public: Okay, thank you.

Hon. D. Kurt Tibbetts (Leader of Government Business): Your point is taken.

Crown Land

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Minister . . . I have a question for the panel, and it was something that was raised by the floor to me personally. And I originally thought it wasn't a constitutional question, but I think I may have been mistaken.

And the question was in relation to land ownership in Cayman and protection of Cayman interest.

I think one of the concerns that people have is that young Caymanians — and young Caymanians have this concern is that they simply can't afford land; they probably will not be able to afford land in the future. And I do know that under the present Constitution Crown Lands is — there's a statement in the Constitution about Crown Lands and the management of that.

And I don't expect you to answer anything today, I'll take you off the hook with that, but one of the things perhaps that the Secretariat and the Government may need to consider is that if we need to look at Crown Lands a bit more in terms of: use of Crown Lands; protection of Caymanian interests; facilitating land ownership in the Cayman Islands for Caymanians.

I do know in Turks and Caicos they have a land resting scheme with their citizens. Of course, the same scheme may not be able to apply in Cayman based on our size, but maybe it is something that we can look at as a country for future use of Crown Lands.

Hon. D. Kurt Tibbetts (Leader of Government Business): Suzanne, I hear what you're saying, and I believe Minister McLean will probably make a comment, too.

But it is something that we need to look at seriously because there are many dynamics in all corners when you think about it. Because if you think of land sales, land transfer tax, the whole impetus of, for instance, government trying to do incentives for Caymanians when it comes to how much they pay on land transfer tax compared to foreigners and that kind of thing, it's just that it is not something you can just simply off the cuff because those dynamics have impacts all round.

I mean, you do not want to get to the point where John has a piece of land in North Side and because of what the Constitution says somebody could offer him a million dollars and he doesn't have the ability to sell that piece of land.

At the same time, you try to strike a balance to ensure that as Caymanians, generations grow from generation to generation, not everybody has the ability to pass on a piece of land to their offspring. And you want to make sure that land is available. And young Caymanians as they grow up whether they're professional or not, but once they are working and taking care of themselves they have some ability at least to aspire to buy a piece of land or build their own home or — and that kind of stuff.

So, there is a very delicate balance, and even when you look at it from an environmental standpoint, you have to look across the table in the various sectors to be able to strike that balance, because either one of them that you lean too hard on you're going to find the rest suffering for it.

So, I — at this — I would not be able to tell you now.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): No.

Hon. D. Kurt Tibbetts (Leader of Government Business): And I know what you're — I know what saying, Suzanne, but I'm just saying, but that is something that we would have to consider very carefully and put everything on the table for there to be something within a constitution that deals with that.

I mean, you can always develop legislation, and legislation is something that will grow and change with the times, because what was in the Police Law for 1970 can't be the same thing what's in the Police Law for 2008 or 2010, likewise, any other legislation. That's why lots of things are in *legislation* so that as times call for it you can get those changes because it's not quite as easy to change a constitution as it is to do your legislation.

So, I'm only making that point.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Thank you, Minister Tibbetts. But I'm sure that young people will be asking this question again.

I think Mr. McLean has something to add to that, too.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Yeah, just to add on, I believe one of the things we also have to consider in our deliberations is provisions for idle — I think in Turks it's called Idle Land Law, or something like that. If you buy it and you haven't — you can't buy it for investment, so to speak, you have to do something, and it creates — you can't speculate on it.

But what is very important in this country is that I think we need to have some kind of anti-trust laws in that one individual can't own more than a certain amount of the place.

[inaudible interjection]

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): And the advent of all these roads coming up to North Side and now down through the back, Caymanians may be able to own a little piece of the “Rock”, you know? Even if it’s only one square yard, at least you’ll have something.

[laughter]

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): So, I think that’s where we really need to look. Because if we start looking at legislating moralities such as, oh, you shouldn’t be selling Cayman land, then, it’s going to disenfranchise a number of Caymanians. But something similar to Anti-Trust Law, I mean, I’m no corporate lawyer but that’s what we need, where one or two individuals can’t buy the whole of Cayman, you know?

[inaudible interjections]

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): I know Chamber of Commerce had a slogan one time, “Buy Cayman”, meaning buy stuff locally, you know? And I agreed with that, because if we don’t buy it everybody else is buying it.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Okay, thanks. I just want to remind people that we have some refreshments at the back. We really don’t want to take them home, so please make sure and fill up.

We’ll take a few more — I think we have about three more questions I saw, or some comments.

We have Mr. Roy (phonetic) over then, and I think Mr. Rankin and then Mr. Teddy.

Principle of Recall

Member of the public: Good evening.

The principle of recall, I think, is a valid one. Essentially, it’s the ability of the people to recall their representative who is — may not be representing them in the way that they wish that they would have or perhaps the representative promised.

And I think that it would have to take place on a constituency level, or a district level depending on what the actual outcome of this exercise is.

But, for example, if we end up having constituencies, then, it would have to be on the constituency level.

And the response earlier that described using the voter-initiated referendum, I don't think that that is a route that we should go because the Constitution would prescribe that that person would be in office, and the — for a period of time, and the Constitution is going to have to make allowances for that person to be recalled. So —

Hon. D. Kurt Tibbetts (Leader of Government Business): Yeah, your point is taken. Your point is taken.

Member of the public: And if we agree with the philosophy that if someone isn't representing, then, I don't see what the objection would be to recall.

And, thirdly, if . . . if someone is in office and they're not representing well, to say that one would simply resign would be assuming that all of the representatives are going to be as reasonable as you are.

[laughter]

Member of the public: And if we think about what happened with the status grants, where you had people lined up down at the police department to be part of that 3,000 and the arrogance that followed, it's very easy to see how people can be unreasonable.

So, I think it would be beneficial for us to have the provision and hope that we never have to use it rather than be in a position of needing it but not have it as an option.

Hon. D. Kurt Tibbetts (Leader of Government Business): Dennie, you have had said that often enough that we have to look at that.

Thank you.

[laughter]

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Okay, we have a couple more questions I think. Now, hold on a second there.

Teddy, did we ever get to you?

[inaudible interjection]

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Okay, we're gonna — okay, we're gonna go back to Mario because the issue with the land — okay, okay. [laughter]

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Mario.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Mario, you get back the microphone. I think you had a few comments to make and I know that the land issue came from your corner, so I'm sure that you have something else to say about that.

And then Omare and then . . . I guess Teddy's gone.

Okay.

First-Time Land/Home Owners

Member of the public: Yeah, as a young Caymanian coming back from school looking to purchase land, there were incentives put forward, like, I believe Scotia[bank] was saying that they were offering 100 percent financing on land for graduating students. And then there's waiving stamp duty.

But to sit back and look at both of those, to take the 100 percent financing, if you take that, coming back as a new — as a graduating student you're starting off at a relatively low salary, you aren't necessarily going to have the money to pay back that financing. And after the how many years of paying it back you're going to actually end up paying more money than you started off paying — well, you were going to pay in the first place, so that really doesn't put you much further forward than trying to buy it from the beginning.

And then with this stamp duty, it's a matter of — I think it's \$50,000 — it has to be under \$50,000 in order for the stamp duty to be waived.

Hon. D. Kurt Tibbetts (Leader of Government Business): Seventy-five thousand dollars or under.

Member of the public: Well, when I was buying it —

Hon. D. Kurt Tibbetts (Leader of Government Business): Yeah. No, no, we've changed that recently.

Member of the public: Okay.

Hon. D. Kurt Tibbetts (Leader of Government Business): We changed that recently. I'm just letting you know.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Don't buy land now, boy. I told you that the other day.

[laughter]

Hon. D. Kurt Tibbetts (Leader of Government Business): We've changed it. We've gone up to 75 because, again, times have changed and we know what land prices are. Up to \$75,000 and . . . a home first time is up to \$200,000 waived, and then \$200,000 - \$300,000 is 2 percent.

Question #9 - Member of the public: What benefits are there to Caymanians buying land over foreigners buying it?

Hon. D. Kurt Tibbetts (Leader of Government Business): Well, first — first of all, the foreigner gets no possibility of the first-time Caymanian homeowner. Secondly, a Caymanian pays 4 percent if it's — if they don't — if it's not their first home or if it's not their first piece of land, the regular stamp duty's 4 percent compared to 5 percent. So, there are some incentives.

And, in some instances, it's 7.5 percent depending on the location of the piece of property. But Caymanians pay 4 percent straight across the board from wherever the piece of land is. There are specific incentives there for that.

See, Omare, watch me because I was trying my best to see where your mind was going, and while this goes a little bit beyond the Constitution issue let me say to you this.

[inaudible interjection]

Hon. D. Kurt Tibbetts (Leader of Government Business): [laughter] Just let me say this to you because I'm picturing it.

You come back from school and you go to buy a piece of land and you're not so sure whether it makes sense to take out a bank loan because I know nowadays they will lend you — not you specifically, but they will lend — in some instances for land they will extend the loan for, like, 10 years with perhaps a balloon payment at the end of 8.

But anything else you buy you gonna pay them the same thing or better, if you go to buy a car, if you go to buy a boat, if you go to buy a jet ski.

So, what I'm really trying to say is — not say, what I was really trying to ask is when you make those comparisons, is it that you're suggesting that the Government should have more incentives yet? That's

what I'm trying to — I'm not so sure I understand . . . Am I making any sense to you?

In other words, I hear what you're saying, what I don't — what I can't quite grasp yet is where you want to go.

Member of the public: Well, the difference with buying a car is it's a short term thing and it really doesn't have anything to do with —

Hon. D. Kurt Tibbetts (Leader of Government Business): They lend for cars now — they lend for cars now up to seven years and a whole pile unnah taking advantage of it. But go ahead.

Member of the public: Well, it's just the fact that we're on an Island, and I heard you earlier saying that, you know, we're looking forward to putting out incentives to keep people from buying up all the land.

Hon. D. Kurt Tibbetts (Leader of Government Business): But to encourage Caymanians to buy land, too.

Member of the public: Yes.

Hon. D. Kurt Tibbetts (Leader of Government Business): Yep, right. Um-hmm.

Member of the public: 'Cause we're running out of it very quickly.

Hon. D. Kurt Tibbetts (Leader of Government Business): Um-hmm.

Member of the public: And it just seems that there is more and more foreigners buying the land, and eventually, they'll own the majority of the Island.

Hon. D. Kurt Tibbetts (Leader of Government Business): Again, hearing all that you're saying, let me say this: one thing a lot of young Caymanians, in my view, nowadays and it's —it has been the case for the last probably 15 or 20 years. And I am not that old that it's so far ago that I forget, but I can remember when a car was plenty more important to me than a piece of land, and that's the culture we need to change.

Member of the public: I agree.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Thank you.

I think also, I had the opportunity to speak to Omare earlier on and one of the things you were discussing was that, you know — and I think it ties in with this whole purchasing land in Cayman for

investment purposes and what that does to the actual value of land is that even though there are loan facilities there for young people to — to purchase land, if you are coming out of university your salary is fixed pretty much, and it's not going to increase dramatically over the next two, three, four years.

And every single year the market value of land skyrockets. I mean, I've had a personal experience where I've seen my land yielding a — appreciate to quite a vast extent.

And I was speaking to Omare, and I said, to be quite truthful, if I had to sell that today he probably wouldn't be able to buy it.

And unless we, as a country, look at these things yes, we have to — we are living in a country of capitalism, of free market value or open market value. At the same time, there must be some — some measure in place to allow young Caymanians to buy land. And that is why I said maybe we need to start looking at the use of Crown Land as part of that.

If it is that there is designated Crown Land that could be subdivided for development, exclusively to be owned by Caymanians, restrictions on it to be sold — if you're gonna sell it you can only sell it to a Caymanian because it's Crown Land, you understand?

But I don't know. I think that, you know, some people have said we need to start thinking out of the box in certain areas. Crown Lands does fall under the Constitution, but it's about a paragraph, I think, that, you know, the Governor is in control or has responsibility for Crown Lands and that's about it. We have a Crown Lands Law.

But I think that, you know, definitely the points raised on the land issue is important, and we definitely as a country will need to look at it and see how constitutionally we can put in protective measures for the future.

I know — can we have the microphone for Teddy, please?

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): Suzanne?

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Sorry.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): I believe that there is some serious merit in what you just said.

I don't know if it needs to be enshrined in the Constitution because right now it is — it is such that Cabinet has absolute authority over Crown.

I know recently we — I see up in East End land where people have left out so much that it's now left Crown — Crown Land. And I think that that, in my view, should — can gain some serious traction.

I know Government is now doing the housing development cooperation, and that's what Government is doing: purchasing the land; developing the entire thing; and then if whatever people's value — whatever people's disposable income is they — or what they can afford to pay for these homes, Government is going to pay off the rest of it in order that the people can get homes.

And that's similar.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Yeah.

Hon. V. Arden McLean (Minister of Communications, Works and Infrastructure): But from a commercial perspective we should also do it for other properties as well.

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): I think — and thank you for that, Minister McLean, because, you know, we only have to look at our neighbours in Bermuda.

And I had a opportunity of visiting there a few months ago, and it was personally shocking and horrifying for me to know that a average two-bedroom house in Bermuda costs over US \$1 million. I don't know how any local Bermudian can afford that. And, as a matter of fact, I remember driving cross a government housing scheme, and this wasn't for indigent persons or low-income people. That was a government housing scheme for middleclass Bermudians because middleclass Bermudians could not afford to buy a home.

Member of the public: May I direct you to our development plan? And the young gentleman at the back . . .

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Omare.

Member of the public: Omare, I recommend that you go down to Planning and become a bug down there.

[laughter]

Member of the public: Tell them go ahead and pass our development plan for us and let us get some of them overlay zones we suggested almost 12 years ago. We need that now. [laughter]

Mrs. Suzanne Bothwell (Director of Constitutional Review Secretariat): Okay. Thank you all very much for attending tonight. I think that was some good and stimulating discussion.

I hope that other members of the North Side community when you hear this broadcast that you really consider some of the issues that were discussed. We're trying to mobilize some of your — your members of your community so we can discuss these issues with you door-to-door in the upcoming months.

And we hope that we, as Caymanians, can get up and bat for our team so that our Government can represent us properly.

God bless and good night and thank you for coming.